

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

MEETING OF THE BOARD OF DIRECTORS

MEETING HELD July 7, 2020 1:30 p.m.

Via Teleconference at (512) 831-7858, Conference ID 714 987 960#

MINUTES

1. Call to Order and Roll Call:

GAATN Board Chairperson Dain Herbat called the meeting to order at 1:30 p.m. The following announced as present at the start of the meeting:

Frank Ammons, on behalf of GAATN

Dain Herbat, on behalf of Travis County

Jaime Guerra, on behalf of UT-Austin

Gary Weseman, on behalf of Austin Community College

Robert Saddler, on behalf of LCRA

Bruce Hermes, on behalf of City of Austin

Carlos DeMatos, on behalf of GAATN

Syd Falk, GAATN attorney

A quorum was established at roll call.

Steve Pyle, on behalf of State of Texas DIR – arrived at 2:13 p.m.

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the regular Board Meeting of June 2, 2020

Bruce Hermes moved to the draft minutes as presented; Gary Weseman seconded the motion and it passed unanimously.

4. Consent Agenda Items from the June 16, 2020 Technical Subcommittee Meeting:

Gary Weseman asked for item 4A to be removed for further discussion; Bruce Hermes asked for item 4C to be removed for further discussion. Gary Weseman moved to approve Consent Agenda Items 4B, 4D, 4E, and 4F; Dain Herbat seconded the motion and it passed unanimously.

A. Seeking approval for update to GAATN Technical Guidelines as presented by Network Management and amended by the Technical Subcommittee

Gary Weseman requested clarification regarding the amount of slack at splice points; Carlos said it would be 100' at each splice point. Gary asked if it needed to be revised to clarify a particular amount on each side of the splice; Chris said how much slack is on each side would depend on the circumstance. Based on what Chris said, Frank said the guideline is sufficient as written. Gary Weseman moved to approve the update to the GAATN Technical Guidelines as presented by Network Management and amended by the Technical Subcommittee; Jaime Guerra seconded the motion and it passed unanimously.

B. Seeking approval for update to GAATN Maintenance Policy and Procedure as presented by Network Management and amended by the Technical Subcommittee

APPROVED ON CONSENT.

C. Seeking approval for splice case audits for B1S and B2S to be completed by BryComm at a cost not to exceed \$88k to be paid from the FY21 MAC budget

Bruce Hermes requested clarification as to what a splice case audit comprises. Dain asked if there is anything written in the Technical Guidelines that defines a splice case audit. Carlos showed the report for each splice case audit that was reviewed at the June 16 Technical meeting. Bruce said he would vote against the item; Robert asked Bruce to discuss his

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

concerns. Bruce said the tracing of fibers in the splice case was unnecessary because if the network is functioning, then the fibers are working. He said the tracing was a waste of time and money. Robert asked for management to elaborate on the need for the splice case audit. Frank said that, per the Maintenance policy that was just approved, GAATN would audit all network splice cases on a cyclical basis every five years. Frank said that splice case audits are standard practice among telecommunications network and a lot can happen in five years, such as brittle fiber and loose connections. Frank said GAATN aligns itself with standard practices by other telecommunications network with regard to maintenance and auditing procedures. Frank noted that it's important to have this audits conducted on a schedule and such audits have caught incorrect splices and other deficiencies. Dain asked if the contractor would correct any deficiencies; Frank said yes they would. Jaime said that when UT went to purchase strands on A1N through GAATN's Existing Unassigned Fiber Acquisition Policy, he reviewed the previous splice case and thought there more strands to purchase. However, once they went to use those strands, they were not all there, and they had to borrow a pair from AISD. Jaime said he will support this item, but he would like to see a comparison of the data from the previous splice case audit compared to the new one to determine if this is worth continuing every five years on previously audited rings. Frank said the one that Jaime is referencing was the first ever splice case audit done in GAATN's history and he believes it will only improve. Bruce asked if omitting the tracing would lower the cost; Carlos said it would only lower it by less than \$3k. Frank said the tracing is just a visual inspection that these fibers in this color tube in one splice case match the same fiber in the same color tube in the next splice case; they are not testing the actual fibers. Dain said he is a big advocate of the splice case audits and the initial round of splice case audits caught a lot of issues and discrepancies. Dain Herbat moved to approve splice case audits for B1S and B2S to be completed by BryComm at a cost not to exceed \$88k to be paid from the FY21 MAC budget; Gary Weseman seconded the motion and it passed unanimously. Dain asked management to add an agenda item to the next Technical meeting regarding splice case audits.

- D. Seeking approval for B1S permanent repair at 7612 Bluff Springs Road at a cost not to exceed \$49k (claim pending) to be paid from the FY21 MAC budget**
APPROVED ON CONSENT.
- E. Seeking approval for COA B2S Del Valle Fire & EMS Fire Station 50 new node entity-specific project at no cost to GAATN**
APPROVED ON CONSENT.
- F. Seeking approval for COA B2S Tie cable LCRA Radio Frequency Tower to Met 3 entity-specific project at no cost to GAATN**
APPROVED ON CONSENT.

5. Board Chairperson Update:

A. Annual GAATN Elections

Board Chairman – Jaime Guerra nominated Dain Herbat; Bruce Hermes seconded the nomination. Bruce Hermes moved to close nominations; Jaime Guerra seconded the motion and it passed unanimously. A vote was taken for Dain Herbat's election as Board Chairperson and it passed unanimously.

Board Vice-Chairman – Dain Herbat nominated Gary Weseman; Steve Pyle seconded the nomination. Bruce Hermes moved to close nominations; Jaime Guerra seconded the motion and it passed unanimously. A vote was taken for Gary Weseman's election as Board Vice-Chairperson and it passed unanimously.

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

Technical Subcommittee Chairman – Gary Weseman nominated Jaime Guerra; Dain Herbat seconded the nomination. Bruce Hermes moved to close nominations; Dain Herbat seconded the motion and it passed unanimously. A vote was taken for Jaime Guerra’s election as Technical Subcommittee Chairperson and it passed unanimously.

Technical Subcommittee Vice-Chairman – Bruce Hermes nominated Steve Pyle; Guerra seconded the nomination. Dain Herbat moved to close nominations; Bruce Hermes seconded the motion and it passed unanimously. A vote was taken for Steve Pyle’s election as Technical Subcommittee Chairperson and it passed unanimously.

B. GAATN teleconference meetings

Syd noted that the Governor’s proclamation from mid-March included a declaration suspending certain provisions of the Open Meetings Act pertaining to how teleconference meetings of governing bodies were held. Syd said the duration of the suspension of those requirements is either for the duration of the disaster or emergency declaration or until the governor otherwise revokes those suspensions. The governor must renew the declaration every 30 days and he is confident that it will be extended again in July. Syd will continue to keep abreast of the issue and will inform the Board each month until the situation changes.

C. Changes to accessing GAATN entity facilities

Frank said he was working with one entity who needed to access another entity’s facility and during those conversations, he learned that AISD had implemented changes for accessing their facilities due to COVID-19. Frank asked members that if they have changes to access policies at their facilities, to please make network management aware. Frank said he sent AISD’s changes out to members via email the previous week; Dain asked him to resend that email to members. Bruce said he was also concerned about sharing awareness of COVID exposure at one entity’s facility to other members; he would like entities to share that information. Dain asked members to please notify management if there are any changes to access procedures at their facilities.

D. Project delays related to Austin Energy and possible request to City Management

Frank said this agenda item was discussed at the June Technical meeting, and that he sent an email to members on June 9 pertaining to delays and denials by Austin Energy (AE) on certain GAATN projects. He noted that GAATN has reached out to AE on multiple occasions in the past to attempt to resolve issues on projects, such as the DA’s Office Re-route, with little to no success at resolution. Frank said the GAATN Chairman expressed desire to reach out to the City Manager to facilitate a positive working relationship between GAATN and AE. Frank noted that AE has expressed that GAATN should be treated as any other telecommunications company, but GAATN is unique in its mission because it services only governmental entities and its relationship with AE is governed by the GAATN Interlocal Agreement and not a pole attachment agreement. Frank said Syd has worked with management and the Board Chairman on a letter to the City Manager. Frank stated that AISD is in jeopardy of not having a school open on time in August because of a denial by AE despite GAATN giving AE multiple work around solutions. Frank said there is a lack of communication on AE’s part once GAATN proposes alternate solutions for denied projects. Frank noted that the letter requests a meeting with the City Manager. Bruce said he is doing a courtesy review and he will be finished with that shortly. Gary asked if the letter would be shared with other members; Dain said yes it would be shared.

E. GAATN policy regarding entity-specific TxDOT reimbursable projects

Frank said this agenda item was discussed at the June Technical meeting and management is seeking guidance from the Board on how to handle TxDOT reimbursable projects. Frank said management met with TxDOT the previous week about these types of projects and TxDOT recognizes GAATN as the utility. Management has posed the question to TxDOT that if the

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

cable that is being relocated is solely owned and maintained by the entity, can the agreement be formed directly with the entity, but they have not given an answer as of yet. TxDOT expressed that they want GAATN management to continue to be the point of contact for such projects. Syd noted these types of projects are new to GAATN which is why this issue is just being raised now. Syd said the Board needs to discuss the process that an entity would have to go through in order to contract with TxDOT and apply for reimbursement for these projects. Syd said there are other questions about whether these projects would be considered an expansion of the network; he said he doesn't think the interlocal anticipated this type of situation and it needs to be discussed in executive session. Syd said the other questions are who pays for the relocation and how are the payments and reimbursements handled. Syd said there are several issues that are appropriate conversation for attorney consultation in executive session. Bruce said he feels that it is better and cleaner to keep everything under GAATN rather than going through individual entities; Dain and Gary agreed with Bruce. The remainder of this agenda item was discussed in executive session under Texas Government Code 551.071 for attorney consultation. Upon reconvening in open session, Dain announced that GAATN Board instructs management and GAATN legal to draft a policy that outlines the management of the relocation of entity-specific cables by third parties, also to include a fee structure that reimburses GAATN for the use of GAATN management resources.

F. TxDOT B1N Relocation at RM620 and FM2222 COA entity-specific project

This agenda item was discussed in executive session under Texas Government Code 551.071 for attorney consultation. Upon reconvening in open session, Frank announced that this agreement was executed between GAATN and TxDOT in July 2019. He said the project was to relocate a COA node cable at FM2222 and RM620 that rides along GAATN pathway. The project is 45.16% reimbursable by TxDOT and the total project cost was \$62,328.25 with a reimbursement of \$28,147.44 expected. The remaining \$34,180.81 is the COA's responsibility. GAATN has applied for the reimbursement and will then transfer that to the COA.

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

Syd gave the Board an update on this pending litigation. This was the damage caused by tree trimmers. Syd said that Gunnar has served Asplundh with discovery and their deadline to reply is approaching. Asplundh has also served Gunnar with discovery, and it is currently being reviewed. Syd said the next step will be depositions. Syd will continue to keep the Board updated.

H. Property damage claim against City of Austin for damage to B1S at 7612 Bluff Springs

Frank said this damage claim was submitted to the City of Austin on May 29 and today received communication that GAATN should receive this full claim payment next week.

I. Property damage claim against Dan Williams Company for damage at C1S at 11517 Menchaca

Frank reported that this claim was paid in full on June 10. The total damages were \$3,831.50.

6. Network Manager's Update:

A. GAATN Backup NOCC status update

Frank thanked Bruce for his continued efforts to have the certificate of exemption signed, which is now completed. Frank said he sent the revised schedule to members last week and this item will be on the July 30 City Council agenda. Frank noted that after the City Council approval, everything will move forward with regards to the solicitation.

B. Project status report

Frank reported on the following upcoming/completed projects:

- B2S Fiberlight Duct bank fiber re-route – scheduled to complete July 13

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

- C1S Temp repair South 1st and Emerald Wood – completed June 16, a permanent repair will be brought for approval to a future meeting
- B2S Austin Del Valle EMS and Fire Station 50 – completed June 23
- A1N Node Cable replacement to UT NOCC – Gary asked why this one was listed under future projects; Carlos said he will move it up to active projects.

C. Job budget report

Frank reported that In FY20, GAATN completed 20 budget affecting jobs totaling \$538k. Eight jobs totaling \$329k were approved in FY20 but will not be completed/paid out until FY21. Also, GAATN realized \$258k in recoveries for reimbursable projects/damage claims, therefore, approximately \$457k will move into the fund balance. Network management will bring an agenda item to the August Board meeting to request these \$329k in projects be paid for from the money that will roll into the fund balance (via a transfer from the fund balance). For FY21, the A1N segments 5-13 are listed and the splice case audits are shown as pending approval. At the June Board meeting, the Board approved a transfer of \$275k from the fund balance to pay for part of the A1N segments. This transfer has been added to the MAC budget in the top table. Those 11 jobs total \$710k, leaving \$255k for additional jobs in FY21.

- 7. Executive Session:** At 3:01 p.m., GAATN Board Chairman Dain Herbat adjourned the GAATN Board for closed session, under Texas Government Code section 551.071 to seek legal advice (including but not limited to pending, anticipated or contemplated litigation concerning) regarding Agenda Items 5E and 5F.

At 3:47 p.m. Dain Herbat reconvened the GAATN Board in open session for discussion and actions, if any, on matters considered in closed session. Agenda Items 5E and 5F were the only items discussed. An updated roll call was taken upon reconvening and the following announced as present:

Frank Ammons, on behalf of GAATN
Dain Herbat, on behalf of Travis County
Jaime Guerra, on behalf of UT-Austin
Gary Weseman, on behalf of Austin Community College
Bruce Hermes, on behalf of City of Austin
Carlos DeMatos, on behalf of GAATN
Steve Pyle, on behalf of State of Texas DIR
Syd Falk, GAATN attorney
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

Frank reviewed the overall GAATN financial report ending May 31, 2020 provided by AISD. Frank asked members if they have any questions. Dain said he would like to have a discussion regarding the GAATN fund balance and whether that money is set aside for GAATN only or if it can be used by AISD for other purposes. Syd said there was lengthy discussions a couple of years ago by the Board regarding what to do with the fund balance. Syd said his first reaction is that it would require a GAATN Board action to do anything with it. Dain said he would like for this to be an agenda item on next month's Board meeting. Syd said that AISD is GAATN's fiduciary agent and it

GREATER AUSTIN AREA TELECOMMUNICATIONS NETWORK (GAATN) INTERLOCAL AGENCY

is GAATN's money legally, not AISD's. Bruce said as part of that agenda item he would like to review the GAATN financial forecast and discuss future annual budgetary amounts.

9. Meeting and Action Items Summary:

Frank reviewed the following action items from this meeting:

- Add agenda item splice case discussion at next Tech meeting
- Double check agenda items and handouts numbering align
- Resend AISD's facility access changes – Frank just completed this
- Draft policy for third-party relocates of entity-specific cables
- Add agenda item for reserve fund protection during national financial crisis and bring 10-year budget forecast

10. Confirm date, time, and location for the next regular Board meeting on August 4, 2020 at 12:30 p.m. via Teleconference.

- A.** Items to be added to the next Board Agenda: Network Management SLA Evaluation – Dain asked management to send out the previous one with the new one so the Board can compare and contrast. Dain asked if the evaluation should be moved to align with the new GAATN fiscal year; the Board agreed to look at this again at a later time.

The date, time, and location for the next regular Board meeting were confirmed; the meeting adjourned at 4:01 p.m.