

## MEMO

**To:** Colorado Parks and Wildlife Commission  
**From:** Katie Lanter, CPW Policy and Planning Supervisor  
**Date:** December 26, 2018

**Re:** Commission Policies

### **Policies Overview**

In June 2012, [House Bill 12-1317](#) created the Colorado Parks and Wildlife (CPW) Commission, replacing the Parks Board and Wildlife Commission. The Parks Board and the Wildlife Commission each had policies providing general rules and statements of principle providing guidance to the board/commission and the Division. Post-merger, the policies of both entities were brought forward and are considered policy of the Parks and Wildlife Commission.

Policies focus on fundamental issues that exist year after year. The policies are publicly available on the Commission's Policies and Resolutions [webpage](#). Once a policy has been established by the Commission, the Division focuses on the actual implementation and, as needed, develops additional guidance to staff in the form of an administrative directive signed by the Division Director.

Periodically CPW staff bring forward new or revised policies for the Commission's consideration. At the January 9-10, 2019 Parks and Wildlife Commission meeting, I will present proposed updates to two Commission policies: 1) Commission Operations, Communications, and Procedures; and 2) Sponsorship.

### **Commission Operations, Communications, and Procedures**

The Commission Operations, Communications, and Procedures policy establishes guidelines to facilitate effective Commission operations and communications and to summarize the primary role and authority of the Commission. Since this policy was last updated in July 2016, the Attorney General's office recommended to CPW staff that information be added on when and how the Commission uses a consent agenda and executive session. A new section on the administration of Commission committee assignments was also incorporated. An existing section on election of officers was moved to earlier in the policy.

### **Sponsorship**

The Commission adopted a policy on sponsorship in September 2016, acknowledging the key role sponsorship can play in supporting CPW programs and services. The policy delegates to the Division Director the ability to enter into sponsorship agreements up to \$25,000 and provides guidance for Commission approval of agreements of larger amounts.

The policy directed CPW staff to work to achieve the objectives of the policy and keep the Commission apprised on its progress in this regard. A staff working group drafted an administrative directive to guide CPW staff on how to cultivate and accept sponsorships. As

part of that process, Director Broscheid recommended some changes to the guiding principles, which are spelled out in the Commission's sponsorship policy, to improve the ability for CPW to accept sponsorship opportunities. Those changes appear in guiding principles #2, 5 and 7. In the redline policy provided with this memo, you will also see other proposed changes for consistency with statutory changes from the Future Generations Act and definitions refined in the staff administrative directive. Clarifying language about how sponsorship opportunities may be initiated and publicized was also added.

## COLORADO PARKS AND WILDLIFE COMMISSION POLICY

### TITLE: OPERATIONS, COMMUNICATIONS, AND PROCEDURES

Effective Date: ~~July 8, 2016~~ Month Day, 2019

#### I. PURPOSE

The policy is intended to establish guidelines to facilitate effective Commission operations and communications and to summarize the primary role and authority of the Commission.

#### II. AUTHORITY

Colorado Revised Statutes

- A. 33-09-101 Commission - creation - composition - terms - vacancies - removal - meetings - strategic plan - legislative declaration
- B. 33-09-102 Powers and duties of commission - rules
- C. 33-10-106 Duties of the commission - rules
- D. 33-10-107 Powers of commission - rules - definitions
- E. 24-4-103 Rule-making - procedure - definitions - repeal
- F. 24-6-402 Meetings - open to public - definitions

#### III. POLICY STATEMENT

##### A. ROLE AND AUTHORITY OF THE COMMISSION

Colorado statutes require the Division of Parks and Wildlife (Division) to operate under the jurisdiction of a Commission appointed by the Governor and confirmed by the Senate.

The Commission is comprised of 11 voting members and 2 ex officio members (C.R.S. 33-9- 101). The commission is “vested with all the powers, responsibilities, obligations, functions, and duties that previously were under the jurisdiction of the former wildlife commission or the former board of parks and outdoor recreation as of June 30, 2011” and in addition to any other specific grant of rule-making authority, “the commission may adopt or revise any rules, in accordance with article 4 of title 24, C.R.S., that the commission deems necessary or convenient to effect the purposes of, and fulfill its duties under, this title” (C.R.S. 33-9-102).

As necessary, the Commission establishes broad policy statements that provide direction to the Division for purposes of managing state parks, outdoor recreation programs and the wildlife resources of Colorado.

##### B. ROLE OF THE DIRECTOR

The “office” and duties of the Director of the Division were created in C.R.S. 33-9-103. The Director is the head of the Division and has general supervisory control of and authority over all activities, functions and employees of the Division. In addition, “[t] he director shall exercise all the powers and perform all the functions of the commission in the interim

*between its meetings, subject to the ratification of the commission. The director shall act as recording secretary for the commission and is the custodian of all minutes and other records of the commission. The director shall perform such duties as prescribed by the commission, by the executive director, or by law; except that the director has no authority to promulgate rules.” (C.R.S. 33-9-103(3)).*

C. **ELECTION OF OFFICERS**

- i. The Commission will hold an election annually to select officers. The new officers take over immediately upon election. Terms will last one year.
- ii. Commissioners will elect from among themselves a Chair, Vice-Chair and Secretary. The Director (or designee) is responsible for an accurate record of Commission business.

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D. **COMMISSION MEETINGS**

- i. **Time, Location and Number of Meetings** - The commission will meet as often as necessary and will conduct at least two meetings per calendar year at locations west of the continental divide (C.R.S. 33-9-101(10)(b)). The dates and locations of regularly scheduled meetings will be determined by the Commission and an annual schedule of these meetings will be made public. Special meetings may be called by the Chair and the Chair will provide sufficient notice of these meetings to each Commission member and the public.
- ii. **Attendance and Quorum** - Commissioners are expected to attend at least eighty percent (80%) of Commission meetings. When a Commissioner is not able to attend a meeting, they will notify the Director and Chair as soon as possible to ensure a quorum will be achieved. A majority of the Commission will constitute a quorum. No vote of the Commission will take place without a quorum present or on a call.
- iii. **Role of the Commission Chair** - To provide leadership to the full Commission and to provide policy direction and guidance to the Director and leadership staff as necessary, both during Commission meetings and between meetings. The Chair is the primary liaison between the Commission and the Director.
- iv. **Agenda Items and/or Activities** - The Chair is responsible for providing direction to staff on and approving final meeting agendas. Any Commissioner may request that an item be placed on the agenda. Such requests will be directed to the Commission’s assistant. The Commission’s assistant will subsequently confer with the Director and the Chair. If approved by the Chair, Division staff will work with the Chair and the Commissioner requesting the item to ensure that staff is

appropriately prepared for that item. If the Chair does not support a request to add an agenda item or items, the requesting Commissioner may bring the matter up to the entire Commission for a decision at its next meeting.

iv-v. **Consent Agenda** - The consent agenda is used to efficiently act on recommendations that are deemed noncontroversial, routine or perfunctory. If a Commissioner requests further consideration of an item on the consent agenda, that item can be withdrawn from the consent agenda and discussed and/or acted upon separately as determined by the Commission. Public requests for individual discussion of or action on consent agenda items must be endorsed by a Commissioner. In order to ensure that staff is sufficiently prepared for the removal of a consent agenda item for additional discussion, the request should be made as much in advance of the meeting as possible. Changes to the published consent agenda should be noted at the beginning of the Commission meeting during the appropriate agenda item (“Corrections to the Agenda; Corrections/Removal of Consent Agenda Topics”).

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v-vi. **Draft Agendas** - The Chairman is the primary Commission contact for Division staff involved in developing the meeting agenda. The Division provides iterative drafts of upcoming meeting agendas to the Chair for feedback and ultimate approval. Final agenda approval usually occurs slightly more than two weeks prior to the scheduled meeting.

vi-vii. **Commission Action Items** - During Commission meetings when direction is provided to the Division by the Commission relative to an agenda item, Division staff responsible for that agenda item will capture that information to ensure the Division follows up on the Commission’s feedback or direction. It is especially valuable to staff for the Chair to confirm that requests or suggestions from individual Commissioners are supported by a majority of Commissioners at the meeting.

vii-viii. **Mailing** - The agenda and related materials (to the extent they are available) will be publicly posted to the Commission’s web page approximately 1 business day after the information has been sent electronically to the Commission. This slight delay is intended to allow the Commission at least one business day (or in many cases a weekend) to review the agenda and material prior to receiving any public input or inquiries regarding the meeting. Any revisions to the agenda will be emailed to the Commission and posted on the website as soon as possible.

viii-ix. **Calling Additional In-person or Telephonic Meetings** - Any Commissioner may request an unscheduled Commission meeting (in-person or conference call) in situations where an item needs full Commission consideration and/or vote prior to the next regularly-scheduled meeting. However, only the Chair has the authority to call a meeting unilaterally, so Commissioner(s) are required to contact the Commission’s assistant to request that the Chair call the meeting.

In the case that the Chair is unwilling or unable to call such a meeting, the matter may be submitted to the entire Commission for a decision at its next meeting. In this instance, Division staff will ensure proper public notice.

~~ix.~~ **Outreach Surrounding Commission Meetings** - Commission meetings are open to the public and must follow Colorado's Open Meetings statutes. The Division will undertake appropriate pre- and post-meeting outreach to the public and media sources following Commission meetings. This outreach may include meeting highlights and Commission actions taken, including positions and Division direction voted on by the Commission.

xi. **Executive Session** - The Commission may conduct business in executive session, which will be closed to the public, under the following conditions: Added this section.

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1. The executive session is held during a regular or special meeting of the Commission.
2. After consultation with its Attorney General's representative, the Commission announces to the public present at the meeting the topic of discussion and the specific provision of 24-6-402, C.R.S., authorizing the executive session.
3. Two-thirds of the Commission (8 out of 11 board members) votes in the affirmative to conduct business in executive session.
  - a. Discussions that occur in an executive session shall be recorded as specified in The Colorado Open Meetings Law, (24-6-402, C.R.S).
  - b. No adoption of any proposed policy, position, resolution, rule, regulation, or formal action will occur at any session that is not open to the public.

**E. COMMISSION COMMITTEE ASSIGNMENTS**

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- i. The Commission may approve the establishment of ad hoc liaison positions or committees in consultation with the Director provided that the responsibilities of the ad hoc position or committee do not overlap with those of any existing body.
- ii. Commission Chair and Commissioner Committee Assignments - The Chair will recommend to the Commission for its approval appointments to the committee and liaison positions.
- iii. Role of Commissioners as Committee Chairs - Standing or ad hoc Committee Chairs are responsible for oversight of the activities of the assigned committees and are expected to provide Committee actions/information back to the full Commission for consideration and discussion by the full Commission.

**F. MINUTES**

- i. Minutes of any meeting of the Commission or its committees will be taken and recorded. Such records will be open to public inspection following approval by the Commission.
- ii. Recorded information will include 1) the time and location of the meeting, 2) names of Commissioners present, and 3) actions taken by the Commission. Relevant information distributed at the Commission meeting or included in the Commission mailing will be made part of the public record.

**G. PUBLIC COMMENT**

- i. The Commission actively promotes and encourages public comment, and will provide reasonable opportunity for public participation and input for the purposes of carrying out its duties and decision-making processes. The Chairman will have the responsibility for establishing policy and procedure for accepting public input as well as determining meeting locations, times, and agendas.
- ii. Every agenda for a Commission meeting will provide the public an opportunity to address the Commission at each meeting during the posted public comment agenda item. A request to make comments should be made on a form provided for such purpose at the Commission meeting and will contain the name of the presenter and the topic to be addressed. Comments are generally limited to 3 minutes unless the Chair grants additional time.
- iii. Members of the public wishing to provide a presentation to the Commission that exceeds 3 minutes in length or requires the use or provision of specialized equipment (slide show, PowerPoint, video, etc.) must submit a written request to the Chair of the Commission at least thirty days in advance of the Commission meeting. The request must include the subject matter of the presentation, the amount of time requested, the individual(s) presenting, and the equipment needed for the presentation. The granting of such requests is at the discretion of the Chair.

In all cases, the Commission encourages and appreciates the provision of written materials on the subject matter of the comment or presentation prior to the meeting in question.

**H. GENERAL COMMUNICATIONS**

- i. It is important that Commission members receive pertinent information in a consistent and uniform manner, that communication is efficient and timely, and that communication with Division leadership and other parties is accurate, consistent, and reflects the views and positions of the Commission as a whole.
- ii. The Commission should speak to all constituency groups with a

single voice to successfully carry out its communications function for the benefit of the Division and the public it serves.

- iii. Individual Commission members who speak for themselves will clearly establish that they are not speaking for the Commission as a whole.

**I. COMMUNICATION with the DIVISION**

- i. Commission members will generally direct concerns or questions regarding any aspect of the Division's operations to the Director as a first point of contact.
- ii. Commission members will only make reasonable requests for information that are necessary for the purposes of fulfilling their duties as Commission members and will not request or use Division information for their own personal or business use.
- iii. In the spirit of open communication, individual Commission members will share any information pertinent to the Division with the Director in a timely manner. The Director will similarly share with the Commission any information pertinent to the Commission in a timely manner.
- iv. Information requested by an individual Commission member will typically be made available to all Commission members.

**J. COMMUNICATION with EXTERNAL PARTIES**

- i. Communications by Commission members, when acting as Commission members, will be consistent with the statutory mandate of the Division, and represent the Division's interests.
- ii. Commission members will be respectful of the Commission, its policies, and its decisions in all external communications, even if they disagree with them.
- iii. Commission members will not communicate as a spokesperson on behalf of the Commission unless authorized to do so. When making public statements, the Commission member will make it clear whether they are communicating as a spokesperson on behalf of the Commission or communicating as an individual.
- iv. In situations that call for a spokesperson to communicate on behalf of the Commission, the Commission Chair will act as spokesperson or designate an alternate if necessary.
- v. Written press releases from the Division will be the responsibility of the Director and will clearly and accurately express the operations of the Division and the policies of the Commission. The Director will ensure copies of all press releases are made available to the Commission in a timely manner.

## COLORADO PARKS AND WILDLIFE COMMISSION POLICY

### TITLE: SPONSORSHIPS

Effective Date: ~~September 8, 2016~~ January XX, 2019

#### I. PURPOSE

Sponsorships can play a key role in supporting CPW programs and services. Involving public and private partners not only provides financial resources but also fosters strengthened relationships, promotes collaborative stewardship and increases public awareness.

This policy delegates to the Director of Colorado Parks and Wildlife (CPW), pursuant to applicable law, fiscal rules, or regulation, the authority to enter into sponsorship agreements in amounts valued up to and including \$25,000 and provides guidance for Commission approval of agreements of larger amounts.

#### II. AUTHORITY

- A. C.R.S. § 33-1-105 (1)-(e) and (f) outline the Commission's ability to enter into cooperative agreements for the development and promotion of wildlife programs and receive and expend grants, gifts sponsorships, contributions, donations and bequests.
- B. C.R.S. § 33-10-107 (1)-(d) and (e) outline the Commission's ability to enter into cooperative agreements for the development and promotion of park and outdoor recreation programs and receive and expend grants, gifts, sponsorships, contributions, donations and bequests.
- C. C.R.S. § 33-9-103-(3) outlines the Director's authority to exercise the powers and perform the functions of the Commission, subject to its later ratification, and obligation to otherwise perform such duties as prescribed by the Commission.

#### III. DEFINITIONS

- A. Donations - a freely given, informal financial funds, property, services or in-kind gift that may or may not have a defined purpose and location for use of the funds. The resulting legal donation document may be a donation letter if deemed necessary. ~~contributions gifted to CPW which~~

~~are not the result of a competitive grant proposal nor payment for an advertising opportunity. Donations may include restrictions on how the funds can be spent.~~

- B. Sponsorships - funds, property, services or in-kind contributions provided to CPW with expected benefits to requiring additional action that benefits the sponsor and/or third party(s). ~~Sponsor benefits may include, but are not limited to, sponsor recognition or naming rights~~The resulting legal document may be a sponsorship agreement.
- C. Sponsorship Agreement - a written document outlining the relationship between a sponsor and CPW, executed by the sponsor and the CPW employee authorized to approve the sponsorship obligation.
- B.D. Grant - a publicized, formal financial award to CPW with defined criteria. The criteria often require an application (or proposal) with a scope of work, defined project period, and estimated budget, as well as deliverables. May be competitive or non-competitive and often requires a match (cost share). The resulting legal grant document is typically an award letter, approved grant, cooperative or assistance agreement, etc.

#### IV. POLICY STATEMENT

Given that demand for CPW parks, wildlife and outdoor recreation programs often exceeds availability of funding, CPW and the Commission may consider and implement sponsorships with state and other governmental agencies, educational institutions, municipalities, political subdivisions, corporations, clubs, landowners, associations, or individuals when these arrangements provide CPW with the ability to help fulfill its mission. Sponsorships are one type of partnership and one avenue of procurement for alternative funding resources.

The Commission delegates authority to enter sponsorship agreements valued up to and including \$25,000 to the Director of CPW. ~~Sponsors shall be selected through an open, competitive, and consistent process and according to defined criteria. Sponsorships may be self-initiated by the potential sponsor or initiated by CPW. Where limited opportunities are available, criteria should be outlined and made available to interested sponsors about how they will be evaluated and any associated deadlines.~~ All policies in relationship to donations and grants are outlined in other documents and are not addressed by this policy.

Sponsorships that exceed \$25,000 shall require the formal approval of the Commission. All sponsorships shall require the execution of a sponsorship

agreement.

At a minimum, CPW and the Commission will consider these Guiding Principles before entering into any sponsorship agreement. The Guiding Principles are to serve as the foundation of interpretation and application of this Sponsorships policy.

#### Guiding Principles

1. The proposed activity/relationship should promote the mission and values of CPW in relation to the project(s)/programs that the funding supports.
2. Acceptance of sponsorships must enhance, and shall not substantively impede, CPW's ability to act in the public interest.
3. Sponsor mission and values should be consistent with the mission and values of CPW.

4. The proposed relationship should maintain CPW's reputation for objectivity, independence, integrity, credibility, social responsibility and accountability.
5. Sponsor recognition should not ~~intrude permanently impair~~ the special characteristics of an area.
6. Sponsor recognition does not imply CPW's endorsement of sponsor products or services.
7. Sponsor recognition shall not substantively interfere with CPW operations or visitor use/experience.
8. Operating and maintenance costs associated with a proposal must be considered.
9. Sponsorship should meet an actual need of CPW and not require CPW to assume funding commitments it is unprepared or unable to accept.
10. Real costs, including staff time, for procuring sponsorship should be taken into account.
11. The duration of sponsor recognition is determined on a case-by-case basis.
12. Naming rights is an option for facilities and trails, but not for entire properties.

As part of all sponsorship agreements, the Director and the Commission shall retain the right to terminate any agreement where the sponsor is no longer meeting one or more of the above factors, or where the agreement is no longer in the public interest or the interest of CPW.

## V. MANAGEMENT DIRECTIVE

The Commission directs CPW staff to work to achieve the objectives of this policy and to keep the Commission apprised of its progress in this regard.