

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

MEETING OF THE BOARD OF DIRECTORS

July 12, 2022 1:30 p.m.

LCRA Service Center at 3505 Montopolis, Austin, Texas 78744

Building A, Room A502/503

Teams Videoconference link provided 72 hours prior to meeting on homepage of www.gaatn.org

Remote audio-only option for public access: (512) 831-7858, Access Code: 301 259 052#

MINUTES

1. Call to Order and Roll Call:

GAATN Board Chairmain Dain Herbat called the meeting to order at 1:32 p.m.

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

Steve Pyle, on behalf of State of Texas DIR (remote)

Gary Weseman, on behalf of Austin Community College (remote)

Dain Herbat, on behalf of Travis County (on site)

Ruben Reyes, on behalf of City of Austin (remote)

Jaime Guerra, on behalf of UT-Austin (remote)

Jon Hurley, on behalf of Austin ISD (remote)

Bo Kinsey, on behalf of Travis County (remote)

Anthony Breckenridge, on behalf of City of Austin (remote)

Syd Falk, GAATN attorney (remote)

Frank Ammons, on behalf of GAATN (remote)

Carlos DeMatos, on behalf of GAATN (remote)

Sarah Eichelberger, on behalf of GAATN (remote)

A quorum was established at roll call.

Members of public/GAATN Contractors:

Chris Gonzales, on behalf of BryComm (remote)

Wayne Wedemeyer, on behalf of UT-Austin (remote)

2. Citizen Communications: There were no citizen communications.

3. Review and Approve the minutes for the regular Board Meeting of June 7, 2022

Dain Herbat moved to approve the draft minutes as presented; Jaime Guerra seconded the motion and it passed unanimously.

4. Board Chairperson Update – Discussion and possible action regarding:

A. GAATN FY23 Board and Technical Subcommittee Chair and Vice-Chair elections

Jaime Guerra moved to re-nominate Dain Herbat as Board Chair, Gary Weseman as Board Vice-Chair, Jaime Guerra as Technical Subcommittee Chair, and Steve Pyle as Technical Subcommittee Vice-Chair; Ruben Reyes seconded the nomination. Gary Weseman moved to close nominations for Board Chair, Board Vice-Chair, Technical Subcommittee Chair, and Technical Subcommittee Vice-Chair; Dain Herbat seconded the motion and it passed unanimously. Jaime Guerra moved to re-elect Dain Herbat as Board Chair, Gary Weseman as Board Vice-Chair, Jaime Guerra as Technical Subcommittee Chair, and Steve Pyle as Technical Subcommittee Vice-Chair; Steve Pyle seconded the motion and it passed unanimously.

B. FY22 and FY23 budget overview

Sarah reported that in FY22, GAATN took in \$2.3 million in revenue and spent \$1.8 million, the ending project reserve is \$1.695 million plus the \$2.1 million emergency fund makes the total ending FY22 fund balance \$3.795 million. She said that \$376k of that revenue was the refund from the City of Austin for the backup NOCC construction. She noted that for the moves, adds and changes (MAC)

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budget, GAATN expended \$683k in FY22 and would be carrying over 23 projects totaling \$1.053 million. She noted that the FY23 MAC budget is \$685k, however with the jobs already approved for FY23, and the \$1.053 million in carryover projects, there is currently \$1.745 million encumbered. She said that encumbrance includes the two splice case audits for approval in an upcoming agenda item and the six approved SRS segments. She noted that, if GAATN spent all funds encumbered at that time, then that would leave a current project reserve of \$635k. Sarah reviewed the forecast for FY23-28 and noted that the forecast included completing the upgrade of SRS in three years and then SRN in the following three years. She explained that, due to rising operational and project costs, that the annual budget would most likely need to be raised to \$2.3 million beginning in FY24. Dain asked if the projected project reserve of \$635k could be used to fund additional SRS segments in FY22. Sarah said that the forecast includes earmarks for repairs and developer projects that GAATN has to fund, and that if those earmarks were spent in FY22, that would leave a remaining project reserve of \$185k at the end of FY22. She said that GAATN needs to retain a small cushion in the project reserve for unplanned projects.

C. Seeking approval to fund FY19-FY22 carryover projects in FY23 in the amount of \$1,053,709 by GAATN fund balance transfer

Sarah explained that 23 projects with \$1,053,709 in encumbered funds will be carried over from FY19-22 to be paid out in FY23. She stated that, even though the Board has previously approved the funding of these projects when each project was approved, since they are carrying over to a new fiscal year, the Board needs to re-approve expending those funds in FY23. She noted that these would be funded by a transfer from GAATN's fund balance if necessary. Gary Weseman moved to approve funding the 23 FY19-FY22 carryover projects in FY23 in the amount of \$1,053,709 by GAATN fund balance transfer; Jaime Guerra seconded the motion and it passed unanimously.

D. Seeking approval for A2N and SRN splice case audits in the amount of \$153k to be funded by FY23 MAC budget

Frank noted that these splice case audits were reviewed and recommended for approval by the Technical Subcommittee at the June meeting. He also noted that, in 2020, the GAATN Maintenance policy was updated to reflect that GAATN would engage the maintenance contractor to do splice case audits for two to three rings per year so that all rings were audited on a five-year cycle. This year, management has slated A2N and SRN as the next rings to be audited; these rings are costly due to all of the permitting and traffic control that must take place for these audits to be performed. He stated the A2N audit is proposed at \$71k and the SRN audit at \$82k. Jaime asked if these audits could be performed by GAATN's other contractor; Frank noted that part of the 2020 update of the maintenance policy included designating that only the current GAATN maintenance contractor can perform these audits. He said that GAATN has previously allowed a MAC contractor to do these audits and that caused issues with consistency and quality of the audits. Jaime Guerra moved to approve the A2N and SRN splice case audits in the amount of \$153k to be funded by the FY23 GAATN MAC budget; Jon Hurley seconded the motion and it passed unanimously.

E. Request for GAATN network management additional resource

Frank notified the Board that this request would be forthcoming at the September Board meeting. He noted that this topic has been brought up before, most recently in 2019, and that the increase in the workload necessitates another resource. Additionally, the three person management team is responsible for managing an approximately 500 mile network and currently has no backup. Dain said he would be supportive of the additional resource but was concerned about whether it would require an amendment to the current service level agreement. Frank said that would be something that Syd would have to determine, but that the language in the SLA seems to provide some flexibility in that regard. Frank said management and the City of Austin would bring a proposal in September.

F. GAATN Pole Attachment/Crossing Agreements

Frank said that, as requested at the June Board meeting, a report showing all of GAATN's and GAATN entities' relevant pole attachment, easement, and crossing agreements is included in the handouts.

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He explained that GAATN has agreements with Bluebonnet, Cap Metro, PEC, and Sunset Valley. On some of these agreements, such as Bluebonnet and PEC, entities have node cables attached to these poles, but are not required to reimburse GAATN for their attachments. However, with Cap Metro, GAATN entities are required to reimburse GAATN. He said that additionally, COA has its own agreement with PEC and Oncor. As discussed in the last Board meeting, the Oncor agreement was executed in 2006 by COA/CTM under the name COA/CTM/GAATN. This became complicated when, last year, Travis County applied for pole attachments under this agreement (as GAATN) and now this year the City is being invoiced by Oncor for both their attachments and Travis County's. Frank said that management is requesting guidance from the Board on whether management should engage PEC and Oncor to bring the COA and Travis County attachments under the GAATN umbrella and whether GAATN should seek reimbursement from entities who are individually benefitting from these agreements. Dain and Jaime said they think that GAATN should seek reimbursement from entities that are individually benefitting from these agreements. The Board directed management to engage PEC and Oncor about these agreements and seek to bring all entities under the GAATN umbrella by contract. Sarah said this would be a process and that all agreements would need final sign off by Syd and approval by the GAATN board before they are executed.

G. Austin Energy memorandum discussion

Jaime noted that he sent management a revised draft that had been reviewed by a department at UT; Frank said that version was received the previous day and was not included in the handouts. The Board directed Frank to send out that version to members and bring this agenda item to the August Board meeting.

H. Property damage claim settlement for damage to C2S FM620 and Low Water Crossing on 3/14/22

Sarah reported that this damage occurred on 3/14/22 when a truck veered off the road and struck a GAATN pole, causing the fiber to break and fall on the roadway. The total cost of the damage, including the use of GAATN stock fiber for the emergency permanent repair was \$14,980.81. Management submitted this claim to the responsible party's insurance company, Progressive, and they have offered a settlement of \$13,911.25. Gary Weseman moved to accept the settlement offer by Progressive; Steve Pyle seconded the motion and it passed unanimously.

I. Property damage claim against JD Abrams/Lone Star Paving for damage to C1N at IH-35 and Rutherford on 9/20/21

Syd provided a brief update on this claim. The Board will review this again at the August Board meeting.

5. Network Manager's Update

A. Project status report

Frank reported on the following upcoming and recently completed projects:

- A1N upgrade segment 9 – scheduled to complete 7/27
- SRN Travis County Civil and Family Courthouse – completed 6/16

B. Job budget report

Sarah said this report was already covered in Agenda Item 4B.

6. Executive Session: There was no executive session.

7. Update Roll Call (only if executive session called): Since there was no executive session, there was no updated roll call.

8. Discussion and possible action regarding the financial report and current fiscal year budget issues. (AISD, 10 minutes):

A. Financial Report

Sarah reviewed the financial report for the month ending May 31, 2022.

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9. Meeting and Action Items Summary:

Frank noted the following action items from this meeting:

- Send out revised draft of AE memo from UT.
- Work with Syd to determine potential impact to SLA for proposed additional GAATN resource.
- Engage PEC and Oncor to bring individual entities attachments under GAATN contracts.

10. Confirm date, time, and location for the next regular Board meeting on August 2, 2022 at 12:30 p.m. at LCRA Service Center 3505 Montopolis Austin, TX and via Video Conference on Microsoft Teams.

The date, time and location for the next regular Board meeting were confirmed; the meeting adjourned at 3:09 p.m.