

**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 January 7, 2001**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at approximately 1:30 p.m.

The following Board members announced as present:

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

GAATN Personnel present:

Ronald Roberts, Project Coordinator

Agenda Item No. 2:

Citizen Communication

John Kohlmorgan brought Franks Hinds from AISD to sit in and also introduced AISD's new Director of Network Systems and Support Manager, Fredrick Harris. John stated that appointment letters for Fredrick were pending but that he would be the AISD representative to the Board. Also present was Heidi Cottingham from CoCom, our Maintenance Contractor.

Patrick welcomed them all. There being no citizens present he moved on to the next agenda item.

Agenda Item No. 3:

Approval of December 3, 2001 Board Minutes

There were no corrections to the minutes Steve moved to accept them with a second from Walter LaGrone; the motion passed unanimously.

Agenda Item No. 4:

Hear report and discuss/consider Board Chairman Update.

A. SLA Renewal

Chairman Jordan stated that Bill Penak at SWB had been contacted about the check to GAATN for damage at Manchaca Elem last February. He stated that Ron would continue to contact him about payment and that previous discussions on the topic with him revealed that progress is being made. Patrick anticipated a check soon. Patrick then mentioned the time sheets that have been handed out at the GAATN meetings. He explained that the time for the GAATN employees was coded into 6 work orders at the city for tracking purposes. This tracking involves the 2 FTE's plus time spent by Martha Riekenberg on GAATN activities. The period of tracking to date represents 10 months or 21 pay periods. He explained that the annualized cost of the full 26 pay periods or one full year has produced 3885 hours (284 hours over the time for the two FTE's). Further, the actual cost in salaries is \$157,255 and that figure does not include in supplies, work stations, benefits, insurance or raises. He noted that the City of Austin is absorbing the extemporaneous costs at present and commented that the original cost to GAATN was \$151,000 under the present SLA.

Debbie added that the State's review of the SLA indicated a need to reapprove the document for another year. She added that it should have been done already. Patrick commented that the document had not been in place long, noting that although the language states acceptance needed last summer, the actual SLA was not signed until November and then it took him until April to get it before the council. Hence, it never occurred to him or the Project Coordinator to update the document since it was only in existence officially for 5 months at the time of the specified renewal. Martha mentioned also the 15 month trial period that had been included. Patrick understood the State's position and agreed, the language indicates a need to accept and extend the SLA immediately. This stated, Debbie discussed the option to make it automatically renewable and possibly just redo the language to give GAATN a time period to opt out. She stated that Patrick and her had discussed this option and also moving the acceptance of the SLA to be coterminous with the budget preparation. Patrick added that it was desirable to tie costs and approval together and added that the continual approval process afforded an opportunity for feedback and improvement. Debbie noted that there were plusses and minuses either way; either acceptance fiscally or by calendar year. The discussion then was how to anticipate the increase in advance and how best to achieve accurate budgeting for the SLA. Patrick restated that the City is not recouping now but would like too, he added that he had an issue of looking at the SLA as a contract or agreement-unclear on how it should be. Wayne noted that a prediction 7 months in advance for what renewal is going to be is reasonable and possible. Debbie appreciated all these points but reminded the Board that a vote for continuation of the SLA now was needed. Wayne asked if the normal vote then would take place in August and was told yes by Debbie. In fact all agreed to leave the language alone in the SLA and Debbie noted that the compensation clause included mentioned doing so during GAATN budget cycle. Debbie then moved to accept the SLA, leaving the language as it stands, and acknowledging that the vote is late. This motion was seconded by Wayne and passed unanimously.

**Agenda Item No. 5:
Approve Network Rights**

Patrick opened this discussion by stating that all participants had been heard from and that quite a few changes had been made. Martha added that many of the changes had not come in until Friday. Patrick noted that the changes were many but that there was not a huge impact on Network Rights. Martha explained the handout and the color coding by entities reflecting changes as well as some monetary differences present. Walter questioned some of the numbers and activities he was reading but various explanations about the network rights formula sheets helped to answer his questions. Wayne noted that there were a couple of numbers off to which Martha shared that she would correct and resend. Wayne noted that the numbers did not come out exactly accurate-it was explained by Martha that the numbers were 4 digit and hence computed slightly different, Steve suggested just zeroing them out to alleviate confusion. There was discussion on the precision of the numbers but overall agreement on the Network Rights. Wayne moved to accept with a second by Walter.

**Agenda Item No. 6:
Discuss meeting times for Legal Services for GAATN respondents**

Patrick reminded the selected persons (Martha, Tom, John, Debbie and Ron) that they needed to get together to discuss the evaluations. Ron stated that he would send out some questions that he had put together and encouraged more, also that he would help set up the meetings. Tom stated he would check on a room at LCRA to hold the meeting and let everyone know. Patrick suggested a list of proposed dates, maybe even next Monday, and then shared that he could be available if necessary as well, that said the Board moved on.

**Agenda Item No. 7:
Discuss/Consider issues associated with Financial Management by AISD**

John stated that it was AISD's first day back from the break and so the report generated is of the old format. He then noted a few highs and lows in the report but there were no big changes. Patrick asked if Travis County was current yet. Walter responded that the \$31,189 was still an issue for them but he was trying to get it paid. John noted that this was an old issue, 4 years old, and questioned if the Board needed to take some action on it. Walter interjected that he would have this issue done by February and that he had been pushing hard for resolution for over 15 months now.

Patrick commented on the report format, asking if the new format could be used. John stated they could and in fact offered to produce the information both ways for awhile to establish which one was better. Patrick thanked him and commented that he appreciated the improvements already in reporting.

Agenda Item No. 8:

Hear Report and discuss/consider Technical Subcommittee Update

Tom opened by mentioning some issues the Technical Subcommittee had been working on; the design for the new City Hall project, fiber brittleness (he stated that some sections of BIN were now available for testing), and damage from tree trimming. This last issue was put forward as a possible action item. Tom shared that the issue was our own tree-trimmers had hit our fiber, per Heidi they were requesting to work off the damage. Wayne commented that it was an expense we would incur anyway. There was discussion on how it would be tracked and Martha stated she would be keeping up with the numbers, Heidi shared that she would work with Martha on this as well. Steve questioned the tax implications should the Board approve the trade of work for damage. Tom stated that Heidi had noted that the company was small and an insurance claim of this type would damage them severely. Heidi added that it would work out better for all to trade the work for the damage. There was more discussion on the tax issue and in the end it was decided that action was not needed to approve the barter. Instead a motion by Debbie was that CoCom could pay for the damage, even though they were not at fault, and would do so by reducing GAATN's charges by the damage amount over time, thereby eliminating the controversy over the tax issue. The motion was seconded by Wayne and passed unanimously.

In other news the Pole Attachment Agreement is with the GAATN Attorney for review.

Agenda Item No. 9:

Hear report and discuss/consider Network Manager's Update

A. GAATN 2003 Budget

Patrick noted that the comparison budget that was requested last meeting was now present and he reviewed the numbers. Martha added that 2 years of actuals were also included as well as adjustments to Capital Improvements. Debbie asked about the City Hall project-did Martha feel it would be done this year. Both Patrick and Martha responded that the Parking Garage was on line for this summer, at that time work there will be a great deal to complete. Patrick noted that the City expected service available on opening day. Martha shared that much of the expense is rerouting AIN and SRN to the site and added that the job would be expensive and challenging but necessary to completely mirror Treaty Oak. Debbie had concerns with the unidentified project category. Martha noted that this area could be 'tweaked' a bit if necessary. Walter asked about the Combined Center. Martha responded that it was a City project and not GAATN, CIP money was being used. She added that TxDot was allowing GAATN to use their conduit which was a big savings. Wayne asked about the previous funding for this in 2001-2002 Budget and was told by Martha that the money had gone to the holding account which is now being used by the Board to reduce the 2002-2003 budget. Patrick added that the Combined Center was bond funded and that City Hall was a mirror to Treaty Oak and noted that the City was kicking in the space which otherwise would have had to be purchased. Patrick added that the Budget will have to be voted on at the next meeting.

Agenda Item No. 10:

Confirm date, time and location for the next regular Board meeting as February 4, 2002 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Steve Zoromsky confirmed that next month's meeting will be at LCRA in room 517 of the Shapiro Building.

**GREATER AUSTIN AREA TELECOMMUNICATIONS
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INTERLOCAL AGENCY**

**1111 West 6th Street
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**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING HELD February 4, 2002**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at approximately 1:32 p.m.

The following Board members announced as present:

George Mirick (alt.), on behalf of the University of Texas
Steve Zoromsky, on behalf of the Lower Colorado River Authority
Tom Lott (alt.), on behalf of the Lower Colorado River Authority
Patrick Jordan, on behalf of the City of Austin
Martha Riekenberg, on behalf of the City of Austin
John Kohlmorgan, on behalf of Austin Independent School District
Walter LaGrone, on behalf of Travis County
Dave Kelly, on behalf of Department of Information Resources
Frederick Harris, on behalf of Austin Independent School District

GAATN Personnel present:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager

Agenda Item No. 2:

Citizen Communication

John Kohlmorgan brought Franks Hinds from AISD to sit in again. Also, AISD's new Director of Network Systems and Support Manager, Frederick Harris presented his letter of appointment to the Board. Patrick welcomed them all. There being no citizens present he moved on to the next agenda item.

Agenda Item No. 3:

Approval of January 7th, 2002 Board Minutes

There were no corrections to the minutes Steve moved to accept them with a second from Walter LaGrone; the motion passed unanimously.

Agenda Item No. 4:

Hear report and discuss/consider Board Chairman Update.

Chairman Jordan shared that Ron had received the check from SWBell concerning the damage at Manchaca. Patrick noted that payment was possible due to diligence and effective fact gathering by the Maintenance Contractor and GAATN employees. The money was delivered to AISD. He went on to share that he had met with Mexican Delegates this week as Chairman to talk with them about GAATN. This meeting, set up by the State Department, went well.

Agenda Item No. 5:

Revisit/Adopt changes to Network Rights

Martha began the discussion by explaining that some of the changes sent last minute by UT did not get in to last months report. The extra time did allow for the Maintenance Contractor to finish looking the network rights over and that information was also incorporated into the changes. Patrick asked what change UT had sent, he was told it was PP2, a node site for UT and COA on SRN. Martha shared that the City was doing nothing with the site, just jumped through. She added that with the redo's on the network rights, Heidi's review, and other reviews made this network rights the most accurate view of the Network to date through January 2002. Patrick added that he felt it was extensive review, more so than previous years and illustrated that by noting that some of the deletions and changes were 6 years old. He also stated these were the best numbers and closer to reality than he had seen in some time. He noted the City seemed most

affected, ACC had some changes also but the difference as a whole was a point and a half or so. He advocated adopting the sheet so that the Budget could be discussed today. Walter asked about the concerns that CoCom had shown, was told by Martha that Heidi had simply found some sites that should be removed due to the cable being present. Patrick clarified that the Building entrance cable does not need to be wrecked out, just coiled up. Patrick then asked AISD if they wished to adopt, Fredrick made said motion, seconded by Steve and passed unanimous. Patrick invited more participatory involvement next year and noted that this process started in November to which everyone agreed was plenty of time. Dave asked for a detailed list of changes, was told that this would be done in conjunction with the work station. John asked about getting a historical list of changes, Martha stated that she could go back to 1999 to present only, this was viewed positively by the Board as it would help to illustrate trends in the growth of the GAATN Network.

Agenda Item No. 6:

Discuss/consider Financial Report from AISD

John had no report to hand out, stated they would catch up next Board Meeting.

Agenda Item No. 7:

Hear Report and discuss/consider Technical Subcommittee Update

Tom stated he was not present at the meeting but that Ron had provided meeting notes. He began by mentioning the degradation research to be done on old plant. He shared that Heidi was in search of some original documentation on the reel numbers and where they are placed. Indications are that some Cable may have been bad and he encouraged the Board to look around at the older paperwork to see if there was something on paper about this. He then mentioned the permitting process which Martha spoke to stating that trenching was getting more and more difficult. There is a need to plan further and further out for trenching, aerial is definitely preferred right now due to permitting and increasing costs. Patrick noted a need to follow this for the budget reasons. John asked about Emergency situations and Martha stated that the permitting department has been arguing about what constitutes an emergency, we could wrap but still have service but GAATN policy is to avoid wrap for any length of time. Patrick shared that he felt, with the Board's permission, that he could talk to some people directly about this issue. He added that public safety was an issue and John added that it was prudent to address these concerns now before an emergency. Patrick commented that with 7 tax based entities depending on this fiber then they need to work with us, he added that he would follow up and give a report at the next meeting.

Tom went on with his report. Squirrel damage again on BIS, Heidi installing metal sheathed fiber because this is an area hit before with animal activity. He asked Ron about Pole attachment Agreement which was handed out at the meeting by Katherine who had done some revisions on it. Ron stated that he had just received the revisions and would bring the document to the Tech Committee. Tom then shared that the group appointed to meet with the legal respondents had done so and chosen Bickerstaff, Heath, Smiley and associates. Katherine noted that the item needed to be posted on the agenda and discussed next meeting. Ron stated he would do this, Patrick added that a vote on the item would automatically show Board approval. Ron stated also that he was putting together a report to AISD on the process and decision making efforts of the Board appointed selection group. This would be for the RFP to legally complete the process and allow for the selection of the appointed firm.

Agenda Item No. 8:

Hear report and discuss/consider Network Manager's Update

Ashley noted that construction was picking up and then commented on the squirrel damage again with emphasis on the 'gopher proof' cable being used. She explained that the metal was internal and hoped that, while they could still chew into the sheath, the metal would protect the fiber. She added that higher gauge strand was to be used to support.

Agenda Item No. 9:

Hear report and discuss/adopt the FY2003 Budget

Patrick noted that since this was the 3rd time to look at this he wanted to go line by line to discuss changes. He began with the increase in the SLA explaining that in January there was 10 months of activity, also that cost of living raises had taken place. He summed the issue by noting the increase was for salaries only and that the City was not looking to cover the training, space, equipment, etc, just the salaries. John asked if the increase was sufficient through 2003, Patrick thanked him for his concern and affirmed that it was sufficient through 2003.

Patrick then went on to legal which remained the same, Consulting fees would also stay the same but added that this money was used elsewhere usually but that it was good to have on hand just in case something needed to be outsourced. Maintenance remained the same as a general 'in case' and noted that last year it was used to cover the increase in cable costs which are again down and expected to be lower this fiscal year. He then noted that there was a \$60,000 decrease in Continuing Contract-CoCom, this was explained by Martha as representing the 4th and 5th renewal monies in the budget. She stated that the contract allowed for up to a 15% increase which had always been included in case it was needed, but there was no increase requested by the Maintenance Contractor. Teardowns remained at same level, Patrick noted that this was a fairly consistent item. The \$1.1 million dollars for capital improvements was actually supported by 'carried over' funds from years past. Unidentified projects went down, as did supplies/cable reorder. One-call fees went up, Insurance is expected to go up but John noted the buffer was good for this item. Fredrick asked about Insurance coverage, was told that Heidi assesses the network worth for the carrier. This then led to discussion on the Holding account, Ashley explained that the account was getting up there and that \$200,000 had been pulled from it for the budget this year-Tom added that it prevented any big increases in budget and shared with Fredrick that a \$400,000 buffer was left in place every year to allow for consistency in budget, the rest went back into use. Patrick noted further that TheNet charges were gone-each entity now paying directly to UT. Patrick then entertained motions on the budget. A motion was made from Fredrick at AISD with a second by Travis County, budget approved unanimously.

Agenda Item No. 10:

Confirm date, time and location for the next regular Board meeting as April 1, 2002 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Steve Zoromsky confirmed that next month's meeting will be at LCRA in room 517 of the Shapiro Building.

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**1111 West 6th Street
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**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING HELD March 4, 2002**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at approximately 1:32 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
John Kohlmorgan, on behalf of Austin Independent School District
Walter LaGrone, on behalf of Travis County
Debbie Opdahl, on behalf of Department of Information Resources
Frederick Harris, on behalf of Austin Independent School District

GAATN Personnel present:

Ronald Roberts, Project Coordinator
Ashley Wolf, Project Manager

Agenda Item No. 2:

Citizen Communication

There being no citizens present, Chairman Jordan moved on to the next agenda item.

Agenda Item No. 3:

Approval of February 4th, 2002 Board Minutes

There were no corrections to the minutes Debbie moved to accept them with a second from Wayne; the motion passed unanimously.

Agenda Item No. 4:

Hear report and discuss/consider Board Chairman Update.

Chairman Jordan shared that the permitting process with the City has become more difficult. He stated that the issue had come up in planning underground routes into the future supernode site at the new City Hall. Patrick stated that the Street Cuts Committee was attempting to get better usage from the Utility Coordinating Committee by becoming more stringent in allowing cuts, the goal being to encourage planning months, possibly years, away. Patrick also shared that he was considering meeting with City Managers about the problem, adding that the present management would probably benefit from updated and current knowledge about GAATN. He requested that an agenda item be added for next month on how best the Board feels concerning communicating with each other and how we can establish communication with City Management, his impression is that they need to be reminded. He also encouraged the entities to discuss and share more information and help to facilitate bringing ideas forward to the city.

On another note he thanked Martha and Ashley for their work with the Budget. He noted that the Budget process was beginning for the various entities and encouraged the entities to use Martha and Ashley as a resource for budgetary questions.

Wayne asked Ashley where she was in the process of future planning. Ashley reminded the Board of the meetings that were planned outside the Board meeting to discuss the topic, specifically that they were lacking in attendance. She shared that her focus was on the ARA project and Budget. Wayne asked if there was enough information to produce a unified parallel analysis of GAATN versus Private costs to show and illustrate the savings that GAATN has made to all the participants together. Ashley stated that she would need better information from participants to put that together. Patrick added that the Gartner Group had noted a difference in cost to the City of Austin in their report of some \$40 million dollars for a private

company to function and perform like GAATN compared to \$10 to 12 million cost that was set aside for the GAATN CIP. Wayne noted that he thought UT was saving some \$11 million a year but that a unified document would speak volumes. Tom added that Tech Committee discussion had also hit on discussion of the Technology Plan which could be used to present this data. Patrick noted that he wanted to add a GAATN versus Private entity comparison to the agenda. Wayne added that he wanted a unified presentation of all GAATN participants as a whole. Patrick asked Debbie and Frederick their thoughts on pursuing this topic as an agenda item. Debbie answered that the important aspect that she saw with GAATN, and one she felt pertinent to the State at this time, was redundancy and survivability. She added that specificity as to equipment may not be as important as uses (as examples she gave video streaming for distant learning). Frederick inquired if there was a template already in existence for using to form this analysis. Patrick offered the Gartner Group information for use as a template and wondered again if this discussion should not be carried over through an agenda item next month.

Walter then inquired as to interest with linking to the Round Rock School District, he had been contacted by them. Patrick noted that, he too, had been contacted by Round Rock and reminded the Board that GAATN was mere blocks away (at McNeil). The consensus from the group was that they would be open to hearing from Round Rock concerning partnerships and opportunities between and among the networks and participants.

Agenda Item No. 5:

Discuss/Approve Bickerstaff, Heath, Smiley, Pollan, Kever, & McDaniel, L.L.P, as the new GAATN Attorney.

Patrick asked the GAATN Project Coordinator to explain the process for the record. Ron stated that he had worked with Brenda Dalton at AISD to generate the RFP. There were two respondents and a committee from the GAATN Board was set up to meet with them and review. The committee met previous to meeting the attorneys to go through the RFP and establish questions and process for the interviews, once this was done the proposals from the Attorneys were distributed so that the Selection Committee could begin looking over them. The attorneys then met with the committee and the selected firm has been brought to the Board for a vote. Debbie added that the selected firm had offered many intangibles, they commented on current legislative activities affecting telecommunications and they had Rights of Way experience. Tom added that the selected firm had a great deal of depth as opposed to the other respondent who would require a 'learning curve' to familiarize with telecommunications laws. Debbie mentioned that she had some requirements that she had given to Ron concerning the contract but that overall she was satisfied. Patrick asked AISD if they were happy and satisfied with the process to which John answered yes. Patrick then asked if there were any budget concerns but was told no by Tom, Tom explained they had looked at the money carefully and there was no significant increases.

The discussion then turned to the fact that the new attorney was also representing Grande Communications. Much discussion took place on this concerning the pro's and con's of this issue. Debbie then moved to accept the recommendation of the RFP Review Committee to establish Bickerstaff, Heath, Smiley, Pollan, Kever, & McDaniel, L.L.P. as the new GAATN Attorney, this motion was seconded by Patrick Jordan and passed unanimously. Contracts with the new Attorney can now be sent through AISD purchasing and Patrick asked the GAATN project coordinator to assist. He also thanked Katherine Mudge for her service to GAATN.

Agenda Item No. 6:

Discuss/consider Financial Report from AISD

Frederick passed out the Financial Report from AISD with little comment. Tom asked if the SWBell Payment had been received and John noted that it had under category 5745. Ron added that other payments from damage incidents had also been received and pointed those out to the Board, he added that there is presently, one issue outstanding but that it looked to be resolving itself since the damaging parties had admitted fault and had contacted Ashley to get an invoice sent for payment. No other comments on the report.

Agenda Item No. 7:

Hear Report and discuss/consider Technical Subcommittee Update

- A. Discuss a possible letter to Corning from the GAATN Board to investigate the condition of GAATN Fiber.**
- B. Distribute Pole Attachment Agreement for participant review.**

Tom mentioned that the Technical Committee had discussed sending a letter to Corning to establish a written trail for requests and help encourage activity in resolving questions about some of the original fiber.

Katherine suggested checking the closing documents with SWBell for information related to this topic. Patrick agreed and directed Ron to look into it. The consensus of the Board was that the letter could and should still be sent. Ron stated that he would get the information from the Maintenance Contractor put together into a letter and then send it through Patrick to Corning.

The Pole Attachment Agreement was looked over, the changes that had been made by Katherine had been included and the purpose was to give everyone a hard copy to look over. Katherine noticed a typo on Pg. 23 and others requested the actual forms to be included as well. Ron stated that he would correct and send with the fee schedule and forms.

Wayne then asked for discussion on the GAATN extension towards 620, Patrick asked that the Technical Committee look into that issue since UT has an interest in extending to pick up a research facility in Leander. Tom added that LCRA was also interested.

Agenda Item No. 8:

Hear report and discuss/consider Network Manager's Update

Ashley distributed a requested comparison of network rights from the beginning to the present, a task that was mentioned from the last Board meeting by John. She also distributed the time sheets which Walter requested include headers and a break out of Administration Activities. Patrick commented that the system had been set up the present way and that a change would have to be worked out internally at the City to accommodate. Walter stated that he did not wish to interfere with the established system and was not aware how the categories were set up and shared this concern with the Board. Ron explained to the Board, and Walter, that his activities almost wholly came under administration be it contracts, research, damage, or anything else that arose as an issue from the Board or the Technical Committee. He went on to explain that by and large technical committee discussions were where a large portion of his efforts were focused with the Board hearing the directly pertinent information through the Technical Committee update. He noted that a more diverse look at activities actually could be spread out a more than previous in the present system and would, perhaps, be more beneficial and explanatory for the Board. Ashley added that the headers would be redone for the next Board meeting.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as April 1, 2002 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Patrick reiterated some agenda items for inclusion for the next Board meeting based on discussions from this meeting.

- 1) Discussion of ring extensions (which would go through the Technical Committee)
- 2) Benefits analysis of GAATN as a whole vs. private usage.
- 3) Update the Pole Attachment Agreement-include fee structure and forms for applicants.
- 4) Contract for Attorney
- 5) Status of letter to Corning

These noted he adjourned the meeting at 3:23 p.m.

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**1111 West 6th Street
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**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING HELD April 1, 2002**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at approximately 1:33 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
John Kohlmorgan (alt), on behalf of Austin Independent School District
Martha Riekenberg (alt), on behalf of the City of Austin
Dave Kelly (alt), on behalf of Department of Information Resources
Frederick Harris, on behalf of Austin Independent School District
Steve Zoromsky, on behalf of the Lower Colorado River Authority
Gary Weseman, on behalf of Austin Community College

GAATN Personnel present:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager

Agenda Item No. 2:

Citizen Communication

There being no citizens present, Chairman Jordan moved on to the next agenda item.

Agenda Item No. 3:

Approval of March 4th, 2002 Board Minutes

There were no corrections to the minutes Wayne moved to accept them with a second from Frederick; the motion passed unanimously.

Agenda Item No. 4:

Executive Session

Chairman Jordan noted that there were no subjects brought forward for discussion in executive session and therefore no need to adjourn to it. That stated he moved forward with the next agenda item.

Agenda Item No. 5:

Hear report and discuss/consider Board Chairman Update.

A. Discuss Internet Bandwidth

B. Bandwidth Utilization Problem

Patrick noted that in February this year the City of Austin moved online application processes to the Internet. Resumes and applications can now be submitted on line, additionally voter registration and other functions have also been added with the result being an increased demand for bandwidth. He noted that Travis County, AISD, ACC, and COA are participants in the switch at UT and noted that all of them were also in need of increased bandwidth. He also shared that this discussion had taken place less than a year ago when bandwidth was increased at that time and added that moving forward together would be good. Other increases to the city bandwidth has been telecommuting through the added VPN server and being noted for best municipal website. He then confirmed with UT that they had added an OC-12 connection, a significant increase over the 5 DS3's he imagined. Wayne added that it had just gone on line Friday, but John noted that AISD was still having some issues and stated he would retest their equipment. Patrick added that an OC-12 was commercial grade and that there had been good pricing through UT. Patrick requested that the

Technical Committee take this subject up and examine the best way to approach, adding that he volunteers any of his personnel at the city if they are needed.

Wayne added that increasing ports to 100 megabits is a possible solution, this action would precipitate a need to arrange how to 'share' both the cost and bandwidth that this change would make. Patrick suggested a special called meeting if necessary to examine the issue but the feeling was that the Technical Committee is meeting April 17th already and could handle the issue at that time.

Patrick's other item was the inquiries by Capital Metro into GAATN. He stated that they only had one site that he knew of. Steve stated that they had two locations now. Patrick noted that the interlocal certainly provided for expanded membership and if their needs were such that being a GAATN partner would be of benefit to them then he welcomed the opportunity. He then asked if any participants had an interest in Capital Metro sites and to give that option some thought.

Agenda Item No. 6:

Discuss/Approve Bickerstaff, Heath, Smiley, Pollan, Kever, & McDaniel, L.L.P, as the new GAATN Attorney.

A. Distribute Attorney Agreement letter and meet Stephen Fogel, the new GAATN Attorney.

Patrick asked Ron to speak to this topic. Ron stated that the new Attorney had been approved at the last meeting and was here today for the first time. Stephen Fogel was then introduced to the group and then Ron shared that the Attorney Agreement letter was among the information in front of them. He added that provisions requested by the State were included into the agreement letter and encouraged everyone to read through the document and have their various entities do the same. Patrick added that any changes can be sent directly to Ron who would work with the new Attorneys to accommodate, if possible, everyone's requirements. Stephen stated that he felt GAATN was a good agency and he looked forward to working with everyone.

Agenda Item No. 7:

Discuss/consider Financial Report from AISD

Frederick passed out the Financial Report from AISD with little comment. Ashley asked about the Heritage Title Company, but was reminded about the house move last fall. Patrick asked if GAATN had recovered total cost on that to which Martha stated that it did not. She added that the amount received reflected a negotiated settlement that was done primarily because the network benefited by having slack inserted at 5 different locations. Patrick then asked about the Travis County issue and it was noted that it was still unresolved, basically, they are still behind on some payments. Patrick asked if he needed to do anything as Chairperson, adding that he would like to talk to Walter first since he is not present. He then asked Ron to remind him to initiate some calls to see if he could assist with clearing up the issue.

Agenda Item No. 8:

Hear Report and discuss/consider Technical Subcommittee Update

A. Distribute copies of the letter to Corning from the GAATN Board to investigate the condition of GAATN Fiber.

B. Distribute Pole Attachment Agreement for participant review.

Tom noted that Ron had included a copy of the letter that was to be sent to Corning to request assistance in examining some problem fiber. Ron added that he had spoken with several representatives from Corning over the last few days. He stated that there was renewed interest in cooperation, perhaps being spurred by several phone calls to find someone high up at Corning in which to send the letter to request the help. The letter will still be sent out and should help document the many requests from the Maintenance Contractor and the GAATN Board concerning this issue.

Tom again noted that Ron had included a complete copy of the Pole Attachment Agreement with attachments for everyone to review. He also shared that the Technical Committee had seen this document as had legal but that this was a completed packet being handed out for everyone to read through. Patrick asked how many potential licensee's will this effect and was told 2 or 3 by Martha. Asked if SWBell was one that was to be approached she stated that it was possible but that there agreement was much more pervasive and surely GAATN would be requested to sign theirs if we were to hand them ours. Currently we are on some 700-800 poles owned by SWBell, Martha stated. Wayne asked if this was something that needed to be solved to avoid future issues. Martha noted that new poles are agreed to but that original poles are not covered. She explained that they were attached to SWB poles during the original construction, hence, no agreement at that time was necessary. She added also that currently permission is granted and

given for SWBell to attach to our poles. Steve asked what risk there was in proceeding without agreements. He was told by Martha that it depended on the entity in question and stated that with Austin Energy and SWBell there was little risk, but with Grande or Time Warner then it was greater because they had consistently shown a lack of care or concern around the GAATN plant. Wayne asked if we were on Time Warner or Grande poles and was told no by Martha. He then asked if, from an equity and just perspective we were on grounds that we could justify. He was again told yes by Martha. Wayne then stated that from a defensible position that GAATN needed to be just and fair. Martha stated that it was a defensible position. The discussion then centered around the aspect of requiring Time Warner and Grande to sign the agreement and based on the discussion and input from the new Attorney, if that was the route GAATN wanted to take they could proceed.

Patrick then asked about the state of the Pole Agreement. Tom noted that it had been around already for some time and the next activity would be for the Board to vote and approve. John asked if GAATN was prepared to force action on those in non-compliance. Martha noted that, if necessary, Austin Energy would certainly would and since the few GAATN poles are within and around their poles they would be a 'larger stick to swing'. She added that Right of Way issues could also come into play. Stephen suggested that should another issue arise with Time Warner or Grande then the Pole Attachment Agreement could be good leverage. Tom added to the discussion by noting that this was not a big revenue for GAATN but was instead extra protection in case of damage. Patrick reiterated the knowledge and protection portion of the network as important and asked whether GAATN needed to own any poles at all, maybe giving them over to Austin Energy. Wayne had concerns on privatization but this was noted as an issue that would be outside of any privatization deals if, indeed, they ever surfaced. Patrick again stated that it may be advantageous for GAATN not to own any poles. John suggested leaving it alone. Tom stated it would be good to have if we are damaged. Patrick stated that agreements mean paper trail. John stated that the issue was do we enforce, not do we need. Tom said that we could enforce on a case by case basis. Patrick then asked how this came up in the first place and suggested that everyone review it, refered it back to the technical committee, and suggested that we leave it on agenda for now for further discussion.

Agenda Item No. 9:

Discuss/consider B1N extension.

Martha explained the map that was handed out showing the routes and present situations. She explained that the City placed 96 strand fiber into TxDot conduit along 183. This was based on an opportunity and good dealings that Martha was able to take advantage of. She added that the poles for the proposed route were fairly open but that expansion by others was evident and Austin Energy was on a first come basis. She noted that it was some \$200,000 to string fiber the remainder of the way from the TxDot conduit to 620, the amount to go all the way back around was around \$390,000 per our Maintenance Contractor. To 'lock down' a good pole assignment GAATN would have to string a single strand at a cost of \$80,000 which would protect the placement. Wayne went through various scenarios that he had studied concerning splitting the costs but the issue was, to him, whether this was a GAATN project or a participant project and if it was participant project then who and how much were the factors. Patrick stated that he could see a need for this in the near future, especially with all Round Rock is doing. Frederick asked if this was something planned but was told no, that it was an opportunity. There was much discussion on who would be willing to participate and how the route could be done. The overlying factor was protecting an assignment on the poles currently owned by Austin Energy. Patrick asked if any participant saw this as unnecessary but got no response. There was then discussion about Bergstrom which had been a similar issue but one the city did and then resold to participants. Wayne asked if a motion was needed to decide if it was a GAATN or a participant deal. This topic obviously required some more discussion but the immediate need was to secure a route. Wayne then put forward the motion that a strand be placed to protect the assignment on the poles, not to exceed \$80,000 which would come out of the GAATN Maintenance Budget. This was seconded by Frederick Harris and passed unanimous. Wayne noted that who participates and how is for future discussion.

Agenda Item No. 10:

Discuss Benefits Analysis of GAATN

Patrick stated that he asked Ashley to provide the Gartner Study to everyone. He added that as it is reviewed the participants may want to model their own analysis after it. Ashley noted that she has not heard from participants on this issue yet. Wayne stated they were working on it and John commented that it was a significant undertaking that AISD was working on also. Patrick noted that it was a good resource to have for government entities that may be challenged, it allows defensible explanations for activity based on cost savings. He added that the analysis was based on Texan costs and was a conservative comparison.

Agenda Item No. 11:

Hear report and discuss/consider Network Manager's Update

Ashley added to the previous discussion on Corning by stating that an independent lab had been contacted to run tests on fiber and that the cost was somewhere around \$ 4,000. She also stated that the Carver dates had been pushed up to June to accommodate entities that had projects during July. She stated that the new dates were June 22nd for the Super ring and June 29th for D1N. Patrick asked if she had checked with operations at the city and was told that she had approved those dates with them as well. Email notification will go out as it gets closer to the scheduled work time frame.

Agenda Item No. 12

Confirm date, time and location for the next regular Board meeting as May 6, 2002 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.

**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 May 6, 2002**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at approximately 1:33 p.m.

The following Board members announced as present:

George Mirick (alt.), on behalf of the University of Texas
Debbie Opdahl, on behalf of the State 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
John Kohlmorgan (alt), on behalf of Austin Independent School District
Martha Riekenberg (alt), on behalf of the City of Austin
Dave Kelly (alt), on behalf of Department of Information Resources
Frederick Harris, on behalf of Austin Independent School District
Steve Zoromsky, on behalf of the Lower Colorado River Authority
Gary Weseman, on behalf of Austin Community College

GAATN Personnel present:

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

Agenda Item No. 2:

Citizen Communication

There being no citizens present, Chairman Jordan moved on to the next agenda item.

Agenda Item No. 3:

Approval of April 1st, 2002 Board Minutes

There was a minor correction in the minutes, agenda item 6 in April 1 minutes requires a capitalization of 'State' in the paragraph. There were no other changes to the minutes, Gary Weseman moved to accept them with a second from Steve Zoromsky; 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 1:36 p.m. Patrick reconvened from Executive Session at 1:46 p.m.

Agenda Item No. 5:

Hear report and discuss/consider Board Chairman Update.

Chairman Jordan stated that the last Board Meeting had raised the issue of Travis County Payments to GAATN, there was a desire to again assist them with getting the necessary paperwork to bring them up to date with payments. Patrick stated that he had talked to John at AISD and with Walter at Travis County about the matter and to establish exactly what is due. This activity arose from a question Walter had had about amounts, he was in possession of two different invoices and desired clarification. Martha added that no payments by Travis County had been made in 1999 and that this had precipitated a fall behind that has yet to be resolved. Debbie asked why different invoices were sent and John shared that he believed that a credit to their account had probably gone through causing a reissue of another invoice with the different amount. Debbie reminded the Board that She and John had worked on this several times before while she was at AISD. Together they had compiled information for Travis County to get caught up but that those efforts had gotten little result from the Travis Commissioners. She added that part of the

issue had been a difference, or change rather, in Network Rights that year which contributed to confusion. Additionally, all AISD efforts and paper work gathered and sent had not resolved the matter. Patrick suggested that Martha, Ron and John work to identify an accurate number and as much history as possible in order to resolve the issue which has carried on far too long. Debbie stated that this has been done 2 or 3 times before with no success. Patrick suggested doing something as a group such as a vote or agreement included with the history and documentation and, if necessary, come up with a negotiated settlement amount, this coupled with involvement and approval from Walter should help resolve the issue. He directed the work effort from GAATN staff and also that it be included in next month's agenda. That stated he moved onto next item.

Agenda Item No. 6:

Further discussion and possible action regarding analysis of fiber optic cable approved during April 1, 2002

GAATN Board Meeting.

Wayne moved to reconsider the fiber optic cable analysis voted on at the last Board meeting to be preformed by an independent lab through the GAATN Maintenance Contractor, seconded by the Debbie Opdahl with the State. Motion passed unanimously with no discussion.

Wayne further moved to rescind the purchase order for the independent contractor analysis of the fiber optic cable through CoCom, seconded by Frederick Harris. Again the motion was unanimous with no discussion.

Agenda Item No. 7:

Discuss/consider Financial Report from AISD

John distributed the Financial Report and commented only on increased costs of locates. Ron explained that he had been working with this for months and updated the Board on meetings that had taken place with SM&P, our local locator and with communication to and from TESS, who sends the tickets to SM&P. He explained frustration with the process and in continually shaving the grids down in an effort to reduce costs by reducing the number of tickets sent, making coverage a bare minimum. SM&P had reduced their costs to a flat rate of \$10 a ticket but the overall costs was analyzed to be around \$150,000 this year alone. Ron explained that he had been in contact with other companies as he was trying to create options. The test, he said would be the April bill from SM&P because that would reflect the last changes made in March with TESS. He added, however, that prior to the meeting he had just received a fax from TESS and it showed no decrease in ticket numbers, a bad sign that SM&P will also be high again. Patrick suggested that the Technical Committee examine this and bring it back next month with some ideas about how to deal with this rising expenditure. Ron added that he did not have his file on this with him but would definitely take it to the Tech Committee on May 22nd to get their assistance and advice on the best way to proceed with resolving this problem. Several members noted that they were anxious to see the numbers for April as that was clearly the deciding point and Ron stated that he usually receives them in the next few days. Other questions about this were answered in the background that Ron shared. Basically, the tickets started increasing when GAATN switched to TESS. SM&P is legally responsible to respond to tickets they receive from TESS and despite all his efforts the number of tickets generated by TESS has not diminished, he added that he was to receive a list of addresses soon so that he could begin tracking exact locations to see if they were valid-he hoped to complete this by the Technical Committee meeting on the 22nd of May.

Agenda Item No. 8:

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

- A. Information from Corning visit to investigate the condition of GAATN fiber.**
- B. Increased Bandwidth Considerations and options.**
- C. Discuss/consider Pole Attachment Agreement.**
- D. Discuss/Consider initial implementation of Pole Attachment Agreement.**

A. Tom began by discussing the Corning visit and their presentation to the Technical Committee. He explained that the two representatives from Corning had discussed at great length their results from samples gathered last year. Their conclusion was mechanical failure post installation, their claim of external cause was the basis of their entire discussion with the Technical Committee. The samples they used were destroyed during the testing process. Tom added that the two reps, Jim McNelis and Fletcher Lane had also gathered additional samples to take back for more testing. Patrick asked if there had been additional follow up but Ron shared that he had requested their presentation and an update and had received a minor update which he would send out. Patrick added that any calls or contacts need to be kept up with so that everyone could see what the results were and how things were progressing.

B. Patrick and Wayne shared that a 3rd port for the city of Austin had been added at the UT router, pricing will change accordingly and Wayne has already sent an email with that information. Patrick added that the City is seeing 34-36 Mbs at the router and that it is not exceeding 45Mbs, he encouraged continued discussion at the Tech level with this topic. John added that AISD would need 45 Mbs by August. Wayne added that he is bringing in an OC-3

and studying various connections because Travis County will not need much and a few other entities won't either so UT is planning multiple switches with different capacities to accommodate GAATN participant needs. Patrick requested a proposal from UT on costs and architecture when its available and stated that the Tech Committee will need to discuss it and bring something to the Board soon. He also asked if there was opportunities for common equipment, and Wayne said that there may be and would let the Board know.

C. Tom noted that the Tech committee had forwarded this back to the Board with recommendation to approve. He added that GAATN may not choose to implement it with everyone due to existing relationships and agreements. The GAATN attorney had noted that this was not a problem. Tom noted that GAATN could implement it with companies where past problems have developed or exist. He surmised the two issues with the Pole Attachment Agreement to be 1) Does the Board wish to approve and 2) Who do they wish to implement it with. Patrick asked if all the legal departments of the entities had had a chance to look over. Steve noted that he had not looked at it, Katherine Mudge had when she was Counsel. Some of the Board members felt our new counsel should take a look so Patrick requested that this item be included next month. Additionally he thanked the Technical Committee for their efforts, citing them as a 'good backbone' for the GAATN Board.

Agenda Item No. 9:

Discuss Benefits Analysis of GAATN

Ashley noted that UT had provided their information for this topic but, she noted that a few others had not gotten back with her on this. Patrick asked if anyone had questions on the Gartner report that he shared last month. He added that he welcomed input and questioned how best to pursue a goal for the Board concerning this topic. Debbie added that she was working on several similar reports for DIR and welcomed any interest in checking them out, several participants did express said interest. Wayne noted that he had been contacted by a company looking to do an analysis for a GAATN type project in San Antonio and that they would love to get a breakdown like Gartner's to study. Ashley requested AISD to provide this information and was told that they were working on it and would hopefully send her something soon.

Agenda Item No. 10:

Hear report and discuss/consider Network Manager's Update

Ashley began by questioning everyone about DIN; did they have problems, etc? She added that Carver was still going along. John asked about an article he saw in the Austin American Statesman concerning the City assisting to relocate other utilities but no one else had seen it. Patrick asked Ron to track it down and post an agenda item to resolve it for the next meeting.

Agenda Item No. 11:

Confirm date, time and location for the next regular Board meeting as June 3, 2002 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.

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

**1111 West 6th Street
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**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING HELD June 3, 2002**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at approximately 1:32 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
Gary Weseman, on behalf of Austin Community College

GAATN Personnel present:

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

Agenda Item No. 2:

Citizen Communication

Chairman Jordan welcomed Clair Goldsmith from the University of Texas to the meeting. Wayne Wedemeyer explained that Clair has an interest in GAATN and educational aspects of the GAATN Network and as such has invited him along for the meeting. Patrick welcomed him and then moved on to the next agenda item.

Agenda Item No. 3:

Approval of May 6th, 2002 Board Minutes

There were no changes required in the minutes. Gary Weseman seconded the motion to accept them which was made by Steve Zoromsky; 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 1:38 p.m. Patrick reconvened from Executive Session at 1:46 p.m.

Agenda Item No. 5:

Hear report and discuss/consider Board Chairman Update.

- A. Reminder on Board Elections in July.** Patrick reminded the Board that elections were in July and discussed the process with the Board members. He added that neither he nor Debbie Opdahl, the vice chair, were planning on any major career moves and would certainly be available to stay on, but if there were others interested then he would welcome them to participate in July.
- B. Follow up on the Article in the Austin American Statesman from last meeting.** This item was mentioned last Board meeting by John Kohlmorgan and Patrick asked that it be followed up this month. Patrick explained that the article dealt with the City of Austin paying to relocate Southwestern Bell along 11th street. The reason that he had uncovered was a detail used by Southwestern Bell involving the actual legal definition of the activity in that area. He

explained that under the law all telecommunications activities are required to participate in relocations that involve street widening or straightening. The ARA project did not fall into either category and the City of Austin had to assist Southwestern Bell with relocation into the conduit. Patrick added that the City's position toward CIP projects had not changed. Wayne asked about whether GAATN could be involved in a similar manner but Ashley shared that GAATN was not going down 11th street. Patrick added that a joint venture in trenching was looked at but was not done because of Carver. Wayne was still unclear on what Southwestern Bell was using, either a law or PUC rules and requested more information. Patrick added that it would be an agenda item for next month and asked Ron to get with City attorneys to find out specifically what was going on and report back.

Agenda Item No. 6:

Discuss/consider Financial Report from AISD

Frederick Harris distributed the Financial Report. Patrick asked if there were any specific items that needed to be noted but got a negative response from Frederick. Patrick then shared that the minutes from last month mentioned that AISD would review invoices for Travis County and recreate an agreed to invoice in which to assist Walter with getting Travis County caught up, that invoice was researched and created and was now in Walters hands to take back. Walter added that he would know something in 2 weeks and agreed to contact Frederick, John, or Chairman Jordan as soon as he spoke with his finance people. Patrick offered support and help to resolve the issue.

Wayne noted that GAATN management was going under the 'consultant' heading in the report. There was some discussion on this and Frederick said he would check on either having that amount fall into another category or another alternative to avoid confusion. Frederick also added that insurance was going out to bid soon and would get with Ron to have him assist with these efforts. Last year Scott Wyatt came to the Technical Committee meeting to go over the insurance information and it was suggested that this would be good to do again.

Wayne had another question about expenditure in column 6639 and Frederick said he would check on it as well. The expense involved the work station. Walter then asked about the 2 maintenance accounts and was reminded that the 6319 category was for the maintenance contract that was in place, the 6244 account was for incidentals such as teardowns. That understood, Chairman Jordan moved on with the agenda.

Agenda Item No. 7:

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

- A. Increased Bandwidth Considerations and options.**
 - B. Discuss/consider Pole Attachment Agreement.**
 - C. Discuss/Consider initial implementation of Pole Attachment Agreement.**
 - D. Discuss/Consider and take possible action on Locate Service Agreement.**
- A. Bandwidth. Wayne shared that an OC-3 would be in place June 12th and that several entities were looking to boost their access including AISD, ACC and the City of Austin. Patrick shared that the City may not choose to participate until the new budget cycle starts in October.
- B. Tom stated that the Pole Attachment Agreement had been reviewed by the GAATN Attorney at the last Technical Committee meeting. The document was now being brought forward to be approved by the Board. Wayne had concerns over implications of the document but the GAATN Attorney was able to explain and alleviate the issues that were raised. It was expressed that the minutes should reflect that there is no change in GAATN's position and that the pole attachment agreement does not conflict with the interlocal agreement. Gary made a motion to approve with a second from Frederick Harris, motion approved unanimously.
- C. Patrick noted that GAATN would now be free to apply this agreement with anyone on GAATN poles that we choose too. There is also a \$1,500, one time, implementation fee but there would be no monthly, or yearly attachment charges. Tom explained that it was hoped to recover costs and not designed to be a money maker. There was discussion on getting a complete list on who is on GAATN poles and what can be done about entities that choose not to sign. These points were covered in the discussion that followed. Wayne also asked that the list of contractors be included in the Agreement. Tom added that a letter should be generated as a cover for the Agreement when it is sent out. Wayne cited that a list of those attached should precede the mailings so that we know who all to send it out too. Ashley said she would help get that list together with the Maintenance Contractor.

- D. Locate services. Tom stated that this issue had been going on for some time and that Ron had accumulated a great deal of information. Ron explained the process briefly to the Board and that his recommendation was to return to Lone Star to see if costs would return to a level that GAATN was more comfortable with. He shared that the database at Lone Star was more detailed than the grid system used at TESS and he felt it would save thousands of dollars. He sought approval to remove GAATN from TESS and transfer to Lone Star. Gary again made a motion and was seconded by Steve, passing unanimously. Ron stated he would head down to Houston to work out updating their data and ensuring that tickets will be communicated efficiently.

Agenda Item No. 8:

Hear report and discuss/consider Network Manager's Update

A. Discuss Benefits Analysis of GAATN

Ashley noted that UT had provided their information for this topic but that a few others had not gotten back with her on this. Walter stated that he had missed the last two months of meetings and asked her to explain what she was talking about. She explained that she was looking to gather the benefits information that each participant gets from GAATN, costs savings, etc so that this information could be compiled together. She went on to share that Carver was proceeding and a significant cost savings was realized when she was able to reengineer the project and eliminate some 300 ft of boring from the plan. She added that B1N was still being readied for expansion and that the cut on C1N Friday had been repaired.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as July 8, 2002 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 3:18 p.m.

**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.

**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 August 5, 2002
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 approximately 1:30 p.m.

The following Board members announced as present:

Patrick Jordan, on behalf of the City of Austin
Wayne Wedemeyer, on behalf of University of Texas
George Mirick (alt.), on behalf of the 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
Dave Kelly, 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 Mr. William Gammon from Gammon Insurance to the meeting and also Heidi Cottingham from CoCom.

Agenda Item No. 3:

Approval of July 8th , 2002 Board Minutes

There were no changes required in the minutes. Wayne Wedemeyer made the motion to accept the minutes with a second from Frederick Harris, the motion passed unanimously. Patrick took a moment to thank Steve Zoromsky for his service to the Board. Wayne asked that item 6A be discussed in respect to Mr. Gammon's time, this was agreed to by all.

Agenda Item No. 6, A

Discussion of Bid information on new insurance carrier for GAATN. John shared that there was one respondent to the bid for insurance. He then went over the packet with the Board explaining recommendations by Mr. Gammon. John noted page 6 in the packet as the different deductibles. Patrick asked about the level of cost budgeted, was told \$150,000 by Martha. Mr. Gammon added that there was a 15% increase in premiums, indicative with an increase in insurance due to events last September with 9-11 and also economic downturns. Mr. Gammon went on to explain the Aggregate deductible, terms and conditions, and GAATN history over the past year. There were no claims submitted this year. He also discussed the lack of bid response to GAATN and mentioned discussions with Scott Wyatt to obtain letters from companies as to why they did not submit packages. Steve asked about the difference in policy from last years, was told by Mr. Gammon that the only difference was the rider about wars and terrorism being excluded. Martha explained that the present thought was to either pursue small claims with the Maintenance Contractors help or not to turn them in at all.

Efforts have been made to save the insurance for catastrophic use. An official vote was needed but not possible due to a posting error. Discussion on vote by fax or a special meeting was thrown out. Ron stated that he and Steve Fogel would figure out a resolve before the September 1st deadline when the insurance runs out. That stated the Board excused citizens and moved into Agenda item 4.

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 1:50 p.m. Patrick reconvened from Executive Session at 2:15 p.m.

Agenda Item No. 5:

Hear report and discuss/consider Board Chairman Update.

Patrick had no specific update to report. He shared the upcoming City of Austin budget has CIP money for improving electronic at sites and added that some sites will be adding separate ingress/egress. He stated that proper notice and procedures will be followed.

Agenda Item No. 6:

Discuss/consider Financial Report from AISD

Frederick Harris distributed the June Financial Report. Wayne asked about insurance vs repairs. Martha asked if there were any specific items that needed to be noted. Martha commented that the average repairs were around \$100,000 to \$120,000 a year and added that it costs less to pay for repairs than to submit them to the insurance company. Wayne asked about the budget so far noting that GAATN looked to be \$1.2 million better off than we were a year ago. Martha stated that the ARA project had not posted yet but that the budgeted \$400,000 was never met, in fact there was a savings of \$270,000. 8A of the agenda will discuss this further, she stated. Ashley added that City Hall project had not been drawn on yet either and would bring the budget down.

B. Discuss/Consider Closeout of Travis County Financial Issue

Frederick opened this discussion with a list of issues with Travis County. He stated the first issue of network rights payments due from 1999 for \$58,245.58 was now received and closed out. He added that CFO for AISD, Larry Throm, has sent a check for \$12,293 to Travis County to close out a change order issue left over from construction. Frederick went on to state that Travis County owed \$88,633 due from original retainage for construction. Walter who added that there was also a \$52,633 difference from other change orders acknowledged this. Frederick then stated his wish to settle the difference for \$40,337 through GAATN vote, adding that records for this information is sparse at AISD. Walter stated that the \$88,633 would be handed over to AISD upon receipt of the \$40,337 due them. Patrick noted that the retainage accounts being discussed was in AISD's budget, not GAATN's. Patrick was grateful for efforts to close out the balance owed on the network rights but failed to see how the Board could assist in these other matters between AISD and Travis County. He added also that Final Payment and Acceptance was between SWBell and GAATN and that the issue was closed at that time. Frederick stated that his CFO had considered the \$40,337 due from GAATN. Wayne noted that the construction change order activity should be due from AISD and added that GAATN voted to close out the contract with all participants giving up on some issues. Patrick again noted that this was a construction issue, AISD was construction manager, the problem was not a Board concern and encouraged Travis County and AISD to work it out themselves. Frederick suggested moving on with the next item.

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. John explained that entranceway maps were being put together by both Martha and Ashley for review. They would be based on recent discussion by the Technical Committee. He noted that discussion involved using ZNET pathways and various routes down 5th and 6th streets.
- B. John reported that the audit was ongoing.
- C. John asked Ron to update. Ron stated that Lone Star was going to be on line in a few days, the hold up was getting a .ftp system set up between SM&P and Lone Star but that these issues had been worked through.

D. John explained that this topic had been discussed with no dissenting opinions from the Tech Committee.

In other tech news, John discussed some recent teardowns and the reelection of Tom Lott as Chairman. Patrick asked for an update on NOCC requirements and was told by Ashley that none of the participants had anything beyond the standard. Patrick also asked that the Tech Committee discuss a issue raised by the Construction group at City of Austin, specifically what contribution should GAATN have towards the inside of the NOCC. Patrick was not sure what was fair or what should be done but asked that discussion take place to get feedback from other participants. He explained that associated costs were the fire suppression system, AC, Power and other expenses. This completed the Tech update.

Agenda Item No. 8:

Hear report and discuss/consider Network Manager's Update

A. Discuss/Consider reallocation of construction cost savings from Carver/ARA project to the BIN extension.

Martha shared that the left over savings from Carver/ARA would just roll into holding account for next year. She wanted the Board to consider using the funds to complete the BIN extension. She explained that the BIN extension had not been specifically identified in the budget this year but that the opportunity to strand the run and lock down an assignment had already been done.

Patrick wanted to look at when the BIN extension should be done. ACC wants to link up with Round Rock, the City has sites that would benefit but they are being served ok for the present. Patrick felt that there was enough budget pressure to look at reducing the budget this year instead. Discussion of diverting funds to BIN or reducing budget followed but no action was taken.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as September 9, 2002 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 3:35 p.m.

**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 August 21, 2002
CoCom Cabling Systems
16021 N. IH35
Pflugerville, Texas 78660**

Agenda Item No. 1:

The meeting was called to order by Tom Lott at approximately 1:30 p.m.

The following Board members announced as present:

Wayne Wedemeyer, on behalf of University of Texas
George Mirick (alt.), on behalf of the University of Texas
Earbie Metheny, On behalf of Travis County
Tom Lott, on behalf of the Lower Colorado River Authority
John Kohlmorgan (alt.), on behalf of Austin Independent School District
Gary Weseman, on behalf of Austin Community College

GAATN Personnel present:

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

Agenda Item No. 2:

Citizen Communication

No citizens present.

Agenda Item No. 3:

Discuss/Consider approval of insurance carrier for the GAATN Network.

John Kohlmorgan made a motion to accept the bid from William Gammon Insurance for the 2002-2003 Year. The motion was seconded by Wayne Wedemeyer from University of Texas and passed unanimously.

Agenda Item No. 4:

Confirm date, time and location for the next regular Board meeting as September 9, 2002 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 1:35 p.m.

**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 9, 2002
Lower Colorado River Authority
Shapiro Building Room 433
3701 Lake Austin Blvd**

Agenda Item No. 1:

The meeting was called to order by Chairman Patrick Jordan at 1:30 p.m.

The following Board members announced as present:

Patrick Jordan, on behalf of the City of Austin
George Mirick (alt.), on behalf of the University of Texas
Frederick Harris, 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
Martha Riekenberg (alt.), on behalf of the City of Austin
John Kohlmorgan (alt.), on behalf of Austin Independent School District
Dave Kelly, On behalf of the State of Texas
Gary Weseman, on behalf of Austin Community College

GAATN Personnel present:

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

Agenda Item No. 2:

Citizen Communication

Chairman Jordan welcomed Heidi Cottingham from CoCom Cabling Systems to the meeting.

Agenda Item No. 3:

Approval of August 5th and August 21st , 2002 Board Minutes

There were no changes required in the draft minutes. Tom Lott made the motion to accept the minutes with a second from Frederick Harris. 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 about pending or contemplated litigation for:

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardward, and other property.**

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

Chairman Jordan moved to executive session at 1:34 p.m. Patrick reconvened from Executive Session at 1:46 p.m.

Agenda Item No. 5:

Discussion of and possible action on the Board Chairman Update.

Patrick requested that the GAATN Project Coordinator and the Technical Committee discuss the list server for the Technical Committee. Patrick put forward an idea for separate list servers for information and one for GAATN Business, his concern about this topic had been raised due to the distribution of potentially important material and a need to keep said information more accountable. Gary suggested using the Board list server also. Martha explained that the length of personnel on that list grew out of a need to notify folks in times of damage. Ron stated that he would bring it up at the Technical Committee and work with Gary to see that whatever was decided gets done.

Agenda Item No. 6:

Discussion of and possible action on the Financial Report from AISD

Frederick Harris distributed the July Financial Report. Patrick noted that GAATN was now in its new Fiscal year as of September 1st and asked about the carry forward. The locate service was mentioned to which Ron shared that he had been successful in transferring the duties to Lone Star and would continue to monitor this closely. Martha stated she was looking at some \$300,000 left from the construction related monies originally established as \$1.9 million the past year. Patrick noted that the carry over looked substantial and shared reservations about how much cushion to consider next budget cycle. Frederick asked what index had been used previously. Ashley answered that the holding account funds had been set at \$400,000. Patrick shared that a lot was based on risk and he foresaw a bigger risk this year based on issues with fiber degradation and squirrel damage (some 6 or 7 miles had been replaced due to squirrels). Patrick added that conditions for increasing budget for GAATN included annexation and population increase (more schools).

Martha added that the holding account was some 20% of the budget, which seemed low. She also added that construction expenditures that didn't happen this year would more than likely happen next. She foresaw an increase in this area. Ashley added that some \$900,000 was anticipated for construction already next year. John asked about a COA check that was sent, mentioned he would have preferred to hold it and requested better communication on this issue in the future. Martha and Ashley replied that they would be sending a check in next year for the same thing.

Agenda Item No. 7:

Discussion of and possible action on the Technical Subcommittee Update. (Lott, 20 minutes)

Tom noted that a good portion of his information had already been discussed. He mentioned the Fiber testing going on through CoCom. The testing had been initiated through a request at UT, they sought to establish capabilities of the GAATN plant. Heidi stated that testing was in progress for Chromatic and Polarization dispersion of the GAATN fiber. Tom mentioned the GAATN Pole inventory as well, which initiated discussion on this topic by Patrick, who stated that Grande Communications had contacted Ron about attaching to GAATN poles. Ron had sent the agreement to them and reported that they questioned the one time administration fee. There was some discussion of this, but no action taken. Ron then shared that he anticipated a check from them soon and that he would follow up via phone with Grande about any concerns they had.

Tom added that the alternate routes for the new NOCC were still being reviewed by the Technical Sub-Committee and then he concluded his report.

Agenda Item No. 8:

Discussion of and possible action on the Network Manager's Update

Ashley shared that the disaster recovery and the new NOCC routes had her busy. She also added that a rep from a Colorado based company was coming to speak with the Technical Sub-Committee. Tom asked about the precedent this set. Steve Fogel added that limits on the presentation are possible and gave his ideas. Martha noted that the forum should be the Technical Sub-Committee and not the Board for the presentation. There was a concern about getting bogged down with vendors, which Steve Fogel noted was controllable by allotting set times. Tom suggested that the vendors contact Ron to get on agenda.

Ashley mentioned 5th street going buried and rerouting the super ring and A2N to the new NOCC. This was a topic that the Tech Committee would be looking at on the 18th of September. Ashley then requested the year end financials from Frederick so she could start on the budget and concluded her update.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as October 7, 2002 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 3:05 p.m.

**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 October 7, 2002
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 1:30 p.m.

The following Board members announced as present:

Patrick Jordan, on behalf of the City of Austin
Wayne Wedemeyer, on behalf of the University of Texas
Frederick Harris, 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
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
Gary Weseman, on behalf of Austin Community College
Walter LaGrone, on behalf of Travis County

GAATN Personnel present:

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

Agenda Item No. 2:

Citizen Communication

Chairman Jordan welcomed Heidi Cottingham from CoCom Cabling Systems to the meeting.

Agenda Item No. 3:

Approval of September 9, 2002 Board Minutes

There were no changes required in the draft minutes. Gary Weseman made the motion to accept the minutes with a second from Frederick Harris. 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 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. but not limited to:**

Greater Austin Area Telecommunications Network v. Ascension Health and Gonzalo Portillo, Jr., No. 265725, Travis County Court at Law (teardown at Andrews Elementary on May 31, 2002).

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

Chairman Jordan moved to executive session at 1:36 p.m. Patrick reconvened from Executive Session at 2:00 p.m.

Agenda Item No. 5:

Discussion of and possible action on the Board Chairman Update.

A. Discussion of and Possible Action on the Service Level Agreement evaluation forms .

Ron Roberts distributed the evaluation forms. They included a brief explanation and synopsis for clarity and to assist with filling them out. Patrick asked if the forms could be returned by next Board meeting. He also stated how important the information is and asked that everyone give it the attention it needs.

B. Discussion of and Possible Action on repealing, amending, and adopting Administrative Rules and Policies and Procedures.

Steve explained that he and Ron were seeking to gather the most recent By-laws possible. Present draft documents are available only. Also, Steve requested information on documents that showed AISD as the official Financial Manager for GAATN. Debbie stated that she had seen one, so did Martha, who also added that she would try to find it in her files. Steve went on to share that the By-laws could be reaffirmed if they are not found. Patrick agreed with this and requested it on agenda for November. Debbie noted that cards for citizens should also be present after Steve noted that there was no set time limit at the meetings for citizens. Debbie said she would get some sample cards to Ron and also some rules she had recently done at DIR for him to review.

Agenda Item No. 6:

Discussion of and possible action on the Service Level Agreement renewal.

There was discussion on when this should take place. Several participants felt the renewal should be with the budget and stated that this had been a topic before. Ron agreed to check minutes on when and what was said on the topic. Wayne moved to continue SLA until August 31, 2003 specified in the SLA Agreement. He added that the next vote on the SLA should be in January between the Network Rights discussion in December and Budget approval in February. The vote at that time will be for the following year. Further, the SLA should be modified to reflect this Board decision to move the SLA evaluation/vote to the January time frame. Walter LaGrone of Travis County seconded this. The motion passed unanimous.

Agenda Item No. 7:

Discussion of and possible action on the Financial Report from AISD.

After the report was handed out there was discussion on the amount still unused. Ashley and Martha explained that \$1.2 million of the \$1.8 million shown was planned to roll over and be used in this years GAATN budget. Wayne requested a report or letter from them to that effect for the inevitable questions that would be generated. Ashley stated that she would get that for him.

Agenda Item No. 8:

Discussion of and possible action on the Technical Subcommittee Update.

Tom shared that Martha and Ashley were bringing forward 3-5 proposals for the Tech Committee to review. Wayne asked about the ZNET conduit and its possible use. Specifically, how much did Patrick anticipate the conduit costing GAATN to use and could they actually use it? After discussion Patrick noted that the use was not looking like a problem but he had no idea on cost. He stated that his hope was to identify an opportunity for trading the conduit for fiber along A2N. He went on that he had hoped to talk with another participant about getting 12 strands from them for city use. Wayne asked if there would be a lease on the conduit yearly. No, said Patrick, he was thinking along the lines of a one-time trade situation akin to what the city had done with the right of way when it joined GAATN. Patrick felt this type scenario would be palatable to the city. It was generally agreed that what was good for GAATN was good for the city as well. Patrick's concerns again were that some 80% of the city usage of GAATN was along A2N, he was worried over the conduit for the future but stated that 12 strands additionally added would suffice for all long range planning the city would use. Heidi was asked to work up costs for the additional fiber to be added and Wayne noted that if any other participant needed fiber then bring that information to the Technical Subcommittee meeting. Patrick added that least cost routing should be looked at, some runs would not be necessary. Preliminary pricing from Heidi was around \$250,000 to \$350,000 roughly. Tom repeated that entities should bring their needs along A2N to the Tech meeting on the 16th, it was negligible cost to add 24 versus 12 strands to A2N.

Tom went on to mention the Pole Attachment Agreement now in place with Grande. He shared that Heidi had been working on the pole updates requested by Austin Energy. These should be 95% complete now. Patrick asked about costs for this but was told by Martha that it was not much.

Agenda Item No. 9:

Discussion of and possible action on the Network Manager's Update.

Ashley shared that Larry Sellers had been doing some testing on GAATN fiber. She stated that she was working on 5th and Rio Grande to go underground for which she would keep everyone apprised. There was a new relocation on 7th street which affects GAATN on 5 poles, this is DIN fiber. She stated that she was budgeting for this occurrence accordingly. She requested Heidi to check pole lines and conduits along the route to make sure they were clear. She went on to state that she was looking at water and wastewater maps to determine possible uses for GAATN of abandoned pipes downtown, mainly on 5th and 6th. She concluded her comments by asking which entities would be in the new NOCC, most stated that they were waiting on money for equipment. She questioned the need to spend money to reroute but Patrick explained that the thought was to hold something in reserve for the greatest flexibility possible, this was generally thought to be so by all. Wayne added that the fiber could sit for a year until he got equipment in there to utilize it. Ashley asked about the testing of the fiber dispersion. Wayne cleared up this mystery by stating that his vendors were happy with the information on the CD from Heidi.

Agenda Item No. 10:

Confirm date, time and location for the next regular Board meeting as November 4th , 2002 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 4:05 p.m.

**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 November 4, 2002
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 1:30 p.m.

The following Board members announced as present:

Patrick Jordan, on behalf of the City of Austin
Wayne Wedemeyer, on behalf of the University of Texas
Frederick Harris, 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
George Myrick (alt), on behalf of the University of Texas
John Kohlmorgan (alt.), on behalf of Austin Independent School District
Debbie Opdahl, On behalf of the State of Texas
Gary Weseman, on behalf of Austin Community College
Walter LaGrone, on behalf of Travis County

GAATN Personnel present:

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

Agenda Item No. 2:

Citizen Communication

Chairman Jordan welcomed Heidi Cottingham from CoCom Cabling Systems to the meeting.

Agenda Item No. 3:

Approval of October 7, 2002 Board Minutes

There was a change required in the draft minutes. Chairman Jordan requested that the sentence in last months minutes concerning Wayne's response to a question on CD information from Heidi include clearer wording. Tom Lott made the motion to accept the minutes with the correction with a second from Gary Weseman. The motion passed unanimously.

Agenda Item No. 4:

Discussion of and possible action on the Board Chairman Update.

Patrick stated that he had again contacted Grande this month and that they were still claiming to be working on payment. The October 20th deadline has come and gone for them however. Patrick then suggested a couple more calls in November with possible legal action to be discussed in December/January. Patrick then shared with the Board that GAATN had been recognized as a "Best of Texas" project and invited everyone to the ceremony on Wednesday at 3 pm at the Omni hotel. There were nine projects recognized statewide and Wayne added that the University of Texas had also received one. The award is given by the Texas Center for Digital Government, Patrick will be accepting on behalf of GAATN.

A. Discussion of and Possible Action on the Service Level Agreement evaluation forms.

Patrick noted that evaluation forms were received from Univ. Of Texas, AISD and Travis County. Other participants will be faxing theirs to Ron at 974-3000 for review and possible implementation.

Patrick then asked if the document concerning AISD as Financial Manager had been sent to the GAATN Attorney. Ron responded that he had sent it over along with some other requested material.

Agenda Item No. 5:**Discussion of and possible action on the Financial Report and budget issues from AISD.**

The report was distributed and Frederick asked if there were any comments on them. Patrick asked if everyone was currently paid up and was told yes. Ashley asked about the \$1.1 million in the budget and where that money resided. John explained that 6244 was the maintenance bucket and that \$580,000 was for the contract with the Maintenance Contractor. He added that general maintenance was in there also. 6319 had \$150,000 so far in it for fiber optic cable purchase only. 6639 was equipment greater than \$500,000 used for capital improvements. Patrick thanked John for the explanation.

Agenda Item No. 6:**Discussion of and possible action on the Technical Subcommittee Update.**

Tom stated that discussion had centered on the catastrophic plan and that 5 options were provided with 2 being the point of the majority of discussion. He then noted that a great deal did depend on the cost of the ZNET conduit and asked Patrick if he had developed a cost for the conduit. Patrick stated that the estimated costs for the 4 conduits was \$1.2 million but that it was better to look at selling only two to GAATN due to possible future use by other departments or entities. Value then would be around \$300,000 and the city was requesting that the conduit be included into maintenance and spread cost out over a couple years via a reduction for the City of Austin for GAATN. Tom asked if a check could just be written for the conduit. Wayne asked about possible restrictions on the use of the conduit from the City of Austin. Patrick stated that a Bill of Sale would free the participants to do whatever the Board could legally do with the conduit but added that he preferred that the conduit be used for the discussed purpose of rerouting the fiber to the new NOCC at City Hall, accomplishing the redundancy that has been the focal issue all along. Steve added that the City would have little power to restrict the use after the bill of sale was complete, anything consistent with GAATN's goals would be ok. He further added that the conduit would become GAATN equipment. Debbie suggested that a one time payment would be clearer and probably best to do. Patrick added that the payment then would be figured into next years budget. Frederick asked about time frame for occupancy to which Patrick replied that it could be next year with work on manholes to proceed along the way. Wayne stated that this was new information for the Technical Subcommittee to discuss, specifically the \$300,000 cost now brought forward.

Tom finished out his report that Heidi had completed more of the GAATN prints and this information was now available. He added that layers showing replacement and other improvements were now documented as well and thanked her for this work.

Patrick also added that a new OTDR for the city had been approved for purchase and that he would entertain its use by other participants if necessary.

Agenda Item No. 7:**Discussion of and possible action on the Network Manager's Update.**

Ashley began by stating that the Board last month had asked her to look into the \$1.8 million in the holding account. She stated that she looked at expenditures, split out the expenses for the Maintenance Contractor and stated that the budget report in August was based on \$1.125 million. She added that allocated funds included the City Hall project, \$500,000, emergency fund which is \$400,000, and that left \$670,000. She stated that she did not have access to what was encumbered by AISD and could only report that which was spent, for what and what is left. John reminded her that the budget was shorted some \$525,000 last year. Wayne noted that the projects Ashley was discussing should be budgeted items or carried forward but not both. John stated that if its not an expense it's a revenue source, adding that the balance remains until you expend all revenue sources. Ashley stated that there was \$1.125 million in the general fund with \$670,000 left over, hence the \$1.8 million then that she was asked to report on. Gary stated that it appeared that some projects were being budgeted over and over again. Wayne noted that if its budgeted and not spent we don't want to pull it out and then budget again. Patrick added that some of the projects, like City Hall, actually were several projects but were still called City Hall. He added that AISD's accounting and the City's should meet to unwind and clarify these points. Wayne noted that the City should not look at the holding account and should focus on the budget. Patrick concurred with the zero based budgeting and explained that Ashley had been given this assignment for the first time. Walter, Tom and Wayne all stated that it was a confusing issue which they were glad to see discussed. Walter added that the upcoming budget for GAATN should go very well based on this discussion and thanked Ashley for the report.

Ashley went onto share that a project at 5th and Rio Grande may require GAATN to go underground, but that it was probable that the developer would be paying for said relocate. She added also that she was tracking down an individual and water/wastewater to get a list of abandoned conduit/pipes for possible GAATN use and would bring this information to the Technical Subcommittee. Patrick requested that this discussion indeed take place by the Technical Subcommittee.

Agenda Item No. 8:

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. but not limited to:**

Greater Austin Area Telecommunications Network v. Ascension Health and Gonzalo Portillo, Jr., No. 265725, Travis County Court at Law (teardown at Andrews Elementary on May 31, 2002).

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

Chairman Jordan moved to executive session at 3:04 p.m. Patrick reconvened from Executive Session at 3:30 p.m. Patrick then moved to instruct counsel to pursue action on the teardown at Daffan and Decker. Motion was seconded by Wayne passed unanimous. Attorney will pursue.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as December 2, 2002 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Patrick noted that Ron had included a list of tentative dates for next years Board, suggested moving July 7th Board meeting to July 14th due to the July 4th holiday falling on Friday.

Time and location for next meeting was confirmed and the meeting was adjourned at 4:05 p.m.

**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 December 9, 2002
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 1:34 p.m.

The following Board members announced as present:

Patrick Jordan, on behalf of the City of Austin
Wayne Wedemeyer, on behalf of the University of Texas
Frederick Harris, 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
George Myrick (alt), on behalf of the University of Texas
John Kohlmorgan (alt.), on behalf of Austin Independent School District
Debbie Opdahl, On behalf of the State of Texas
Gary Weseman, on behalf of Austin Community College
Walter LaGrone, on behalf of Travis County

GAATN Personnel present:

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

Agenda Item No. 2:

Citizen Communication

Chairman Jordan welcomed Heidi Cottingham from CoCom Cabling Systems to the meeting.

Agenda Item No. 3:

Approval of November 4, 2002 Board Minutes

There were no changes required in the draft minutes. Gary Weseman made the motion to accept the minutes with the correction with a second from Wayne Wedemeyer. The motion passed unanimously.

Agenda Item No. 4:

Discussion of and possible action regarding the Board Chairman Update.

Chairman Jordan had two items to discuss. The first was the Best of Texas Award that was given to GAATN. He stated that the ceremony went well and the award was very nice. Wayne suggested putting it on the website and Ron said he would see that it got done. Second issue was the Grande teardown, Patrick met with Tim Burns on this and he explained Grande's intent to pay. Patrick said they were accumulating invoices and Ashley added that as soon as they had the amount owed to GAATN as was owed to the contractor responsible, Red Simpson, then they would pay us instead. Patrick suggested posting this as an executive session item in January.

Agenda Item No. 5:

Discussion of and possible action regarding the Financial Report and budget issues from AISD.

Frederick Harris distributed the report. He then asked if there were any comments. Patrick noted that the City of Austin was ahead a quarter. John stated that the confusion about the payment had been cleared. Wayne asked about the payments and when they would be broken out. He also noted that AISD had already paid for the year. Patrick noted the \$1,500 administration cost had been received by Grande who had signed a pole attachment agreement with GAATN.

Agenda Item No. 6:

Discussion of and possible action regarding the Technical Subcommittee Update.

Tom Lott began by sharing the 2nd NOCC at City Hall had been a major topic at the meeting. He added that Ashley will cover the topic of strengthening the existing NOCC but noted that Heidi had been asked to split that project into phases. Tom stated that the use of abandoned pipes had been buried due to cost to access and upgrade. Tom also stated that GAATN had purchased conduit at 183 and Burleson and that Ashley's discussions with Austin Energy to cross under the river downtown was going well. Tom shared that the use of room 517 at Shapiro looked good for next year's use by GAATN. Another item was a meeting with Round Rock that both Tom and Jimmy Don Havins had attended. Round Rock interested in collaboration with GAATN as they are in and around the 183 area as well. Possible partnerships with Leander in the future were also mentioned and the GAATN Board was pleased to learn of these new possibilities. Specifically, AISD, ACC and UT as the Round Rock project has been education driven. Patrick stated that our placement is strand only in the 183 area and that collaboration would definitely help all involved. Tom added that Round Rock and Leander were sending plans and would follow up. He would keep the Board informed on this topic. Patrick shared that Round Rock Police Department also wanted to connect to Austin. Patrick noted that the 183 project may need to occur this year and instructed the Board to give that project new thought. There was discussion over sharing with Round Rock and Wayne suggested an IRU be investigated. Walter added that partnerships and collaboration with Williamson County was being discussed. Wayne asked Ashley to investigate a third of BIN network right costs rather than alter the network rights for just one ring. Other possibilities and scenarios discussed but the consensus was overwhelming interest in both Round Rock and Leander extensions and discussions.

Agenda Item No. 7:

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

Ashley began by updating the Board on 5th and West Ave. GAATN has been requested to go underground at this location by the developer. She stated that GAATN will be reimbursed for this project. Additionally, Austin Energy is giving us three four inch conduits at this location going west on 5th street, per Ashley. She then shared that there was a Right of Way move at ABIA, from Burleson Road to the telecommunication room. Its an \$18,000 job and one that will cause BIS to be down for a time, but she will follow up with exact information later to the Board. Wayne and others requested network rights electronically, Ashley stated she would send that out to everyone. Wayne added that it was good that changes were not totally taken off list as it allows for showing future possibilities. Patrick directed the Technical Subcommittee to take a look at the Network Rights and make sure that it gets the attention needed to be voted on in January.

Ashley then went through a project list for possible activity next year so that the Board would be aware of what was on the drawing board at this time. Wayne asked if the \$250,000 was still marked for Intel which she stated that it was. There was discussion on the holding account among the Board Members and also concern over the amounts for projects. Ashley explained that projects in the budget were things that are not going to happen this fiscal year, she had put this together as a two year outlook at the behest of the tech committee. She went on to explain that she had mistakenly doubled up the Intel project but that she had now caught the error. Patrick noted that some of the projects cost had come in under what was budgeted due to reengineering, such as the ARA/Carver project. John stated a need to know the fund balance and what was available. Gary noted that it was necessary to get the fund balance down a bit for next year, all agreed with this statement. Patrick suggested using the fund balance to pay less per participant next year or use it for a project like the hardening of Treaty Oak. Debbie noted that the holding account amount was low. There was discussion on tying it to something substantial and revisiting it as a topic yearly. Patrick made a motion to increase it to \$500,000, seconded by Frederick Harris. Discussion continued that it should at least be 5% of the total value of the network, or roughly \$700,000, this was made into a motion. The amended motion was passed unanimously.

Frederick then asked about discussions at the Board about Treaty Oak being sold. He was told that the topic came up every year. He then shared that surveyors had been out, but this was not new to the group. Patrick and Wayne stated that this had occurred before, hence the new NOCC going in at City Hall. This concluded the discussion.

Agenda Item No. 8:

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. but not limited to:**

Greater Austin Area Telecommunications Network v. Ascension Health and Gonzalo Portillo, Jr., No. 265725, Travis County Court at Law (teardown at Andrews Elementary on May 31, 2002); and

Greater Austin Area Telecommunications Network v. Oakwood Mobile Homes, Inc. d/b/a Oakwood Homes, and Paredes, Inc. d/b/a Superior Services, No. 266774, Travis County Court at Law (teardown at Daffan Lane on September 6, 2002).

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

Chairman Jordan moved to executive session at 3:48 p.m. Patrick reconvened from Executive Session at 4:04 p.m. Patrick then requested that the Technical Committee to review the draft report from Larry Sellers and report back in January.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as January 6, 2002 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 4:05 p.m.