



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of May 27, 2009

Agenda Item 1. CALL TO ORDER, ROLL CALL. The meeting was called to order by Chairman John A. Gale at 9:00 A.M. on May 27, 2009, 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;
Leslie S. Donley, representing the Attorney General;
Jayne Scofield, representing the Governor;
Jason Hayes, representing the State Treasurer;
Carlos Castillo, Director of Administrative Services;
Ryne D. Seaman, representing the Banking Industry;
John P. Curry, representing the Insurance Industry;
Thomas D. Freimuth, representing the Legal Profession;
Julie A. Beno, representing Libraries;
Timothy L. Loewenstein, Representing the General Public;
Michael P. Edgecombe, representing the Media

Absent:

Michael D. Foley, appearing later, Auditor of Public Accounts

Staff in attendance:

Cathy Danahy, Executive Director;
Allyn Leithoff, Recording Clerk;
Ron Moravec, Legal Counsel;
Josh Daws, IT Officer

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 are located in the back of the meeting room. Also, a copy of the Nebraska Open Meetings Act is posted in the back of the meeting room.

Agenda Item 3. NOTICE OF HEARING. Chairman Gale announced public notice of the meeting was given by posting notice in the Lincoln Journal Star newspaper on April 27, 2009 and on the state's website public meeting calendar. A copy of the Notice and Affidavit of Publication by the printer is included in the Board records. A current copy of the agenda has been kept in the Secretary of State's office.

Agenda Item 4. ADOPTION OF AGENDA. Mr. Loewenstein moved to adopt the agenda as presented; motion seconded by Ms. Donley.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Freimuth	Gale	Hayes
	Loewenstein	Seaman	Scofield	
Voting Against:	None			
Absent:	Foley			

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES. Ms. Beno moved to approve the January 29, 2009 meeting minutes as presented; motion seconded by Mr. Edgecombe. Chairman Gale requested a change on page 4, item 11.c. last sentence. He requested it be corrected from the transcriber's notes version to read: *Mr. Moravec will get a copy of the Opinion and Ms. Danahy will distribute to the Board members before the next meeting.* Chairman Gale pointed to page 5, NSRB Cash Fund Balance Report. He indicated the motion was to approve the Cash Fund Balance Report and not to increase the Grant allocation above \$250,000 since there was a discussion about raising the annual grant allocation. Ms. Danahy confirmed the vote was to approve only the Cash Fund Balance Report. Ms. Beno moved to approve the January 29, 2009 meeting minutes as amended; motion seconded by Mr. Edgecombe.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Freimuth	Gale	Hayes
	Loewenstein	Seaman	Scofield	
Voting Against:	None			
Absent:	Foley			

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 any of the agenda items. No audience member indicated a desire to provide public comment.

Agenda Item 7. CHAIRMAN'S REPORT

Agenda Item 7. a. 1. Chairman Gale re-presented Addendum Twelve to the Interagency Agreement between the Office of the Secretary of State and the NE State Records Board which was signed on January 16, 2009. He explained this item was delayed from the January 29, 2009 meeting because it was not listed as an 'action item'. Brent Hoffman, Nebraska.gov, explained the addendum. Mr. Curry moved to approve addendum; seconded by Ms. Donley.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Freimuth	Gale	Hayes
	Loewenstein	Seaman	Scofield	
Voting Against:	None			
Absent:	Foley			

The motion carried.

Agenda Item 7. a. 2. Chairman Gale presented the Interagency Agreement between the Nebraska Department of Motor Vehicles and the NE State Records Board regarding Driver License and State ID renewal/duplicate service. Mr. Hoffman explained the agreement. Mr. Freimuth moved to approve the agreement; seconded by Mr. Seaman.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Freimuth	Gale	Loewenstein
	Seaman	Scofield		
Voting Against:	None			
Abstaining:	Hayes			
Absent:	Foley			

The motion carried.

Agenda Item 7. a. 3. Chairman Gale presented Addendum Six to the Interagency Agreement between the Department of Health and Human Services and the NE State Records Board. Mr. Hoffman explained the addendum. He indicated this application will be funded through a transactional revenue model and the State Records Board will receive 10% of the total invoice amount per month. Mr. Loewenstein moved to approve the addendum; seconded by Ms. Beno.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Freimuth	Gale	Hayes
	Loewenstein	Seaman	Scofield	
Voting Against:	None			
Absent:	Foley			

The motion carried.

Agenda Item 7. a. 4. Chairman Gale reported Addendum Nine to the Interagency Agreement between the NE Supreme Court and the NE State Records Board was signed by the Chairman on May 4, 2009.

Agenda Item 7. b. 1. NEBRASKA .GOV 2009 BUSINESS PLAN Chairman Gale reported the Nebraska.gov 2009 Business Plan was presented and discussed at the January 29, 2009 State Records Board meeting. It was not identified as an 'action item' at that meeting, but per the Network Manager contract, it must be approved by the Board. Mr. Seaman moved to approve the Nebraska.gov 2009 Business Plan; seconded by Mr. Freimuth. Mr. Hoffman answered questions. After further discussion, a vote was taken.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Freimuth	Gale	Hayes
	Loewenstein	Seaman	Scofield	
Voting Against:	None			
Absent:	Foley			

The motion carried.

Agenda Item 8. EXECUTIVE DIRECTOR'S REPORT

8. a. State/Local Grant Status Report. Ms. Danahy introduced the State/Local Grant Project Status Report for the 3rd quarter FY09.

8. b. Reinvested Revenue Report. Ms. Danahy introduced the Reinvested Revenue Report.

8. c. NSRB Cash Fund Balance Report. Ms. Danahy introduced the NSRB Cash Fund Balance Report. Ms. Danahy indicated the annual payment of \$49,400 to Nebraska.gov for county website maintenance per the Network manager contract is included in the total in the Jan, 09 column under Expenditures, NIC/Other Contractual Services. Ms. Beno moved to approve the Cash Fund Balance Report; seconded by Mr. Edgecombe.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Freimuth	Gale	Hayes
	Loewenstein	Seaman	Scotfield	

Voting Against: None

Absent: Foley

The motion carried.

8. d. Post Grant Project Reports

8. d. 1. Ms. Danahy presented the post grant project report from the NE State Historical Society – *Digital Archives and Records Center Implementation Study*. Chairman Gale encouraged any Board member who has an interest in this study to read the report as it will most likely come back to the Board at some point.

8. d. 2. Ms. Danahy presented the post grant project report from the Nemaha County Assessor – *Digitizing Maps/Records and Enhanced Web Page* project.

8. e. Grant Applications

In order to save time and in consideration of those testifying, Chairman Gale suggested the Board hear testimony on all grants, then a vote will be taken on each grant at the conclusion of all testimony.

Mr. Foley arrived at 10:05 A.M.

8.e.1. *NE State Treasurer – Nebraska Spending.com – Phase III* - \$20,000. Ms. Danahy introduced Mr. Jason Hayes, Deputy State Treasurer, who introduced Mr. Trent Fellers, Executive Assistant, who testified and answered questions regarding the grant application. Mr. Fellers distributed a handout to Board members listing what is and is not covered in NebraskaSpending.com regarding LB 16, a Legislative Bill (not currently signed by the Governor) to provide for the establishment of a web site known as the Taxpayer Transparency Act. Chairman Gale pointed out the A Bill attached to LB 16 and stated it was for \$100,000. He asked if the Board were to grant the \$20,000 requested, where the additional money come from. Mr. Fellers indicated the grant application was submitted to cover the cost of Phase III. He believes the rest will be absorbed within their budget. Ongoing maintenance will be paid by the Treasurer's Office at \$1,500 per year. Mr. Loewenstein questioned Mr. Fellers about the vendor they are using, the Pickering Creative Group, and what rights the Treasurer had to the source code if anything happened to the website. Mr. Loewenstein expressed concern about the Treasurer's Office using proprietary content management software and if something were to go wrong with the website, they would not have rights to the source code. Mr. Fellers said they could go back and review and ensure that what they are proposing is

in line with LB 16 and revise the grant application if necessary. Mr. Hayes said the site will be operated by the Treasurer's Office, only the Treasurer's name will have to be removed from the site.

8.e.2. *NE Accountability and Disclosure Commission – Online Campaign Statement Filing - \$25,000.00.* Ms. Danahy introduced Mr. Frank Daley, NADC Executive Director, who testified and answered questions regarding the grant application. Several questions were answered about the project and how it will function. Chairman Gale asked Mr. Daley if he would be back for additional funds. Mr. Daley indicated he would; that there are several more applications they want to pursue.

8.e.3. *NE Supreme Court – Computerized Record Keeping for Public Submission of Applications for Mandatory Continuing Legal Education (MCLE) and Tracking MCLS Credits - \$25,000.00.* Ms. Danahy introduced Ms. Carole McMahon-Boles, Director of Judicial Branch Education, who testified and answered questions regarding the grant application. Ms. McMahon-Boles indicated Nebraska will own the system they are obtaining from Iowa and will pay an annual fee to update. She indicated there are over 6,000 attorneys in Nebraska who will be potential users of the system.

Chairman Gale declared a recess at 11:00 A.M.

Chairman Gale reconvened the meeting at 11:15 A.M.

8.e.4. *Saunders County Register of Deeds – Numerical Index Book Scanning Project – \$9,716.25.* Ms. Danahy reported Mr. Don Clark, Saunders County Register of Deeds, had a family emergency and would not be attending the meeting to testify. Ms. Danahy indicated this project is to scan documents to place them on the internet. Mr. Loewenstein stated just scanning the documents would not include the indexing necessary to be part of a GIS system. He said these projects should all include this vision.

8.e.5. *Cass County Register of Deeds – Scan Deeds & Surveyor Reports - \$10,000.00.* Ms. Danahy reported Mr. Dave Jordan, Cass County Register of Deeds, had a family emergency and would not be attending the meeting to testify. Ms. Danahy indicated this project is similar to the Saunders County application just presented.

8.e.6. *Douglas County Corrections – Jail Management Web Access Program – \$25,000.00.* Ms. Danahy introduced Mr. Roland Hamann, Administrative Services Manager, and Mr. Bob Nord, Client Services Manager, who testified and answered questions regarding the grant application. Mr. Nord distributed a hand-out further describing the Douglas County Jail Management Web Access Program. The system is designed to show friends, family and law enforcement the status of an incarcerated individual in the Douglas County Jail System. Chairman Gale pointed out there is a \$75,000 price tag on the project. He asked Mr. Nord where the additional funds would come from. Mr. Nord indicated Douglas County has budgeted for the rest.

8.e.7. *Gage County Board of Supervisors – Gage County Online Citizen Resource Center – \$25,000.00.* Ms. Danahy reported Gage County has chosen to temporarily withdraw their application for revisions and adjustments.

8.e.8. *Hamilton County Surveyor – Hamilton County Mapping Update - \$25,000.00.* Ms. Danahy introduced Mr. Duane Katt, Hamilton County Surveyor and Mr. Kelly Stevens who testified and answered questions regarding the grant application. Mr. Katt said they applied for the grant to upgrade the map in Hamilton County and interface with a GIS System. He said they wish to remap the villages and place them on their current web site. Mr. Loewenstein explained in most instances the data in a GIS system creates the map. Hamilton County said they do not have current maps in their GIS system. Mr. Loewenstein said it would seem between their maps and their GIS system they need to update the data, and then the accuracy of the map will be possible to create.

8.e.9. *Hayes County Assessor – Geographic Information Implementation - \$25,000.00.* Ms. Danahy introduced Ms. Susan Messersmith, Hayes County Clerk/Assessor, who testified and answered questions regarding the grant application. She indicated Hayes County will contribute \$17,000 towards the project.

8.e.10. *Thomas County – Land Record Information System Enhancement and Web Access - \$25,000.00.* Ms. Danahy introduced Ms. Lorissa Hartman, Thomas County Clerk/Assessor, who testified and answered questions regarding the grant application.

Chairman Gale declared a recess at 12:15 P.M.

Chairman Gale reconvened the meeting at 1:09 P.M.

Chairman Gale asked Mr. Brent Hoffman, General Manager, Nebraska Interactive, to address the Board and indicate which grant requests Nebraska.gov is directly involved in. Mr. Hoffman said Nebraska.gov is not involved directly at this time in any of the grant projects. He said they are excited about the opportunities some of these grants present to expand e-government. He said in his industry, for example, citing the Douglas County Corrections grant, 'corrections' is one of the top five Google searches for a state. Here in Nebraska it is "educational lands and funds". Chairman Gale asked Mr. Hoffman if the Nebraska Interactive development team could have been involved in any of the grants being considered. Mr. Hoffman said his development team could have been involved in the Supreme Court application. They negotiated with them for a self-funded model, but the Supreme Court is looking for a backend solution. The NADC is a long-time successful partner with Nebraska.gov and Nebraska.gov will be developing and participating in the NADC project.

Chairman Gale said he wanted to make sure the Board was doing what they could to help market Nebraska Interactive since it is one of the criteria on the State Records Board grants to encourage and foster that partnership. Mr. Hoffman said he is looking forward to working with the Board on ideas as grants come to the Board and how they can assist in delivery of services through grants provided to agencies so Nebraska Interactive can touch that information and provide it to the citizens.

Chairman Gale said the grant criteria needs to continue to be refined and developed, not only to assist the applicants, but to assist the Board in having a better check list on these projects to cut down the time spent during Board meetings searching for answers to resolve mysteries about projects and whether or not they meet the criteria. Chairman Gale said the Board will ask Mr. Hoffman to be involved in refining the criteria as well since the Board wants criteria that will help Nebraska Interactive identify projects that may be of interest to them.

8. e. Grant Applications (cont'd)

Chairman Gale returned to item 8.e. Grant Applications for voting purposes.

8.e.1. *NE State Treasurer – Nebraska Spending.com – Phase III - \$20,000.* Mr. Hayes recused himself from the voting. Ms. Donley moved to approve the grant application; seconded by Mr. Curry. Mr. Hayes addressed the Board. He reported he had determined the server for Pickering is at First National Technology Solutions in Omaha and also hosts the Attorney General's web site. He explained that the website will comply with LB 16 and the OCIO. If any changes need to be made they will do so. Chairman Gale indicated that LB 16 has not been signed by the Governor and the grant application submission preceded the passing of LB 16. There may be a question as to whether this is a Treasurer's web site or a State web site and which side the Board is funding. Mr. Loewenstein expressed concern about the contract on hosting. He said the grant indicates the annual contract is \$1,500 per year. He said proprietary content management systems may cause a burden to the taxpayers. After further discussion, Ms. Donley amended her motion to table the application to the September, 2009 Board meeting which will allow the Treasurer's Office to provide an updated application aligned with the requirements of LB 16; seconded by Mr. Curry.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Foley	Freimuth	Gale
	Loewenstein	Seaman	Scotfield	
Voting Against:	None			
Not Voting:	Hayes			
Absent:	Castillo			

The motion carried.

8.e.2. *NE Accountability and Disclosure Commission – Online Campaign Statement Filing - \$25,000.00.* Mr. Foley moved to approve the application; seconded by Mr. Loewenstein.

Voting For:	Beno	Castillo	Curry	Donley
	Edgecombe	Foley	Freimuth	Gale
	Hayes	Loewenstein	Seaman	Scotfield
Voting Against:	None			
Absent:	Castillo			

The motion carried.

8.e.3. *NE Supreme Court – Computerized record keeping for public submission of Applications for Mandatory Continuing Legal Education (MCLE) and tracking MCLS Credits - \$25,000.00.* Mr. Foley moved to deny the application; seconded by Ms. Beno.

Voting For:	Beno	Curry	Edgecombe	Foley	Scotfield
Voting Against:	Donley	Freimuth	Gale	Hayes	
	Loewenstein	Seaman			
Absent:	Castillo				

The motion failed.

Mr. Hayes moved to approve the application; seconded by Ms. Donley. Mr. Foley said the problem he had with this application was he did not see a public benefit.

Mr. Castillo arrived at 1:35 P.M.

Mr. Curry clarified that the Board has approved other grants over time that do not have a large public benefit, using the Liquor Control Commission as an example, but it facilitates state government.

Voting For:	Donley	Freimuth	Gale	Hayes
	Loewenstein	Scotfield	Seaman	
Voting Against:	Beno	Castillo	Curry	
	Edgecombe	Foley		

Absent: None

The motion carried.

8.e.4. *Saunders County Register of Deeds – Numerical Index Book Scanning Project – \$9,716.25.* Chairman Gale said this is one of those difficult ones in that Saunders County wishes to charge a fee, so it is limited public access. He said the Board does not have any information about what authority Saunders County has to charge a fee. They also do not indicate who they will hire to do the project. Mr. Loewenstein said it does not indicate that there is any vision for an incorporated system that brings forth the whole picture of information concerning land records, taxation and property parcels. Mr. Loewenstein moved to deny the Saunders County application; seconded by Mr. Hayes. Ms. Donley asked if Saunders County had asked for their grant application to be tabled. Ms. Danahy said Saunders County did not ask for their grant application to be tabled.

Voting For:	Beno	Curry	Castillo	Donley
	Edgecombe	Foley	Freimuth	Gale
	Hayes	Loewenstein	Scotfield	Seaman

Voting Against: None

Absent: None

The motion carried.

8.e.5. *Cass County Register of Deeds – Scan Deeds & Surveyor Reports - \$10,000.00.* Mr. Loewenstein moved to deny the application based on the same reasons as the previous grant application; seconded by Mr. Freimuth.

Voting For:	Beno	Curry	Castillo	Donley
	Edgecombe	Foley	Freimuth	Gale
	Hayes	Loewenstein	Scotfield	Seaman

Voting Against: None

Absent: None

The motion carried.

8.e.6. *Douglas County Corrections – Jail Management Web Access Program – 25,000.00.* Ms. Donley moved to approve the Jail Management Web Access Program; seconded by Mr. Hayes. Ms. Beno said she had a problem since the project will only deal with current information and not historical.

Voting For:	Castillo	Donley	Edgecombe	Foley
	Gale	Hayes	Loewenstein	Scotfield
	Seaman			

Voting Against:	Beno	Curry	Freimuth
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Absent: None

The motion carried.

8.e.7. *Gage County Board of Supervisors – Gage County Online Citizen Resource Center – \$25,000.00.* Withdrawn for revisions and adjustments.

8.e.8. *Hamilton County Surveyor – Hamilton County Mapping Update - \$25,000.00.* Mr. Loewenstein said the grant asks to update maps, not the data. He would like to show support and see Hamilton County redo the application to indicate the wish to update their ‘data’ so maps may be created from the data and also make it available to the public. Chairman Gale pointed out the Board does not normally fund work done by county employees. He suggested the Board could approve the GIS portion \$18,500 and not the salary portion of the request. Mr. Hayes moved to table the grant until the September 15, 2009 State Records Board meeting subject to an amended application; seconded by Mr. Foley.

Voting For:	Beno	Curry	Castillo	Donley
	Edgecombe	Foley	Freimuth	Gale
	Hayes	Loewenstein	Scofield	Seaman

Voting Against: None

Absent: None

The motion carried.

8.e.9. *Hayes County Assessor – Geographic Information Implementation - \$25,000.00.* Mr. Loewenstein moved to approve the grant application; seconded by Ms. Donley.

Voting For:	Beno	Curry	Castillo	Donley
	Edgecombe	Foley	Freimuth	Gale
	Hayes	Loewenstein	Scofield	Seaman

Voting Against: None

Absent: None

The motion carried.

8.e.10. *Thomas County – Land Record information System Enhancement and Web Access - \$25,000.00.* Mr. Loewenstein moved to approve the grant application; seconded by Ms. Beno.

Voting For:	Beno	Curry	Castillo	Donley
	Edgecombe	Foley	Freimuth	Gale

The motion carried.

Chairman Gale reconvened the State Records Board in open session at 3:15 P.M.

Agenda Item 10. NETWORK MANAGER NEGOTIATION TIMELINE

Ms. Beno moved that Mr. Loewenstein, in conjunction with the Office of the CIO, should coordinate and cooperate together to plan business trips to Ashburn, Virginia and Allen, Texas to visit the disaster recovery sites of Nebraska Interactive/NIC and to confirm that the documentation of the proposed Disaster Recovery Plan under current negotiation is accurate and correct and any such expenses will be reimbursed by the Nebraska State Record Board; seconded by Mr. Freimuth.

Voting For:	Beno	Castillo	Curry	Donley	
	Foley	Freimuth	Gale	Loewenstein	Scofield
	Voting Against:		None		
Absent:	Edgecombe	Hayes	Seaman		

The motion carried.

Agenda Item 12. NEBRASKA.GOV REPORTS

12.a. General Manager's Report. Mr. Brent Hoffman, General Manager, Nebraska.gov began by making a clarification of an earlier statement he made. He said he had reported earlier that Nebraska.gov did not have any percentage based fees in front of the Board. He clarified that to say "for approval". There was one Addendum for the JUSTICE system of the Supreme Court which included percentage based fees.

Mr. Hoffman distributed a White Paper from the Center for Digital Government in cooperation with NI's parent company, NIC, about different trends going on from a national perspective entitled *Real Life. Live.*

Mr. Hoffman presented the General Manager's Report. He explained the report will now follow the 2009 Business Plan to help with tracking objectives. He said he was looking forward to working with the Board in talking about grants and to assist in outlining the best investments in technology to provide assistance to agencies, counties, etc. to be able to provide and expand electronic access to public records. He explained NEBPAY, a centralized payment unit that is branded, built and designed around the state of Nebraska. He said it will speed up development production time, allowing the state a lot of flexibility. He said he is looking forward to working with the Board to determine how to speed up the approval process on contracts since new streamlining in technology will bring project development along faster. Mr. Foley asked Mr. Hoffman to explain what happened with the license plate voting. He said at the beginning of the project, it was agreed all votes would be counted regardless of where they came from. In hindsight, he said they should have looked at day to day totals. He explained how Collegehumor.com hindered the voting process.

12.b. Project Priority Report. Mr. Hoffman explained the new format of the Project Priority Report and presented it for approval. Chairman Gale explained the 2009 Nebraska Spirit Art Contest which is sponsored by the Nebraska Secretary of State. Chairman Gale asked Mr. Hoffman to introduce his current staff to the Board. Those being introduced were Carmen Easley, Bruce Rice, Jennifer Rasmussen, Natalie Bacon and Jessica Zywiec. Mr. Hoffman explained the merchant bank relationship. If an agency wants to incur the costs, the state's merchant processor is used. If a portal fee is charged to the user, they

use NI's merchant bank. Mr. Hoffman explained the adoption of the license plate renewal project is going well, mostly for the more populated areas. Nebraska.gov is working on marketing the service. Ms. Beno moved to approve the Project Priority Report; seconded by Mr. Curry.

Voting For: Beno Castillo Curry Donley
 Foley Freimuth Gale Loewenstein Scotfield

Voting Against: None

Absent: Edgecombe Hayes Seaman

The motion carried.

Agenda Item 13. DATE FOR NEXT MEETING.

Chairman Gale announced the date of the next Records Board meeting will be Tuesday, September 15, 2009 in Room 1507, State Capitol, Lincoln, Nebraska.

Agenda Item 15. ADJOURNMENT.

Ms. Donley moved to adjourn the meeting; with the motion being seconded.

All members signified by saying "aye". Chairman Gale declared the meeting adjourned at 3:56 P.M.



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