

MINUTES OF A SPECIAL MEETING OF THE BOARD OF  
DIRECTORS OF TODD CREEK VILLAGE  
METROPOLITAN DISTRICT

Held: Thursday, April 13, 2023, at 10:00 a.m. at  
8455 Heritage Drive, Thornton, CO

*The meeting was also held via teleconference.*

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:

Donald Summers  
Tony Carey  
George Hanlon  
John Blackburn

Also present were Blair M. Dickhoner, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; and, Jimmy Ogé, and Mike Wolf, West South Platte Water, LLC, District Management and Accountant.

Call to Order/Declaration of Quorum

It was noted that a quorum of the Board was present, and therefore called the meeting to order. All directors in attendance affirmed their qualification to serve on the Board.

Approval of Agenda

The Board reviewed the proposed agenda for the meeting. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the agenda as presented.

Director Disclosures

Mr. Dickhoner advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Dickhoner reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest 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. Mr. Dickhoner 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. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Public Comment

None.

Consent Agenda

Mr. Dickhoner advised the Board that any item may be moved from the consent agenda to the regular agenda upon the request of any director. No items were requested to be removed from the consent agenda. Upon a motion duly made and seconded, the following items on the consent agenda were unanimously approved, ratified and adopted:

- a. Payments of Claims
- b. Financial Report

Approval of Minutes from February 9, 2023 regular meeting

Mr. Dickhoner presented the Board with the February 9, 2023 Minutes for consideration. Following discussion, upon a motion duly made and seconded, the Board approved the February 9, 2023 Minutes as presented.

Legal Matters

Ratify Approval of Settlement Agreement and Mutual Release between the District and Capital Loan SPV VIII LLC

Director Summers provided the Board with a summary of the terms. Following discussion, upon a motion duly made and seconded, the Board ratified approval of the agreement.

Consider Approval of Non-Potable Water Service Agreement with Clearview Village Metropolitan District

Mr. Dickhoner and Director Carey presented the Non-Potable Water Service Agreement with Clearview Village Metropolitan District to the Board. The Board engaged in discussion regarding terms of agreement and revisions. Following discussion, the Board directed legal counsel to work with the attorneys for the Town of Frederick and Clearview Village Metropolitan District to make revisions and finalize the agreement.

Consider Adoption of Resolution Adopting Fifth Amended and Restated Rules & Regulations

Mr. Dickhoner presented the Resolution Adopting Fifth Amended and Restated Rules & Regulations to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board ratified adopted the resolution.

Consider Adoption of Resolution Adopting 2023 First Amended and Restated Schedule of Fees, Rates & Charges

The Board determined to table this item.

Election Update

Mr. Dickhoner reported that the May 2, 2023, Election had been cancelled as permitted by statute, and the terms for those Directors elected via acclamation will commence May 3, 2023.

Management and Operations Report

Director Summers provided an update on the status of Metro Wastewater and their cooperation with the District for treatment services.

Mr. Wolf introduced a new member of his operations staff and provided an update on: letter to resident regarding

placement of shed; work with Richfield on issues at Promontory with basement flooding; and a request from DR Horton to allow a retaining wall to be placed above a District water line.

Discuss 15802 Willow St.

The Board engaged in discussion regarding 15802 Willow St. No Board action taken.

Update on BennT Creek Water Authority Matters

Director Carey provided an update from the Authority's April 10, 2023 Regular Board Meeting.

Financial Matters

Consider Proposal for Audit Services

Mr. Ogé updated the Board that he is working to obtain proposals for audit services. Following discussion, the Board authorized Mr. Ogé to make a final determination on engagement of auditor.

Ratify Approval of Proposal from Borne Consulting, LLC for Reserve Study

The Board discussed the approved proposal from Borne Consulting, LLC for Reserve Study. Following discussion, the Board ratified approval of the proposal.

Other Business

None.

Adjourn

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

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

George R Hanlon, Jr

George R Hanlon, Jr (Jun 2, 2023 14:55 MDT)

Secretary for the Meeting

The foregoing minutes were approved on the 31<sup>st</sup> day of May 2023.