

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

Held: Thursday, February 9, 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
John Blackburn

Also present were Blair M. Dickhoner, Esq. and Tate Crosby, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; and, Jimmy Oge, Mike Wolf and Tyler McNeil, West South Platte Water, LLC, District Management and Accountant; and, Tucker Hanlon, Linda Young, and Kevin Ewerks, 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 amended to include the addition of "Discuss Update on IGA with Brighton Fire" as agenda item 7. c.

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

Mr. Ewerks addressed the Board and asked about who is responsible for maintaining fire hydrants and whether the District would consider participating in the Garden in a Box

program.

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 January 12, 2023 regular meeting

Mr. Dickhoner presented the Board with the January 12, 2023 Minutes for consideration. Following discussion, upon a motion duly made and seconded, the Board approved the January 12, 2023 Minutes as presented.

Legal Matters

Consider Approval of Independent Contractor Agreement (Water Engineering Services) with Leonard Rice Consulting Water Engineers, Inc., d/b/a LRE Water

Mr. Dickhoner presented the Independent Contractor Agreement (Water Engineering Services) with Leonard Rice Consulting Water Engineers, Inc., d/b/a LRE Water to the Board for consideration. Following discussion, upon a motion duly made and seconded, the Board approved the agreement.

Discuss and Consider Approval of Retainer Agreement with Napoli Shkolnik PLLC

Mr. Dickhoner presented the Retainer Agreement with Napoli Shkolnik PLLC for consideration. Following discussion, upon a motion duly made and seconded, the Board approved the agreement.

Discuss Update on IGA with Brighton Fire

Director Summers provided the Board with an update on a request from Brighton Fire. They have requested to pay for potable and non-potable taps upfront in lieu of entering into an Intergovernmental Agreement with the District; and, they have also requested two exceptions to the District's Rules and Regs: (i) no requirement to dedicate ground water to the District and (ii) authorization to install water meter after their fire safety line. Following discussion, upon a motion duly made and seconded, the Board approved the aforementioned exceptions with the following conditions: (i) these exceptions are documented in the meeting minutes as well as the will-serve letter to Brighton Fire and (ii) Brighton Fire must commit to receiving sewer service from the District and the District shall retain the return flows.

Management and Operations Report

Mr. Wolf updated the Board regarding work being done to address/repair three leaks within the system. Mr. Wolf introduced Tyler McNeil as a new employee of West South Platte Water, LLC. Mr. Wolf also informed that board that some reallocation of line items for the treatment facilities budget was needed and completed.

Director Summers updated the Board regarding the Northglenn water line project and recent meetings with Eagle Shadows Metropolitan District and Todd Creek Park & Recreation District about easements through their property, and noted he is still trying to connect with RTD. Director Summers also updated the Board on the settlement with Lennar, which has now been finalized. The Board discussed imposition of certain fees going forward and the impact any changes would have on the District's financials. No Board action taken.

Update on BennT Creek Water Authority Matters

No update provided.

Financial Matters

Mr. Oge updated the Board that requests for proposals have been sent out for a reserve study. One response has been received. Mr. Oge will present all responses to the Board for consideration.

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 13th day of April 2023.