

**STATE OF COLORADO
STATE BUILDINGS AND REAL ESTATE PROGRAMS
REAL ESTATE PROGRAMS POLICIES AND PROCEDURES MANUAL**

CHAPTER 9. THE USE OF STATE FUNDS FOR THE LEASING OF PARKING SPACES

AS PER §24-30-202(22) CRS

The Colorado Revised Statutes (CRS 24-30-202(22)) specifically forbid the State Controller from expending State funds for a perquisite for any particular employee, or group of employees, when such perquisite is not available to all State employees. Therefore, if there is typically no charge for anyone to park in the area, parking may be made available through the lease for employee's personal cars, state cars or visitor's cars. If parking is available in an area where all nearby parking spaces typically command a price, any state employee who wishes to use one of the reserved spaces for his personal vehicle, must pay the landlord each month for that space. If a lease reserves parking spaces that the agency has determined are to be specifically for either state-owned vehicles, or for the vehicles of visitors who will be conducting business in the agency office, these parking spaces may be paid for with state funds.

The following scenarios are offered to illustrate variations regarding inclusion of parking space in State leases.

SCENARIO I:

A lease includes language stating that a certain number of spaces in the adjoining parking area will be reserved for the use of the tenant State agency in the building, and there is no charge being made to anyone to park in that parking area. In this situation, of course, those spaces can be used for employees' personal cars, State cars, or visitor's cars. No State funds expenditure is involved.

SCENARIO II:

The lease has the same language as in the immediately above situation, but the building is in an area where all nearby parking spaces command a price. Even though the reservation of the spaces for the use of the State tenant in the building is set out in the State's lease of its office space, that only makes the spaces available. Any State employee who wishes to use one of the reserved spaces for his personal vehicle must, himself, pay the landlord each month for that space.

SCENARIO III:

The lease of the office space, or a separate lease, reserves parking spaces which the agency has determined are to be specifically for either State owned vehicles, or for the vehicles of visitors who will be conducting business in the-State office. These parking spaces may be paid for with State funds. This is a business decision for each agency to determine, within its budgetary constraints. From the State Controller's point of view, the space for the State car is for the benefit of the car, so it's not an employee perquisite. The providing of parking spaces for business visitors to State offices, is not, from the State Controller's perspective, any different from providing a waiting area inside the building. Both are conveniences for the public.

State Agencies must negotiate and process a State contract for leases or licenses for a term of more than 30 days per Fiscal Rule 3-1. On the other hand, if the arrangements on the parking space are month-to-month arrangements, then such can be paid for on a purchase order out of operating funds. Agencies are cautioned to be absolutely certain that parking space arrangements are for less than thirty days before employing POs and operating funds to pay for them. It is anticipated that such instances will be unusual exceptions, and that the vast majority of parking spaces paid for by the State will arise out of commitments, that are for periods greater than thirty days requiring a State contract.

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A standard approved form of a Parking License Agreement is located in Chapter 3 as document 3.3.

END OF CHAPTER 9 POLICY/SBREP/PARKING