

**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 on February 9, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

The meeting was called to order by Vice-Chairperson Debbie Opdahl at 1:40 p.m.

The following Board members announced as present at the start of the meeting:

Martha Riekenberg, on behalf of the City of Austin
Gray Salada, on behalf of Austin Independent School District
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
Debbie Opdahl, on behalf of the State of Texas
Tom Lott, on behalf of the Lower Colorado River Authority

Patrick Jordan, on behalf of the City of Austin, joined the meeting later.

GAATN Personnel present at the start of the meeting:

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

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of January 12, 2003 Board Minutes.

Wayne moved to approve with a second from Gary Weseman, motion passed unanimously.
Debbie skipped item 4 to allow Patrick time to arrive

Agenda Item No. 5:

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

Gray had no comment on the report. Wayne asked about the charge from Sigma and was told it was for laptops. Gray explained that one charge was for the laptops and the other was for longer life batteries.

Agenda Item No 6:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. Discussion and possible action regarding the use of Executive Sessions at the Technical Subcommittee meetings and at the Board meetings under Tex. Gov't Code subsection 418.183(f)

Steve Fogel distributed copies of the first page of House Bill 9 for purposes of this discussion. Tom shared that most of the meetings at the Technical level involved sensitive information. He added that most of the meeting had taken place in executive session and questioned if this was the correct way to interpret the intent of House Bill 9. Steve responded that he had called the Attorney General's office for direction but, because this is a relatively new law, there was not much direction. Steve added that it can't be that all is secret throughout the meeting. Tom considered critical infrastructure as the key and Steve agreed. Wayne added that the sites are already public record but that the specifics of the fiber placement was what needed protection. Wayne further added that all specifics of cost are required to be public records, to which Steve agreed. Walter asked if an attorney was needed for these executive sessions and was told no by Steve. Wayne asked about vendors request and Steve noted that a Confidentiality Agreement could be used for vendors. Tom summed up the discussion that the meetings of the Technical Subcommittee needed to be reformatted to accommodate Executive session and that once it was completed the group would need to come out and summarize in general what was discussed, leaving out specifics of locations and placement.

Chairperson Patrick Jordan joined the meeting at this point, thanked Debbie for her assistance, and presided for the remainder of the meeting.

Agenda Item No. 7:

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

A. Fiscal Year 2004-2005 GAATN Budget

Ashley went through the budget numbers with the Board, citing the increase in the maintenance category which came from the discussion last month. She also noted that the CoCom contract will be \$280, 000 next fiscal year because the bond payment is going away. Her hope was to keep the Participants' contributions down and noted also that City Hall may be saved until September. City Hall was anticipated to come in under budget and ahead of schedule because Heidi was looking at some ways to save money. Wayne clarified that the money was encumbered but would not be spent. Gray asked about projects that may not be budgeted and Ashley noted that this did occur some times. She explained that projects seldom arise 2 years out and Wayne added that this was the reason for the holding account.

There was discussion over where ZNET expenses belonged in the budget. Ashley believed that the conduit was purchased for getting to City Hall but Wayne felt that it helped the diversity of the fiber paths downtown. Ashley then went on to explain the CSC project and how the city was attempting to assess the percentages of utility contributions, she noted that the prices indicated were worst case scenarios. Martha noted that 15 to 16 entities will have to share the grids designated for repair and that she was waiting for hard numbers from public works for GAATN's share.

Wayne moved to accept the \$2,131,000 budget and noted that \$200,000 would come from the holding account, thereby making the portion to be funded \$1.9 million. This was seconded by Walter and passed unanimously.

Ashley noted that City Hall was done as much as it could be until the construction gets caught up. She added that the ZNET repair was completed as well. She then shared that SRN was being planned to connect to City Hall and that she and the State were talking about possible routes that could save a lot of money for GAATN. She stated that she wanted permission to share the

numbers with the State of Texas. Wayne had questions about this procedure and a lengthy discussion developed over a possible need for a policy establishing what the network manager needs to share and when about pricing and costs. Patrick noted that the Interlocal Agreement was set up to minimize expenditures among participants and to allow for individual entities to do what they could not do alone. Thus, he thought a policy of this nature was redundant. Wayne's position was that if information passes through the Network Manager then it should be made available for all. He then made a motion stating that GAATN information be made available for all Board members and that time was not a factor. Gray seconded this. Patrick asked that the item be posted on next month's agenda and the issue was deferred. The network manager was directed to share the information with the State on estimated costs to connect the SRN to ZNET.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

A. SRS into One Texas Center.

This item was placed on the agenda from last month to allow an official vote from the Board. Patrick noted that the Technical Subcommittee had approved the project and that the project was already completed. Wayne moved to approve the site and Walter seconded the motion, motion was unanimous.

Agenda Item No. 8:

Discussion and possible action regarding a third-party's use of the GAATN network or GAATN Network Rights and rules governing that use.

Steve began by stating the four issues he had been asked to examine:

1. Is the non-participant's use of the network a governmental as required under the Interlocal Agreement?
2. Would the non-participant's use cause GAATN or any Participant to be a common carrier, carrier, or public utility?
3. How would a non-participant's use of the network affect GAATN's liability?
4. What are the municipal fees involved?

Steve answered that, tentatively, the answer to the first question was a no, but the answer might change as he completes his analysis. Assuming that his conclusion remains no, does the Board want him to answer the remaining three questions? Patrick noted that the separate networks in a shared buffer tube presented an interesting possibility of applying the leasing of fiber to lambdas as well. Wayne saw the need to change the interlocal if this was pursued and stated that he would look at other alternatives. Tom noted that the not for profit use had been a policy since GAATN began. Patrick and Wayne noted that the technological potential may eventually require GAATN to rewrite the interlocal to recognize technological changes that have occurred since it was signed in 1993 and to enable Participants to increase their efficiency. Patrick stated that if the answer to the first question is no, then Steve should still answer the second question. No one disagreed. Steve stated that he would distribute a memo before the March Board meeting.

Agenda Item No. 9:

Executive Session: Adjourn for closed session, under Tex. Gov't Code subsection 418.183(f), to deliberate about information regarding the prevention, detection, or investigation of acts of terrorism, risk assessments regarding property, and technical details of particular vulnerabilities of critical infrastructure as described in Tex. Gov't Code sections 418.177 and 418.181.

Patrick moved the Board to executive session at 3:12 p.m. and returned at 3:20 p. No actions were required.

Agenda Item 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 moved the Board to executive session at 3:20 p.m. and returned at 3:28 p.m. No actions were required.

Agenda Item No. 11:

Confirm date, time and location for the next regular Board meeting as March 8, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed and the meeting was adjourned at 3:30 p.m.