NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of July 13, 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 9:08 A.M. on July 13, 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, Lt. Governor, 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: Scott Keene, representing the Insurance Industry;

Staff in attendance:
Steven Chase, Executive Director
Colleen Byelick, Agency 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 June 13, 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.

Agenda Item 4. ADOPTION OF AGENDA

Mr. Diamond moved to adopt the agenda as presented; seconded by Mr. Osborn.

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

Voting Against:	None
Absent:	Keene

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES

Chairman Gale asked for a motion to approve the minutes of the May 11, 2016 meeting. Mr. Stenberg made a correction to page three, paragraph 7.b.1 of the minutes and then moved to approve the minutes; seconded by Ms. Wichita.

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

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. Portal Operations Subcommittee update on Service Agreement with the Office of the Chief Information Officer (OCIO). Ed Toner, the Administrator of the OCIO appeared and provided testimony to the Board regarding the two interagency agreements (Agenda Items 7.a.1 and 7.a.2) between the Board and the OCIO.

Agenda Item 7.a.1. Interagency Agreement between Nebraska State Records Board and OCIO regarding Portal Management Support Services. Mr. Toner stated that the agreement would promote better cooperation between Nebraska Interactive, the OCIO and the Board regarding any issues that involve portal services. Along with the agreement, the new executive director has been included in monthly meetings with the OCIO and Nebraska Interactive. Mr. Osborn moved to approve the agreement; seconded by Mr. Foley.

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

The motion carried.

Agenda Item 7.a.2. Interagency Agreement between Nebraska State Records Board and OCIO regarding Enterprise Wide Funding Requests. The agreement would give the OCIO the ability to

request funding from the board outside of the grant program for specific projects. By allowing OCIO to make such requests, Mr. Toner indicates that such an agreement provide an expedited route in funding that would reduce costs and improve quality standards for customers. The aspects of a specific fund request would be considered on a case-by-case basis. Mr. Buescher moved to approve the agreement; seconded by Mr. Stenberg.

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

The motion carried.

Agenda Item 7.b. Resume Grant Program;

Mr. Chase stated the grants subcommittee met on July 6, 2016, and supports the revival of the grant program, commencing with this meeting. The budget for the program will be $150,000.00. The application requirements would remain the same as previously approved by the Board. The maximum grant amount will remain at $25,000.00. The grant deadline will be September 15, 2016, and grant approval will be at the December 7, 2016 meeting. Mr. Osborn stated that applications should contain requirements to carry Nebraska.gov pay portal links. Mr. Hoffman provided additional information regarding Nebraska.gov links. Board members raised concerns regarding budgeting and requirements for grants by the board. Mr. Osborn moved to approve the agreement; seconded by Ms. Donley.

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

The motion carried.

At 10:28 A.M. Chairman Gale ordered a break. The meeting reconvened at 10:40 A.M.

Agenda Item 8. **Nebraska.gov Reports**

Agenda Item 8.a. **Service Outage Report:** Item 8a was brought before the Board at this time because the speaker on behalf of Nebraska Interactive, Jeff Shaw, the Vice President of NIC, Inc., needed to leave the meeting by 11:30 A.M. On May 23, 2016, Chairman Gale issued a letter to Nebraska Interactive with two questions regarding a September 20, 2015 portal service outage. The letter was distributed to the Board members along with a written response by Nebraska interactive. Mr. Shaw spoke to the Board regarding the cause of the outage, how it address the problem, and steps taken to avoid service outages in the future, such as evaluating and updating disaster recovery programs, relying more on cloud services.

Agenda Item 7.c. AGREEMENTS & ADDENDA

Agenda Item 7.c.1. Mr. Chase introduced the Electronic Government Service Level Agreements between Nebraska Interactive, LLC, the Nebraska State Records Board and 43 agencies, including: Abstractors Board of Examiners, Accountability & Disclosure Commission, Administrative Services, Aeronautics, Agriculture, Athletic Commission, Auditor of Public Accounts, Barbers Examiner Board, Brand Committee, Chief Information Officer, Coordinating Commission for PostSecondary Education, Correctional Services, City of Curtis, Deaf & Hard of Hearing Commission, Village of Eagle, Engineers & Architects Board, Fire Marshal, Foster Care Review Office, Grape & Winery Board, Governor, Industrial Relations Commission, Insurance, Investment Council, Labor, Law Enforcement & Criminal Justice Commission, Legislative Council, Liquor Control Commission, Motor Vehicle Industry Licensing Board, Motor Vehicles, Natural Resources, Nebraska Emergency Management Agency, Safety Council, State Patrol, Power Review Board, Problem Gambling Commission, Secretary of State Supreme Court, Tax Equalization & Review Commission, Tourism Commission, Veterans' Affairs, Volunteer Service Commission (ServeNebraska) and Workers' Compensation Court, signed by Chairman Gale pursuant to Board authority:

Agenda Item 7.c.2. Mr. Chase introduced Addendum 1 to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the City of Curtis, the Village of Eagle. The Addendum was signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.c.3. Mr. Chase introduced Addendum 1 to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Tourism Commission. The Addendum was signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.c.4. Mr. Chase introduced Addendum 15 to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Nebraska Supreme Court. The Addendum was signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.c.5. Mr. Chase introduced a Statement of Work between Nebraska Interactive, LLC, Board, the Nebraska State Records Board and the Commission on Law Enforcement and Criminal Justice. The Statement of Work was signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.c.6. Addendum 4 (Elevator Inspection) to the Electronic Government Service Level Agreements between Nebraska Interactive, LLC, the Nebraska State Records Board and the Department of Labor. Katie Thurber, Agency Legal Counsel, and Christopher Cantrell, safety director appeared regarding the proposal that the Nebraska Department of Labor (NDOL) to reduce paper payments and allow electronic payments for the elevator permit fees. In the payment method proposed in the Addendum 4 originally submitted to the Board on May 11, 2016, allowed customers to make electronic payments with a processing of $3.00 and the NDOL would reimburse Nebraska Interactive for any transaction fee not covered under the service agreement. The Board rejected the proposed Addendum 4 in favor of an alternative plan where the NDOL would charge customers a flat fee of $3.00 and the customer would also pay any transactional fee not covered by Nebraska Interactive under the service agreement. Mr. Buescher made the motion to approve the alternative agreement, seconded by Mr. Konz.

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

The motion carried.

Agenda Item 7.d. **Board of Geologist:** Sandra Weaver, the business manager for the Board of Geologist spoke on behalf of the Board of Geologist for its need to secure an online payment provider by October, 2016 when its contract expires with its current provider. Because the Board of Geologist is required to capture information as a part of its license renewal process, it was unable to create a system by the October, 2016 deadline with Nebraska Interactive. The Board of Geologist has renewed its contract with the current vendor, and the Treasurer has no objection to this agreement. The Board does not need to approve the agreement, only to approve fees according to Neb. Rev. Stat. §§84-1204 and 12-1205.02. Mr. Stenberg made the motion to approve the fee, seconded by Mr. Diamond.

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

The motion carried.

Agenda Item 7.e. **Electronic Tablets:** Greg Osborn presented testimony that other boards use electronic devices for meetings instead of presenting members with paper documents. This would require the purchase of electronic devices, having Wi-Fi available in the meeting room, and applications to review documents. Mr. Osborn also recommended that any closed discussions would be provided by paper and the documents would be destroyed after the meeting. The Board believed that as an entity promoting improving technology, it should move to electronic documentation for its meetings and purchase devices. Members Crystal Wichita and Greg Osborn shall work with the executive director and the OCIO to find appropriate devices. The Board would aim to go "paperless: by the first meeting of 2017. Mr. Buescher made the motion to authorize members Ms. Wichita and Mr. Osborn together with Executive Director Mr. Chase, to agree on a purchase plan for tablets and to accomplish it, seconded by Mr. Osborn.

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

The motion carried.

Agenda Item 7.f. NSRB Cash Balance Report

Chairman Gale presented the Cash Fund Balance Report. Mr. Olsen believed the cash balance was off by $5,000.00 to $6,000.00 and requested to have the fund balance reviewed. Agency Counsel Byelick agreed to review it. Mr. Konz made the motion to approve the cash balance report, seconded by Mr. Olsen.

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

Voting Against: None

Absent: Keene

The motion carried.

Agenda Item 8. Nebraska.gov Reports

Agenda Item 8.b. Website Content Fees. Discussion was initiated regarding Nebraska Interactive website content management fees and documentation was provided to the Board. Mr. Hoffman of Nebraska Interactive explained the $80.00 rate charged by Nebraska Interactive to agencies for maintenance work and how it compares to definitions and rates in the Request for Proposal (RFP) and the Optional Service Matrix. No objection was made by the Board regarding fees charged by Nebraska Interactive regarding website maintenance or content management, permitting Chairman Gale to sign the various templated statements of work using the $80.00 fee.

Mr. Buescher exited the meeting at 12:37 P.M

Agenda Item 8.c. Project Priority Report

Mr. Hoffman indicated that that a majority of projects are occurring in a timely manner. There is a small handful of projects that have not been completed, but nothing critical and delays are on the report. Nebraska Interactive reviews the priority report with the OCIO, and since July 2014, there has been a 146 percent increase in services requested from Nebraska Interactive. Ms. Donley made the motion to approve the Project Priority report, seconded by Mr. Konz.

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

Voting Against: None

Absent: Keene Buescher

Agenda Item 8.d. Update regarding signing of new EGLA's. Mr. Hoffman stated that 62 percent of the state agencies have signed the agreements. Mr. Hoffman also expects that the state agencies should be completed soon and the next wave of agreements from the counties will be executed in the next few months.

Agenda Item 8.e. General Manager's Report. Mr. Hoffman indicated the documents provided to the board can be reviewed by the Board. Nebraska Interactive did outline how citizens can engage with online payment services through Nebaska.gov.

Agenda Item 9. DATE FOR NEXT MEETING

Chairman Gale announced the next NE State Records Board meeting will be held on September 28, 2016, at 9:00 a.m., in Room 1507 of the State Capitol.

Agenda Item 10. ADJOURNMENT

Mr. Stenberg moved to adjourn the meeting. All members present signified their agreement by saying "aye". Chairman Gale declared the meeting adjourned at 12:47 P.M.

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

9-28-2016
Date