



## NEBRASKA STATE RECORDS BOARD

### ANNUAL REPORT

Neb. Rev. Stat. § 84 - 1205.05

2018

### MEMBERS

Neb. Rev. Stat. §§ 84 - 1203 and 1204 (2), (3)

John A. Gale, Secretary of State, State Records Administrator, Chairperson  
Pete Ricketts, Governor or designee  
Doug Peterson, Attorney General or designee  
Charlie Janssen, Auditor of Public Accounts or designee  
Don Stenberg, State Treasurer or designee  
Jason Jackson, Administrator, Department of Administrative Services or designee (replacing member Byron Diamond on December 16, 2018)  
M. John Steier, representing Banking groups  
Tony Ojeda, representing Insurance groups  
Brian Buescher, representing Law groups  
Andrew Cano, representing Library groups (replacing member Brenda Ealey on February 21, 2018)  
Water Weir, representing the General Public (replacing member Greg Osborn on August 6, 2018)  
Angela Stenger, representing Media groups

Meetings were held on March 7, 2018, June 12, 2018, September 12, 2018, and December 12, 2018. All meetings were held in the Nebraska State Capitol, Room 1507, Lincoln, Nebraska, commencing at 9:00 a.m. Following are the agendas and minutes of each meeting. NOTE: The minutes included for the meeting held on December 12, 2018 are in *draft* form. The minutes will be approved at the March 6, 2019 meeting.

A blue ink signature of John A. Gale, written in a cursive style.

John A. Gale  
Secretary of State  
State Records Board Chair



## NEBRASKA STATE RECORDS BOARD

### MINUTES

#### Meeting of March 7, 2018

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

The meeting of the Nebraska State Records Board (NSRB) was called to order by Chairman John A. Gale at 9:02 a.m. on March 7, 2018, 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;  
Lt. Gov. Mike Foley, representing the Governor;  
Phil Olsen, representing the Auditor of Public Accounts;  
Byron Diamond, Director of Administrative Services  
Tony Ojeda, representing the Insurance Industry;  
Andrew Cano, representing the Libraries;  
Leslie Donley, representing the Attorney General;  
Don Stenberg, State Treasurer;  
M. John Steier, representing the Banking Industry  
Brian Buescher, representing the Legal Profession  
Angela Stenger, representing the Media

#### Not Attending

Greg Osborn, representing the General Public:

#### Staff in attendance:

Steven Chase, Executive Director  
Colleen Byelick, Agency Counsel  
Tracy Marshall, Recording Clerk

#### Others in attendance

Brent Hoffman, General Manager, Nebraska Interactive LLC (NI LLC),  
Ed Toner, Chief Information Officer, Office of the Chief Information Officer (OCIO)  
Rhonda Lahm, Director of the Nebraska Department of Motor Vehicles (DMV)  
Carmen Easley, Director of Operations & Marketing, NI LLC,  
Scott Somerhalder, Vice President of Operations, NIC Inc.

**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 February 26, 2018, 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. Chase indicated that the last modifications to the agenda were posted to the Board’s website at 4:09 p.m. on March 5, 2018. Lt. Gov. Foley moved to adopt the Agenda as presented; seconded by Treasurer Stenberg.

Voting For:	Diamond	Donley	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
	Buescher				
Voting Against:	None				
Absent:	Osborn				

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.**

Chairman Gale asked for a motion to approve the minutes of the December 13, 2017 meeting. Mr. Ojeda moved to adopt the Minutes as presented; seconded by Mr. Diamond.

Voting For:	Diamond	Donley	Foley	Gale	Ojeda
	Steier	Stenberg	Buescher		
Voting Against:	None				
Abstain:	Olsen	Cano	Stenger		
Absent:	Osborn				

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. Scott Somerhalder, Vice President of Operations at NIC Inc., appeared and offered a verbal statement in support of NI LLC and its performance of the portal contract.

**Agenda Item 7. CONSIDERATION OF ONE OR MORE REQUESTS FOR PROPOSAL (RFP).**

a.) Lt. Governor Foley motioned that the “Portal Operations Subcommittee of the State Records Board in cooperation with the Office of the Chief Information Officer (OCIO) immediately commence the process of drafting one or more requests for proposals (RFPs) for portal management services with the intent that such RFPs upon subsequent Board action, be published later this year.” Lt. Gov. Foley indicated that the motion was based on the Governor’s concern that the RFP process be started before the portal agreement expires on March 31, 2019. The motion was seconded by Mr. Ojeda. Chairman Gale expressed various concerns: whether it wouldn’t be appropriate to first consider granting the first of the two one-year contract renewal options allowed under the current portal contract with NI LLC, to allow sufficient time to consider one or more RFPs; whether the motion shouldn’t include the Department of Administrative Services (DAS) as well as the Chief Information Officer (OCIO); whether there was not a need for an Attorney General Opinion, whether the Records Management Act permits more than one portal network manager under the law; and whether it is feasible for the motion to expect the publication of one or more RFPs to be completed by December 31, 2018. Mr. Buescher indicated that the motion does not prevent the Board from approving a renewal or extension, if necessary. Mr. Buescher then offered amendments to the motion to read “the Portal Operations Subcommittee of the State Records Board in cooperation with the Office of the Chief Information Officer (OCIO) and the Department of Administrative Services (DAS) immediately commence the process of drafting one or more requests for proposals (RFPs) for portal management services with the intent that such RFPs upon subsequent Board action, be published as soon as reasonably possible”. The amended motion was seconded by Treasurer Stenberg.

Voting For:	Diamond	Buescher	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
Voting Against:	Donley				
Absent:	Osborn				

The motion carried. Chairman Gale added that Lt. Gov. Foley would be appointed as chair of the Portal Operations subcommittee and the Executive Director would represent the Secretary of State.

b.) Because Agenda Item 7a was approved, the Board considered a motion authorizing the Executive Director to initiate negotiations with the OCIO for an agreement to assist in developing one or more RFPs; develop an estimate of probable costs for developing one or more RFPs including any service contracts with state agencies; and to act on behalf of the Board to plan and organize the steps to be taken to detail the process to develop one or more RFPs though an award to offer an Intent to Contract with the approved bidder(s). Mr. Ojeda offered the motion, which was seconded by Ms. Stenger.

Voting For:	Diamond	Buescher	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
Voting Against:	Donley				

Absent: Osborn

The motion carried. Mr. Chase advised the Board that an appropriation of funds for the OCIO agreement may be a concern in the future.

**Agenda Item 8. CHAIRMAN’S REPORT** (Agenda Items 8b1. and 8b2. were heard ahead of other issues to accommodate DMV Director Lahm’s schedule).

**Agenda Item 8b. Agreements & Addenda:**

**Agenda Item 8b1.** Mr. Chase introduced Addendum 12 (Regional Driver’s License Service Center for DMV) to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and the Department of Motor Vehicles. Addendum 12 involves state agencies usage of state-selected processor. Director Rhonda Lahm appeared on behalf of the Department of Motor Vehicles and Mr. Hoffman appeared on behalf of NI LLC. Ms. Lahm indicated that the DMV has restructured away from a county-based system into a regional-based system. Because of the change, there was a need to revise the processing options. The result was a change in how fees were collected with no change to fees itself. The project would also involve the creation of an online form that clients would be able to complete prior to requesting services; resulting in reduced transaction time or the need to increase staff. Mr. Hoffman indicated that the restructuring allows the addenda to be amended to add PIN Debit processing. Mr. Ojeda motioned to approve Addenda 12 and 13 in a single vote, which was seconded by Ms. Donley.

**Agenda Item 8b2.** Mr. Chase introduced Addendum 13 (Regional Driver’s License Service Center for DMV) to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and the Department of Motor Vehicles. Director Rhonda Lahm appeared on behalf of the Department of Motor Vehicles and Mr. Hoffman appeared on behalf of NI LLC. Ms. Lahm stated that Addendum 13 would address counties collecting fees for titles and registrations that do not have regional centers at this time. All other aspects of Addendum 13 were the same as Addendum 12. Mr. Hoffman and Ms. Lahm addressed an error in the Addenda summary that the estimated market potential was 250,000. Ms. Lahm indicated that the market potential was revised to 125,000 but because of changes in the project launch date. Mr. Hoffman indicated that a revised summary would be provided to the Executive Director.

Voting For:	Diamond	Donley	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
	Buescher				

Voting Against: None

Absent: Osborn

The motion carried.

A break occurred at 10:18 A.M.

The meeting resumed at 10:33 A.M.

**Agenda Item 8a. ANNUAL AUDIT OF NEBRASKA INTERACTIVE, LLC, 2016**

The annual audit was provided to the Finance Subcommittee, chaired by Lt. Gov. Foley, has reviewed the report in meetings on December 1, 2017 and on December 15, 2017. At the December 15, 2017 meeting, subcommittee members were able to direct questions regarding the audit to NIC Chief Financial Officer, Stephen Kowzan. The Finance Subcommittee reported it was satisfied with the audit and the responses by CFO Kowzan. Lt. Governor Foley motioned to accept the audit, which was seconded by Treasurer Stenberg.

Voting For:	Diamond	Donley	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
	Buescher				

Voting Against: None

Absent: Osborn

The motion carried.

**Agenda Item 9b. Outage Report Update** (This item was moved ahead of other items to accommodate Mr. Toner’s schedule): At the last Nebraska State Records Board (NSRB) meeting on December 13, 2017, Nebraska Interactive presented information that the outage that occurred on Monday, May 22, 2017, consisted of 39 minutes of impairment to services and 79 minutes of complete outage of services. Furthermore, a service outage occurred early morning on June 11, 2017, where there was 10 minutes of service outage after a three-hour scheduled maintenance downtime. CIO Ed Toner agreed to review the synthetic transmissions for May 22, 2017 and June 10, 2017. Mr. Toner was able to verify that the information from NI LLC is accurate and that the outage did not exceed two hours. No action was taken by the Board.

**Agenda Item 8b3.** Mr. Chase introduced the Electronic Government Service Level Agreements between Nebraska Interactive, LLC (NI LLC), the Village of Clarks, City of Crete, Lewis & Clark NRD, Platte County, and Village of Utica. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 8b4.** Mr. Chase introduced the following Addenda to the Electronic Government Service Level Agreement between NI, LLC, the Nebraska State Records Board and the following entities: the Village of Clarks, City of Crete, Lewis & Clark NRD, Platte County Treasurer, and the Village of Utica. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 8b5.** Mr. Chase introduced the Statement of Work agreements with Nebraska Interactive, LLC, the Nebraska State Records Board and the following entities: the Electrical Division (Meadowlark Website), Health & Human Services (Website Project), Village of Walthill (Meadowlark Website) and the Lewis & Clark NRD (Meadowlark Website). All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 8a6.** Mr. Chase introduced the following Gov2Go Addenda to the Electronic Government Service Level Agreement between NI LLC, the Board and the Chief Information Officer and the Department of Motor Vehicles. The agreement was signed by Chairman Gale pursuant to Board authority.

**Agenda Item 8a7.** Mr. Chase introduced Addendum 1 (Online Storefront) to the EGSLA with Nebraska Interactive, LLC, the Board and for the Nebraska Department of Transportation. On May 2, 2011, the NSRB approved Nebraska Department of Roads Addendum 1 which created an online storefront project. When the NDOR was absorbed into the NDOT, all agreements were assumed by the NDOT through Neb. Rev. Stat. 81-701.03. The addendum codifies NDOR Addendum 1 to the NDOT's EGSLA. Mr. Diamond motioned to approve the addendum, which was seconded by Mr. Olsen.

Voting For:	Diamond	Donley	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
	Buescher				

Voting Against: None

Absent: Osborn

The motion carried.

#### **Agenda Item 9. Executive Director's Report.**

**Agenda Item 9a. Cash Fund Balance:** Mr. Chase presented the Board with the Cash Fund Balance update for the fourth quarter of 2017. Mr. Chase indicated \$356,000.00 will be transferred on or before June 15, 2019 as required under LB 327. Mr. Chase said the Fund should be able to meet the 2019 requirements. Mr. Olson motioned to accept the cash fund balance report, which was seconded by Mr. Cano.

Voting For:	Diamond	Donley	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
	Buescher				

Voting Against: None

Absent: Osborn

The motion carried.

**Agenda Item 9c. Review of Project Status Reports (PSRs):** Mr. Chase reported that NI LLC provides biweekly PSRs of active projects to the Executive Director and to the OCIO for review. The OCIO and Executive Director have initiated a process to regular review of the progress of projects contained in the PSRs. The PSRs would be reviewed biweekly by a project manager from OCIO and the Executive Director for irregularities. If irregularities were found, then the OCIO and the Executive Director would perform further investigation. The OCIO and the Executive Director convenes the PSR Panel on a quarterly basis. The Panel reviews the projects with a representative

from NI LLC and ask questions regarding the status of the project and if there are any delays. Prior to the Panel meetings, the Executive Director would contact the agencies or entities with pending projects for their input on the status of the projects. The results are entered into a PSR Report along with agency responses. Chairman Gale stated that the PSR Report would be helpful to the board and requested that the report be provided to the members, but not made part of the meeting documents.

#### **Agenda Item 10. PORTAL MANAGER REPORTS.**

**Agenda Item 10a. Project Priority Report:** Mr. Hoffman presented an online dashboard that would enhance the Project Priority Report that NI LLC has provided to the Board in past meetings. The dashboard is available at a link on the Boards website and provides real-time updates on project priorities and status. The dashboard also incorporates requests made by the Director of Administrative Services regarding what projects have been started or completed. Mr. Hoffman then presented the updated priority report for the fourth quarter of 2017. The report is in a static format that would be used in the future so the Board can make a vote of approval. Mr. Diamond moved to adopt the Project Priority Report, which was seconded by Treasurer Stenberg.

Voting For:	Diamond	Donley	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
	Buescher				

Voting Against: None

Absent: Osborn

The motion carried.

**Agenda Item 10b. 2018 Business Plan:** Mr. Hoffman presented the 2018 Business Plan for Nebraska Interactive LLC. Mr. Diamond indicated that three NI LLC staff members have agreed to enter the DAS's green belt program to improve skills and communication with DAS. Ms. Stenger motioned to accept the plan, which was seconded by Mr. Cano.

Voting For:	Diamond	Donley	Cano	Foley	Gale
	Olsen	Ojeda	Steier	Stenberg	Stenger
	Buescher				

Voting Against: None

Absent: Osborn

The motion carried.

**Agenda Item 10d. Proposed General Manager's Dashboard and Presentation** (this item was presented ahead of the general manager's report): Mr. Hoffman presented an online dashboard that would replace the standard general manager's report that NI LLC has provided to the Board in past meetings. Along with providing information on project priority and status, it would present monthly financial information, outage issues, manager staffing information and Google analytical reports.



Mr. Hoffman stated that he would like to replace the static general manager’s report with the dashboard. Mr. Hoffman further indicated that if the Board wished more information to be provided, it could be added or enhanced to the dashboard.

Lt. Gov. Foley left the meeting at 11:45 a.m.

**Agenda Item 10c. General Manager’s report:** Mr. Hoffman presented the General Manager’s report and an annual report was provided by Ms. Easley. Mr. Somerhalder presented additional information regarding national trends affecting portal management with other states as it related to NI LLC. Mr. Hoffman noted there was a 15 minutes of impairment with services in October that did not cause a total outage of services. Ms. Easley also provided information on the projects completed and the number of free services provided by NI LLC.

**Agenda Item 11. DATE FOR NEXT MEETING**

Chairman Gale announced the next NSRB meeting will be held on June 13, 2018, at 9:00 a.m., in Room 1507 of the State Capitol. Members indicated that they would like an Outlook notification of the next meeting with the standard notice.

**Agenda Item 12. ADJOURNMENT**

Treasurer Stenberg moved to adjourn the meeting. All members present signified their agreement by saying “aye”. Chairman Gale declared the meeting adjourned at 12:10 p.m.

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

6/12/18  
\_\_\_\_\_  
Date



## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of June 12, 2018

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

The meeting of the Nebraska State Records Board (NSRB) was called to order by Chairman John A. Gale at 8:58 a.m. on June 13, 2018, 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;  
Jason Jackson, representing the Governor;  
Phil Olsen, representing the Auditor of Public Accounts;  
Andrew J. Cano, representing the Libraries;  
Don Stenberg, State Treasurer;  
M. John Steier, representing the Banking Industry  
Greg Osborn, representing the General Public  
Angela Stenger, representing the Media

Appearing After the Roll Call

Byron Diamond, Director of Administrative Services (9:02 a.m.)  
Leslie Donley, representing the Attorney General (9:04 a.m.)

Not Appearing

Tony Ojeda, representing the Insurance Industry;  
Brian Buescher, representing the Legal Profession;

Staff in attendance:

Steven Chase, Executive Director  
Colleen Byelick, Agency Counsel  
Tracy Marshall, Recording Clerk

Others in attendance

Brent Hoffman, Nebraska Interactive LLC (NI LLC), general manager  
Carmen Easley, Director of Operations & Marketing, NI LLC,  
Scott Somerhalder, Vice President of Operations, NIC Inc.  
James Ohmberger, IT Manager II, Office of the Chief Information Officer (OCIO)  
Terry Lowe, IT Applications Developer, OCIO  
David Hattan, IT Manager I, OCIO

Rhonda Lahm, Director, Nebraska Department of Motor Vehicles  
Jennifer Rasmussen, Deputy Court Administrator for Information Technology, Nebraska State Court's Administrator's Office.

**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 May 16, 2018, 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. Chase indicated that there was no modification to the agenda. Ms. Stenger moved to adopt the Agenda as presented; seconded by Treasurer Stenberg.

Voting For:	Cano Stenger	Diamond Steier	Gale	Olsen	Stenberg
Abstaining	Jackson	Osborn			
Voting Against:	None				
Absent:	Buescher	Ojeda	Donley		

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.**

Chairman Gale asked for a motion to approve the minutes of the March 7, 2018, meeting. Mr. Treasurer Stenberg moved to adopt the Minutes as presented; seconded by Mr. Diamond.

Voting For:	Cano Olsen	Diamond Osborn	Donley Stenberg	Gale Stenger	Jackson Steier
Voting Against:	None				
Absent:	Buescher	Ojeda			

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 7a. Agreements & Addenda:**

**Agenda Item 7a1.** Mr. Chase introduced the Electronic Government Service Level Agreements (EGSLAs) with Nebraska Interactive, LLC (NI LLC), the Nebraska State Records Board, and the following entities: City of Broken Bow, Village of Holbrook, City of Humboldt, Department of Insurance, Lower Loup Natural Resources District (NRD), Village of Orchard, Village of Snyder, Southeast Community College, and the Village of Walthill. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7a2.** Mr. Chase introduced the following PIN Debit Addenda to the Electronic Government Service Level Agreement between NI, LLC, the Nebraska State Records Board and the following local entities: the Village of Holbrook, City of Humboldt, Lower Loup NRD, Village of Snyder, and Village of Walthill. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7a3.** Mr. Chase introduced the following PIN Debit Addenda to the EGSLA between NI, LLC, the Nebraska State Records Board and the following state agencies: Department of Insurance, Board of Parole and the Secretary of State. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7a4.** Mr. Chase introduced the following Citizen Payment Addenda to the Electronic Government Service Level Agreement between NI, LLC, the Nebraska State Records Board and the following agencies: the Department of Agriculture and the Nebraska State Patrol. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7a5.** Mr. Chase introduced the Statement of Work agreements with Nebraska Interactive, LLC, the Nebraska State Records Board and the following entities: the Nebraska Board of Public Accountancy and the Nebraska Liquor Control Commission. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7a.6.** Mr. Chase introduced the Event Registration Addenda to the EGSLA with Nebraska Interactive, LLC, the Nebraska State Records Board and Southeast Community College. The agreement was signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7a.7.** Mr. Chase introduced the following Gov2Go Addenda to the EGSLA with NI LLC, the Nebraska State Records Board and the Nebraska Liquor Control Commission. The agreement was signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7a.8.** Mr. Chase introduced Addendum 14 to the Nebraska Department of Motor Vehicle EGSLA. Mr. Jackson, on behalf of the Governor, motioned that the addendum be tabled until the next meeting on September 12, 2018. The motion was seconded by Mr. Osborn.

Voting For:	Cano	Diamond	Donley	Gale	Jackson
	Olsen	Osborn	Stenberg	Stenger	Steier

Voting Against: None

Absent: Buescher, Ojeda

The motion carried.

**Agenda Item 7a9.** Mr. Chase introduced Amended Addendum 4 to the Nebraska State Patrol EGSLA. The original Addendum 4, which was approved by the Board on December 7, 2016, allowed Concealed Carry Permits (CCP) owners to renew their permits online. The original addendum allowed CCP holders to pay by electronic check or credit card but not by PIN Debit Card. The amended addendum modifies the program name to Concealed Handgun Permits (CHP) and adds the ability the renew permits by Pin Debit Card. Treasurer Stenberg motioned to make a single vote for both Addenda 4 and 6.

**Agenda Item 7a10.** Mr. Chase introduced Addendum 6 to the Nebraska State Patrol EGSLA. The addendum allows potential CHP candidates to submit their applications and payment online. Appearing on behalf of the Nebraska State Patrol was Jeff Avey, the Criminal Identification Division Director for the Nebraska State Patrol, along with Brent Hoffman, general manager of NI LLC. Mr. Avey said the State Patrol was able to use driver’s license information and photographs from the NDMV for CHP applications and renewals. Although permit applicants will need to be fingerprinted, applicants will be able to have the fingerprint appointment scheduled with the local trooper station to reduce the time applicants need to wait to process their requests and reduce the time spent by the state patrol processing requests. Applicants that do not want to apply online will still be able to apply in person at any of the Nebraska trooper stations. Treasurer Stenberg motioned to approve both addendums, which was seconded by Mr. Osborn.

Voting For: Cano Diamond Donley Gale Jackson  
Olsen Osborn Stenberg Stenger Steier

Voting Against: None

Absent: Buescher Ojeda

**Agenda Item 7b: Nebraska State Historical Society (NSHS) and EBSCO Publishing Agreement.**

Mr. Chase introduced an agreement between the Nebraska State Historical Society (NSHS) and EBSCO Publishing Inc. (EBSCO). Appearing on behalf of the NSHS was David Bristow, the Historical Society Associate Director. Bristow explained that EBSCO charges libraries and other institutions a subscription fee so that its users can view documents such as the NSHS magazine. NSHS would receive a percentage payment based on the amount of material published by EBSCO. Ms. Donley indicated that even if the Board approved the agreement, it did not meet Nebraska law regarding jurisdiction and would need to be revised. Ms. Stenger then raised the question of whether this agreement was within the scope of authority of the Board. Colleen Byelick, the chief counsel for the Secretary of State, indicated that the EBSCO agreement may not fall under the Board’s jurisdiction according to Neb. Rev. Stat. §84-1205.03. Mr. Olsen agreed with Ms. Stenger, stating that board was only concerned with a specific fee from a specific agency and not a subscription rate paid by another entity that is not a state agency. Mr. Osborn made the motion to decline jurisdiction on the agreement and advise the NSHS to make revisions as advised by the Attorney General’s office to comply with state law, which was seconded by Mr. Jackson.

Voting For:           Cano           Diamond       Donley       Gale       Jackson  
                           Olsen       Osborn       Stenberg     Stenger     Steier

Voting Against:       None

Absent:                Buescher     Ojeda,

The motion carried.

**Agenda Item 7c: Network Manager Agreement Renewal**

The network manager agreement between the Nebraska State Records Board and Nebraska Interactive LLC will expire on March 31, 2019. The agreement has two one-year renewal periods. Chairman Gale stated that the Portal Operations subcommittee convened prior to the board’s meeting and recommended the board consider and approve a one-year renewal, which would extend the network manager agreement to March 31, 2020. Appearing in support of renewal period on behalf of the three major users of the portal were NDMV Director Rhonda Lahm, Jennifer Rasmussen from the Administrator of the Courts, and Secretary of State Agency Counsel Colleen Byelick. Appearing in support of the renewal period on behalf of NI LLC was Scott Somerhalder, Vice President of Operations, NIC Inc. Treasurer Stenberg motioned to approve the renewal of the network manager’s agreement, which was seconded by Ms. Donley.

Voting For:           Cano           Diamond       Donley       Gale       Jackson  
                           Olsen       Osborn       Stenberg     Stenger     Steier

Voting Against:       None

Absent:                Buescher     Ojeda,

The motion carried.

A break occurred at 10:30 a.m.

The meeting resumes at 10:45 a.m.

**Agenda Item 7d. Annual audit of Nebraska Interactive, LLC, 2017**

The annual audit dated April 27, 2018, was provided to the Finance Subcommittee, chaired by Lt. Gov. Foley. The subcommittee has reviewed the report in a meeting on June 4, 2018. Treasurer Stenberg, on behalf of Lt. Governor Foley motioned to accept the audit, which was seconded by Mr. Olsen.

Voting For:           Cano           Diamond       Donley       Gale       Jackson  
                           Olsen       Osborn       Stenberg     Stenger     Steier

Voting Against:       None

Absent:                Buescher     Ojeda

The motion carried.

**Agenda Item 8. Executive Director's Report.**

**Agenda Item 8a. Cash Fund Balance:** Mr. Chase presented the Nebraska State Records Board Cash Fund Balance update for the first quarter of 2018. Mr. Olsen moved to adopt the Cash Fund Balance, which was seconded by Ms. Stenger.

Voting For:	Cano	Diamond	Donley	Gale	Jackson
	Olsen	Osborn	Stenberg	Stenger	Steier

Voting Against: None

Absent: Buescher Ojeda

The motion carried.

**Agenda Item 8b. OCIO-NSRB RFP Service Agreement:** Mr. Chase presented the final draft of the OCIO-NSRB service agreement in which the OCIO would provide assistance in drafting the network manager RFP. Although the agreement has not been signed by Ed Toner, the Chief Information Officer at the time of the Board meeting, OCIO IT manager James Ohmberger stated that the agreement met with the OCIO's approval. Ms. Stenger moved to approve the agreement, which was seconded by Treasurer Stenberg.

Voting For:	Cano	Diamond	Donley	Gale	Jackson
	Olsen	Osborn	Stenberg	Stenger	Steier

Voting Against: None

Absent: Buescher Ojeda

The motion carried.

**Agenda Item 8c. Project Status Report:** Mr. Chase presented a report on the projects performed by NI LLC, which was reviewed by the OCIO. The report contained responses by the partner agencies and NI LLC as to the progress of the projects. The report indicates that the projects were, for the most part, proceeding as scheduled.

Mr. Jackson left the meeting at 11:00 a.m.

**Agenda Item 9. PORTAL MANAGER REPORTS.**

**Agenda Item 9.a. Project Priority Report:** Mr. Hoffman presented the updated priority report for the first quarter of 2018. The first page showed the items that were completed in the first quarter of 2018 and the second page displayed projects scheduled for completion. Chairman Gale noted that many of the projects had completion dates that were after the first quarter of 2018. Mr. Diamond indicated that the project priority report provided has an action completion date but does not have a target completion date. The targeted completion date is necessary, according to Mr. Diamond, to

determine whether NI LLC is meeting its expected completion dates. Mr. Diamond further stated that the project priority should be a simple, three-month recap from the previous quarter of what had been completed and should show the actual versus the projected target dates. Mr. Osborn motioned that the vote on the project priority report be tabled and NI LLC shall submit a revised project priority report for the first quarter of 2018, and a separate project priority report for the second quarter of 2018. The motion also required that the project priority reports meet the requirements as specified by Mr. Diamond. The motion was seconded by Ms. Stenger.

Voting For:	Cano Olsen	Diamond Osborn	Donley Stenberg	Gale Stenger	Jackson Steier
Voting Against:	None				
Absent:	Buescher	Ojeda			

The motion carried.

**Agenda Item 9.b. General Manager’s Report:** Mr. Hoffman presented the General Manager’s report. Ms. Easley provided a quarterly report of services, such as website redesign, for smaller state and local agencies. Ms. Easley and Mr. Hoffman also outlined other projects such as Gov2Go.

**Agenda Item 10. DATE FOR NEXT MEETING**

Chairman Gale announced the next NSRB meeting will be held on September 12, 2018, at 9:00 a.m., in Room 1507 of the State Capitol.

**Agenda Item 11. ADJOURNMENT**

Mr. Osborn moved to adjourn the meeting, which all members present signified their agreement by saying “aye”. Chairman Gale declared the meeting adjourned at 11:56 p.m.

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

9/12/18  
 \_\_\_\_\_  
 Date





## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of September 12, 2018

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

The meeting of the Nebraska State Records Board (NSRB) was called to order by Chairman John A. Gale at 8:58 a.m. on September 12, 2018, 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;  
Lt. Gov. Mike Foley, representing the Governor;  
Phil Olsen, representing the Auditor of Public Accounts;  
Tony Ojeda, representing the Insurance Industry;  
Andrew J. Cano, representing the Libraries;  
Leslie Donley, representing the Attorney General;  
Brian Buescher, representing the Legal Profession;  
Jason Walters, representing the State Treasurer;  
M. John Steier, representing the Banking Industry  
Walter Weir, representing the General Public  
Angela Stenger, representing the Media  
Peter Kroll, representing the Director of Administrative Services

Staff in attendance:

Steven Chase, Executive Director  
Colleen Byelick, Agency Counsel  
Tracy Marshall, Recording Clerk

Others in attendance

Brent Hoffman, Nebraska Interactive LLC (NI LLC), General Manager  
Carmen Easley, Director of Operations & Marketing, NI LLC,  
Scott Somerhalder, Vice President of Operations, NIC Inc.  
Ed Toner, Chief Information Officer, Office of the Chief Information Officer (OCIO)  
James Ohmberger, IT Manager II, Office of the Chief Information Officer (OCIO)  
Terry Lowe, IT Applications Developer, OCIO  
Rhonda Lahm, Director, Nebraska Department of Motor Vehicles  
Greg Lemon, Director, the Nebraska Real Estate Commission

**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 August 15, 2018, 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. Chase indicated that there was no modification to the agenda. Mr. Weir moved to adopt the Agenda as presented; seconded by Lt. Gov. Foley.

Voting For:	Buescher	Cano	Donley	Gale	Foley
	Kroll	Ojeda	Olsen	Steier	Stenger
	Walters	Weir			

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 June 12, 2018 meeting. Mr. Buescher moved to adopt the Minutes as presented, which Mr. Cano seconded.

Voting For:	Cano	Donley	Gale	Foley	Olsen
	Steier	Stenger			

Voting Against: None

Abstain	Buescher	Kroll	Ojeda	Walters	Weir
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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.

Lt. Gov. Foley left the meeting at 9:28 a.m.

**Agenda Item 7. CHAIRMAN'S REPORT.**

**Agenda Item 7.a. Agreements & Addenda:**

**Agenda Item 7.a.1.** Mr. Chase introduced the Electronic Government Service Level Agreements (EGSLAs) between Nebraska Interactive, LLC (NI LLC), and the following entities: the City of Albion, the City of Atkinson, the City of Cambridge, Cheyenne County, Dakota County, Franklin County, Garfield County, Howard County, the City of Loup City, the City of Lyons, the City of Newman Grove, Perkins County, the City of Plattsmouth and the City of Stanton. Chairman Gale signed all agreements pursuant to Board authority.

**Agenda Item 7.a.2.** Mr. Chase introduced the following PIN-Debit Addenda to the EGSLAs between NI, LLC, the Nebraska State Records Board and the following entities: the City of Albion (REVISED), the City of Atkinson (REVISED), the City of Cambridge, Cheyenne County Treasurer (REVISED), Dakota County Treasurer (REVISED), the City of Fairbury (REVISED), the City of Franklin (REVISED), Garfield County (REVISED), Howard County Treasurer (REVISED), the City of Loup City (REVISED), the City of Lyons (REVISED), the City of Newman Grove, Perkins County Treasurer, the City of Plattsmouth, the City of Stanton (REVISED), and the City of Waverly (REVISED). Chairman Gale signed all agreements pursuant to Board authority.

**Agenda Item 7.a.3.** Mr. Chase introduced the Statement of Work agreements with Nebraska Interactive, LLC, the Nebraska State Records Board and the following entities: the Dry Bean Commission, and the Public Service Commission. Chairman Gale signed all agreements pursuant to Board authority.

**Agenda Item 7.a.4.** Mr. Chase introduced the following Real Estate Tax Payment Addendum to the EGSLAs between NI, LLC, the Nebraska State Records Board and Howard County. Chairman Gale signed all agreements pursuant to Board authority.

**Agenda Item 7.a.5.** Mr. Chase introduced the following Gov2Go Addendum to the EGSLAs between NI LLC, the Nebraska State Records Board and the Deaf and Hard of Hearing Commission. Chairman Gale signed the agreement pursuant to Board authority.

**Agenda Item 7.a.6.** Mr. Chase introduced Addendum 14 to the Nebraska Department of Motor Vehicles (NDMV) EGSLA that would update the online system for transferring high-risk insurance forms (SR-22 and SR-26) between insurance companies and the NDMV. Appearing on behalf of the NDMV was Director Rhonda Lahm, and Brent Hoffman for NI LLC. Ms. Lahm indicated that the system proposed would improve the current system by providing real time filing of documents while reducing the fees paid by insurance companies and the NDMV's costs of operation. Mr. Olsen did question the reasonableness of the fees in comparison to the profit generated for NI LLC. Lahm stated that profit generated from this project was reasonable in that it offset at least 10 non-revenue generating projects of NI LLC and NDMV. Mr. Buescher motioned to approve the addenda, which Ms. Stenger seconded.

Voting For:	Buescher	Cano	Donley	Gale	Kroll
	Ojeda	Stenger	Steier	Walters	Weir
Voting Against:	Olsen				
Absent:	Foley				

The motion carried.

**Agenda Item 7.a.7.** Mr. Chase introduced a fee proposal that arises from an agreement between the Nebraska Real Estate Commission (NREC) and iGov Solutions LLC, a Florida entity. Appearing on behalf of the NREC was director Greg Lemon. The agreement would update the NREC’s license database and management services. The NREC currently charges a three percent portal fee for all of its online services. The new agreement would increase fees to four percent to fund the new database. Ms. Donley motioned to approve the fee increase, which was seconded by Mr. Olsen.

Voting For:	Buescher	Cano	Donley	Gale	Kroll
	Ojeda	Olsen	Stenger	Steier	Walters
	Weir				
Voting Against:	None				
Absent:	Foley				

The motion carried.

Lt. Gov. Foley returned to the meeting at 10:12 a.m.

**Agenda Item 8. Executive Director’s Report.**

**Agenda Item 8a. Cash Fund Balance:** Mr. Chase presented the Nebraska State Records Board Cash Fund Balance update for the second quarter of 2018 calendar year and the fourth quarter of the 2017-18 budget year. Ms. Stenger moved to adopt the Cash Fund Balance, which was seconded by Mr. Olsen.

Voting For:	Buescher	Cano	Donley	Gale	Kroll
	Ojeda	Olsen	Stenger	Steier	Walters
	Weir				
Voting Against:	None				
Abstain:	Foley				
Absent:	None				

The motion carried.

**Agenda Item 8b. Project Status Report:** Mr. Chase presented a report on the projects performed by NI LLC, which is part of a quarterly review the executive director conducts with NI LLC and the OCIO. The report contained responses by the partner agencies and NI LLC as to the progress of the projects.

**Agenda Item 8c. Department of Administrative Services Statement of Work (SOW):** Mr. Chase presented a SOW to update the Department of Administrative Service’s (DAS) website. In the proposed SOW, NI LLC would update the website and the OCIO would provide hosting and maintenance. Because of the hosting and maintenance arrangement, the SOW deviates from the NSRB-approved template. The executive director asked the board whether it would prefer to modify the SOW template or allow the board to approve each deviated SOW on a case-by-case basis. At this time, the board preferred to review and approve each deviation of an SOW on a case-by-case basis. Ms. Stenger motioned to approve the SOW, which was seconded by Mr. Weir.

Voting For:	Buescher	Cano	Donley	Foley	Gale
	Kroll	Ojeda	Olsen	Stenger	Steier
	Walters	Weir			

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 8d. Loss of Portal Functionality:** Mr. Chase a report from NI LLC that indicated the Portal experienced a loss of functionality from 8:00 a.m. on Sunday, June 24, 2018, to 8:00 a.m. on Monday, June 25, 2018. The incident occurred when NI LLC’s parent company, NIC, installed a software patch resulting in some transactions failing. Although it was difficult for NI LLC to monitor the situation, it has worked with NIC to prevent the incident from occurring in the future. Under Part IV.DD of the Network Manager agreement, “[i]n the event the loss of functionality of any Application(s) is attributable to a defect in the system or the Application(s) due to the acts or negligence of Contractor, Contractor shall pay a penalty of two thousand dollars (\$2,000) per hour for each hour an Application is not fully functional after the time periods set out above; if, however the State determines such non-functionality is caused by reasons other than the acts or negligence of Contractor, Contractor shall not be subject to this penalty.” Mr. Buescher indicated that a similar incident occurred on February 8, 2012, and the board assessed the maximum penalty because of the language of the penalty section and because attributable to a defect in the system and not force majeure. Chairman Gale stated that this incident was within the control of NI LLC and NIC and not force majeure. Mr. Buescher motioned to assess the full \$20,000.00 penalty against NI LLC, which was seconded by Lt. Gov. Foley.

Voting For:	Buescher	Foley	Gale	Kroll	Ojeda
	Olsen	Stenger	Steier	Walters	Weir

Voting Against: None

Abstain: Cano Donley

Absent: None

The motion carried.

A break occurred at 10:50 a.m.

The meeting resumed at 11:10 a.m.

**Agenda Item 9. PORTAL MANAGER REPORTS.**

**Agenda Item 9.a. Project Priority Report:** Mr. Hoffman presented the updated Project Priority Report for the first quarter of the 2018 calendar year (or third quarter of the 2018 budget year) and a Project Priority Report for the second quarter of the 2018 calendar year (or fourth quarter of the 2018 budget year). Mr. Hoffman indicated that the highlighted areas on the First Quarter (Q1) Project Priority Report were projects not reported on the original Q1 report submitted at the June 13, 2018 NSRB meeting. Mr. Hoffman also stated that the highlighted areas on the second quarter (Q2) report include target launch dates that changed from the Q1 report. Ms. Stenger motioned to adopt both the Q1 and Q2 Project Priority Reports, which was seconded by Mr. Ojeda.

Voting For:	Buescher	Cano	Donley	Gale	Foley
	Kroll	Ojeda	Olsen	Stenger	Steier
	Walters	Weir			

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 9.b. General Manager’s Report:** Mr. Hoffman presented the General Manager’s report indicating that in the second quarter of 2018, NI LLC made 77 changes and deployed 51 programs along with 20 new services for state and local entities. Mr. Hoffman also noted that the Portal administered 3.4 million transactions and transmitted over \$49 million to state agencies. Two agencies, the NDMV and the Nebraska Department of Natural Resources received awards recognizing website design. The Center for Digital Government also announced that the State of Nebraska would receive awards for the Nebraska state website and the Nebraska State Patrol concealed handgun registration project. Along with Mr. Hoffman’s presentation was Bruce Rice, the Director of Development and Dave Pfister, Senior Developer. Both Mr. Rice and Mr. Pfister delivered a presentation on programing and development for the Portal.

Mr. Ojeda left the meeting at 11:40 a.m.

**Agenda Item 10. THE NETWORK MANAGER REQUEST FOR PROPOSAL (RFP) AND THE NETWORK MANAGER CONTRACT.** Mr. Cano moved that the Board go into a closed session at 11:55 a.m. on September 12, 2018, for the limited purpose of discussing the Network Manager RFP or alternatives, the current Network Manager’s contract renewals and extension, and possible new contract with Nebraska Interactive, LLC. The closed session is necessary for the protection of the public interest. Ms. Stenger seconded the motion for closed session.

Voting For:	Buescher Kroll Weir	Cano Olsen	Donley Stenger	Gale Steier	Foley Walters
Voting Against:	None				
Absent:	Ojeda				

The motion carried.

Mr. Cano moved that the Board adjourn from the closed session at 1:18 p.m. on September 12, 2018 regarding the Network Manager RFP or alternatives, the current Network Manager’s contract renewals and extension, and a possible new contract with NI LLC and return to the public meeting portion of the NSRB. Mr. Weir seconded the motion.

Voting For:	Buescher Kroll Weir	Cano Olsen	Donley Stenger	Gale Steier	Foley Walters
Voting Against:	None				
Absent:	Ojeda				

The motion carried.

**Agenda Item 10a. Network Manager RFP or alternatives:** Lt. Gov. Foley moved that the Department of Administrative Services cease from any further development activity on behalf of this Board of an RFP for a Portal Network Manager public bidding which had been previously initiated by this Board by public resolution for the reason that the Board intends to consider other options or alternatives than a public bidding. Ms. Stenger seconded the motion.

Voting For:	Buescher Kroll Weir	Cano Olsen	Donley Stenger	Gale Steier	Foley Walters
Voting Against:	None				
Absent:	Ojeda				

The motion carried.

**Agenda Item 10b. Network Manager’s contract renewals and extension:** Ed Toner, the Chief Information Officer of the OCIO and Peter Kroll, DAS procurement supervisor, both provided testimony as to how the NSRB should proceed in this matter. Mr. Toner indicated that the Network Manager administers over 900 applications and hosts over 100 websites. Because there is not a public or private entity that could assume the quality and particularity of applications, Mr. Toner stated that a sole source agreement is necessary. Furthermore, Mr. Toner also said a sole

source agreement would be in the best interest of the State of Nebraska because it increase the state’s revenue stream. Mr. Kroll testified that a sole source agreement would meet the criteria of Neb. Rev. Stat. §73-503 in that the services provided by NI LLC are of such a unique nature to warrant such an agreement and availability at the location requested. Because of the statements of Mr. Toner and Mr. Kroll, the NSRB took no action on Item 10b. regarding further contract renewals or extensions.

**Agenda Item 10c. Authorization of a new Network Manager’s Contract:** Lt. Gov. Foley moved to authorize the Secretary of State with the assistance of the Department of Administrative Services and the Office of the Chief Information Officer to draft a sole source Portal Network Manager Contract with Nebraska Interactive, LLC (NI LLC) and its parent company, NIC, Inc. to become effective April 1, 2019, that will include the same terms, conditions, and specifications of the current Portal Network Manager Contract that became effective April 1, 2016, with these exceptions: a new term of five (5) years from April 1, 2019, with a one, two-year renewal option of the Board; that the split of transaction fee revenues would be 20 percent to the Board with 80 percent to the Portal Network Manager; and subscription fees would increase from \$50.00 per subscription to \$100.00 per subscription. Mr. Cano seconded the motion.

Voting For:	Buescher	Cano	Donley	Gale	Foley
	Kroll	Olsen	Stenger	Steier	Walters
	Weir				
Voting Against:	None				
Absent:	Ojeda				


The motion carried.

**Agenda Item 11. DATE FOR NEXT MEETING**

Chairman Gale announced the next NSRB meeting will be held on December 12, 2018, at 9:00 a.m., in Room 1507 of the State Capitol.

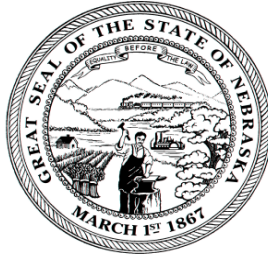
**Agenda Item 12. ADJOURNMENT**

Ms. Stenger moved to adjourn the meeting, which was seconded by Mr. Walters. All members present signified their agreement by saying “aye”. Chairman Gale declared the meeting adjourned at 1:25 p.m.

  
 \_\_\_\_\_  
 Colleen Byelick  
 Secretary of State  
 Acting Chairperson, State Records Board

12-12-18  
 \_\_\_\_\_  
 Date





## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of December 12, 2018

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

The meeting of the Nebraska State Records Board (NSRB) was called to order by Acting Chairperson Colleen Byelick at 9:01 a.m. on December 12, 2018, in Room 1507 of the State Capitol, Lincoln, Nebraska.

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

Colleen Byelick, Agency Counsel and Deputy Secretary of State, Acting State Records Administrator and Chairperson;  
Lt. Gov. Mike Foley, representing the Governor;  
Phil Olsen, representing the Auditor of Public Accounts;  
Ed Toner, Interim Director of Administrative Services  
Tony Ojeda, representing the Insurance Industry;  
Andrew J. Cano, representing the Libraries;  
Leslie Donley, representing the Attorney General;  
Brian Buescher, representing the Legal Profession;  
Don Stenberg, State Treasurer;  
M. John Steier, representing the Banking Industry  
Walter Weir, representing the General Public  
Angela Stenger, representing the Media

**Absent:**

John Gale, Secretary of State and Chairman

**Staff in attendance:**

Steven Chase, Executive Director  
Tracy Marshall, Recording Clerk

**Others in attendance**

Brent Hoffman, Nebraska Interactive LLC (NI LLC), General Manager  
Carmen Easley, Director of Operations & Marketing, NI LLC,  
Scott Somerhalder, Vice President of Operations, NIC Inc.  
Jayne Friedland Holland, Chief Security Officer, NIC Inc.  
Dan Sweetwood, Executive Director, Nebraska Board of Public Accountancy

James Ohmberger, IT Manager II, Office of the Chief Information Officer (OCIO)  
Terry Lowe, IT Applications Developer, OCIO

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

Chairperson Byelick 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.**

Chairperson Byelick announced public notice of the meeting was duly published in the Lincoln Journal Star on November 7, 2018, 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. Chase indicated that there was no modification to the agenda. Treasurer Stenberg moved to adopt the Agenda as presented; seconded by Lt. Gov. Foley.

Voting For:	Buescher	Byelick	Cano	Donley	Foley
	Olsen	Steier	Stenberg	Stenger	Weir
Voting Against:	None				
Absent:	None				
Abstain	Ojeda	Toner			

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.**

Chairperson Byelick asked for a motion to approve the minutes of the September 12, 2018 meeting. Mr. Weir moved to adopt the Minutes as presented; seconded by Mr. Cano.

Voting For:	Buescher	Cano	Donley	Foley	Olsen
	Steier	Stenberg	Stenger	Weir	
Voting Against:	None				
Absent:	None				
Abstain:	Byelick	Ojeda	Toner		

The motion carried.

**Agenda Item 6. PUBLIC COMMENT.**

Chairperson Byelick 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. Agreements & Addenda:**

**Agenda Item 7.a.1.** Mr. Chase introduced the Electronic Government Service Level Agreements between Nebraska Interactive, LLC (NI LLC), and the City of Bellevue, Blaine County, Butler County, Cass County Water District #1, City of Fort Calhoun, Board of Examiners for Land Surveyors, Lower Big Blue NRD, City of Neligh, City of Ord, Racing Commission, City of Sargent, Thayer County, City of Tilden and Wheeler County. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7.a.2.** Mr. Chase introduced the following Addenda to the Electronic Government Service Level Agreement between NI, LLC, the Nebraska State Records Board and the following entities: The City of Bellevue (REVISED), Blaine County Treasurer (REVISED), Butler County Treasurer (REVISED), Cass County Water District #1, City of Fort Calhoun (REVISED), Board of Examiners for Land Surveyors, Lower Big Blue NRD, City of Neligh REVISED, City of Ord (REVISED), City of Sargent (REVISED), Thayer County Treasurer (REVISED), Wheeler County Treasurer (REVISED). All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7.a.3.** Mr. Chase introduced the following Real Estate Tax Payment Addenda to the Electronic Government Service Level Agreement between NI, LLC, the Nebraska State Records Board and the Butler County Treasurer (REVISED). All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7.a.4.** Mr. Chase introduced the following Citizen Payment processing Addenda to the Electronic Government Service Level Agreement between NI, LLC, the Nebraska State Records Board and the City of Tilden. All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7.a.5.** Mr. Chase introduced the Statement of Work agreements with Nebraska Interactive, LLC, the Nebraska State Records Board and the following entities: the State Board of Landscape Architects (Meadowlark Website), Power Review Board (Amendment 1), Board of Public Accountancy (CPA License Permit), Public Service Commission (Remittance System PiD3), and the Department of Revenue (Meadowlark Website). All agreements were signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7.a.6.** Mr. Chase introduced the following Gov2Go Addenda to the Electronic Government Service Level Agreement between NI LLC, the Nebraska State Records Board and the Public Service Commission. The agreement was signed by Chairman Gale pursuant to Board authority.

**Agenda Item 7.a.7. Addenda 5, Proposal for Certified Public Accountant License Permit Application** between Nebraska Interactive LLC, the Nebraska Board of Public Accountancy (NBPA), and the NE State Records Board. Appearing on behalf of the NBPA was Executive Director Dan Sweetwood. Mr. Sweetwood stated the NBPA's original website and online Certified Public Accountant (CPA) application renewal process was provided through a grant by the Board in 2003. The NBPA has contracted with NI LLC for the new database through

the Statement of Work (see Agenda Item 7.a.5) which would provide an update to the database, online CPA application renewal system as well as create an online system for initial CPA applications. Mr. Sweetwood further said that the NBPA does not believe that it has the authority to charge a fee its' users and has not charged its users in the past for usage of the Portal. The current fee requested in Addendum 5 would also be paid by the NBPA for usage of the portal. The NBPA is requesting the Board approve a revised fee for the existing service. Treasurer Stenberg motioned to approve the Addenda, which was seconded by Mr. Ojeda.

Voting For:	Buescher	Byelick	Cano	Donley	Foley
	Ojeda	Olsen	Steier	Stenberg	Stenger
	Toner	Weir			

Voting Against: None

Absent: None

Abstain: None

The motion carried.

**Agenda Item 8. Executive Director's Report.**

**Agenda Item 8a. Cash Fund Balance:** Mr. Chase presented the Nebraska State Records Board Cash Fund Balance update for the Third quarter of 2018. Mr. Chase also indicated that \$356,000.00 will be transferred on or before June 15, 2019 according to LB 327 and the Fund should be able to meet these requirements. .Lt. Gov. Foley moved to adopt the Cash Fund Balance, which was seconded by Mr. Olsen.

Voting For:	Buescher	Byelick	Cano	Donley	Foley
	Ojeda	Olsen	Steier	Stenberg	Stenger
	Toner	Weir			

Voting Against: None

Absent: None

Abstain: None

The motion carried.

Mr. Buescher left the meeting at 9:48 a.m. and returned at 9:52 a.m.

**Agenda Item 8b. Project Status Report:** Mr. Chase presented a report on the projects performed by NI LLC. The report contained responses by the partner agencies and NI LLC as to the progress of the projects. Mr. Chase also indicated that NI LLC have devised a streamlined reporting system for the biweekly reporting of project status progression.

**Agenda Item 8c. NCC Group Escrow Account Verification Proposal:** Mr. Chase stated that the NCC Group Escrow, the company that holds the source code under the current portal agreement, submitted a verification proposal to the Board through the Executive Director. The proposal would verify the approximately 1000 applications at a cost of \$100,000.00. The matter was referred to the Office of the Chief Information Officer (OCIO), who responded that the proposal would not be cost effective. Based on this recommendation, Chairman Gale rejected the proposal.

**Agenda Item 9. PORTAL MANAGER REPORTS.**

**Agenda Item 9.a. Project Priority Report:** Mr. Hoffman presented the updated priority report for the third quarter of 2018. Mr. Hoffman noted that several online services for the Secretary of State and many of the final projects for the mobile inspection project for the Nebraska Brand Committee were completed in the third quarter. Ms. Stenger moved to adopt the Project Priority Report, which was seconded by Ms. Donley.

Voting For:	Buescher	Byelick	Cano	Donley	Foley
	Ojeda	Olsen	Steier	Stenberg	Stenger
	Toner	Weir			

Voting Against: None

Absent: None

Abstain: None

The motion carried.

**Agenda Item 9.b. General Manager’s Report:** Mr. Hoffman presented the General Manager’s report indicating that in the third quarter of 2018, NI LLC made 185 changes and deployed 205 205 services for state and local entities. Mr. Hoffman also noted that Nebraska agencies have won four awards for online innovations through projects with NI LLC. Mr. Hoffman also informed the Board that NI LLC’s management team has participated and completed the Nebraska Center for Excellence’s Six Sigma program with the Nebraska Department of Administrative Services. Mr. Hoffman has stated that the program will increase efficiencies in delivering services to the state.

**Agenda Item 9.c. Cyber Security presentation:** Jayne Friedland Holland, the Chief Security Officer of NI LLC’s parent company, NIC Inc. presented issues on cyber security. The presentation included problems in securing Personally Identifiable Information (PII), preventative policies and current laws affecting online security.

Ed Toner left the meeting at 10:13 a.m. and returned at 10:17 a.m.

A break occurred at 10:30 a.m. The meeting resumed at 10:43 a.m.

**Agenda Item 10. PORTAL AGREEMENT.**

At the September 12, 2018, NSRB meeting, the Board authorized that a sole source agreement be drafted between the Board and Nebraska Interactive, LLC. Mr. Chase stated that a draft of the Portal Agreement was available for the Board’s review with all of its appendices. Mr. Cano

motion for a closed session at 10:41 a.m. on December 12, 2018 for the limited purpose of discussing the Portal Agreement and Appendices. The closed session is necessary for the protection of the public interest. Lt. Gov. Foley seconded the motion.

Voting For:	Buescher	Byelick	Cano	Donley	Foley
	Ojeda	Olsen	Steier	Stenberg	Stenger
	Toner	Weir			

Voting Against: None

Absent: None

Abstain: None

The motioned carried and the Board went to a closed session.

Mr. Cano motioned that the Nebraska State Records Board adjourn from this closed session discussion of the Portal Agreement and Appendices at 11:11 a.m. on December 12, 2018 and return to the public meeting portion of the State Records Board. Treasurer Stenberg seconded the motion.

Voting For:	Buescher	Byelick	Cano	Donley	Foley
	Ojeda	Olsen	Steier	Stenberg	Stenger
	Toner	Weir			

Voting Against: None

Absent: None

Abstain: None

The motion carried and the Board resumed in open session.

Mr. Chase stated that in the closed session, he outlined that the contract was near finalization and most of the appendices have been approved by both sides. Mr. Buescher moved that the Contract Services Agreement and Appendices between the Nebraska State Records Board and Nebraska Interactive LLC be accepted and for the authorization of the Executive Director, Steven Chase and Agency Counsel Colleen Byelick to approve administrative changes to the agreement and to finalize the Agreement. Lt. Gov. Foley seconded the motion.

Voting For:	Buescher	Byelick	Cano	Donley	Foley
	Ojeda	Olsen	Steier	Stenberg	Stenger
	Toner	Weir			

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 11. NETWORK MANAGER DEFINITION OR DESIGNATION;**

Lt. Gov. Foley motioned to direct the Portal Operations Subcommittee to study questions associated with the relationship between the State Records Board, the Office of the Chief Information Officer (OCIO), and the Board’s contractor, Nebraska Interactive LLC including the possibility of naming the OCIO as the “network manager.” The motion would also direct the Subcommittee to respond to the Board with a recommendation at its first meeting in 2019. Mr. Buescher seconded the motion.

Voting For:	Buescher	Byelick	Cano	Donley	Foley
	Ojeda	Olsen	Steier	Stenberg	Stenger
	Toner	Weir			
Voting Against:	None				
Absent:	None				
Abstain:	None				

The motion carried.

**Agenda Item 12. DATE FOR NEXT MEETING**

Chairperson Byelick announced the next NSRB meeting will be held on March 6, 2019, at 9:00 a.m., in Room 1507 of the State Capitol. Mr. Buescher indicated that he would be submitting a resignation to the Governor pending his appointment as a district judge to the United States District Court. Treasurer Stenberg also stated that he would also be retiring from his position as Treasurer and as a Board member. The Board commended both Mr. Buescher and Treasurer Stenberg for their years of service.

**Agenda Item 13. ADJOURNMENT**

Treasurer Stenberg moved to adjourn the meeting, which was seconded by Mr. Weir. All members present signified their agreement by saying “aye”. Chairperson Byelick declared the meeting adjourned at 11:23 a.m.

\_\_\_\_\_  
Colleen Byelick  
Deputy Secretary of State  
Acting State Records Administrator  
Acting Chairperson, State Records Board

\_\_\_\_\_  
Date