



# COLORADO

## Parks and Wildlife

Department of Natural Resources

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TO: Colorado Parks and Wildlife Commission

FROM: Ty Petersburg, Assistant Chief of Law Enforcement

DATE: December 30, 2020

RE: Commission Policy- Occupancy and Use of Division-Owned Living Quarters

Throughout the history of Colorado Parks and Wildlife, and previously the Colorado Division of Wildlife and Colorado Division of Parks and Outdoor Recreation, the State has utilized facilities on different properties for agency employees to use temporarily during the course of training or assignments, or permanently as living quarters while employed by the state. These facilities are owned and maintained by the Division.

Living quarters range from simple campgrounds, to rustic cabins, to multi and single family homes. They occur on state parks, at state fish hatcheries, state wildlife areas and on remote state properties across Colorado. Some are equipped with full utilities, others are only a tent pad or simple shelter.

Most often when these properties are utilized for permanent living-quarters for an employee and their family, the employee is required to live on the property as a function of their employment or position (fish hatcheries and state wildlife areas are most common). This allows for greater security at properties that house resources belonging to the state and better continuity of operations with a round-the-clock presence.

The use of these facilities on a temporary basis is usually the result of training, overnight meetings and agency operations. Examples of these uses are longer staff meetings and training opportunities in remote locations, extended training assignments (such as attending Colorado POST law enforcement academies), or agency operations (remote law enforcement surveillance, fish stocking, habitat improvement projects).

Historically, both the Wildlife Commission and Parks Board have valued these assets as an opportunity to improve operational efficiencies, improve cost savings and improve security for state resources.

The committee assigned to updating this Commission Policy only made minor edits to the old Division of Wildlife Commission Policy- including updated language to reflect the Colorado Parks and Wildlife merger, Colorado statute and fiscal rules, and to clarify the definition of "housing" for the purposes of this policy (historical document attached for reference).



## COLORADO PARKS AND WILDLIFE COMMISSION POLICY

Title: OCCUPANCY AND USE OF DIVISION-OWNED LIVING QUARTERS

Effective Date:

### I. PURPOSE

The purpose of this policy is to identify the value and necessity of maintaining and providing State-owned housing to Colorado Parks and Wildlife employees when certain conditions exist, namely:

- A security presence is needed for the protection of the State's resources;
- To allow for immediate response to CPW operations and facilities; and/or
- Employees are required to live on-site as a function of their employment and duties.

### II. AUTHORITY

24-30-202(22), C.R.S. - State Controller Authority - to develop and enforce Fiscal Rules.

33-1-105 and 33-10-107(b) C.R.S. - "The commission has the power to lease, exchange, or sell any property, water, land, or interest in land or water...

33-1-105(1)(c) and 33-10-107(c) C.R.S. - Construct or otherwise establish...conveniences at any site or on any land in which the commission holds an interest and operate and maintain all such lands, facilities, and conveniences and provide services with respect thereto, and, when appropriate, make reasonable fees or charges for their use or enter into contracts for their maintenance or operation;

State of Colorado Fiscal Rules 1 CCR 101-1

Rule 2-8 Miscellaneous Compensation and Other Benefits - "A state agency or institution of higher education may provide housing for a state employee where state-owned facilities are available and it is in the best interest of the state."

### III. DEFINITIONS

- A. **Housing:** Any permanent structure or dwelling owned by the State, intended to be used as a long-term permanent residence for an employee and his or her family during the course of employment with the State under the normal course of employee duties. When

considering whether a building constitutes "Housing," consideration should be given to whether there are utilities associated with the location, whether the location is used as a permanent address for the purposes of official government documents and tax filings, and whether it is the primary abode for the employee throughout the year and during the course of his or her employment.

"Housing" does not include employee use for the purpose of training, short term assignments, bunkhouses, rustic backcountry cabins, tent pads, RV pads or other similar locations, or seasonal quarters for temporary employees.

#### IV. POLICY STATEMENT

The Parks and Wildlife Commission recognizes the value to the State and the Division of owning and maintaining living quarters for Division Employees in certain positions and circumstances. Providing Division staff housing in remote areas or areas of security concern allow staff to monitor Division property and assets as well as provide law enforcement and protect fish and wildlife in ways that would not be possible if staff did not live on site or have temporary access to living quarters. However, with the limited resources to construct and maintain employee residences with Capital Construction funds, it is imperative that the Division make sound and wise decisions regarding the construction, maintenance, and use of these structures.

Therefore, it shall be the policy of the Colorado Parks and Wildlife Commission that the ultimate responsibility for procurement of additional housing or disposal of currently owned housing, maintenance of these facilities, and the subsequent leasing of these facilities shall be at the discretion of the Director or his designee. This responsibility is delegated with the expectation that the Director will adhere to all relevant Colorado State Fiscal Rules, in particular 1 CCR 101-1 Rule 2-8, and Title 33 Article 1 C.R.S. in regards to Employee Housing.

# **COLORADO WILDLIFE COMMISSION POLICY**

**Title:** Occupancy and Use of Division Owned Living Quarters

**Effective Date:** December 10, 2009

## **Statutory Authority**

24-30-202 (22), C.R.S. - State Controller Authority – to develop and enforce Fiscal Rules

24-2-103, C.R.S. - Compensation for State Employees – “the head of each principal department shall determine the compensation for officers and employees of the department.”

33-1-105(1)(b) C.R.S. – “The commission has the power to lease, exchange, or sell any property, water, land, or interest in land or water...which now are or may become surplus or which, in proper management of the division, the commission desires to lease, exchange, or sell in accordance with joint rule number 34 of the senate and house of representatives...”

33-1-105(1)(c) C.R.S. - Construct or otherwise establish...conveniences at any site or on any land in which the commission holds an interest and operate and maintain all such lands, facilities, and conveniences and provide services with respect thereto, and, when appropriate, make reasonable fees or charges for their use or enter into contracts for their maintenance or operation;

33-1-107(1) C.R.S. - The commission shall adopt such rules or regulations as may be reasonably necessary for the administration, protection, and maintenance of all land and water, or interests in land and water, acquired by the commission.

## **State of Colorado Fiscal Rules 1 CCR 101-1**

Rule 2-8 Miscellaneous Compensation and Other Benefits - “A state agency or institution of higher education may provide housing for a state employee where state-owned facilities are available and it is in the best interest of the state.”

## **Policy Statement**

The Wildlife Commission recognizes the value to the State and the Division of owning and maintaining living quarters for Division Employees in certain positions and circumstances. Providing Division staff housing in remote areas or areas of security concern allow staff to monitor Division property and assets as well as provide law enforcement and protect fish and wildlife in ways that wouldn't be possible if staff did not live on site or have temporary access to living quarters.

However, with the limited resources to construct and maintain employee residences with Capital Construction funds, it is imperative that the Division make sound and wise decisions regarding the construction, maintenance, and use of these structures.

Therefore, it shall be the policy of the Colorado Wildlife Commission that the ultimate responsibility for procurement of additional housing or disposal of currently owned housing, maintenance of these facilities, and the subsequent leasing of these facilities shall be at the discretion of the Director or his designee.. This responsibility is delegated with the expectation that the Director will adhere to all relevant Colorado State Fiscal Rules, in particular 1 CCR 101-1 Rule 2-8, and Title 33 Article 1 C.R.S. in regards to Employee Housing.