

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

**625 East 10<sup>th</sup> Street, 6<sup>th</sup> Floor  
Austin, Texas 78701**

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS  
MEETING held on March 8 , 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 Chairperson Patrick Jordan at 1:35 p.m.

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

John Kohlmorgan, 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  
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

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 February 9, 2004 Board Minutes.**

Ashley noted a discrepancy in the cost of the Maintenance Contractor amount under item 7, the amount written needed to be changed from \$285,000 to \$280,000.

Gary Weseman moved to approve with a second from Tom Lott, motion passed unanimously.

**Agenda Item No. 4:**

**Discussion and possible action regarding the Board Chairperson Update.**

Patrick asked about the payments to Sunset Valley and amounts, Ron and Ashley answered that it was around \$3,000 to \$4,000 a year. Patrick asked if this could be reduced and directed the GAATN staff to look into it for a possible savings.

**Agenda Item No. 5:**

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

John commented that there was an effort in place to better itemize amounts and provide more detail. Ashley noted that her numbers were slightly higher than AISD's monthly financial report because she gets the invoices first. Patrick encouraged everyone to review these two reports.

**Agenda Item No 6:**

**Discussion of and possible action regarding the Technical Subcommittee Update.**

Tom reported that a policy was being written by Ron and Ashley for submittal to the Technical Subcommittee that would address notification by the Network Manager of trades, agreements, and business proposals by participants. This policy will be presented to the Board in April.

**Agenda Item No. 7:**

**Discussion and possible action regarding the Network Manager's Update.**

Ashley stated that a check had been received through the attorneys for Ascension Health on the teardown last year, the check would be delivered to AISD after the Board meeting by Ron and the matter is now concluded. She added that 183 and Bolm Road project with TxDot had met with some rights of way problems but the project will soon be moving forward . The fourth leg of the City Hall project has been quoted utilizing State of Texas pathway significantly reducing the cost. The proposal was emailed to all Board and Tech Committee members and Ashley passed out a hard copy to the Board. Firestation 14 will require D1N and SRN to be moved, but the project will not be done until May. Patrick asked if this was in the budget. Ashley stated that it was not and will be an unidentified project. John Kohlmorgan asked if the project will be reimbursed. Ashley replied that it is unlikely, but she will try.

**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 stated that he sent out his memo on February 27<sup>th</sup>. Steve stated that it was acceptable for non-participants to use the GAATN fiber under the fact situation that UT would be getting use of other fiber outside the city in exchange for a path through Austin. It was an important point that the non-participant would not have access lines from the GAATN network to customer premises. Steve was not suggesting that the GAATN Board do this, rather that it was an allowable project under the law and the Interlocal agreement. Tom noted that the interlocal did not preclude it but instead it was up to the Board. Steve agreed with that statement and suggested that the Board adopt rules beforehand. Patrick asked that the Technical Subcommittee review this but Tom responded that it was best for the Board to look at policy, specific merits of a case could be reviewed by the Technical Subcommittee. Wayne noted that GAATN fiber would not be broken anywhere and reaffirmed that it was a 'pass through.' Patrick shared that someone was earning a profit somewhere but Steve noted that that was not pertinent in this situation. Wayne noted that the trade was for maintenance outside the city in return UT would provide the transport through. Patrick expressed concern about a complex of issues that this would generate and wondered about the need to keep purity at "Level one" but was also excited about the possibilities. Wayne noted that a "not drop in Austin" policy might work, or something of that nature. He added that the real issue was for the Board to decide whether or not they wished to do this at all. John Kohlmorgan asked if laws precluded it and was told no by Steve. John noted that previous AISD counsel and the Board had been against it and Debbie affirmed this with statements reminiscent of her experience at AISD. Wayne added that each entity had a line that they could not cross and wondered if GAATN liability transferred to the individual entities. Debbie suggested that this stay on the agenda and that everyone provide specifics about allowable use. John K noted that what is not allowable would be an easier list to make. The need for specific examples and situations was needed by the participants and there was great interest and concern about the issue. Wayne had a thought that it would come down to equity among the participants as well,

and that a defensible policy was needed. He added also that liability for GAATN needed to be minimized in any activity of this nature.

Patrick then directed the Board to create questions and concerns that they and their entities would specifically have and to email them to Ron so that he could put them all together for the Technical Subcommittee to consider. He added that it should then be submitted to the various legal representatives of the Participants for feedback. Tom asked if profit or non-profit should be a factor and Patrick responded that for-profit was the higher hurdle to overcome. Patrick again directed that these questions be sent to Ron so that the March 24<sup>th</sup> Technical Subcommittee could take a look at all of them.

**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 2:36 p.m. and returned at 2:40 p.m. 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.**

Steve stated that there was no need for this item this month.

**Agenda Item No. 11:**

**Confirm date, time and location for the next regular Board meeting as April 5, 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 2:45 p.m.