

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

Held: Thursday, January 12, 2023, at 2:00 p.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

Director Blackburn was absent. All absences are deemed excused unless otherwise noted in these minutes.

Also present were Blair M. Dickhoner, Esq. and Tate Crosby, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; and, Mike Wolf, Dustin Molloy and Chris Cobbley West South Platte Water, LLC, District Management; and, Tucker Hanlon and Linda Young, members of the public.

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. Director Summers noted for the records that he has acquired an ownership interest in West South Platte Water LLC. The participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

Public Comment

Ms. Young addressed the Board and requested to know the District's position on the recent legislation regarding replacement of turf and offered to be a resource on water-wise measures. She suggested the District look at providing discounts to residents who purchase the garden in a box drought resistant plants.

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. The Financial Reports 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

Financial Report

The Board tabled this item.

Approval of Minutes from December 8, 2022 regular meeting

Mr. Dickhoner presented the Board with the December 8, 2022 Minutes for consideration. Following discussion, upon a motion duly made and seconded, the Board approved the December 8, 2022 Minutes as presented.

Legal Matters

Director Summers provided the Board with updates on the status of the settlement agreement with E Capital, the Intergovernmental Agreement with the City of Northglenn, and the proposed Intergovernmental Agreement with Brighton Fire.

Management and Operations Report

Mr. Wolf provided updates on operational matters and introduced Mr. Cobbley, a new Class A operator for the District, to the Board.

Consider Approval of Third Amendment to Agreement for Purchase and Sale of Raw Water Assets between the District and West South Platte Water & Reservoir Company, LLLP

Mr. Dickhoner presented the Third Amendment to Agreement for Purchase and Sale of Raw Water Assets between the District and West South Platte Water & Reservoir Company, LLLP to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board approved the amendment. Director Summers informed the Board that he has a potential conflict of interest involving the matter discussed herein, and Director Summers recused himself from voting on the matter.

Update on BennT Creek Water Authority Matters

The Board engaged in brief discussion regarding the need to reappoint Mr. Wolf to the Board of Directors of BennT Creek Regional Water Authority pursuant to the establishing agreement and the Authority's bylaws. Following discussion, upon a motion duly made and seconded, the Board approved the appointment of Mike Wolf to the Board of Directors of the BennT Creek Regional Water Authority.

Director Carey informed the Board that the District will provide accounting services to the Authority via the District's accountant, Jimmy Oge.

Financial Matters

None.

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 (Feb 27, 2023 12:15 MST)

Secretary for the Meeting

The foregoing minutes were approved on the 9th day of February 2023.