



STATE OF
COLORADO

Ebert - DNR, Jared <jared.ebert@state.co.us>

Todd Creek Village Metropolitan District

Jimmy Oge <Jimmy@equinoxland.onmicrosoft.com>

Thu, May 17, 2018 at 9:44 AM

To: "Ebert - DNR, Jared" <jared.ebert@state.co.us>, Don Summers <don@toddcreekvillage.org>

Jared,

Please find attached the minutes of the Todd Creek Village Metropolitan District held April 2, 2018. In the minutes you will find a reference under the legal section, where the board of Directors has approved moving forward with the Signal 1 Expansion Project. Please let me know if you need any additional information to move the permit process forward.

Jimmy L. Oge

Director of Accounting and Reporting



10450 E. 159th Court

Brighton, CO 80602

(303) 659-8866 Telephone

(303) 637-0423 Facsimile

jimmy@equinoxland.com



2018-04-02 Special Minutes.pdf

57K

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

Held: Monday, April 2, 2018 at 12:00 p.m. at
10450 East 159th Court, Brighton, Colorado

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:

George R. Hanlon
Don Summers
Michael Rabon
C. Roger Addlesperger (*via telephone*)

All directors' absences are deemed excused unless a contrary notation is recorded in these minutes.

Also present were Blair M. Dickhoner, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law, District General Counsel; and Jimmy Oge, Equinox Land Company, District Manager. There were no members of the public in attendance.

Call to Order/Declaration of Quorum

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

Director Disclosures

Mr. Dickhoner advised the Board that pursuant to Colorado law, certain disclosures by the directors may be required prior to taking official action at the meeting. The Board reviewed the agenda for the meeting, following which each director confirmed the contents of any written disclosure previously made stating the fact and summary nature of any matters as required under Colorado law to permit official action to be taken at the meeting. Additionally, the Board determined that the participation of the Directors present were necessary to obtain a quorum or otherwise enable the Board to act.

Approval of Agenda

The Board reviewed the proposed agenda for the meeting. After consideration, a motion was made and seconded to approve the agenda. The motion passed unanimously.

Public Comment

None.

Approval of Minutes

The Board reviewed the minutes from the special meeting held on March 13, 2018. After review and discussion, a motion was duly made and seconded to approve the minutes. Director Addlesperger abstained from voting on this matter as he was not present at the March 13th meeting.

Legal Matters

Discuss Signal 1 Reservoir Expansion Director Summers provided the Board with an update on the permit application that was filed for the Signal 1 Reservoir expansion. The application was deemed incomplete as it was missing evidence, reflected in meeting minutes, of the Board's formal approval of this expansion project. The application also requires either a \$75,000 bond or letter of credit in lieu of a bond. At the March 13, 2018 meeting, the Board discussed the need to obtain a bond. However, after further review it was recommended by Mr. Oge that a letter of credit from Citywide Bank, in lieu of a bond, be utilized as this would be more cost effective and better serve the District. Director Summers motioned to approve the expansion of the Signal 1 Reservoir as a District capital project for an approximate cost of \$2,100,000, this motion was seconded and unanimously carried by the Board. Following discussion, the Board determined that securing a letter of credit in lieu of a bond was a more effective approach. Director Summers motioned to approve the letter of credit approach, the motion was seconded and unanimously carried. The Board directed Mr. Oge to work with Director Summers to secure this letter of credit through Citywide Bank.

Consider Approval of Second Amended and Restated Rules and Regulations The Board engaged in general discussion regarding the proposed revisions to the Rules and Regulations. Following discussion, it was determined to defer this item to a later meeting. The Board gave legal counsel direction on additional revisions that are needed and directed Mr. Dickhoner to work with Director Summers on those revisions.

Executive Session Regarding Unpaid Tap Fees The Board entered into an executive session at 12:35 p.m. pursuant to Section 24-6-402(4)(b) for the purpose of receiving confidential legal advice regarding unpaid tap fees. The Board exited its executive session at 1:10 p.m.

Other Business

Exclusion of District Property from Todd Creek Village Park and Recreation District and Eagle Shadows Metropolitan District The Board directed legal counsel to work with Director Summers to file a petition for exclusion of District owned property from both Eagle Shadows Metropolitan District and Todd Creek Village Park and Recreation District.

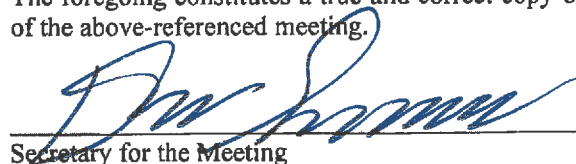
Will-Serve Letter The Board directed legal counsel to review a draft will-serve letter for property being developed by ALF and confirm its compliance with an existing IGA with Ft. Lupton and the terms of previous litigation.

Adjourn The next meeting is scheduled for April 12, 2018.

There being no further business to come before the Board and upon 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.



Secretary for the Meeting

The foregoing minutes were approved on the 12th day of April, 2018.

ATTORNEY STATEMENT
REGARDING PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

Pursuant to Section 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that, in my capacity as the attorney representing Todd Creek Village Metropolitan District, I attended the executive session at the special meeting of Todd Creek Village Metropolitan District convened at 12:35 P.M. on Monday April 2, 2018, for the sole purpose of providing legal advice regarding Unpaid District Tap Fees, as authorized by Section 24-6-402(4)(b), C.R.S. I further attest it is my opinion that as the executive session discussion constituted a privileged attorney-client communication as provided by Section 24-6-402(4)(b), C.R.S. and, based on that opinion, no further record, written or electronic was kept or required to be kept pursuant to Section 24-6-402(2)(b), C.R.S. or Section 24-6-402(2)(d.5)(II)(B), C.R.S.



Blair M. Dickhoner, Esq.