

**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 January 12, 2004
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd**

Agenda Item No. 1:

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

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

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

GAATN Personnel present at the start of the meeting:

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

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of December 1, 2003 Board Minutes.

Patrick noted a printing anomaly in item 6, but no changes were made to the wording. Gray moved to accept the minutes, with a second from Wayne. The subsequent vote was unanimous.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

A. Cap Metro Update.

Patrick shared that he had contacted Cap Metro about GAATN. Cap Metro's principal interest was possibly "buying into" GAATN. He explained the issue of owning and operating a network like GAATN to Cap Metro and suggested "buying in" due to a lesser expense. He also told Cap Metro that if it sought a service, then there was no need for a strategic investment. Patrick also provided Cap Metro with costs associated with the issues. Wayne suggested letting it

rest until next year and see where the wireless issue ends up for GAATN. He added that Cap Metro appears to be more interested in wireless communications than with cable.

Agenda Item No. 5:

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

There were no questions for Gray, but he commented that some entities needed to get caught up with costs for GAATN.

A. Update on laptops and projector for Network Managerial Staff.

John said that the equipment has been ordered, but has not yet been delivered.

Agenda Item No. 6:

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

Wayne stated that the State of Texas is looking to build a statewide fiber network. Urban distribution is the last hurdle in the planning. If partnerships are proposed for Dallas through Austin or intercity connectivity to get to UT, ACC, etc., then he would like to know how best to plan for the Austin area and whether these partnership are able to use GAATN cable. Wayne noted that several proposals had been sent to him wanting to trade bandwidth for use of UT fiber. He added that TxDOT was also seeking to bolster its statewide network. He asked if the use of GAATN in this manner was permissible and added that UT was already planning to use next generation fiber. In lieu of payment for management, most sought to trade lambdas. Wayne also stated that the UT fiber was strictly educational, but that some of what may be traded could be used by non-governmental proprietary entities.

Patrick noted that GAATN cable needed to be maintained by GAATN solely. He added that the issue was more individual entity question than a GAATN Board one as far as use because the interlocal was clear on that issue already. Physical management of the physical layer needs to be under GAATN control only, he stated.

Tom asked about cities' franchise policies for telecom providers in this area? He added that the partnerships had the potential to enable carriers to circumvent the franchising process.

Patrick noted that there was a municipal fee for this use and the fee was so much per foot and differentiated between voice and data traffic. He added that the treatment of voice as data was unresolved. He then noted that House Bill 2128 stated that certificates of operating authority cannot be provided to municipalities, but if a certificate is not required, then it may not be a franchise issue. Tom responded that GAATN could benefit from a change in policy and that he was interested in what Wayne was asking here today. Patrick stated that the sale of GAATN strands had always been for government use, and that the interlocal encouraged governmental agencies to come together to save money. He encouraged a study of this under the Interlocal, but cautioned against the "rules of operation."

Steve stated that management of the GAATN fiber was one issue and what traveled over the fiber was another. He asked about the past opinions of the Board.

Patrick stated that the HB 2128 was still a hot topic when this came up previously and there was concern that the City would be challenged, hence his position was negative at that time. Patrick also said that a later law treated the leasing of dark fiber differently, and the law on this issue was sure to change over time. Wayne agreed that this issue was soon to affect GAATN.

Gray raised the issue of liability and what GAATN would be accountable for. Wayne stated that he didn't know the answer because the potential damages involved revenue losses, but he doesn't want to jeopardize GAATN over the issue.

Steve established four issues. 1. Would the use of GAATN cables under these trades be for a governmental purpose? 2. Would these trades cause GAATN or any Participant to be a carrier, common carrier, or public utility? 3. Would these trades trigger any municipal fee requirements? 4. How would GAATN's liability be affected if trades were to occur involving GAATN plant.

Wayne stated that UT would like to know the answers to these questions to help guide its decisions regarding its use of its GAATN plant. With the Board's agreement, Patrick directed GAATN legal to prepare answers to these questions.

Agenda Item No 7:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. GAATN Cancellation Policy for scheduled cuts.

Corrected copies were distributed and a motion to accept was made by Wayne, with a second from Gray. Ron was directed to electronically resend the corrected policy. The subsequent vote was unanimous.

Tom stated that LCRA had received a positive decision from the Attorney General concerning the public records request for LCRA's cable system map. Steve stated that he would provide the Board with the Attorney General's ruling by email.

Agenda Item No. 8:

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

A. Fiscal Year 2004-2005 GAATN Budget

Ashley provided information about the past 4 years' budgets and her proposed budget for the 2004-2005 fiscal year. John suggested trimming down the categories, but Patrick and a few others noted they appreciated the granularity from a management standpoint. John noted that some of the categories were subjective in how items and projects were posted, and suggested fusing maintenance and repair for example. Gray had issue with the budget item called maintenance. He noted that the actual maintenance expense exceeded budget in each of the past few years and suggested increasing the budget for maintenance. Wayne agreed. John reminded them that some years it was set low for reduction of the holding account. Ashley hoped that her efforts were stabilizing the budget cautiously over time. Patrick summed up the discussion by noting that a holding account line was to be shown, an increase in the maintenance reflected, but no other major changes meant the budget was moving along well. All thanked Ashley for her work. Russell Hahn was asked to take the information to Walter. Ashley stated that she would meet with Debbie.

B. DIN reroute

Ashley covered this reroute situation with the Board; the Technical Subcommittee approved it. Heidi added that the reroute will allow 5 db of loss to be recovered and put ACC in an acceptable range. The project will mark the 50% level for DIN reengineering as well. A side issue for consideration is that it leaves Travis County on a long spur and the City of Austin as well, but at a separate site. Ashley noted that Travis County was accepting of this spur situation as was the city of Austin, this was to let the Board know about the decisions. Gray questioned aspects of varied costs for the cable and Patrick noted his concerns but added that this geographic area was a not going to see future growth. Gray raised a concern about the maintenance of the spurs, but Ashley noted that the site was not overly critical and that armored cable was being placed to prevent rodent damage, which is the type of damage most likely to occur at these sites. Patrick stated that he felt the recommendation from the Tech Committee should be accepted, Wayne agreed and further stated that GAATN would be giving the fiber spurs to the City and Travis County with their knowledge that the spurs are their responsibilities. So moved, the motion was seconded by Gary. Patrick added that the other side of the ring fiber was to be removed. The motion was unanimous.

C. SLA Evaluation

This was in the packet of information for the Board and will be sent back electronically.

D. A1N/ SRN Phase review.

Heidi shared that all four rings were pulled in and ready to go and the conduit had been repaired. A manhole had also been added but was in an intersection and not over cut.

E. Update on GAATN Telephone Number and Directory Listing.

Ashley noted that the phone number was in place but was not yet in the directory.

Agenda Item 9:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**

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

Patrick moved the Board to executive session at 4:02 p.m. and returned at 4:17 p.m.

Wayne moved to authorize Steve Fogel to file a lawsuit against Aus-Tex and the driver for the September 4, 2003 teardown, seconded by Gray and voted unanimous.

Agenda Item No. 10:

Confirm date, time and location for the next regular Board meeting as February 2, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed and the meeting was adjourned at 4:23 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 on February 9, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

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

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

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

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

GAATN Personnel present at the start of the meeting:

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

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of January 12, 2003 Board Minutes.

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

Agenda Item No. 5:

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

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

Agenda Item No 6:

Discussion of and possible action regarding the Technical Subcommittee Update.

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

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

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

Agenda Item No. 7:

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

A. Fiscal Year 2004-2005 GAATN Budget

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

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

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

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

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

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

A. SRS into One Texas Center.

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

Agenda Item No. 8:

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

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

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

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

Agenda Item No. 9:

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

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

Agenda Item 10:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**

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

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

Agenda Item No. 11:

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

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

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

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

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING held on March 8 , 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

The meeting was called to order by Chairperson Patrick Jordan at 1:35 p.m.

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

John Kohlmorgan, on behalf of Austin Independent School District
Gary Weseman, on behalf of Austin Community College
Walter LaGrone, on behalf of Travis County
Wayne Wedemeyer, on behalf of the University of Texas
John House, on behalf of the University of Texas
Debbie Opdahl, on behalf of the State of Texas
Tom Lott, on behalf of the Lower Colorado River Authority
Patrick Jordan, on behalf of the City of Austin

GAATN Personnel present at the start of the meeting:

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

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of February 9, 2004 Board Minutes.

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

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

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

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

Agenda Item No. 5:

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

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

Agenda Item No 6:

Discussion of and possible action regarding the Technical Subcommittee Update.

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

Agenda Item No. 7:

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

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

Agenda Item No. 8:

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

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

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

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

Agenda Item No. 9:

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

Patrick moved the Board to executive session at 2:36 p.m. and returned at 2:40 p.m. No actions were required.

Agenda Item 10:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**

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

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

Agenda Item No. 11:

Confirm date, time and location for the next regular Board meeting as April 5, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed and the meeting was adjourned at 2:45 p.m.

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

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

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING held on April 5, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

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

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

Martha Riekenberg, on behalf of the City of Austin
John Kohlmorgan, on behalf of Austin Independent School District
Gary Weseman, on behalf of Austin Community College
Walter LaGrone, on behalf of Travis County
Wayne Wedemeyer, on behalf of the University of Texas
John House, on behalf of the University of Texas
Tom Lott, on behalf of the Lower Colorado River Authority
Brian Kunz, on behalf of the Lower Colorado River Authority
Patrick Jordan, on behalf of the City of Austin,

GAATN Personnel present at the start of the meeting:

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

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of March 8, 2004 Board Minutes.

Tom Lott moved to approve with a second from John Kohlmorgan, motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Patrick stated that he had nothing for this item but had some comments for Agenda Item 8 when the time came.

Agenda Item No. 5:

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

John had no comment on the report.

Agenda Item No 6:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. Network Manager Policy

Tom explained that the Network Manager was responsible for coordinating projects and making the flow of information clear and concise. This policy arose due to a need for further clarification about business dealings among entities and the Maintenance Contractor. He further stated that the Technical Subcommittee had reviewed the policy and given their input to the document, which was now before the Board. Patrick stated that he would like to see legal look it over now and return this item on the agenda for vote in May, pending legal approval.

Agenda Item No. 7:

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

A. Request for 5 year forecast from entities

Ashley began by sharing that she had initiated contact with the Technical Subcommittee about gathering information concerning expansions for the next five years. She was now bringing that request to the Board members as well. The goal is to be proactive in ring building and to avoid long spurs. She noted that it was better for the budget as well to anticipate where such things as schools were going to be built. John stated that there were several schools slated by AISD and that he would participate with her request. Other entities stated they would do the same.

Ashley then updated the Board about new conduit that was placed between the Civic Center and the Hilton. Wayne was interested in the project due to University of Texas participation in the project. Wayne added that the World Congress of Information Technology (WCIT) was coming to Austin in 2006, and that Internet 2 would be here in Austin in September as well. Patrick remarked that these were wonderful opportunities and asked that updates continue back to the Board. Patrick noted that some wireless grants had already been put into place for some of these events and asked if AISD was participating. John stated that there was great interest in Internet 2.

Wayne asked about the B1N expansions and was told by Ashley that this was budgeted for next year. She then shared that the above ground portion of the Bolm Road and Hwy 183 TxDOT project was in place. She added that the underground was yet to be done due to an issue of Rights of Way which TxDOT has now overcome. She was hoping to partner with Quest at this location on a joint trench and would report back to the Board later. The underground area in question is about 400 feet in length.

Ashley reported that the Mueller project was due to take place in May and would be around \$15,000 to \$20,000 for the project.

Ashley then updated the Board about the ZNET ductbank. Previously, discussions had begun about the possibility of relocation an area of this 30 ft north of 1st street due to a waste water project in the area. After meeting with the folks, she noted that this project was for beautification and not for widening and therefore GAATN would not be required to pay for the project. The financial responsibility would have been 2/54th of the whole project anyway with ZNET picking up most of the expense. Patrick noted that it was the disruption that concerned him the most. Ashley noted that City Hall was supposed to be completed in the same time frame and this project could be a problem and that she could not guarantee completion of the fiber through ZNET if this other project were to take place. She added that the architect was now looking to work around the area and that she had looked at potholing around the area to allow for storm drainage, the GAATN Maintenance Contractor would do the work.

Agenda Item No. 8:

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

Patrick stated that no one had gotten back with information about this topic yet. He asked Ron to call around to the Board members to gather data about what each entity's interest in this topic was and also any problems that may be created. He asked that Ron compile a list of questions and get that back to the Board in May. Tom wanted to clarify that as long as an entity gets back something in return for the use of GAATN then that was still considered governmental business. Steve affirmed that it did but that it was for traffic going through and did NOT include dropping off to a third party along the GAATN system. Patrick noted that a drop off was a common carrier issue and needed to be avoided. Tom asked if a majority vote would confirm this issue and was told by Patrick that this was a good first question to the list Ron was compiling. Steve referred this to section 10 in the interlocal agreement. Patrick noted that the questions and answers from counsel and last month's discussion on the topic were good reference material as well.

Agenda Item No. 9:

Discussion and possible action regarding the Service Level Agreement.

Tom desired to discuss the mechanics of the SLA and the possibility for increasing the GAATN employee salaries. This was an issue that he had taken up with Steve and Patrick earlier. Steve noted that the GAATN staff worked for GAATN but were City of Austin employees. The Board's wishes for employee compensation could be communicated, but that any adjustments to salary or benefits would have to take place within the City and would be tied to the Service Level Agreement. Patrick stated that more information would be available in the executive session for this item.

Executive Session: Services Level Agreement.

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

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

Patrick and Steve confirmed that there were no issues to discuss under this executive session agenda item.

Agenda Item 10:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**

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

Patrick moved the Board to executive session at 2:12 p.m. and returned at 2:29 p. No actions were required.

Agenda Item No. 11:

Executive Session: Adjourn for closed session, under Tex Gov't Code section 551.074, to deliberate about the evaluation and duties of the Network Manager and Network Coordinator

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

Patrick moved the Board into this executive session at 2:31 and returned at 2:55. No actions were required.

Agenda Item No. 12:

Discussion and possible action regarding update on legal services.

Patrick noted that the contract with Bickerstaff Heath et al: had been in place for almost two years exactly. He shared that Steve Fogel would be leaving and then Steve introduced Sydney Falk, also of that law firm. Sydney explained his past experience to the Board and he was welcomed. Patrick and the other Board members noted that Steve Fogel had been exceptional in his performance over the past 2 years. He will be missed by all, but the Board wished him well and welcomed the continuation with the present legal firm with Sydney Falk taking over as counsel.

Agenda Item No: 13

Confirm date, time and location for the next regular Board meeting as May 3, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed and the meeting was adjourned at 3:04 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 on May 3, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

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

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

Martha Riekenberg, on behalf of the City of Austin
Gary Weseman, on behalf of Austin Community College
Dave Kelly, on behalf of the State of Texas
Wayne Wedemeyer, on behalf of the University of Texas
Debbie Opdahl, on behalf of the State of Texas
Tom Lott, on behalf of the Lower Colorado River Authority
Brian Kunz, on behalf of the Lower Colorado River Authority
Patrick Jordan, on behalf of the City of Austin

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Heidi Cottingham, Maintenance Contractor
Sydney Falk, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of April 5, 2004 Board Minutes.

Ashley noted a change under last month's agenda item 7: B1N expansion is budgeted for next year and the aerial portion was in place for the TxDOT project. Wayne moved to approve with a second from Gary Weseman; the motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Patrick stated that he had nothing for this item but mentioned that he had sent some information to the legal staff to review third party use.

Agenda Item No. 5:

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

Ashley passed out the report from AISD. She noted that the fourth quarter payments by Participants would help the budget report appear less dire; it appeared to reflect significant spending in excess of budgeted amounts but, in actuality, had not been updated with certain information. Patrick noted one omission, that the City of Austin had paid an extra quarterly payment last fiscal year, applicable to this year; and noted that John had requested that the city not pay in advance in the future since it complicated bookkeeping. Patrick asked that AISD include a supplemental explanation or at least a notation explaining such information. Ashley also noted that AISD had paid some of the GAATN bills without reflecting corresponding withdrawals from the holding account, a common AISD practice according to Debbie; this, too, served to make the expenses picture in the report appear to be a problem (*e.g.*, substantially more construction expense incurred than had been budgeted), when in fact the budgeted amounts had not been exceeded. Ashley noted that the budget was in fact in the black and good to go. She also noted that the payment that the city had made ahead of time last year had gone to the holding account. Patrick asked that an item for AISD next month be added to the agenda concerning financial reporting.

Agenda Item No 6:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. Network Manager Policy

Tom shared that the document before the Board had been to legal for review and that it was now up to the Board to vote on it or not. Syd noted that he had revised it, including reorganizing it, and had incorporated participant responsibility more while clarifying further certain aspects of the document, such as making more precise the duties of information gathering by the Network Manager. Patrick asked if this version had been reviewed by the Technical Subcommittee and was told no by Tom but that it had the intent of the previous document and that he supported its adoption. Wayne noted that emails were subject to Open Records requests and a discussion ensued on this topic. Patrick noted that House Bill 9 added protection to many of the emails in question. Debbie, Wayne and Patrick noted that the emails concerning contracts were an issue that was in a 'grey area'. Syd added that Attorney General opinions varied on this topic as well. Patrick requested that Gary bring the Technical Subcommittee and Board e-mail service lists to the next meeting for updating and Syd suggested that the Board look at a record retention policy. Both Tom and Wayne stated that their organizations had electronic copies of record retention policies and would email them to him. Concern was expressed over what emails were being sent and how many were likely to be subject to the open records act. The consensus was to be prudent about what was sent and to whom. Debbie noted that contracts and fiscal information were a matter of public record. Patrick shared that a policy for this would be beneficial and requested that the Technical Subcommittee discuss the topic and an agenda item for next month be added as well.

Agenda Item No. 7:

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

Ashley began by sharing that she had spoken with Qwest about the U.S. 183 and Bolm Road project, and she was still waiting to here back about whether a joint trench was possible. Patrick asked if the cost for the project was under \$20,000, but Ashley noted that it was a budgeted project.

Ashley had also contacted the Technical Subcommittee and previously asked Board members about providing information concerning expansions anticipated by Participants for the next five years but had only heard back from AISD at present.

Concerning the Fire 14 project, she noted she was still waiting on pole locations from Austin Energy so that she could get quotes. Ashley reminded the Board that this project had been initiated due to the Children's Hospital request to not have GAATN located aerially over its driveway.

It now appears that the Convention Center project will not be done at all; if not, this would allow for \$75,000 to remain in the budget for GAATN.

Debbie will be bringing something to the Technical Subcommittee about the SRN reroute.

Gary had some additional questions about the budget and what projects were remaining for this year. He was told that the reroute at the Convention Center was one, but that it would not be done now as of the latest information, and the TxDOT project was in need of completion with about \$37,000 worth of work to be done. Heidi added to Ashley's list that cable for the new City Hall needed to be pulled in and terminated. Ashley also noted that the Fire 14 job was yet to be done.

There was an issue over the budget report again and its matching up with Ashley's projections but Patrick noted that the topic was to be added to agenda for next month. Wayne requested that Ashley add a summary page to the information she gets from AISD, to provide an explanation of such apparent discrepancies, and she said that she would. This summary would be based on AISD's budget and reflect real balances without including both CIP and Maintenance expenditures together. Patrick noted that he appreciated the March 31st closing statement from AISD, adding that the data was getting more current.

The Znet issue from last month has been resolved and the threatened relocation will not take place according to Ashley.

Agenda Item No. 8:

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

Patrick requested that the various legal representatives from the entities be provided with a list of issues, questions and concerns raised at the Board level for this agenda item. Syd noted that the issue was complicated and analysis of any particular proposal would be fact-specific, and that in addition to the issues previously identified, also needed to be considered regarding possible effects on GAATN's tax-exempt status, and that the state constitutional "prohibited donation" issues also needed some additional review. He indicated that the applicable legal standards generally required use to be solely for "public purposes" and these requirements caused him concern about third-party use of GAATN facilities, even where some benefit, such as permitted use of the third party's facilities elsewhere, was received. Syd suggested that, if the Board ultimately decided to pursue such a course, it might consider whether to seek an Attorney General's opinion, that is, specific questions could be posed for an Attorney General opinion, which, although not binding on a court, would both provide guidance and also could provide some elements of a legal defense should the issue later end up in court. Patrick asked about the tax exempt status issue, in particular, would third-party use affect the entities individually or GAATN? Syd's thoughts were that it could be an identifiable part of an individual entity's network or possibly the whole thing, depending on the specific facts. Wayne asked about the same analysis in the case of research work by a university for private sector grantors, and Syd shared that the majority of decisions he had seen about such situations had held that, where the nature of the research involved and furthered such things as graduate student educational training and research, those activities had usually been considered to be consistent with the university's

educational purposes and as such, the research was a public purpose activity; but the specific facts of the case would be needed. Patrick noted that no action was needed today and requested that the Board move on for this topic. The item will be revisited in the future as soon as specific questions and concerns are identified.

Agenda Item No. 9:

Discussion and possible action regarding the Service Level Agreement.

Tom shared that he had contacted Pete Collins at the City about increasing the salaries of the GAATN employees and was waiting to hear back from him. Patrick stated that he would bring something back to the Board after he talked with Pete more.

Agenda Item 10:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**

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

Patrick adjourned the Board to executive session at 2:53 and returned at 2:55, no action by the Board was required.

Agenda Item No: 11

Confirm date, time and location for the next regular Board meeting as June 7, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed and the meeting was adjourned at 3:04 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 on June 7, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

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

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

Martha Riekenberg, on behalf of the City of Austin
Gary Weseman, on behalf of Austin Community College
Gray Salada, on behalf of the Austin Independent School District
Wayne Wedemeyer, on behalf of the University of Texas
Debbie Opdahl, on behalf of the State of Texas
Tom Lott, on behalf of the Lower Colorado River Authority
Brian Kunz, on behalf of the Lower Colorado River Authority
Patrick Jordan, on behalf of the City of Austin
John House, on behalf of the University of Texas

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator

Heidi Cottingham, Maintenance Contractor
Sydney Falk, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

There were no citizens present but Wayne took the opportunity to share with the Board about Lonestar Education And Research Network (LEARN). He shared that this is a fiber optic network that is to be built in Texas that will link colleges and many other facilities related to research, health, and other organizations that would not compromise LEARN's 501(c)(3) tax-exempt status. The RFP's for this venture have already been issued, and proposals have been returned and are being reviewed, according to Wayne who also chairs the LEARN Technical Committee. Patrick and others were very excited about this venture and wanted to learn more so Patrick requested that the GAATN Technical Subcommittee schedule this as an item for discussion and also that it be scheduled as an item for the Board in July.

Agenda Item No. 3:

Approval of May 3, 2004 Board Minutes.

Wayne moved to approve with a second from Gary Weseman; the motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Patrick stated that he had nothing for this item but noted that the City had been beta testing their 802.17 OC-48 2.5 Gig network and invited any questions concerning testing results.

A. Nominations for GAATN Chairperson for vote in July.

Debbie nominated Gray Salada for Chairperson; Gray then nominated Patrick. Patrick nominated Debbie as Vice-Chair but she declined due to impending retirement. Patrick then nominated Gray as Vice Chair. Wayne moved to close the nominations which carried unanimously. The elections for these offices will be at the Board's meeting in July.

Agenda Item No. 5:

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

Gray distributed the AISD financial summary for April and inquired about the May discussion on the form of the report. Martha shared that the Board desired, and had requested, that Ashley create a report that tracked the AISD report but that included the project costs as well so that a comprehensive and up-to-date report could be shared. The fund balance account, or holding account, was then discussed and it was noted by Gray that AISD's accounting approach was that the budgeted amounts be depleted before drawing held funds into the operating accounts. Martha noted that this policy appeared to reflect a negative balance in some accounts and created concern by the Board. She further explained that there were times that John K. would place something in one category and Ashley would place it in another. Patrick added that the hope was to get some continuity in the report. Gary asked that the projects be included in the report and that the early payment last year from the City be shown, Gray commented that the prepayment by the city was around \$6,000. Gary indicated his concern that expenses were rapidly depleting the \$700,000 reserve, and wanted to be able to tell from the report what operating funds remained for this fiscal year and what expense commitments were still to be paid. Patrick added that tracking projects would help because they change over the year. Gray stated that the requirement appeared to be a need to track future projects, and determine a funding source both of which must be done via a different document. A solution or set of options would come from the planned meeting with Ashley. If it was determined there was a major shortfall then a budget meeting could be convened before the next regular scheduled board meeting per Patrick.

Gary requested that the budget information be sent out prior to the Board meetings so that review and changes could be made before the Board meetings. Gray noted that he believed AISD's numbers resulted in correct bottom line totals, but would talk with Ashley about the issue when she got back to help create a better picture for the Board. Patrick encouraged any Board member interested to attend that meeting as well. He then noted that copies of the approved budget and the project budget would be needed for the July meeting to see a clear picture of the last few months of the GAATN budget.

Agenda Item No 6:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. New site approval for nine City of Austin sites.

Ron shared that the City had brought forward nine new sites. The Technical Subcommittee had approved these sites and the Board now needed to vote on them. Gary motioned to approve and was seconded by Tom, and the motion passed unanimously.

B. BIN Expansion.

Ron stated that Wayne had wanted the Board to understand that there is a risk involved in this expansion. Due to the HWY 45 construction in the area there are sections of this route that have not been framed, and framing them now might be premature because pole locations will inevitably be changed as construction proceeds. Martha shared that the expansion was identified in the Board's February 2002 minutes to include to Lake Creek Parkway only and that the rest could be done in next year's budget.

Martha added that the goal was to make available to partners the opportunity to participate with the City's installation of what would otherwise be a City-owned facility with 24 fibers, by making it a GAATN project including upsizing the fiber count to 96. The estimated cost of the upgraded project is \$84,111.16. The City is willing to front the cost of the upgraded project, subject to being reimbursed by GAATN by future years' budgeted project funds. Gary made a motion to approve this offer from the City to front the expansion of the B1N ring to Lake Creek Parkway and that the City will be reimbursed from the unassigned project account in fiscal year 2005-2006. Wayne seconded the motion which then past unanimously. Patrick stated that the City will move forward with this.

C. Record Retention Policy

Syd shared some basic record management and retention requirements applicable to local governments, and the Texas State Library and Archives Commission rules and guidelines for meeting them, which he had been investigating. Ron noted that the Technical Subcommittee had not had a chance to review the information last month and Patrick asked that it be included for next month's agenda. Patrick asked the Technical Subcommittee to come back with some guidelines and specific choices for the Board to consider. Syd will meet with the Technical Subcommittee to assist in fashioning such a recommendation.

Agenda Item No. 7:

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

A. Insurance Renewal with Gammon Insurance.

Ron shared that he had a letter from Gammon Insurance that stated there would be no rate increase this year (because this is the second year of a two-year policy). He added that John Kohlmorgan had asked that this item be reflected in the minutes to reflect that GAATN would continue with its present coverage under the same terms existing. Wayne moved to approve the continuation and was seconded by Tom, and the motion carried.

Ron then went on to update the Board about finding a company to photograph some conduit underground. Ashley had been working on this with the City's Wastewater personnel but they had been non-responsive about it since last month. There was no word on Fire 14 yet, he added. The last item for mention was that there would be no joint trench with Qwest, CoCom was cheaper by \$7,000 on the TxDot and 183 project, because the Qwest trench was longer than GAATN required.

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, and

C. Contractual or Tort claims against GAATN.

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

Patrick directed the Board to Executive Session at 3:11 p.m. and returned from it at 3:24 p.m.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as July 12, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed (July 12, 2004 at 1:30 p.m.) and the meeting was adjourned at 3:25 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 on July 12, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

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

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

Gray Salada, on behalf of the Austin Independent School District
Wayne Wedemeyer, on behalf of the University of Texas
Tom Lott, on behalf of the Lower Colorado River Authority
Brian Kunz, on behalf of the Lower Colorado River Authority
Patrick Jordan, on behalf of the City of Austin
John Kohlmorgan, on behalf of the Austin Independent School District
Walter LaGrone, on behalf of Travis County

These members joined the meeting in progress.

Dave Kelly, on behalf of the State of Texas
Gary Weseman, on behalf of Austin Community College

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Heidi Cottingham, Maintenance Contractor
Sydney Falk, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of May 3, 2004 Board Minutes.

Gray moved to approve with a second from Tom Lott; the motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Patrick stated that he had nothing for this item.

A. Vote for GAATN Chair and Vice Chairpersons

Partick noted that he had been nominated for Chairperson and Gray Salada as Vice Chair. There were no new additions to the appointments and the subsequent vote passed unanimously.

Agenda Item No. 5:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**
- D. Outstanding Claims for Attorney Compensations.**

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

Patrick directed the Board to Executive Session at 1:40 p.m. and returned from it at 2:16 p.m. No actions were required in open session.

Agenda Item No 6:

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

Gray distributed the AISD financial summary for May and shared that he, John, Ashley and Ron had met to discuss the budget as directed. He stated confidence in the numbers represented and Ashley added that her projections had also been very accurate. Wayne asked and was reminded that August 31 is the end of the fiscal year for GAATN and John added that it would probably be October or November before the final report was made because bills tended to trickle in and there were other activities as well. Gray added that the numbers would not change much between now and then. Several of the Board commented that they appreciated the new spreadsheet and the report. Ashley noted that she will continue to use this format and keep the numbers up to date, she also noted that she wanted to get started on a draft budget early.

A. Possible Payment to McGinnis, Lochridge, and Kilgore.

This item was dealt with in Executive Session.

B. Bickerstaff, Heath, Smiley Attorney Budget.

Ashley stated that she had concerns over this item in the budget due to a recent billing and its projected impact. Patrick asked if the numbers in the budget were accurate but was told by Ashley that the numbers did not include the May billing of \$9,400 meaning that the June, July and August payments would have to be under \$6,000 to keep from going over the budgeted \$50,000 for this category. She stated further that the recent activity of retention records and the dig up at 5th and Lamar would almost certainly be over this amount alone with the remainder of July and August still to go. She suggested tabling the retention policy until next year. Patrick stated that he would prefer the attention of this by the Technical Subcommittee and Ron as GAATN Network Coordinator. Patrick further stated that the entities could use their own legal folks for advice as well to help keep costs down. He reiterated that the days of going to the fund balance were over and frugality within the budget was a necessity. Wayne asked if the budget for next year should be increased for this category and was told by Ashley that it might be necessary but she preferred to see how the rest of the year went. She added that the insurance was not increasing and that \$50,000 would be remaining from that category. John cautioned the Board about what requests were put through to legal in the future. Wayne agreed with Patrick that the discretionary legal activity should be given to Ron to get as close to what is needed with legal as an advisor to the resulting document produced with the Technical Subcommittee approval. Syd shared that he felt the email that Ashley and Ron had sent out exaggerated the budget impact, he further stated that the use of in house counsel was a good idea to help keep costs down. Patrick noted that the budget was a concern and that this was a category that needed to be watched, as they all did, in what will be a tight year.

Agenda Item No. 7:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. Approval of Network Manager Notification policy

Tom began by sharing that this policy had been through legal and the technical subcommittee and was now presented for official vote. Walter moved to accept and Wayne seconded, vote was unanimous.

B. Record Retention Policy.

Tom stated that the technical subcommittee had considered this from the angle that the financial records should be kept under AISD policy and the documentation under the city of Austin policy, anything that fell in between could be analyzed by the technical subcommittee. Wayne asked about the record management officer and who that might be, Tom added that a Board appointee could assist and have the Network Coordinator participate in that role. Patrick noted the SLA did cover that as an item and agreed with Tom. Gray asked about the minutes and how they were kept, Ron shared this information and added that they were kept forever. Patrick directed Ron to start drafting a policy for Technical subcommittee review.

C. Update on State Use of Conduit

Tom stated that Debbie had reported positively on this issue to the Technical Subcommittee and that she was to get back with them once she heard from the Governor's Office about the matter. Patrick asked if there was anything the Board could do to assist but was told it was a waiting game at this point.

D. Clarification of Emergency Fund Usage

Tom stated that Debbie wanted this to be discussed. Patrick reminded the Board about going back mid year to increase the budget for GAATN and added that the fund was for any unforeseen budget impact be it a traumatic event, cost overruns, legal, or other. The amount was chosen as 10% of the estimated capital asset and he was comfortable with the amount and the fact that the fund was dealt with collectively. He added that this item had already been dealt with previously by his estimation.

Agenda Item No. 8:

Discussion and possible action regarding the Network Manager's update.

A. 11th street conduit blockage

Ashley explained that concrete was blocking the conduit at 2 ends of the 300 foot run. She added that the issue had come up when UT began asking about using the original SWBell installed conduit. She added that the conduit was placed improperly and that it was probably shifted when the concrete was poured over it. A1N is in the other conduit at this location and that the conduit was populated with only 2 interducts. Heidi added that to populate the other conduit then both of them would have to be removed and this would be more than digging up and fixing the other conduit, she estimated costs to be around \$30,000 but would get a good number to the Technical Subcommittee for consideration. Ashley shared that the conduit was blocked at 24 feet from one side and at 59 feet from the other-condition in between these points was unknown. Heidi added that it was best to redo the whole thing in response to questions about rodding out the conduit. Tom asked and was told that GAATN is alone in the trench. Ashley asked about creating a policy to pull interduct through the conduit from now on. Patrick and Wayne shared that there was a policy to do that already in place.

Ashley then shared that the TxDot project at Bolm Rd and 183 had been green lighted to proceed. She added also that the City Hall fiber had been pulled in but Heidi stated that she would not place it until all the other fiber going in had been completed. Ashley added that the racks were also in but had not been placed yet. John asked for diagrams and rack locations because he was ordering the equipment and Ashley stated that she would send that to him. Patrick shared that there was a lot of redundancy in some of the equipment he stated also that occupancy by

November was looking to be a reality. Ashley stated that anyone wanting to check out the GAATN room should get in touch with her.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as August 2, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed (August 2, 2004 at 1:30 p.m.) and the meeting was adjourned at 3:10 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 on August 2, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

The meeting was called to order by Vice-Chairperson Gray Salada at 1:30 p.m.

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

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

These members joined the meeting in progress.
Brian Kunz, on behalf of the Lower Colorado River Authority
John House, on behalf of the University of Texas

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Sydney Falk, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of July 12, 2004 Board Minutes.

Gary moved to approve with a second from Walter; the motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Gray stated that he had nothing for this item.

Agenda Item No. 5:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**
- D. Outstanding Claims for Attorney Compensations.**

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

Gray directed the Board to Executive Session at 1:34 p.m. and returned from it at 1:46 p.m.

Gary moved to accept the payment from Austec and this was seconded by Wayne, motion passed unanimously.

Agenda Item No 6:

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

Gray distributed the AISD financial summary and asked about the City of Austin Payment and the payment from the State. Ashley said she was sure the payment was sent but would check and follow up with the Board. Dave stated that the State had also sent the payment in.

Agenda Item No. 7:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. Internet 2 Conference.

Wayne spoke to this and explained that GAATN would be part of a presentation with four other groups. Wayne invited all to attend and shared that LEARN and GAATN would be part of the presentation.

B. 11th Street conduit blockage.

Ashley stated that the repair estimate from Heidi was good for 30 days only and was a 'not to exceed' amount of \$117,500 that included \$42,000 for repair, \$12,000 for engineering, and \$63,000 for materials. Ashley added that she could add it to the 2006 budget as a project but she preferred another route. She explained that for \$20,000 the area could be 'potholed' and that it might be possible to repair the ends that are blocked without completely digging up the entire run. Wayne asked if the other conduit was good and was told it was and that it had been pulled into recently. Tom stated that the Technical Subcommittee recommend the potholing. Gary asked if the area could be resealed if there was a problem and put off until later if the entire run had to be repaired. Ashley stated that it could be resealed if it was not something that could be fixed with the potholing. Gary asked Ashley to keep the Technical Subcommittee up to date and it was agreed that she would proceed. A vote was not necessary since the amount was within the Network Manager's spending allotment.

Agenda Item No. 8:

Discussion and possible action regarding the Network Manager's update.

Ashley shared that the TxDot project at Bolm road was proceeding and that P.E. Prints had been handed over for construction. She added that we were first in and that TxDot wanted to get started soon. Ashley shared that LCRA was putting in dual entrances at one of their facilities and that the City would be requesting a POP at the location at the next Technical Subcommittee meeting. Ashley then touched on the toll road issue and Tom asked if a map of proposed areas could be gathered and perhaps a budgetary impact estimated and Ashley responded that she would get that information together through Austin Energy and the UCM meetings and report back.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as September 13, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed (September 13, 2004 at 1:30 p.m.) and the meeting was adjourned at 2:14 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 on September 13, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

The meeting was called to order by Chairperson Patrick Jordan at 1:35 p.m.

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

John Kohlmorgan, on behalf of the Austin Independent School District
John House, on behalf of the University of Texas
Tom Lott, on behalf of the Lower Colorado River Authority
Martha Riekenberg, on behalf of the City of Austin
Brian Kunz, on behalf of the Lower Colorado River Authority
Patrick Jordan, on behalf of the City of Austin

These members joined the meeting in progress.
Gary Weseman, on behalf of Austin Community College
Dave Kelly, on behalf of the State of Texas

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Sydney Falk, GAATN Attorney
Heidi Cottingham, Maintenance Contractor

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of August 2, 2004 Board Minutes.

John moved to approve with a second from Tom; the motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Patrick stated that he had nothing for this item.

Agenda Item No. 5:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**
- D. Outstanding Claims for Attorney Compensations.**

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

Patrick directed the Board to Executive Session at 1:37 p.m. and returned from it at 1:50 p.m.

No activity in open session was required.

Agenda Item No 6:

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

John distributed the AISD financial summary and thanked everyone for having their payments in for the year. He added that it looked like the fund balance was going to end up being about one million dollars but added that some invoices were not yet in. Patrick added that the analysis for the budget was the best he could remember this year and encouraged the effort to continue. Ashley asked about the year end budget report and John said he would get it to her when it was completed by AISD.

Agenda Item No. 7:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. Internet 2 Conference.

John House asked if this item could wait on Wayne.

B. 11th Street conduit blockage.

Tom shared that Ashley would cover this in her section

C. Retention Policy

Ron shared that he had met with the city record keeper about the city policy and that he would be sharing that information with the Technical Subcommittee next week to get a direction to proceed.

Agenda Item No. 8:

Discussion and possible action regarding the Network Manager's update.

Ashley shared that the TxDot project at Bolm road was now not proceeding as was previously reported last month. She shared that the project was given to a new project manager and that she would report back when things changed.

Ashley went on to report that the 11th street potholing had been a success on one end of the conduit The project was anticipated to cost \$117,000 but the one side of the conduit was repaired for \$19,800. However, the other end required more work and a seperate work order was issued by Martha who was taking advantage of the permit time limits. The other end was also successfully fixed for a cost of \$14,000. Tom asked if a vote for approval was required since the network manager could only approve up to \$20,000 but was told no by Patrick since their were two seperate projects and two seperate invoices issued.

Ashley continued with her report that ACC and Travis County had permanently swapped fiber on C1N and C2S, Gary added that they gave fibers 49-54 on C2S for fibers 49-54 on C1N.

Ashley stated that all the rings for City Hall were in except the other half of SRN. She added that the State had not gotten back about use of the tunnel system yet but Dave stated that he was

hearing positive feedback from folks and hoped for a decision soon. Ashley acknowledged this and stated that the plan was to proceed with conduit placement for connectivity outside the capital compound. She added that the Maintenance Contractor was proceeding with P.E for the project so that it could be passed at the Utility Coordination Meeting. The engineering component is estimated at \$30,000 and then, once approved she could work backward while waiting on final approval from the state. She added that the state was requesting buildout of some nodes along the route and a manhole which would bring the project to around \$602,000. Tom asked if the project she was proposing would interface with the State routing and she answered that it would. She added that if something went awry at the State then her planning would continue on and the engineering and approval would already be completed. John K. asked how long it would take to get in engineered and was told 2 to 3 months. The \$602,000 figure is more than the planned \$338,000 for the project but still less than the expense to place conduit around the capital complex. Dave stated that their request was to augment the change that the route would facilitate. Ashley added that she planned to have a fiber segment cut to length for quick placement through the system upon approval. After the engineering and conduit is done, the placement of the whole fiber to City Hall would be an additional 3-4 weeks. Ashley then reported that 100% of the toll road expansion is reimbursible, that means any poles, conduit or replacement would be covered. Patrick asked for some official writing to that effect and Ashley said that she would pursue said letter.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as October 4 , 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed (October 4, 2004 at 1:30 p.m.) and the meeting was adjourned at 2:24 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 on October 4, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

The meeting was called to order by Chairperson Patrick Jordan at 1:35 p.m.

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

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

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Heidi Cottingham, Maintenance Contractor

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of September 13, 2004 Board Minutes.

Gary moved to approve with a second from Wayne; the motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Patrick requested that the Board watch the GAATN presentation to the Internet2 conference.

Wayne and Patrick thanked Ashley for the presentation and noted that questions may come from attendees to the conference.

Agenda Item No. 5:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**
- D. Outstanding Claims for Attorney Compensations.**

Reconvene for discussion and decisions, if any, on matters considered in closed session.
There were no topics for this agenda item.

Agenda Item No 6:

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

Gray distributed the AISD financial summary and reported that there was \$972,000 left in the budget for the year. Ashley added that there was \$200,000 of that to be put toward the contributions for next year so the fund balance was going to end up being \$772,000 dollars. Ashley added that the Bolm Road project was still to come and that no extra money was left in the budget, the numbers are right at break even. Gray asked about the number to be held in the holding account and Martha and Patrick answered that it was derived at by a percentage of the network.

Agenda Item No. 7:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. New Site Approval

Tom shared that the City was requesting a pop at the judicial center and Ashley added that it would be on A1N and A2N. Patrick stated it was for video adjudication, but that there may be other interest. Martha said that there was no direct connection to the judicial center and that some of travis county's conduit would need to be used. Wayne motioned to approve with a second by Patrick, the vote was unanimous.

Dave had no update on the tunnel issue at the capital. Tom stated that the Technical Subcommittee wanted Patrick to write a letter to the Toll Authority to see if their was a way for them to include conduit for GAATN. Patrick suggested a meeting with parties within the Toll Authority that could make that decision and that he would pursue contacts for a discussion.

Agenda Item No. 8:

Discussion and possible action regarding the Network Manager's update.

Ashley shared that the TxDot project at Bolm road was to proceed but that they wanted GAATN to go in first. It has been suggested that GAATN should wait until the area is cleared to go in but she would wait and see what happened.

Ashley went on to report that she received a letter from the City to inquire about relocation at 3rd street for light rail from the convention center to the waste treatment plant. Heidi quoted \$3.3 million to relocate and conform to the request made. Patrick stated that the issue would be followed and he suggested that GAATN staff attend any meetings on the topic. Wayne asked about the World Congress and was told by Patrick that the city was involved in talks but that nothing had materialized yet, he would keep alert to any procedural discussions.

Agenda Item No. 9:

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

Time and location for next regular meeting was confirmed (November 1, 2004 at 1:30 p.m.) and the meeting was adjourned at 2:21 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 on November 1, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

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

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

John Kohlmorgan, on behalf of the Austin Independent School District
John House, on behalf of the University of Texas
Wayne Wedemeyer, on behalf of the University of Texas
Tom Lott, on behalf of the Lower Colorado River Authority
Martha Krische, on behalf of the City of Austin
Patrick Jordan, on behalf of the City of Austin
Gray Salada, on behalf of the Austin Independent School District
Dave Kelly, on behalf of the State of Texas

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Heidi Cottingham, Maintenance Contractor
Syd Falk, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of October 4, 2004 Board Minutes.

Wayne moved to approve with a second from Tom; the motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Patrick requested that the Board consider the various opportunities with wireless and future integrations with the GAATN network. He noted that ACC has an interest, UT also working on some things and other entities outside of GAATN could be interested in partnerships as well. He encouraged the Technical Subcommittee to look at these alternatives and further suggested a special called meeting in January or February to discuss strategies.

Agenda Item No. 5:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**

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

Patrick moved the Board to executive session at 1:38 p.m and returned at 2:15 p.m.

There was no need for open meeting discussion on any of the items.

Agenda Item No 6:

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

Gray distributed the AISD financial summary and reported that it might be good for entities to consider getting caught up. John noted a typo on the report as it related to the payment of the SLA but he stated that he would correct it.

Agenda Item No. 7:

Discussion of and possible action regarding the Technical Subcommittee Update.

Ron shared that he would be attending the City Clerk's class on retention policy this month and would bring that information to the Technical Subcommittee once he was completed. Tom asked Patrick about contacting the Toll Authority and was told that Bubba Needham was the contact that Patrick had spoken with about possible opportunities for GAATN to expand along these new highways. The opportunities would come in the form of shared conduit or shared fiber or another undetermined joint venture and Ashley added that she would stay in touch with the contact to see what could be done.

Ashley shared that TxDot is doing the work and much of it will not be forced underground and Heidi added that a new pole line was going in and that GAATN would be transferring to some of those new poles. Wayne commented that it was good to have a relationship and conversations like this beforehand and that it would be great to have GAATN into new areas and to entice others to join.

Ashley went on to state that the previous statements from TxDot about being responsible for compensations for relocations had been inaccurate. She added that the only opportunity for reimbursements would be if the entity owned the easements, otherwise GAATN is responsible for the cost of the fiber relocations.

Tom then shared the other discussion at the technical subcommittee was the need for a flow chart or plan for dealing with teardowns in a more expeditious manner. Patrick asked Ron to work on this for the subcommittee.

Agenda Item No. 8:

Discussion and possible action regarding the Network Manager's update.

Ashley continued with the TxDot topic from agenda item 7 by stating that she would get the questions answered for next time. She then passed out a draft of the network rights that was based on the information that had been returned to her by the entities. The entities can review them and vote on this information in December.

The TxDot at 183 project has changed again. TxDot had been trying to get us to go in first but

Jeff Kirk at CoCom had been able to alter this plan after discussions with them so that the gas line can go in first. Ashley added that Hwy 290 was waiting for plan approval.

She then stated that approval for the use of the state tunnel had gone through and that \$337,065 was the amount that would be billed to finish out the job, the engineering was done. Heidi has coordinated a reel to reel splice through so that splices can be located off the capital grounds. Work should be done in January, Heidi added that a lot could be done with little impact over the holidays.

Patrick shared that drawings had been shared through Martha to the Technical Subcommittee and that some had taken a tour of city hall as well.

Ashley added that UT was relocating GAATN for the new dorm, the cost would be around \$10,000 and Ashley added that Patrick had forwarded her email stating an increase to GAATN from the SLA was to happen next year.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as December 6 , 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed (December 6, 2004 at 1:30 p.m.) and the meeting was adjourned at 2:43 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 on December 6, 2004 at
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd
Austin, Texas**

Agenda Item No. 1:

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

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

John Kohlmorgan, on behalf of the Austin Independent School District
John House, on behalf of the University of Texas
Wayne Wedemeyer, on behalf of the University of Texas
Brian Kunz, on behalf of the Lower Colorado River Authority
Martha Krische, on behalf of the City of Austin
Patrick Jordan, on behalf of the City of Austin
Gray Salada, on behalf of the Austin Independent School District
Dave Kelly, 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 at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Heidi Cottingham, Maintenance Contractor
Syd Falk, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of November 1, 2004 Board Minutes.

Wayne moved to approve with a second from Gray; the motion passed unanimously.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

Patrick had no update for the Board but encouraged members to get in touch with him should any issues arise.

Agenda Item No. 5:

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

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**

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

Patrick moved the Board to executive session at 1:35 p.m and returned at 1:37 p.m.

There was no need for open meeting discussion on any of the items.

Agenda Item No 6:

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

Gray distributed the AISD financial summary. Patrick asked if the expenses were being tracked as planned and was told that they were. Dave requested Gray to ensure that the State's payment had been received.

Agenda Item No. 7:

Discussion of and possible action regarding the Technical Subcommittee Update.

John began by discussing the Damage Flow Chart that Ron had put together for the stated need to expedite activity for damage claims. The goal is to get damage letters out faster and prevent the 4-5 month lapse in some of the previous activity. John then mentioned that Ron had attended the GAIN class with the city and that the records for GAATN would be maintained with Iron Mountain through the city contract. John further mentioned that there had been some damage the past month due to squirrel activity, that DIN was undergoing some hardware replacement, and that BIN was complete to the Lake Creek Parkway area.

Ashley commented on the Damage Flow Chart by suggesting that Syd write the first letter but Syd noted that sometimes a letter from someone other than an attorney was beneficial. Syd did suggest a 10 business day response time followed by a 5 business day response for any follow up letter. Syd questioned if a second letter was necessary. Heidi estimated her success rate at 25%. Syd then noted that the holdup was getting the information to the Board for an official decision but all agreed that the process would still be much faster with the proposed changes. Patrick asked about a damage claim form and Martha shared that there was a fom that designated the maintenance contractor as the only contractor allowed to repair the GAATN fiber. Patrick queried the Board as to a need for a policy to accompany the chart or not. After some discussion it was decided that a policy to reference the chart may be beneficial. The matter will be continued at the next Technical Subcommittee meeting.

Agenda Item No. 8:

Discussion and possible action regarding the Network Manager's update.

Ashley passed out the site list to everyone again this month. Wayne noted that Gulette was not included as a UT site which would add to the count on BIN and SRN for UT. Patrick suggested approving this with the modifications but Gray asked for extra time. It was decided to have a special called GAATN meeting prior to the next Technical Subcommittee meeting to get an official vote on the site list and network rights. Gary asked for comparison of past network rights to be attached with the corrected sheets.

Ashley addressed the BIN expansion and produced the minutes of past meetings that Martha had

found that discussed the topic. Her question to the Board was a need to know if the Board desired to 1. Do nothing, 2. Pay back the city for the part that was done, or 3. pay city and complete the work. Patrick noted that the net cost to complete the expansion would increase the budgeted payments considerably. Ashley noted that it would increase the city portion by \$24,000 and AISD by \$29,000. Gray asked about the need to do the work this year, was there an urgency? Martha added that the project had been prioritized by the Technical Subcommittee for 2005/2006. Ashley noted that the \$84,000 was the payback amount for the city and the \$390,000 would be to complete the project. Patrick added that a connection with Round Rock was a factor in starting the project to begin with and noted that the city's needs in this area were already met with the present expansion. Gary noted that ACC may be interested in some of this area at a later date but their budget did not support it for next year. Dave shared that the State had nothing in the area. Wayne mentioned a research facility that may be a connection later. Heidi shared that some of the poles had been removed from the area and the new poles will require permitting. Patrick noted that feelings seemed to be against moving forward with the project next year and Walter added that part of this expansion wasn't in Travis County but that the move was and is supported if the Board wished to move forward. Ashley shared that she needed to know for the budget. Wayne moved to reimburse the city for the \$84,000 that was agreed too and this was seconded by Walter, subsequent vote was unanimous and Ashley was instructed to include that amount in her budget for 2005/2006. Gray asked for a refresher for the minutes containing discussion of this expansion before he could decide on whether to proceed. It was decided to add this to the special called Board meeting prior to the next tech meeting. John affirmed that the \$84,000 will go into the budget but the \$390,000 for the continued expansion is to be excluded for now. Patrick noted that his budget would be impacted severely with an increase of \$110,000 to \$137,000 per quarter. John informed the Board that AISD may expand south next year. Wayne suggested removing DIN from the budget. Walter asked if the \$100,000 for unidentified projects was enough and Ashley told him that it had never exceeded that amount previously. Ashley went on to inform the Board that the pipeline company was still in the way at TxDot and Hwy183. She added that mule tape was in the state system and ready for completion. Dave raised a concern over how repairs would be done at the site and agreed to work with Ashley on the matter to ensure that no future issue with access would arise.

Agenda Item No. 9:

Confirm date, time and location for the next regular Board meeting as January 10 , 2005 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed (January 10, 2005 at 1:30 p.m.) and the meeting was adjourned at 2:43 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
held on December 15, 2004 at
Co Com Cabling Systems
16021 N. IH 35
Pflugerville, TX 78664**

Agenda Item No. 1:

The meeting was called to order by Chairperson Patrick Jordan at 1:05 p.m.

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

John Kohlmorgan, on behalf of the Austin Independent School District
John House, on behalf of the University of Texas
Wayne Wedemeyer, on behalf of the University of Texas
Brian Kunz, on behalf of the Lower Colorado River Authority
Martha Krische, on behalf of the City of Austin
Patrick Jordan, on behalf of the City of Austin
Tom Lott, on behalf of the Lower Colorado River Authority
Dave Kelly, on behalf of the State of Texas
Gary Weseman, on behalf of Austin Community College

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Heidi Cottingham, Maintenance Contractor

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Discussion and possible action regarding the approval of 2005-2006 Network Rights and Entity Site List.

Ashley distributed the newest changes and noted that Wayne had found some additions, four for Travis County, one for University of Texas, and two for the State. These changes had been made on the information that Ashley distributed. Patrick noted that the City has had more changes over time. John Kohlmorgan moved to accept the corrected site list and Tom Lott seconded, the vote was unanimous.

Agenda Item No. 4:

Discussion and possible action regarding the B1N expansion payment.

Martha had sent out the background and minutes with the information and discussions about this issue. The \$84,111.16 owed to the City of Austin was decided to come out of this upcoming budget year. The fiber is in place for GAATN and already spliced in for the city use only at present. Patrick noted that Cap Metro is interested in some wireless in this area and he was looking into the feasibility of that activity. Wayne made the motion to approve the payment to the city in the 2006 budget and was seconded by John Kohlmorgan, motion was unanimous.

Agenda Item No. 5:

Discussion and possible action regarding the approval of the GAATN Damage Recovery Process Policy.

Ron had distributed a written policy that would reference the flow chart that would expedite reimbursements to GAATN from damage caused by third parties. Changes that had been suggested from the last time were to allow the attorney to begin preparing for actions prior to the next Board meeting in cases where there is no response in the allotted time. Patrick made the motion to approve and was seconded by John Kohlmorgan, the policy passed unanimously.

Agenda Item No 6:

Discussion and possible action regarding bulk material acquisition.

Ashley had suggested to Heidi to look into savings that this activity would create and, excluding fiber it was some \$37,000 saved on materials. There was a lot of discussion on splice enclosures and the price increases expected next year. It was noted that individually these items, with the exception of the splice enclosures and fiber, were easily under the \$20,000 limit given to the Network Manager. Minus splice enclosures, the expenditure to the budget was \$85,000. The need for armored cable was also discussed and Heidi share that the distributor had accidentally made 4 more rolls at 10,000 feet increments for GAATN and was offering it at \$1.68 a foot. The Board discussed this and countered to them with a flat \$60,000 for the 4 rolls at \$1.50 a foot. The offer was accepted. Heidi updated the Board that some 60,000 feet of self support cable needed replacement along 3 of the rings. Wayne made a motion to approve the purchase of the fiber and the additional bulk items that were on the list, he was seconded by Gary and the motion passed unanimously.

Agenda Item No. 7:

Confirm date, time and location for the next regular Board meeting as January 10 , 2005 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed (January 10, 2005 at 1:30 p.m.) and the meeting was adjourned at 2:35 p.m.