



## NEBRASKA STATE RECORDS BOARD

### MINUTES

#### Meeting of May 11, 2016

##### **Agenda Item 1. CALL TO ORDER, ROLL CALL**

The meeting of the Nebraska State Records Board was called to order by Chairman John A. Gale at 9:07 A.M. on May 11, 2016 in Room 1507 of the State Capitol, Lincoln, Nebraska.

A Roll Call was taken. The following Board members were present:

John A. Gale, Secretary of State, State Records Administrator and Chairman;  
Mike Foley, representing the Governor;  
Phil Olsen, representing the Auditor of Public Accounts;  
Scott Keene, representing the Insurance Industry;  
Brenda Ealey, representing Libraries;  
Leslie Donley, representing the Attorney General;  
Byron Diamond, Director of Administrative Services;  
Brian Buescher, representing the Legal Profession;  
Don Stenberg, State Treasurer;  
Greg Osborn, representing the General Public  
Mike Konz, representing the Media;  
Crystal Wichita, representing the Banking Industry

Absent: None

Staff in attendance:

Colleen Byelick, Legal Counsel  
Tracy Marshall, Recording Clerk

##### **Agenda Item 2. ANNOUNCEMENT OF NEBRASKA OPEN MEETINGS ACT**

Chairman Gale announced that in accordance with the Nebraska Open Meetings Act, reproducible written materials to be discussed at the open meeting and a copy of the Nebraska Open Meetings Act are located to the left of the public seating area.

##### **Agenda Item 3. NOTICE OF HEARING**

Chairman Gale announced public notice of the meeting was duly published in the Lincoln Journal Star on April 11, 2016 and on the state's website Public Meeting Calendar. The public notice and proof of publication relating to the meeting will be attached to and made a part of the meeting minutes.

Chairman John A. Gale presented Scott Keene and Mike Konz with a Citation for their six years of service to the Nebraska State Records Board and they also received a medallion with the Nebraska State Seal.

##### **Agenda Item 4. ADOPTION OF AGENDA**

Mr. Stenberg moved to adopt the agenda as presented; seconded by Mr. Keene.

Voting For:	Buescher Gale Stenberg	Diamond Keene Wichita	Donley Konz	Ealey Olsen	Foley Osborn
Voting Against:	None				
Absent:	None				

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES**

Chairman Gale asked for a motion to approve the minutes of the March 16, 2016 meeting. Mr. Stenberg moved to approve the minutes; seconded by Mr. Osborn.

Voting For:	Buescher Gale	Diamond Keene	Donley Olsen	Ealey Stenberg	Foley Wichita
Not Voting	Konz	Osborn			
Voting Against:	None				
Absent:	None				

The motion carried.

**Agenda Item 6. PUBLIC COMMENT**

Chairman Gale asked the members of the audience if anyone wished to come forward to provide public comment on anything other than items listed on the agenda. No audience member indicated a desire to provide public comment.

**Agenda Item 7. CHAIRMAN’S REPORT**

**Agenda Item 7.a.** Mr. Toner, Chief Information Officer for the State of Nebraska was scheduled at this time, this item was delayed until he arrived at the meeting.

Mr. Toner explained that he has been meeting with Nebraska Interactive on a regular basis and how they have worked together to find the best solutions for coordinating technology for the State of Nebraska. He further discussed the Service Agreement with the OCIO that was signed in 2014, but had not been fulfilled during the previous administration. He said it was a good service to provide, but wanted a discussion about changes that he would like to see in this Service Agreement, as far as having the ability to charge the Board for the time spent by the OCIO project managers’ time only on project that have been brought to the Board for approval.

Chairman Gale gave a brief discussion on the history of this agreement, and the budget allotment for the Board. Mr. Toner went on to say that if they worked together with Nebraska Interactive, they could reach the entire State of Nebraska instead of a smaller portion. The Lt Governor also let the Board know that the Governor would like to see this happen.

Mr. Stenberg asked for a ball park estimate on the cost that they would be asking for, Mr. Toner said it would be around \$100,000 to \$200,000 to create and maintain the services.

Mr. Stenberg made a motion: First, that the Portal Operations Sub Committee meet with the CIO and propose a new OCIO Service Agreement for services that would be provided free of charge to the Board; and, secondly, that any proposal for fee services to the Board by the OCIO would be presented separately as a specific contract for consideration by the Portal Operations Subcommittee and by the Board, seconded by Mr. Diamond.

Voting For:	Buescher	Diamond	Donley	Ealey	Foley
	Gale	Keene	Konz	Olsen	Osborn
	Stenberg	Wichita			

Voting Against: None

Absent: None

**Agenda Item 7.b. AGREEMENTS & ADDENDA**

Mr. Brent Hoffman, General Manager, Nebraska Interactive, LLC introduced the following Addendum:

**Agenda Item 7.b.1. Addendum 4 (Elevator Inspection) to the Electronic Government Service Level Agreements between Nebraska Interactive, LLC, the NE State Records Board and the Supreme Court.** After explanation, there were questions and the Board would like to have representation of the Department of Labor, which was unable to attend today’s meeting. Mr. Diamond made the motion to table this item until the July meeting, seconded by Mr. Olsen.

Voting For:	Buescher	Diamond	Donley	Ealey	Foley
	Gale	Keene	Konz	Olsen	Osborn
	Stenberg	Wichita			

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 7c. Cash Fund Balance Report**

Ms. Byelick presented the Cash Fund Balance Report, there was a miscellaneous adjustment of \$12,165 in February 2016 to adjust the fund balance from an error that was in the report, it shows as revenue, but it is just an adjustment. The unencumbered fund does not include the \$500,000 transfer that will be moved to the OCIO on June 30, 2016 but is referenced in the footnotes. Ms. Donley made the motion to approve the Cash Fund Balance, seconded by Mr. Osborn

Voting For:	Buescher	Diamond	Donley	Ealey	Foley
	Gale	Keene	Konz	Olsen	Osborn
	Stenberg	Wichita			

Voting Against: None

Absent: None

The motion carried.

Mr. Keene left at 10:58 and returned at 11:07.

**Agenda Item 7d Update on the Executive Director position.** Chairman Gale explained that 37 applications were received and they had interviewed 4 candidates and would be interviewing the 5<sup>th</sup> applicant later today. The hope is to have the Executive Director position filled by June, 2016.

Mr. Buescher left at 11:28 returned at 11:32.

**Agenda Item 7.e.** Report and recommendation from Portal Operations Subcommittee regarding September 20, 2015 outage. Ms. Byelick explained that the Portal Operations Subcommittee met and decided to recommend that the Board assess the maximum amount of \$20,000. Lt. Governor Foley explained that the Subcommittee agreed to the maximum penalty due to the fact that the switchover appears to not be working. Mr. Diamond requested that Mr. Hoffman give more detail on the testing of the switchover.

Ms. Donley moved to assess Nebraska Interactive LLC a \$20,000 penalty due to the outages which occurred on Sunday, September 20, 2015, the penalty being within the Boards authority to assess pursuant to Section 3.bb of the Master Contract between the Board and Nebraska Interactive LLC in effect at the time of the outage, seconded by Mr. Foley.

Voting For:	Buescher Gale Stenberg	Diamond Keene Wichita	Donley Konz	Ealey Olsen	Foley Osborn
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Voting Against: None

Absent:

The motion carried.

Additional matter, Mr. Diamond made a motion to send a memorandum to Nebraska Interactive LLC requesting the following two separate discussions, 1) a more detailed recap of a state active environment, what occurred during this outage that caused it to hang and not cut over to the back-up facility, and 2) would be in regards to business continuity Disaster Recovery testing and certification, have a discussion regarding the last 12 months' worth of disaster recovery test and exercise from the cut over from production sight to backup sight which is designated within Nebraska Interactive's IT environment, to include what is the typical cut over time, is it milliseconds? Is it seconds? Is it minutes? Or, is it hours? So we have an expectation of what should that recovery time be when it comes back up from the backup site, seconded by Mr. Buescher.

Voting For:	Buescher Gale Stenberg	Diamond Keene Wichita	Donley Konz	Ealey Olsen	Foley Osborn
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Voting Against: None

Absent:

Motion carried.

**Agenda Item 7.f.** Update regarding AG Opinion requested related to PayPort for State Agencies. Mr. Stenberg explained what was requested about the payment processing and costs of internet fees. A copy of the request will be emailed to the members of the Board.

**Agenda Item 8. NEBRASKA.GOV REPORTS**

**Agenda Item 8.a. General Manager's Report**

Mr. Brent Hoffman, General Manager, Nebraska.gov presented the 1<sup>st</sup> Quarter 2016 General Manager's Report. Mr. Hoffman brought up the subject of putting all the documents on-line so each of the Board members could receive an electronic devise and use at the meeting instead of paper. The consensus of the Board were positive to this idea. Chairman Gale made a comment that paper copies would still have

to be made for the public. He also suggested that the Board may have the funds to purchase for the Board. Chairman Gale requested a small committee, consisting of Ms. Wichita and Mr. Osborn would get together to provide a recommendation to the Board on the next steps to procuring electronic devices to the members.

**Agenda Item 8.b. Update regarding EGSLA signing of the new approved Template from the March 16, 2016 meeting.** Mr. Brent Hoffman, General Manager, Nebraska Interactive, LLC explained that they were in the process of getting all EGSLA’s updated and have received 17 signed EGSLA’s so far, the priority is working with State Agencies first, 63 Agencies need to have new EGSLA’s and their goal is to have them completed by the end of May, 2016.

**Agenda Item 8.c. Project Priority Report**

Mr. Hoffman presented the Project Priority Report. Mr. Foley moved to approve the Project Priority Report, seconded by Mr. Konz.

Voting For:	Buescher	Diamond	Donley	Ealey	Foley
	Gale	Keene	Konz	Olsen	Osborn
	Stenberg	Wichita			

Voting Against: None

Absent:

The motion carried.

**Agenda Item 9. DATE FOR NEXT MEETING**

Chairman Gale announced the next NE State Records Board meeting will be held in July, no date has been set at this time.

**Agenda Item 10. ADJOURNMENT**

Mr. Konz moved to adjourn the meeting; seconded by Mr. Osborn. All members present signified agreement by saying “aye”. Chairman Gale declared the meeting adjourned at 11:59 A.M.

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John A. Gale  
Secretary of State  
State Records Administrator  
Chairman, State Records Board

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Date