

MINUTES OF A SPECIAL MEETING OF THE BOARD  
OF DIRECTORS

OF

MIDTOWN AT CLEAR CREEK METROPOLITAN  
DISTRICT

Held: Tuesday, April 9, 2020 at 6:00 p.m.  
Via Zoom Video Conferencing.

**Attendance**

The meeting referenced above was called and held in accordance with the applicable statutes of the State of Colorado. The following Directors were in attendance:

Matthew Zielinski  
Stephen B. Clark  
Rachel Williams  
Sam Delp

Also present were Eve M. G. Velasco, Esq. and Heather Hartung, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District general counsel; Kimberly Johanns, Simmons & Wheeler, District accountant; Desiree Wingo, MSI, District Manager; and Travis Tully, resident.

**Call to Order/Declaration of Quorum**

Mr. Zielinski noted that a quorum of each Board was present and therefore called the meeting to order.

**Director Disclosures**

Ms. Velasco advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Velasco reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest, if any, were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Ms. Velasco inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

**Approval of Agenda**

The Board reviewed the agenda. Following discussion, upon motion duly made and seconded, the Board approved the agenda, as amended to add item 7(f) Election Update.

**Public Comment**

None.

**Legal Matters**

Consider Adoption Resolution Declaring Emergency Procedures Authorizing Teleconferencing for Regular and Special Meetings

Ms. Velasco reviewed the Resolution Declaring Emergency Procedures Authorizing Teleconferencing for Regular and Special Meetings with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the Resolution.

Consider Adoption of Resolution Declaring Emergency Closures of Public Amenities

Ms. Velasco reviewed the Resolution Declaring Emergency Closures of Public Amenities. Following discussion, upon a motion duly made and seconded, the Board adopted the Resolution, as amended not to close the parks.

Consider Adoption of Resolution Temporarily Suspending the Imposition of Late Fees and Interest and Changes to Collection Procedures

Ms. Hartung discussed options for suspending late fees and interest on collection and covenant enforcement matters in light of the financial impact of the pandemic and answered questions from the Board. Following discussion, upon motion duly made and seconded, the Board unanimously determined to adopt a resolution placing a 60-day moratorium on turning over delinquent accounts to legal counsel for collection.

Consider Adoption of Resolution Establishing an Electronic Signature Policy

Ms. Velasco reviewed the Resolution Establishing an Electronic Signature Policy with the Board. Following discussion, upon a motion duly made and seconded, the Board unanimously adopted the resolution.

Discuss Fee Waiver Request from Homeowner

Ms. Wingo presented the Board with a homeowner request that the Board waive fees and interest assessed to their account. After discussion, Board determined to waive the late fee and interest, but not the hard costs of collection that the District has incurred.

Election Update

Ms. Velasco provided an update on the May 2020 election, informing the Board that the election will be cancelled, as only two residents submitted self-nomination forms to run in the election. The two candidates will be deemed elected as of May 5, 2020. Ms. Velasco also explained the transition to odd-year regular elections and the three-year transitional terms.

**Other Business**

None.

**Adjourn**

There being no further business to come before the Board and upon motion duly made and seconded, unanimously carried, the meeting was adjourned.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

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Secretary for the Meeting