

MINUTES OF A REGULAR MEETING OF THE BOARDS OF DIRECTORS

OF

TRANSPORT METROPOLITAN DISTRICT NOS. 1-4

Held: Thursday, October 21, 2021 at 10:00 a.m. via teleconference

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

Also present were William P. Ankele, Jr., Esq., White Bear White Tanaka & Waldron, Attorneys at Law; Jason Carroll, Cass Aurich, CliftonLarsonAllen; Steven Marshall, PortColorado, 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. Ankele advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Ankele 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. Ankele 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. Ankele 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 amended.

Joint Meetings

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.

Approval of Minutes from October 6, 2021, Joint Special meeting

Mr. Ankele presented the Minutes from the October 6, 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. Hernandez provided an Update on Construction Status to the Boards. Construction is proceeding on schedule.

Construction Contract Change Orders

Consider Approval of Change Order No. 7 to Construction Agreement with Hydro Resources

Mr. Ankele presented Change Order No. 7 to Construction Agreement with Hydro Resources to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the change order.

Independent Contractor Agreements

Consider Approval of Independent Contractor Agreement with Triax Engineering for Roadway & Utility Testing

Mr. Ankele presented the Independent Contractor Agreement with Triax Engineering for Roadway & Utility Testing to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agreement.

Consider Approval of Work Order No. 3 to COR Engineering for Engineering Design Services – Tank Height & Pump Station

Mr. Ankele presented Work Order No. 3 to COR Engineering for Engineering Design Services – Tank Height & Pump Station to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the order.

Consider Approval of First Addendum to Independent Contractor Agreement with IMEG for Elevated Storage Tank with Pumping Directive

Mr. Ankele presented the First Addendum to Independent Contractor Agreement with IMEG for Elevated Storage Tank with Pumping Directive to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the addendum.

Consider Approval of Pump 3A and Pump 4 Recommendations from JDS-Hydro Consultants, Inc.

Mr. Ankele presented the Pump 3A and Pump 4 Recommendations from JDS-Hydro Consultants, Inc. to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the recommendations.

Consider Approval of Addendums to Master Services Agreement with Westwood, Inc

Mr. Ankele presented the Addendums to Master Services Agreement with Westwood, Inc to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the addendums.

Legal Matters

None.

Financial Matters

Review and Consider Approval of Verification Report No. 10 from Schedio Group

Mr. Carroll reviewed Verification Report No. 10 from Schedio Group with the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the report.

Approval of Payables/Financials

Mr. Carroll presented the current Financials and Claims to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the payables and financials.

Other Business

Discussion re Director Vacancies

The Boards engaged in a general Discussion regarding Director Vacancies. No action was taken.

Next Meeting

November 18, 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.

Kelany Hall

Secretary for the Meeting

The foregoing minutes were approved on the 18th day of November, 2021.