

**GREATER AUSTIN AREA TELECOMMUNICATIONS
NETWORK (GAATN)
INTERLOCAL AGENCY**

**1111 West 6th Street
Austin, Texas 78703-5399**

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING HELD July 8, 2002**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at approximately 1:31 p.m.

The following Board members announced as present:

George Mirick (alt.), on behalf of the University of Texas
Tom Lott (alt.), on behalf of the Lower Colorado River Authority
Patrick Jordan, on behalf of the City of Austin
Wayne Wedemeyer, on behalf of University of Texas
Walter LaGrone, On behalf of Travis County
Frederick Harris, on behalf of Austin Independent School District
Steve Zoromsky, on behalf of the Lower Colorado River Authority
Martha Riekenberg (alt.), on behalf of the City of Austin
John Kohlmorgan (alt.), on behalf of Austin Independent School District
Debbie Opdahl, On behalf of the State of Texas

GAATN Personnel present:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Stephen Fogel, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

Chairman Jordan welcomed Jimmy Don Havins from LCRA to the meeting. Steve Zoromsky explained that Jimmy Don may be part of some changes in LCRA. These changes may mean Steve Zoromsky would no longer be a part of the GAATN Board and would assume new challenges at LCRA. This would mean that Tom Lott may be promoted to Steve's position while Jimmy Don would then become the alternate to the GAATN Board for LCRA. If this transpires, Steve stated that the appropriate letters would be sent in to affirm the changes. Patrick welcomed him and then moved on to the next agenda item.

Agenda Item No. 3:

Approval of June 3rd, 2002 Board Minutes

There were no changes required in the minutes. Steve Zoromsky made the motion to accept the minutes with a second from Debbie Opdahl, the motion passed unanimously.

Agenda Item No. 4:

Executive Session: Adjourn for closed session, under Tex Gov't Code section 551.071, to seek legal advise regarding contemplated litigation for construction, equipment, and product warranty claims. Reconvene for discussion and decisions, if any, on matters considered in closed session.

Chairman Jordan moved to executive session at 1:35 p.m. Patrick reconvened from Executive Session at 1:40 p.m.

Agenda Item No. 5:

Hear report and discuss/consider Board Chairman Update.

Chairman Jordan began by asking the best way for the GAATN Board to support and endorse a legislative initiative put forward by the Texas Municipal League to include an exemption in the Texas Public Information Act for the disclosure of Utility Infrastructures existing in Public Rights of Way. The Legislative change is being initiated to prevent terrorist activity and suggests that open access should be prohibited. He proposed that a letter may be the best way but opened the discussion up to thoughts on the matter. Wayne stated he would need to abstain from lobbying. Debbie shared that she is working on legislative updates at present and there is an area for topics and actions desired by the legislature to

consider. Because these suggestions often end up drafted into a bill, she wondered if the GAATN Board would like to proceed along this path. She added also that Disaster Recovery was a big issue with the State. Patrick stated that he was considering a letter and that he was in discussion with Monte Akers who is the legislative liaison for the City of Austin, he stated that he would continue discussions with Monte and keep everyone informed on the subject.

Wayne asked if the Chairman had heard back from San Antonio and stated that they had asked to come back to visit. Patrick said he had not heard from them but offered his assistance to the issue if called upon.

A. Board Elections Patrick then opened the Board up to nominations for Chairman and Vice-Chair. Frederick Harris of AISD nominated Patrick for Chair and Steve Zoromsky nominated Debbie for Vice-Chair. There were no more nominations from Board members. Patrick Jordan and Debbie Opdahl both accepted the nominations and were approved by acclamation.

Agenda Item No. 6:

Discuss/consider Financial Report from AISD

Frederick Harris distributed the April and May Financial Report. Patrick asked if there were any specific items that needed to be noted. Martha commented that the work station at CoCom had been completed and paid but noted that 6639 still showed the \$10,000. Debbie and others wanted to leave the 6639 category as opposed to removing it. It was further explained that any monies left in that category would be pulled back into the remainder at the end of the budget year, this is then rolled into a holding fund for the following budget year. Another \$10,000 would be allocated next budget year to maintain that category. The feeling was that this category was a resource for GAATN equipment and if it were removed then it might be needed. There was a question about 6219 being a consulting fee when it is actually the fund used for the two GAATN employees but this also remained the best alternative so the group moved on with discussion. Patrick then asked if there was a need to change anything but there were no comments.

A. Discussion of involuntary withdrawal under section 6.C in Interlocal Agreement.

Frederick Harris and Patrick Jordan opened this discussion of late payments by Travis County. Over the past few months AISD, under the guidance of John Kohlmorgan and Frederick Harris, has gathered and documented the past due amounts from Travis County. The late payment due GAATN by Travis County has come up several times to the GAATN Board as it is over two years old. Unfortunately, efforts to resolve have always come up empty handed despite detailed documentation and invoices presented by AISD. Various Travis County appointees to the GAATN Board have dealt with this issue in the past and Walter LaGrone has since inherited the issue from predecessors. Chairman Jordan, who has been Chairman since last July, has met with Frederick a number of times to discuss a course of action appropriate to attempt to resolve the matter. While the payment delinquency has been well documented in the past it was always set aside as other issues took priority, no action beyond discussion has ever been taken by the Board. Patrick noted that the Interlocal Agreement paragraph 6. C. deals with involuntary withdrawal, he then asked the GAATN Attorney, Steve Fogel if he had reviewed this as the appropriate area of the Interlocal under which to pursue payment. Steve answered that he had reviewed the document and concurred with the Chairman. Copies of the pertinent pages within the Interlocal Agreement were distributed to the Board for review. The area of concern was section 6 paragraph C of the Interlocal Agreement. It deals with the involuntary withdrawal of participants in GAATN due to failure to pay. It also sets down actions which can be invoked for involuntary withdrawal by the GAATN Board of participants who fail to meet their obligations.

Patrick noted that the amounts have been invoiced to Travis County and John added that there were two invoices of \$31,189.90 and \$27,050.10 due from FY 98-99. Steve Fogel explained that there was a 10 day period prescribed following written notice after which the Board could proceed with a number of options which are explained in the Interlocal Agreement. These options include: Severing the participant from GAATN or partially severing the participant from GAATN. Through discussion it was evident that the Chairman and the rest of the Board desired to resolve the dispute and was very flexible in how best to proceed. Patrick noted that there was some discretion available and suggested that a letter may well be the first order of business. He added that a letter of intent to invoke the Interlocal Agreement pursuant to this topic may very well assist Walter, the Travis County representative, in his efforts to elicit payment from Travis County. Another option would be to write a letter that does invoke the 10 day period prescribed. Added input from the State and AISD indicated they were leaning towards beginning the 10 day period. Chairman Jordan asked Walter if there was anything else that the GAATN Board could do to assist. Walter stated that he had seen a lot of activity within his organization by just including this item officially on the

agenda. He added that another issue had been raised concerning some monies owed Travis County, some \$80,000, that was retained during the closing documents. He noted that Brad Powell had been involved with this issue and that he was not completely sure what all the issue involved. He added that he had trouble finding out about the reimbursement and other information since there had been so many changes, he did state that some at Travis County had thrown this topic out as a problem or block to resolving the GAATN payment. Walter was still researching this new information, but went on to express his concern with a 10 day period and cited a public safety issue should Travis County be disconnected. Walter asked about a possible extension to review but Frederick Harris expressed concern with that extension due to the efforts that AISD had put forward to research and redocument this issue yet again. Patrick added that the problems Walter was putting forward had taken place prior to the GAATN closing documents and he could see no connection whatsoever to the non-payment issue at hand. Construction items left open would be with AISD as construction manager, or possibly with Southwestern Bell. Patrick's thought was that this issue was distinctly separate to the issue of the nonpayment for the budget increase. Walter agreed with the Chairman on his thoughts about the topic being separate, adding that he mentioned this construction issue as the point for which some hesitancy at Travis County may exist. John asked if the intent was to hold up payment until the construction issue was resolved. Debbie noted that the Chair could note in the letter to be sent that this should be taken up with AISD as a construction issue but reminded the Board that this was a GAATN operations payment issue.

Patrick stated that he had reservations about interweaving these two issues at all in a letter. The desire was to conclude this issue with Travis County within this GAATN fiscal year, around the end of July. Chairman Jordan noted that the time frame seemed very fair to resolve this issue. Walter stated that he did like the idea of a letter. Patrick asked for him to find out who would be the best person to send the letter to that could authorize payment, he added that it was also a possibility for he and Frederick to approach the Commissioners if needed. Patrick added that a meeting with Joe Harlow was scheduled for Thursday at 10 a.m. Discussion concerning the time frame for the letter followed and various opinions given on how many letters and when to begin the official 10 day countdown. The minutes of this meeting were discussed also, Walter requested that he would like a copy of them to have as an example of intent by the GAATN Board. Frederick noted that in all the years that this problem has gone on there has been no official action by the GAATN Board, he emphasized again the need for closure. The result of the discussion was that a specially called meeting was necessary to clear this up by the time frame requested by AISD. The meeting date was set for the following Monday July 15th, its sole topic will be as follows: Discuss/Consider the budget issues pertaining to lack of payment under the Interlocal Agreement Section 6 paragraph C. That meeting being scheduled and agreed too by the Board, the Chairman moved on with the present agenda.

Agenda Item No. 7:

Hear report and discuss/consider Technical Subcommittee Update. (Lott, 20 minutes)

- A. Update on Tech Discussions about NOCC at City Hall.**
 - B. Audit for Pole Attachment Agreement.**
 - C. Update on Locate Services for GAATN.**
 - D. Internet Bandwidth Pricing.**
- A. Tom explained that maps were being put together by both Martha and Ashley for review and discussion by the Technical Committee. He noted that the City Hall project was set to be done by June 2003 and that he would have more information at the next Board Meeting.
 - B. Tom reported that the audit was ongoing and he would report back next month.
 - C. Tom asked Ron to update. Ron stated that Lone Star was digitizing locations and would send him a map to proof and sign off on and then we would be on board with them.
 - D. Bandwidth. Wayne shared that an OC-3 was in place. He passed out a spreadsheet with some pricing examples adding that AISD had asked for a dedicated DS3 line. Patrick stated that the City needed to increase as well but would like to talk with his engineers at the city and also with AISD to see what options are available. Wayne stated that he was available for any options participants may choose to pursue and also any pricing arrangements or methods of pricing that anyone wanted to suggest. Tom had nothing further under this topic.

Agenda Item No. 8:

Hear report and discuss/consider Network Manager's Update

Ashley shared that there was a teardown on D1N. She shared that ARA/Carver was done, expansion of B1N continues to near completion and reminded the Board that this was just a strand and make ready-no fiber yet. She added that plans for the Super ring path were being worked on. Martha added that she was

developing diverse route paths for City Hall to bring A1N and SRN in and has 5 possibilities in mind. The pathways depend largely on cost, permitting and feasibility.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as August 5, 2002 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd. The special called meeting will take place Monday July 15th with date and time forthcoming.

Time and location for next meeting was confirmed and the meeting was adjourned at 3:38 p.m.