

MINUTES OF A REGULAR MEETING OF THE BOARDS OF DIRECTORS

OF

TRANSPORT METROPOLITAN DISTRICT NOS. 1-4

Held: Thursday, May 27, 2021 at 8:30 a.m. via teleconference

Due to the Executive Order issued by Governor Polis on April 26, 2020, requiring all residents of the State of Colorado to stay-at-home to minimize the spread and impact of COVID-19, and the Updated Public Health Order 20-28 implementing the Executive Order, issued by the Colorado Department of Public Health and Environment (CDPHE) on April 26, 2020, the meeting was held via teleconference.

The Boards of Directors of the Districts have determined to hold joint meetings of the Districts and to prepare joint minutes of action taken by the Districts in such meetings. Unless otherwise noted herein, all official action reflected in these minutes is the action of each of the Districts. Where necessary, action taken by an individual District will be so reflected in these minutes.

Attendance

The regular meeting of the Boards of Directors of Transport Metropolitan District Nos. 1-4 was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, have confirmed their qualifications to serve, were in attendance via teleconference:

Nick Hernandez
Kelsey B. Hall

Director Richard Montgomery was absent. His absence was excused.

Also present were Zachary P. White, Esq., White Bear White Tanaka & Waldron, Attorneys at Law; Jason Carroll, CliftonLarsonAllen; Theron Skidmore (Construction Manager), Western Transport LLC; and Jim Brodie, Complex Partners.

Call to Order/Declaration of Quorum

It was noted that a quorum of the Boards was present and Director Hernandez called the meeting to order.

Conflict of Interest Disclosures

Mr. White advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. White reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Mr. White noted that a quorum was present and inquired into whether members of the Boards had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. Director Hall noted her affiliation with Western Transport, LLC as Senior Land and Project Manager. Director Hernandez noted his affiliation with Western Transport, LLC as CEO. The Boards determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Boards to act.

Approval of Agenda

Mr. White presented the proposed agenda to the Boards for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agenda as presented.

Approval of Minutes from May 20, 2021, Joint Special meeting

Mr. White presented the Minutes from the May 20, 2021 Joint Special meeting to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the minutes as presented.

Public Comment

No members of the public were present.

Construction Matters

Construction Status Update

Mr. Skidmore updated the Boards that construction is continuing to ramp up on site.

Review Bids for TransPort Elevated Portable Water Storage Tank Construction Project

Mr. Skidmore discussed with the Board of District No. 1 that the design is being reviewed. If the design is modified, the project may need to be rebid. No action was taken.

Consider Approval of TransPort Elevated Portable Water Storage Tank Construction Project and authorize Notice of Award

No action was taken.

Review Bids for Well #1 Equipment and Site

Mr. Skimore reviewed the Bids for Well #1 Equipment and Site Improvements Construction Project with the Board of District No. 1.

Improvements Construction Project

Glacier Construction was noted as the low bidder.

Consider Approval of Well #1 Equipment and Site Improvements Construction Project and authorize Notice of Award

Following review of the bids by the Board of District No. 1, upon a motion duly made and seconded the Board awarded the construction agreement to Glacier Construction and authorized the Notice of Award. The Notice to Proceed is anticipated to be issued in July, 2021.

Legal Matters

Discussion re States of Lease Agreement with Western Transport, LLC for Water Supply Lines, Water Well Pads, Construction Pond, and AST Locations

Director Hall discussed the status of license agreements with Western Transport, LLC for Water Supply Lines, Water Well Pads, Construction Pond, and AST Locations. Drafts are being prepared and the Board of District No. 1 anticipates reviewing proposed license and easement agreements at the June 2021 regular meeting.

Consider Approval of Agreement with Westwood Professional Services, Inc. (CVL) for Sub-Area 6 Engineering Services

Director Hall presented a proposal from Westwood Professional Services, Inc. (CVL) for Sub-Area 6 Engineering Services to the Board of District No. 1. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal. It was noted that the District is negotiating a master professional services agreement with Westwood Professional Services, Inc. and this proposal is anticipated to be included in the scope of the agreement. The form of the master professional services agreement will be presented to the Board at a subsequent meeting.

Consider Approval of Agreement with Westwood Professional Services, Inc. (CVL) for Wastewater Treatment Plant Engineering Services

Director Hall presented a proposal from Westwood Professional Services, Inc. (CVL) for Wastewater Treatment Plant Engineering Services to the Board District No. 1. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the proposal. It was noted that the District is negotiating a master professional services agreement with Westwood Professional Services, Inc. and this proposal is anticipated to be included in the scope of the agreement. The form of the master professional services agreement will be presented to the Board at a subsequent meeting.

Consider Approval of Agreement with Westwood Professional Services, Inc. (CVL) for Assignment and Assumption Agreement

Director Hall presented an Assignment and Assumption Agreement with Westwood Professional Services, Inc. to the Board of District No. 1. The agreement formally assigns all contracts between the District and CVL Consultants to Westwood Professional Services, Inc. Following discussion, upon a motion duly made and seconded, the Board of District No. 1 unanimously approved the assignment and

assumption agreement subject to incorporation of comments from legal counsel.

Financial Matters

Consider Adoption of Resolution Regarding Acceptance of District Eligible Costs incurred by Western Transport, LLC in the amount of \$110,585.08 (Verification No. 5)

Mr. White presented the Resolution Regarding Acceptance of District Eligible Costs incurred by Western Transport, LLC in the amount of \$110,585.08 (Verification No. 5) to the Boards of District Nos. 1 and 3. Following discussion, upon a motion duly made and seconded, the Boards unanimously adopted the resolution and authorized reimbursement to Western Transport, LLC.

Other Business

Next Meeting

June 17, 2021.

Adjourn

There being no further business to come before the Boards, and following discussion and upon a motion duly made, seconded and unanimously carried, the Boards determined to adjourn the meeting.

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 17th day of June, 2021.