



Fwd: additional funds from Ballot question

1 message

Beth McCann <beth@bethmccann.org>

Thu, Oct 1, 2015 at 8:22 PM

To: "Kailasam - CDPHE, Kavitha" <kavitha.kailasam@state.co.us>

Hi Kavi. Could you forward this email to the members of the Board of TGYS on my behalf and make copies to hand out at the meeting tomorrow? Thanks!

----- Forwarded message -----

From: **Ed DeCecco** <Ed.Dececco@state.co.us>

Date: Thu, Oct 1, 2015 at 5:30 PM

Subject: Re: additional funds from Ballot question

To: Beth McCann <beth@bethmccann.org>

Cc: mccann4hd8@gmail.com, Pat Steadman <sen.steadman@gmail.com>

Hi Rep. McCann,

Yes, if the money is to be administered like other Tony Grampsas Youth Services Program grants and if there are no further appropriations to DHS, grant recipients must spend the \$2,000,000 by the end of the fiscal year. Let me explain.

There appear to be two issues here: (1) When must the Department make the grant; and (2) when must the recipient spend the money?

Departmental spending

If Proposition BB is passed, then a total of \$2,000,000 is appropriated to DHS for the FY2015-16. The bill did not include any future appropriations to DHS, and so it only has spending authority through the end of this fiscal year, which is typical of most appropriations. The difference with the two different appropriations is where does the money revert. In section 21 (5) of the bill, the General Assembly appropriated \$1,000,000 from the General Fund to the youth mentoring services cash fund created in section 26-6.8-104 (6), C.R.S., and then further appropriated the money from the cash fund to DHS for provision of youth mentoring services in accordance with section 26-6.8-104, C.R.S. For purposes of the reversion requirements in section 24-75-102, C.R.S., I confirmed with the State Controller's office that they would treat this appropriation as being made from the cash fund, and therefore, it would revert to the cash fund and not the general fund. Therefore, this money would be available in the youth mentoring services cash fund for the General Assembly to appropriate to DHS through next year's Long Bill.

In contrast, in section 21 (6), the General Assembly appropriated \$1,000,000 from the General Fund to DHS for the purpose of providing grants through the Tony Grampsas youth mentoring program to statewide membership organizations. At the end of the fiscal year, this money will revert back to the general fund. Like the money from the cash fund, the General Assembly may be able to appropriate an amount equal to the unspent balance of the \$1,000,000 from the general fund in the Long Bill. (This assumes that the limitation of the appropriation to "statewide membership organizations" would not be considered substantive law that could not be included in the Long Bill.) But given the fungible nature of the money in the general fund, it may be hard to argue that DHS is entitled to the unspent portion of this appropriation, as opposed to using the money for any other general fund need.

You could amend the appropriation in HB1367 to roll-forward the general fund appropriation to avoid a reversion, though that will have the same ultimate effect on the general fund for the FY2016-17. I don't really see any advantage for rolling forward the cash fund appropriation in separate legislation, but you could do the same there too.

An additional legislative alternative would be to run legislation that replaces the general fund appropriation with a transfer to the cash fund, and then either giving DHS continuous appropriation authority or an appropriation for FY2016-17.

Recipient spending

I could not find anything in the Tony Grampsas Youth Services Program statutes or elsewhere that requires a grant to be spent by recipients by the end of the fiscal year of the underlying appropriation. But I spoke with Robin Smart from the Joint Budget Committee Staff, and she confirmed that is consistent with how Tony Grampsas' grants are made under the Board's existing guidelines. Perhaps, the Board could change its guidelines. If it cannot or is unwilling to do so, then it seems that you could introduce legislation to specifically allow grants to be spent after the fiscal year in which the grant is made.

I hope this is helpful. Please do not hesitate to call me if you have any follow-up questions or if I can provide you with any other information.

Ed

Ed DeCecco, Senior Attorney
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From: Beth McCann <beth@bethmccann.org>
To: Ed DeCecco <Ed.Dececco@state.co.us>, Pat Steadman <sen.steadman@gmail.com>
Date: 10/01/2015 03:55 PM
Subject: Re: additional funds from Ballot question
Sent by: mccann4hd8@gmail.com

Ed, Pat,

The TGYS Board is meeting tomorrow (Friday) at 1:30 to talk about how to handle these issues. Could you give me any update regarding whether the money from the ballot initiative would have to be spent by the grant recipients by June 30 2016? I talked to Kavi and it sounds like the AG's office did not distinguish between mentoring money and the non-mentoring money. She could not share the AG opinion with me so I haven't seen it. If the money has to be spent, do we need to do a bill to allow it to roll into the next fiscal year or can that be done through the budget process?

On Thu, Sep 10, 2015 at 8:54 AM, Beth McCann <beth@bethmccann.org> wrote:
Ed and Sen. Steadman, here is the response I received from our program director for TGYS regarding the AG opinion and the money that will be received should the ballot initiative pass. Unfortunately she cannot share the AG opinion but the conclusion seems to be that at least the mentoring money has to be spent by June 30. Let me know how best to approach clarification that the money can roll over into the next fiscal year. It would be helpful if that would be the case with both the general money and the mentoring money. do we need legislation or can this be done through the budget process?

We are also checking with Brad Strong about whether he thinks the mentoring statute needs to be revised to include more programs. Thanks!

Rep. McCann

----- Forwarded message -----

From: **Kailasam - CDHS, Kavitha** <kavitha.kailasam@state.co.us>

Date: Tue, Sep 8, 2015 at 2:41 PM

Subject: Re: additional funds from Ballot question

To: Beth McCann <beth@bethmccann.org>

Cc: Dave Stalls <dave@streetfraternity.org>

Hi Rep. McCann and Dave,

I apologize for my delay in responding - I was waiting for guidance from our leadership regarding whether such communication would be subject to the Colorado Open Meetings Law. I am also currently in the process of seeking additional guidance from CDHS accounting and procurement, etc in order to proceed to gather much of the additional information that was requested during the last meeting. We do have the Oct 2 meeting scheduled at which point we will all be able to present and discuss the information we are individually learning, in order to help inform the board's discussion and decision making in a public forum.

In the meantime, I would be happy to set up a call with both of you to discuss these logistics and preparation for the Oct 2 meeting. Please let me know if this would be helpful.

To respond to a few of your questions:

Attached is the Colorado Youth Mentoring Services Act (a part of the TGYS statute) that provides the definition of mentoring that was referenced.

Unfortunately, I cannot share the AG's confidential informal opinion, but what I am allowed to share is the summary of their opinion. I have attached that here - the summary is included under "Considerations."

As far as connecting with community members, I'm glad that you had both been considering meeting with Brad Strong of the Colorado Mentoring Partnership and others. As a reminder, board members cannot lobby other organizations, but it is important for members to know what's going on in the community and what the community needs/wants. What board members cannot do is talk directly to the Governor's Office or legislators as representatives of TGYS without permission from CDHS. TGYS board members can talk to the Governor and Legislature (testimony, letters, etc.) as citizens of Colorado but cannot represent the board. If board members want to do that, there needs to be a letter that goes through CDHS clearance for approval.

I hope this helps provide more clarity around the logistical considerations for the conversations we'll all be having between now and Oct 2. Please let me know if you have other questions that I can help answer, or find the answers to!

Thanks,
Kavi

Kavitha Kailasam, MA
Tony Grampsas Youth Services, Program Administrator



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On Tue, Sep 8, 2015 at 9:15 AM, Beth McCann <beth@bethmccann.org> wrote:
It is fine for you to have coffee with Brad - in fact, that would be most helpful because I was going to try to talk to him. Here are the questions on which I think we need clarity:

1) is the language of the current statute too restrictive in terms of which mentoring programs qualify for funding from TGYS. I looked at the language recently but I can't remember the citation off the top of my head - Kavi, could you copy the language and send it to Dave and me?. As I recall it requires 3 hours a week of mentoring time and also requires that recreational, academic, and maybe other opportunities be provided. When I talked to Dave Ryan, he thought this language was adopted to avoid people calling their program a mentoring program but not really providing much in the way of standards or accountability. It may be too restrictive though for small programs. Should we change the language by a bill this year?

2) If it turns out that the additional money has to be spent by July 1, is it practical to think that programs can gear up and spend \$1,000,000 by then? This is particularly concerning because it may just be one time money from this particular marijuana money. I think this is where Sen. Johnston's idea about supplanting came in - if we use some of the \$1,000,000 to supplant mentoring money that was already allocated (around \$450,000), then we wouldn't have to use the entire new \$1 million for mentoring but could use it for the other programs that might be able to gear up and spend it quickly. We would only use \$550,000 for new mentoring programs.

3) If the money doesn't have to be spent by July 1, are there enough mentoring programs that can gear up and use \$1,000,000 over the next fiscal year?

4) it would be interesting to get Brad's take on whether we should open the new funding to programs that are already funded by TGYS or use it to fund the programs that qualified but didn't get any money because there wasn't enough money to go around.

I think those are the main questions - Kavi, please chime in with your thoughts.

Also, Kavi, please email or mail me the AG opinion regarding the spending of the money - Leg Legal Services has some questions about it and we need to decide if we need clarifying legislation.

Thanks! Beth

On Sun, Sep 6, 2015 at 9:14 AM, Dave Stalls <dave@streetfraternity.org> wrote:

Sorry for my delay in responding, Beth.

Its good to get a much clearer understanding of what options are possible. Thank you for talking to Pat Steadman. I worry that we will not be following the intent of those who proposed/passed the added mentoring funding if we delay and/or move money's around and thus not provide an "additional" \$1 mil. Since I am still confused by state budget process I am willing to be coached in this area.

I agree with Dave Ryan's thought that our goal should be to fund mentoring that incorporates at least a minimum set of safe procedures, but then there is always some room for interpretation of what is safe or too limiting. I don't believe I have a copy of the restrictive "mentoring" language. Could you or Kavitha send it to me the language?

Fyi, Brad Strong from the statewide mentoring group has asked to have coffee and I agreed. We are trying to coordinate schedules. Please let me know if there is a concern about me having this coffee or if there should be someone else attending with me. I will assume that I pay for my own food/drink. This is new to me and I want to make sure I'm following appropriate protocols.

Thanks,

Dave

Dave Stalls

From: mccann4hd8@gmail.com <mccann4hd8@gmail.com> on behalf of Beth McCann <beth@bethmccann.org>

Sent: Wednesday, September 2, 2015 12:20 PM

To: Kailasam - CDPHE, Kavitha; Dave Stalls

Subject: additional funds from Ballot question

Hi Kavi and Dave. I talked with Pat Steadman yesterday about the additional \$2 million from the ballot question. Pat said it was the understanding of the JBC that the money would not revert to the general fund if not spent by Jun 1 but could be spent in the following year. He talked with Ed Dicecco at Leg Legal Services who called me about it. He pointed out that there may be a difference in the way the bill was written for the general \$1 million and the mentoring \$1 million as far as whether it reverts to general fund money.

It would be very helpful if we could see the Attorney General opinion that you received Kavi. could you email it to us? I don't think there should be a problem since we are members of the Board.

There is also the question of the restrictive wording of the mentoring statute. Dave Ryan from Big Brothers/Big Sisters thought that the language was intentional to raise the bar for mentoring programs and discourage unmonitored mentoring programs. He thought you would know more, Dave. Do you think we should consider changing the mentoring program language because it is too restrictive?

We still will have to decide whether to open it up to everyone or to fund the programs that didn't

get funding.

Let me know if you can send me the opinion.

Thanks!

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Beth McCann

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