

St. Vrain and Left Hand Water Conservancy District
Resolution 2019- 01
Resolution to Amend Sections 2.2 and 3.9 of the Bylaws

WHEREAS, the St. Vrain and Left Hand Water Conservancy District ("District") is a water conservancy district created pursuant to the Water Conservancy Act, §§ 37-45-101, *et seq.*, C.R.S. ("Act"); and

WHEREAS, the District operates pursuant both to its formational decree entered by the District Court for Weld County in Case No. 20881 and its Amended and Restated Bylaws dated April 13, 2015; and

WHEREAS, the during the 2018 Colorado legislative session, HB18-1140 was passed and signed into law by the Governor; and

WHEREAS, HB18-1140 modified the Colorado statute requiring special districts to obtain surety bonds for their directors and officers and instead allowed special districts to obtain crime insurance in lieu thereof; and

WHEREAS, while HB18-1140 does not require special districts to obtain such insurance, HB18-1140 affords special districts with additional flexibility to cover themselves against director/officer mischief; and

WHEREAS, the District intends to amend its Bylaws, where applicable, to afford such flexibility; and

WHEREAS, pursuant to Bylaws § 8.1(f), the District must amend its Bylaws through a Resolution; and

WHEREAS, pursuant to Bylaws § 10.1, the Board provided sufficient notice of such intention at its meeting on December 10, 2018.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DISTRICT TO AMEND SECTIONS 2.2 AND 3.9 OF ITS BYLAWS AS FOLLOWS:

1. Section 2.2. Modify the last sentence to state: "Each director ~~shall~~ may furnish a corporate surety bond at the expense of the District, in the amount and form fixed and approved by the Court, conditioned on the faithful performance of his or her duties as a director." Insert a new sentence after the modified sentence to state: "Pursuant to § 24-14-102(2)(a), C.R.S. (2018), in lieu of a corporate surety bond, the District may elect to purchase, in accordance with the requirements of § 24-14-102(2), C.R.S. (2018), crime insurance to protect the District from any dishonesty, theft, or fraud by its directors."

2. Section 3.9. Modify the caption to state: "Surety Bonds/Crime Insurance." Modify the section to state: "The Secretary and Treasurer, and such other agents or employees of the District as the Court and Board may direct, ~~shall~~ may furnish a corporate surety bonds, at the expense of the District, in amount and form fixed and approved by the Court and the Board conditioned upon the faithful performance of their respective duties." Insert a new sentence after the modified sentence to state: "Pursuant to § 24-14-102(2)(a), C.R.S. (2018), in lieu of corporate surety bonds, the District may elect to purchase, in accordance with the requirements of § 24-14-102(2), C.R.S. (2018), crime insurance to protect the District from any dishonesty, theft, or fraud by its Secretary and Treasurer, and such other agents or employees of the District as the Court and Board may direct."

Those words/letters intended to be struck from the Bylaws by these amendments are shown above with a horizontal line through such words and letters. Those words/letters intended to be added to the Bylaws by these amendments are shown above with a line under such words and letters.

Adopted, this 11th day of February, 2019.

By 
Dennis Yanchunas, President

ATTEST:

By 
Douglas Rademacher, Secretary