

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS OF
TODD CREEK VILLAGE METROPOLITAN DISTRICT
ADAMS COUNTY, COLORADO
July 16, 2009**

A regular meeting of the Board of Directors of Todd Creek Village Metropolitan District, Adams County, Colorado, was held on Thursday, July 16, 2009 at 10450 E. 159th Court, Brighton CO 80602. The meeting was called to order at 4:12 p.m.

The following Directors were present:

Roger Hollard
Ken Hammerle
George Hanlon
Kathy Kropp

The following Director was absent and excused:

Roger Addlesperger

Also Present:

Denise Vineyard, Admin. Assist. Village Water Management, LLC
Tamara Gilida, Legal Counsel, Icenogle, Norton, Smith, Gilida & Pogue,
P.C.
Terry Young, resident of TCF

Conflict Disclosures

Director Hanlon noted for the record that in accordance with state law written disclosures were filed with the Secretary of State.

Public Comment

None

Approval of Minutes of June 18, 2009 Regular Meeting

The Board reviewed the minutes of the regular meeting of the Board held on June 18, 2009. Following discussion and upon motion duly made by Director Hammerle, seconded by Director Hollard, and unanimously carried, the Board approved the minutes and authorized Director Hollard, as Secretary, to execute the minutes as constituting a true and correct record of the proceedings of the meetings.

Financial Report

The Board reviewed and discussed the disbursements for July, 2009. Following discussion, upon motion duly made by Director Hollard, seconded by Director Kropp, and unanimously carried, the Board approved checks #8615-8661, in the amount \$138,051.34 with the exception of Director Addlesperger's #8615 in the amount of \$100.

Director Hammerle reviewed for the Board the financial statements dated June 30, 2009. Following discussion, upon motion duly made by Director Kropp, seconded by Director Hollard, and unanimously approved, the Board accepted the financial statements as presented.

Ms. Vineyard then reviewed the District customer report for June with the Board.

Operations

Director Hollard reviewed Dry Creek RUA and moving forward with the submittal at the end of the month.

Director Hollard noted for the Board that he is working getting the contractor out to go forward with the work at the Selzer Reservoir.

Director Hollard informed the Board that Mr. Dale was flushing lines within the District and found that there are some minerals in the irrigation water line that is bluish black in color and that they are having the water tested. Director Hollard noted that there was not a strong odor to the irrigation water.

Attorney Items

All Attorney items were addressed in executive session.

Executive Session

Ms. Gilida requested a motion that the Board go into executive session for the following purposes pursuant to C.R.S Section 24-6-402(4)(b) and Section 24-6-402(4)(e): to confer with the attorney for this body for the purpose to receiving legal advice on specific legal questions and determining positions on matters relative to negotiations, developing strategies for negotiations and instructing negotiators relative to the District's imposition of fees, various Tap Fee lien foreclosure matters and Failure to Connect Fee collection matters. Upon motion duly made by Director Hanlon, seconded by Director Hollard, and unanimously approved, the Board approved entering into executive session at 5:29 p.m.

Upon motion duly made by Director Kropp, seconded by Director Hammerle, and unanimously approved, the Board came out of executive session at 6:37 p.m.

Availability of Service Fees

The Board of Directors discussed the importance, in the current economic climate with the corresponding drop in District revenue to take all fiscally responsible measures to provide for payment of the District's outstanding indebtedness incurred to provide the District's water, wastewater and irrigation systems. Following the discussion, Director Hanlon moved that the Board adopt an Availability of Service Fee in accordance with C.R.S., Section 32-1-1006(1)(h), at the Board's August meeting. The motion was seconded by Director Hollard and unanimously approved. The Board directed Ms. Gilida to prepare appropriate statutory notices.

Fees and Rates

Ms. Gilida recommended to the Board adoption of a resolution recording the Board's desire to pursue collection of all District fees, rates, tolls and charges in accordance with Title 32, C.R.S. and the District's Rules and Regulations. Director Hammerle moved that the Board adopt such a resolution at the August Board meeting, Director Kropp seconded and the Board unanimously approved the resolution.

Guaranty Bank

Ms. Gilida advised the Board that all records requested by Guaranty Bank had been provided in accordance with the Colorado Open Records Act.

Following Ms. Gilida's report, Director Hollard moved that the District record a statement of lien against the Guaranty Bank-owned property reflecting delinquent tap fees owing to the District and, thereafter proceed to file a complaint to foreclose upon the District's perpetual lien in regard to the unpaid tap fees. Director Hanlon seconded the motion which passed unanimously. Ms. Gilida informed the Board of Directors that her litigation partner, Charles Norton, would prepare the complaint and handle the ensuing litigation.

Failure to Connect Fees (Basile)

Ms. Gilida informed the Board that Robert Basile had contacted her and requested that she approach the Board regarding how, if at all, Mr. Basile might obtain relief from the revocation taps for his three properties (9401 East 145th Avenue, Brighton, CO 80602, 9481 East 145th Avenue, Brighton, CO 80602 and 10205 East 146th Place, Brighton, CO 80602) for the failure to pay the District's Failure to Connect Fees. The Board discussed the matter and determined that collection of the fees would be sufficiently important to provide revenue to operate and finance the District that the District would be willing to reinstate the taps provided Mr. Basile agreed to pay the full amount due as of July 1, 2009 (\$6,573.07) on or before July 30, 2009. The Board directed Ms. Gilida to so advise Mr. Basile.

District Operations Overview

None.


Other Business Matters

Director Hollard noted for the Board that Mr. Dale had found a jumper in the irrigation meter pit at Heritage Todd Creek that was servicing 15313 Heritage Circle, Thornton, CO 80602 and 15315 Heritage Circle, Thornton, CO 80602. Following discussion the Board directed Ms. Gilida to draft a letter to the builder and homeowners notifying them that the jumper violated the District's Rules and Regulations, including Section 3.8, regarding unauthorized connections to the District's systems. Director Hollard suggested that research be done to find out how many irrigation meters are set for the multi-family units and what rate are this meters being charged.

Adjournment

There being no further business, the Board of Directors adjourned the meeting at 6:38 p.m. The next scheduled meeting of the Board will be a regular meeting to be held on August 20, 2009 at the Todd Creek Village Metropolitan District office building located at 10450 E 159th Ct., Brighton, CO 80602.

The foregoing minutes constitutes a true and correct copy of the minutes of the above referenced meeting and was approved by the Board of Directors of the Todd Creek Village Metropolitan District.



Roger Hollard, Secretary