

**UPPER SURFACE CREEK DOMESTIC  
WATER USERS ASSOCIATION**

**Board of Directors Resolution Canceling 2020 Annual Meeting  
Due to the Covid-19 Pandemic**

The following describes the intent and purpose of this resolution:

- a. Governor Polis issued Executive Order D 2020 003 on March 11, 2020, declaring a disaster emergency in Colorado due to the presence of the COVID-19 virus.
- b. As of October 27, 2020, there have been 98,733 known cases of COVID-19 in Colorado, 8,778 Coloradans have been hospitalized, and 2,082 Coloradans have died from COVID-19.
- c. Governor Polis, through his Fourth Amended Public Health Order 20-35, encourages all individuals currently living within the State of Colorado to stay at home or in the vast, great outdoors, and urges all Individuals at Risk of Severe Illness from COVID-19, including individuals who are 65 or older and individuals with certain underlying medical conditions, to stay in their residence at all times except as necessary to seek medical care.
- d. The Colorado Department of Public Health and Environment recommends that in-person meetings be conducted virtually, and specifically recommends that high risk persons, including older adults, stay at home.
- e. Delta County is under “Safer at Home” guidance as of November 4, 2020.
- f. Delta County’s COVID-19 Two Week Positive Count has increased 38.5 percent as of November 4, 2020.
- g. Among the members of the Upper Surface Creek Domestic Water Users Association (the “Association”) are persons at risk of severe illness from COVID-19 due to their age or preexisting medical condition.

**RELEVANT PROVISIONS**


- h. The Association’s Restated By-Laws provide in Article IV Section 1 that an “Annual meeting of the members shall be held . . . on the second Tuesday in December of each year.”
- i. The Association’s Restated Articles of Incorporation provide in Section 6 that “The Board of Directors shall have all powers as may be reasonable or necessary to act for and on behalf of the Corporation during an emergency.”

**RESOLUTION**

In recognition of the above, and pursuant to the powers set forth in Section 6 of the Restated Articles of Incorporation, the Association’s Board of Directors unanimously resolves:

1. The COVID-19 pandemic is an emergency necessitating cancellation of the Association’s annual meeting; therefore, it is hereby RESOLVED that the annual meeting scheduled to occur on December 8, 2020 is CANCELLED and shall be rescheduled to a future date to be determined.
2. It is hereby RESOLVED that all current Association policies shall remain in effect until modified by future action of the Association.
3. It is hereby RESOLVED that all current Association personnel, including persons holding officer and director positions, shall remain in office unless and until successors are qualified by future action of the Association.
4. It is RESOLVED that the Association shall make no changes to its water rates until such time as a meeting of the Association may be convened.
5. It is RESOLVED that the Board will adopt an interim budget for the coming fiscal year that conforms, as much as practicable, to the 2020 budget previously approved by the Association. This resolution shall take effect immediately.


Signed:

  
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Kenneth Besel, Director

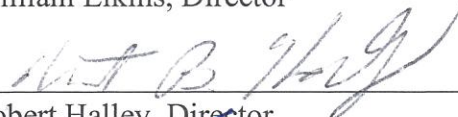
11/10/20  
Date

  
\_\_\_\_\_  
Deborah Christner, Director

11-16-2020  
Date

  
\_\_\_\_\_  
William Elkins, Director

10/10/2020  
Date

  
\_\_\_\_\_  
Robert Halley, Director

11/12/2020  
Date

  
\_\_\_\_\_  
Bryan Klaseen, Director

11/13/2020  
Date

  
\_\_\_\_\_  
Kacy Stillings, Director

11/13/2020  
Date

  
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Bradford Stratman, Director

11/12/2020  
Date

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