GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

MEETING OF THE BOARD OF DIRECTORS

MEETING HELD September 1, 2020 1:30 p.m.
Via Teleconference at (512) 831-7858, Conference ID 560 372 073#

MINUTES

1. **Call to Order and Roll Call:**
   GAATN Board Chairman Dain Herbat called the meeting to order at 1:30 p.m. The following announced as present at the start of the meeting:
   Gary Weseman, on behalf of Austin Community College
   Steve Pyle, on behalf of State of Texas DIR
   Bruce Hermes, on behalf of City of Austin
   Robert Saddler, on behalf of LCRA
   Jaime Guerra, on behalf of UT-Austin
   Dain Herbat, on behalf of Travis County
   John Kohlmorgan, on behalf of Austin ISD
   Brian Rose, on behalf of Austin Community College
   Harold Nall, on behalf of UT-Austin
   Syd Falk, GAATN attorney
   Sarah Eichelberger, on behalf of GAATN
   Carlos DeMatos, on behalf of GAATN
   A quorum was established at roll call.
   Members of the public:
   Chris Gonzales, on behalf of BryComm LLC
   Wayne Wedemeyer, on behalf of UT-Austin

2. **Citizen Communications:** There were no citizen communications.

3. **Review and Approve the minutes for the regular Board Meeting of August 4, 2020**
   Syd Falk noted a correction on Agenda Item 6E. Gary Weseman moved to approve the draft minutes as presented with the correction noted by Syd; Jaime Guerra seconded the motion and it passed unanimously.

4. **Consent Agenda Items from the August 18, 2020 Technical Subcommittee Meeting:**
   Jaime Guerra noted that Agenda item 4C does not include allocation for the B2S cable to Cyrus One. Jaime Guerra moved to approve Consent Agenda Items 4A, 4B, and 4C. Dain Herbat seconded the motion and it passed unanimously.
   A. **Seeking approval for B1S Permanent repair at 4004 Banister Lane in an amount not to exceed $47,300 to be funded from FY21 GAATN MAC budget**
      APPROVED ON CONSENT.
   B. **Seeking approval for C1S Permanent repair at South First and Emerald Wood in an amount not to exceed $38,100 to be funded from FY21 GAATN MAC budget**
      APPROVED ON CONSENT.
   C. **Seeking approval for revised allocation of strands on A1N, A2N, SRS, and SRN as presented at the August 18, 2020 Technical Subcommittee meeting**
      APPROVED ON CONSENT.

5. **Board Chairperson Update – Discussion and possible action regarding:**
   A. **Notification of Travis County election maintenance blackout window of October 9 – November 6, 2020**
   Dain Herbat notified the Board of the maintenance blackout dates for the election.
   B. **Seeking approval for 2021 GAATN Meeting dates**
   Sarah reviewed the proposed 2021 meeting dates, which consider 2021 spring break and other holidays. All meeting dates will fall on Tuesdays. Jaime Guerra moved to approve the 2021 GAATN Meeting dates as presented; Gary Weseman seconded the motion and it passed unanimously.
   C. **Project delays related to Austin Energy and possible request to City Management**
   Bruce Hermes reported that a meeting was held between GAATN and Austin Energy and a follow up meeting will be scheduled by Frank. Dain Herbat requested attorney consultation for this agenda item in executive session under Texas Government Code 551.071. Upon reconvening in open session, there was no further discussion held or action taken.
   D. **Seeking approval for GAATN policy regarding entity-specific projects and agreement template**
   This agenda item was discussed in executive session under Texas Government Code 551.071 for attorney consultation. Upon reconvening in open session, Syd Falk reviewed the draft guidance and agreement template. John Kohlmorgan asked if it would be possible to streamline the process and create a master agreement so members don't have to go back to their governing bodies every time they are involved in such a project. Dain suggested that, with the Board's approval, GAATN allow the Travis County/TxDOT project to commence without an agreement between GAATN and Travis County with the understanding that Travis County will reimburse GAATN for remaining portion not reimbursed by TxDOT. Dain also suggested that Syd and the Board continue to work on the draft agreement template for projects moving forward. Gary and Jaime agreed with Dain. Syd said members could have their governing body's legal departments review the draft agreement. John said he would like to see a one-size-fits-all agreement since he predicts there will be more of these types of projects in the future. Syd said the current agreement is written more on a per-project basis rather than a master agreement and would need a little re-drafting if that is what the Board wants, but he said there would still need to be some type of per project agreement that the master would reference. Syd asked members to review the current draft since there will not be substantial changes to mold it into a master agreement. Syd asked members to email him any comments prior to the Board meeting on September 15 and he would have a draft master agreement ready to take back to their respective legal departments.
   E. **Discussion of GAATN Backup NOCC at Austin Convention Center construction project**
   This agenda item was discussed in executive session under Texas Government Code 551.071 for attorney consultation. Upon reconvening in open session, Jaime Guerra reported that he and some members of the network management team are participating on the COA evaluation panel for the solicitation. Jaime noted that the evaluation team is currently in negotiations with the highest ranked bidder and the plan is to have those negotiations complete prior to the September 15 special called Board meeting. He said the hope is to bring the funding of the project to the September 15 meeting for approval.
   F. **Seeking approval for TxDOT SH71/Ross Road Travis County entity-specific project to be 100% reimbursed to GAATN in an amount not to exceed $98,323 to be funded from FY21 GAATN MAC budget**
   This agenda item was discussed in executive session under Texas Government Code 418.181 for review of protected infrastructure. Upon reconvening in open session, Jaime Guerra

moved to approve the TxDOT SH71/Ross Road Travis County entity-specific project to be 100% reimbursed to GAATN by TxDOT (43.72% or $42,986.82) and Travis County (56.28% or $55,336.18) in an amount not to exceed $98,323 to be funded from FY21 GAATN MAC budget; Dain Herbat seconded the motion and it passed unanimously.

G. Regulatory perspective of utilizing 4g/5g networks

This agenda item was discussed in executive session under Texas Government Code 551.071 for attorney consultation. Upon reconvening in open session, there was no further discussion held or action taken.

H. Seeking approval for allocation of strands to Cyrus One

This agenda item was discussed in executive session under Texas Government Code 418.181 for review of protected infrastructure. Upon reconvening in open session, Dain Herbat instructed management to bring options to the next Technical meeting.

I. Property damage claim against Asplundh for damage to C1N at Willamette Drive

This agenda item was discussed in executive session under Texas Government Code 551.071 for attorney consultation. Upon reconvening in open session, there was no further discussion held or action taken.

6. Network Manager's Update

A. Project status report

Carlos reviewed the following upcoming and recently completed projects:

- C1S resplicing several cases to activate TC fibers – scheduled for 9/10
- C1N temporary repair at HWY290 and Johnny Morris – completed 8/26. John asked for more information about this damage; Carlos said management and the maintenance contractor is still gathering information and the permanent repair will be brought to the next Technical meeting and he can give them more information then.
- SRN re-routes for Capitol Complex – completed 8/19
- A2N re-routes for Capitol Complex – completed 8/12
- B2S Burleson Rd re-route to Fiberlight duct bank – completed 8/4
- COA B1N Planning and Development Center – completed 8/15
- ACC B2S node to Cyrus One MET3 – completed 8/25
- UT B1N/C1N Pickle Research Center new node – completed 8/21

B. Job budget report

Sarah reported that management is tracking 26 jobs totaling $1.363 million. From those jobs, GAATN expects to recover $214k, leaving $175k remaining for additional FY21 jobs.

7. Executive Session: At 1:45 p.m., GAATN Board Chairman Dain Herbat announced that the GAATN Board was adjourning for closed session, under Texas Government Code sections 551.071, 551.089, and 418.181 ("H.B.9"), to seek legal advice and to preserve confidentiality as permitted by law (including but not limited to pending, anticipated or contemplated litigation concerning) regarding Agenda Items 5C, 5D, 5E, 5F, 5G, 5H, and 5I.

At 3:10 p.m., Dain Herbat reconvened the GAATN Board in open session for discussion and actions on matters considered in closed session. Agenda Items 5C, 5D, 5E, 5F, 5G, 5H, and 5I were the only items discussed. Dain requested an updated roll call; all members present at the original roll call were present at the updated roll call except Bruce Hermes, who left the meeting at 2:57 p.m., and Harold Nall, who left the meeting at 2:59 p.m. A quorum was re-established at the updated roll call.

8. Discussion and possible action regarding the financial report and current fiscal year budget issues.

A. Financial Report

John Kohlmorgan reviewed the final FY20 report. The ending GAATN fund balance, not including the emergency set aside was $3.684 million.

9. Meeting and Action Items Summary

Carlos reviewed the following action items for management from the meeting:

- Bring B2S 288-count allocation options to next Technical meeting
- Send entity-specific project agreement to entities to review by September 15 Board meeting
- Syd will review GAATN's designation by the FCC

10. Confirm date, time, and location for the next special-called Board meeting on September 15, 2020 at 1:30 p.m. via Teleconference.

Items to be added to the next Board Agenda: Seeking approval for GAATN Backup NOCC at Austin Convention Center construction project