

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

**625 East 10th Street, 6th Floor
Austin, Texas 78701**

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING HELD September 8, 2003
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd**

Agenda Item No. 1:

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

The following Board members announced as present:

Patrick Jordan, on behalf of the City of Austin
Martha Riekenberg, on behalf of the City of Austin
Gray Salada, on behalf of Austin Independent School District
John Kohlmorgan, on behalf of Austin Independent School District
Tom Lott, on behalf of the Lower Colorado River Authority
Jimmy Don Havins, on behalf of the Lower Colorado River Authority
Gary Weseman, on behalf of Austin Community College
Walter LaGrone, on behalf of Travis County
Wayne Wedemeyer, on behalf of the University of Texas
John House, on behalf of the University of Texas
Dave Kelly, on behalf of the State of Texas

GAATN Personnel present:

Heidi Cottingham, Maintenance Contractor
Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Stephen Fogel, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of August 4, 2003 Board Minutes

Steve Fogel shared that he had handed out some corrections to the draft of the August 4, 2003 Board meeting minutes and noted that Ron had made the changes already. Wayne noted that 5th Street was in Austin and 5th Avenue was in New York, a correction would be needed and rather than replace the street signs and change all the maps, Ron stated he would simply correct the minutes. Gary moved to accept the minutes with the corrections and this was seconded by Wayne, passing unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chair Update.

Patrick asked Gray about any conversations with Round Rock ISD and Ed Zaiontz. Gray stated that nothing was resolved but some issues did come up concerning interconnection locations and possible partnerships with ACC. Wayne added that he had talked with Ed as well about Internet II possibilities. Patrick noted that Gray should discuss these points with RRISD and keep the Board informed on this topic.

A. Feedback and Discussion on entities' CIO meeting

Patrick asked Gray if the Board would be needed to assist with any issues from this meeting and added that he had been asked to discuss a Policy Board creation for GAATN and also transferring the voting rights to his manager, Pete Collins. Patrick also asked Steve to check the interlocal agreement for any problematic issues related to this topic. Tom noted that he already reported back to his superiors on all pertinent issues. Gray noted that it was a short meeting and that it was difficult for him to understand the motivation behind

it all. Gray added that DIR and the City of Austin seemed to lead the meeting about the creation of a policy board and the reason stated was concerns over the Board diverting from its set path. Gray stated that mention of discord was also brought up but he added that he was unaware of any disharmony since he has been involved. He shared that this board would continue, based on the meeting, but would deal with operations issues. Gray also added that equal voting was also discussed as opposed to the present share voting. Gray added he failed to see Carolyn Purcells (representing the State and DIR) point of another Board creation for GAATN. Dave Kelly added that Carolyn was no longer with DIR, she has retired and wondered if the drive to do this was still there. Patrick noted that the one entity, one vote was a surprise to him but added that if the cost of the network was also divided equally then that would be a great savings for the City of Austin. Gray and Patrick also noted that the creation of the Policy Board would not be a regularly scheduled meeting monthly but would meet as needed. Patrick stated that he had been asked to put together a report on the cities perspective in this and would await information from GAATN legal and others to proceed. He added that if this Board continued on as an operational board then he saw definite possibilities to achieve requested goals adding that budget, claims, routing, etc would go on with policy being deferred to another group. Gray added that the discussion was largely nebulous and no specifics were given at the meeting or since. Walter expressed dismay at what was sounding like further bureaucracy. Gray noted that from AISD's standpoint it made no difference, he or John would vote the same in any situation. Wayne added that the CIO from the city could be appointed to the GAATN Board any time, technically already has the voting rights of the Chair anytime he chooses to come. Wayne added that his superiors ask him to vote on things all the time. Steve shared that he would provide a report at the next meeting on this topic from a legal perspective.

Agenda Item No. 5:

Discussion and possible action regarding the financial report and budget issues.

Gray Salada distributed the July report noting everyone was paid up with only August remaining for the year. He added that the budget appears to be balancing out exactly. Ashley asked when the final statement would be completed, John stated they were working on it but no promises. Patrick suggested starting the budget process a little earlier and asked for site lists and project lists to begin circulating.

Agenda Item No. 6:

Discussion of and possible action regarding the Technical Subcommittee Update.

Tom stated that he had the exact addresses for the Travis County sites approved at the Tech committee. He added that policy and procedure issues on emergency repairs needed to be addressed. Who makes the call to stop work? When? If there are costs associated, who pays? What factors will need to be considered? Public Safety, architecture? What other criteria should be used? These type issues needed attention, presently done by Ashley, Martha and Heidi but something in writing is needed. Wayne added that it was emergency issues and situations that needed addressing. All agreed to add "Policy input and discussion on repairs and emergency cut procedures" for next meeting. Questions and issues on this topic will need to be distributed as soon as possible so that the Tech Committee can start going through it.

Ashley asked to change agenda numbers 8 and 9 to come before 7 so that she could let Clint Harbor in the meeting. All agreed.

Agenda Item 8:

Discussion and possible action regarding changes to public information and open meeting requirements under House Bill 9.

Patrick stated that this Bill had come to his attention for protecting the network and he asked Steve to look into it from a legal standpoint. Steve had two handouts which he addressed and went over. He stated that it outlined documents that you could make public and ones you could not. Any document with technical information can be shielded under this bill and that goes for the Board or Technical Subcommittee. Wayne suggested defining items to disclose and stick with it. Patrick stated that a policy would also be needed to be drafted for this topic. Ring interconnections, splice cases, cable routing and site addresses should be withheld from open records. Steve added that closed meetings will need to be recorded. Wayne expressed that documents should also be accounted for when they are distributed, Patrick suggested obtaining signatures and asked Ron to work on some type of issuance procedure for the next meeting, possibly some non-disclosure agreement.

Agenda Item 9:

Discussion and possible action regarding preliminary legal analysis of Interlocal Agreement and wireless technology.

Steve shared his report with the Board. Issues for consideration are network expansion and interpreting description of the network. Who pays for expansion? Steve also shared that non-participants can use the network rights but they cannot be a common carrier or utility. He added that he did not foresee this issue as falling under PUC regulations. He added also that if this is considered then advanced meetings with pertinent folks would help as would specifying purpose. Wayne suggested only allowing access to one entity for connections, such as AISD. Steve agreed that would help with the success. The technical subcommittee will consider this further.

Agenda Item No. 7:

Discussion and possible action regarding the Network Manager's Update (COA, 10 minutes).

Ashley shared that developers of Robert Mueller airport have been in contact with her. It will be necessary to relocate DIN and SRN sometime in April or May 2004.

The 5th Street project is being looked at by CoCom for pricing and feasibility, as soon there is an opening it will move forward.

Qwest and her were in discussion for a joint trench for the TxDOT relocation, she is waiting on pricing and possible reimbursement from TxDOT.

Ashley then shared that the ZNET conduit inspection had turned up an issue. She explained that there was a blockage in one of the conduits on the west side and also 3 ninety degree bends that needed to be addressed. A couple of the manholes needed extenders also. Patrick was asked about conditions of the purchase and he stated that they were sold as-is. Ashley was looking into getting a camera to check it out, suggested a new manhole to fix the nineties and also the blockage. After discussing the issue it was noted that GAATN could stay in its own conduit through this section. Other discussion on costs and repairs were left open until a later date so the Technical Subcommittee could study the prints. Wayne moved to consummate the sale of the conduit with a second from Tom Lott, Travis County abstained but the vote was unanimous. Patrick noted that Debbie Opdahl would need to sign for GAATN as vice-chair, he signed for the City of Austin. Steve asked for the exhibits mentioned in the document and Martha was asked to help him get those together.

A. GAATN Insurance Bid

Ron explained that he had gone out to bid on Insurance policy for GAATN and gotten the responses back. He had just received the bid packets and would check them out and report back. He added that the ones he had seen indicated a \$10,000 savings to GAATN.

Agenda Item No. 10:

Executive Session: Adjourn for closed session, under Tex Gov't Code section 551.071, to seek legal advise about pending or contemplated litigation for:

A. Construction, equipment, and product warranty claims; and

B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and

C. Contractual or Tort claims against GAATN.

Reconvene for discussion and decisions, if any, on matters considered in closed session.

Patrick Adjourned to Executive Session at 4:06 pm and returned at 4:23 p.m, no Board action required

Agenda Item No. 11:

Confirm date, time and location for the next regular Board meeting as October 6, 2003 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next meeting was confirmed and the meeting was adjourned at 4:25 p.m.