



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of April 29, 2008

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 April 29, 2008, 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;
Lauren Hill, representing the Governor;
Leslie Donley, representing the Attorney General;
Mike Foley, Auditor of Public Accounts;
Shane Osborn, State Treasurer;
Brenda Decker, representing the Director of Administrative Services;
Jerry Catlett, representing the Banking Industry;
John Curry, representing the Insurance Industry;
Tom Freimuth, representing the Legal Profession;
Timothy Loewenstein, Representing the General Public;
Mike Edgecombe, representing the Media

Absent:

Lauren Riedesel, appearing later, representing Libraries

Staff in attendance:

Josh Daws, IT Officer
Kacey Nelkin Pedersen, Recorder
Ron Moravec, Legal Counsel
Cathy Danahy, Executive Director

Agenda Item 2. ANNOUNCEMENT OF NEBRASKA OPEN MEETING 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 located 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 March 28, 2008 and the state's website public meeting calendar. A copy of the Notice and Affidavit of Publication by the printer is

to be included in the Board records. A current copy of the agenda has been kept in the Secretary of State's office listing the date, time and location of the meeting

Agenda Item 4. ADOPTION OF AGENDA. Chairman Gale said one item, Agenda Item 10. a., would be taken out of order on the agenda to accommodate the schedule of Treasurer Osborn. Mr. Foley moved to adopt the agenda; motion seconded by Ms. Hill.

Voting For:	Catlett	Curry	Decker	Donley	
	Edgecombe	Foley	Freimuth	Gale	Hill
	Loewenstein	Osborn			
Voting Against:	None				
Absent:	Riedesel				

The motion carried.

Ms. Riedesel joined the meeting at 9:07 A.M.

Agenda Item 5. APPROVAL OF MINUTES. Mr. Loewenstein moved to approve the January 23, 2008 meeting minutes; motion seconded by Mr. Osborn.

Voting For:	Catlett	Curry	Decker	Donley	
	Edgecombe	Foley	Freimuth	Gale	Hill
	Loewenstein	Osborn	Riedesel		
Voting Against:	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 any of the agenda items, other than grant applications. No audience member indicated a desire to come forward.

Agenda Item 7. GRANT APPLICATIONS.

7. a. Ms. Danahy, Executive Director, introduced the State Agency grant application from the Nebraska State Historical Society for a *Digital Archives and Records Center Implementation Study* in the amount of \$25,000.00. Mr. Mike Smith, Director & CEO and Ms. Andrea Faling, State Archivist, testified. After discussion, Mr. Foley moved to approve the grant; seconded by Ms. Riedesel. Ms. Hill suggested that the time line be moved up to ensure budgetary considerations by all parties including the Governor, the State Records Board, and the Legislature. Mr. Smith and Ms. Faling agreed to the request.

Voting For:	Catlett	Curry	Donley	Edgecombe	Freimuth
	Foley	Freimuth	Loewenstein	Osborn	Riedesel
Voting Against:	None				
Abstaining:	Decker	Hill	Gale		

The motion carried.

7. b. Ms. Danahy introduced the Local Agency grant application from the Nemaha County Assessor for *Nemaha County Digitizing Maps/Records and Enhanced Web Page* project in the amount of \$25,000.00. Ms. Lila Gottula, Nemaha County Assessor, testified. After discussion, Mr. Loewenstein moved to approve the grant; seconded by Ms. Donley.

Voting For:	Catlett	Curry	Decker	Donley	
	Edgecombe	Foley	Freimuth	Gale	Hill
	Loewenstein	Osborn	Riedesel		
Voting Against:	None				

The motion carried.

7. c. Ms. Danahy introduced Mr. Mike McCrory, Director of DAS/State Personnel, who requested an additional extension on the State Agency grant application for the *Online Job Application NIS Connectivity* grant application in the amount of \$25,000.00 approved on July 1, 2006. Mr. McCrory explained that after further research, they determined they needed a "Talent Management System" and distributed a hand-out defining that system. He indicated the grant money will be used for the same purpose as before; to develop connectivity with the NIS (Nebraska Information System). Mr. McCrory asked for a one year extension. Mr. Loewenstein moved to let the grant expire with no extension and that it is the will of the Board that Mr. McCrory come back after locating a vendor for a Talent Management System and reapply for the funds to connect the new system to NIS; seconded by Mr. Curry.

Voting For:	Foley	Freimuth	Loewenstein	
Voting Against:	Catlett	Curry	Decker	Donley
	Gale	Hill	Osborn	Edgecombe
			Riedesel	

The motion failed.

After further discussion, Ms. Hill moved to extend the grant through January, 2009; seconded by Mr. Foley.

Voting For:	Catlett	Curry	Decker	Donley
	Edgecombe	Foley	Gale	Hill
	Loewenstein	Osborn	Riedesel	
Voting Against:	Freimuth			

The motion carried.

At 10:35 A.M., Chairman Gale declared a 10 minute recess.

At 10:50 A.M., Chairman Gale reconvened the meeting.

Agenda Item 10. SUBCOMMITTEE REPORTS

10. a. Network Independent Contractor Status Subcommittee Report. Chairman Gale moved to agenda item 10. a. to accommodate Treasurer Osborn’s schedule. Chairman Gale introduced the subject VISA credit card convenience fees and how it relates to the funding model to be identified for the RFI or RFP for a Network contractor. Treasurer Osborn said he anticipates the VISA rules will be changed by the time the RFP is put out for bid, that tiered fees will be allowed. Treasurer Osborn recommended language regarding this issue be in the RFI. Chairman Gale suggested a statement “allow structuring of tiered percentage fees subject to credit card operating rules” be used when the RFP is written.

Treasurer Osborn left the meeting at 11:00 A.M. Treasurer Osborn selected Mr. Perry Pirsch as his designee. Chairman Gale returned to the order of the agenda.

Agenda Item 8. CHAIRMAN’S REPORT.

8. a. Chairman Gale reported Addendum One to the Interagency Agreement between the NE Association of Transportation Providers and the NE State Records Board was signed on April 2, 2008. Nebraska Interactive, Inc. President, Brent Hoffman, explained the Addendum.

8. b. Chairman Gale reported the Interagency Agreement between the NE Arts Council and the NE State Records Board was signed on March 7, 2008. Mr. Hoffman explained the agreement.

8. c. Chairman Gale introduced the contract between the Independent Contractor, Mr. Greg Lemon, and the NE State Records Board to advise and assist the State Records Board in preparation for awarding a network management contract to commence on February 1, 2010. Mr. Ron Moravec, Chief Deputy Secretary of State, explained the contract and indicated that in discussion with the Attorney General’s Office the Attorney General should approve the legal counsel to the Board. Since Mr. Lemon is an attorney, Mr. Jon Bruning will appoint Mr. Lemon Special Assistant Attorney General. Chairman Gale outlined Mr. Lemon’s experience with this process. Mr. Foley indicated he hoped the project would be much less than the \$72,000.00 (indicated as a cap in the contract). Mr. Lemon addressed the issue and assured the Board it would be less than \$72,000.00; that it would be closer to \$10,000.00 – 15,000.00 over the course of a year. Ms. Hill suggested an amendment to the contract to include a limit of \$50,000.00 so as not to invoke the 73-501 Statute that requires a competitive bid for any purchase over \$50,000.00. Mr. Foley moved to approve the contract with the \$50,000.00 limit; seconded by Ms. Donley.

Voting For:	Catlett	Curry	Decker	Donley	
	Edgcombe	Freimuth	Foley	Gale	Hill
	Loewenstein	Pirsch	Riedesel		
Voting Against:	None				

The motion carried.

Mr. Moravec will amend the contract to indicate a \$50,000.00 limit and have Chairman Gale and Mr. Lemon sign.

8. d. Chairman Gale introduced the draft RFI for the network manager. Mr. Greg Lemon, Independent Contractor and Mr. Josh Daws, Information Technology Officer for the Secretary of State, testified. After discussion, it was determined that the time line for response to the RFI should be extended.; therefore, the staff of the Board will change the next Board meeting date from July 15, 2008 to a later date. Since the terms of both Lauren Riedesel and Jerry Cattlet will expire July 16, 2008, Ms. Hill will convey to the Governor the request to delay the appointment of replacements. Some Board members expressed a desire to have more time for input into the RFI draft. Chairman Gale said questions, comments, etc. on the

RFI may be emailed to Mr. Moravec for dissemination, setting a deadline of Friday, May 2, 2008. Mr. Pirsch moved to accept emails on the RFI draft through Friday, May 2, 2008 with a release date of the RFI to be Monday, May 5, 2008. Tim Loewenstein seconded the motion.

Voting For:	Catlett	Curry	Decker	Donley	
	Edgecombe	Foley	Freimuth	Gale	Hill
	Loewenstein	Pirsch	Riedesel		

Voting Against: None

The motion carried.

At 11:55 A.M. Chairman Gale declared a recess of the NE State Records Board meeting.

Agenda Item 9. PUBLIC HEARING. At 12:02 P.M. Chairman Gale opened a public hearing on Addendum 7 of the Interagency Agreement between the NE Arts Council and the NE State Records Board. Mr. Brent Hoffman offered an explanation of the Addendum. Ms. Hill moved to approve Addendum 7; seconded by Ms. Donley.

Voting For:	Catlett	Curry	Decker	Donley	
	Edgecombe	Foley	Freimuth	Gale	Hill
	Loewenstein	Pirsch	Riedesel		

Voting Against: None

The motion carried.

At 12:02 P.M. Chairman Gale closed the public hearing.

At 12:03 P.M. Chairman Gale reconvened the NE State Records Board meeting.

Agenda Item 10. SUBCOMMITTEE REPORTS.

10. b. Mr. Catlett reported on the Finances Review Subcommittee. He recommended the adoption of the new grant application forms (State Agency, Local Agency and Reinvested Revenue) which include the criteria adopted by the Finances Review Subcommittee and the monetary grant request limitations. Mr. Catlett moved to approve the new grant applications; seconded by Ms. Hill. Ms. Donley asked how the \$10,00.00 cap on Local Agency grant applications was arrived at and Mr. Catlett explained the decision was arrived at to reach a larger base. Ms. Hill added it was also to encourage cooperation and collaboration among local agencies. Mr. Loewenstein requested the Board staff develop a website application for these grants.

Voting For:	Catlett	Curry	Decker	Donley	
	Edgecombe	Foley	Freimuth	Gale	Hill
	Loewenstein	Pirsch	Riedesel		

Voting Against: None

The motion carried.

10. c. Ms. Riedesel reported on the Board Training Subcommittee. She thanked the Board staff for helping to compile the State Records Board Policies and Procedures manual. She explained the manual will be given to new Board members along with the Nebraska.gov Project Partnership manual when they are appointed. It will also be continually updated for current Board members.

Agenda Item 11. GENERAL COUNSEL’S REPORT.

11. a., b., & c. Mr. Moravec gave the State/Local Grant Status report, the Reinvested Revenue Report and the Cash Fund Balance Report. Ms. Donley moved to approve the Cash Fund Balance Report; seconded by Mr. Loewenstein.

Voting For:	Catlett Freimuth Riedesel	Decker Gale	Donley Hill	Edgecombe Loewenstein	Foley Pirsch
Abstaining:	Curry				
Voting Against:	None				

The motion carried.

11. d. Mr. Moravec introduced the subject of how the Board publicizes each meeting. He stated that the Open Meeting Act requires a public body to state in its minutes which method the public body has selected for notifying the public of the meeting time and location. He attached a document outlining current practice and potential newspapers and corresponding prices for the Board’s consideration. After discussion, Mr. Pirsch moved that the Nebraska State Records Board use the Lincoln Journal Star, a Nebraska newspaper, for giving its advance publicized notice of meeting regarding the time, place and agenda location of each meeting. Further, such advance publicized notice of each meeting shall be posted on the State of Nebraska website, Nebraska.Gov, Public Meeting Calendar; seconded by Mr. Edgecombe.

Voting For:	Catlett Edgecombe Loewenstein	Curry Freimuth Pirsch	Decker Gale Riedesel	Donley Hill
Voting Against:	Foley			

The motion carried.

Agenda Item 12. NEBRASKA.GOV REPORTS.

12. a., & b. Mr. Hoffman presented an executive summary of the General Manager’s Report. Mr. Hoffman presented the Project Priority Report for approval. Mr. Hoffman pointed out the Business One Stop was behind due to a web service with the IRS. Len Sloup (NE Department of Revenue) has the documents and Nebraska.gov is waiting approval to proceed. Ms. Donley moved to approve the Project Priority Report; seconded by Mr. Pirsch.

Voting For:	Catlett Edgecombe Loewenstein	Curry Foley Pirsch	Decker Freimuth Riedesel	Donley Gale	Hill
Voting Against:	None				

The motion carried.

12. c. Mr. Hoffman presented the Nebraska.gov 2008 Business Plan. Chairman Gale suggested he and Mr. Hoffman meet quarterly to ensure the Business Plan is on track. Mr. Catlett moved to approve the 2008 Business Plan; seconded by Ms. Decker.

Voting For:	Catlett	Curry	Decker	Donley	
	Edgecombe	Foley	Freimuth	Gale	Hill
	Loewenstein	Pirsch	Riedesel		

Voting Against: None

The motion carried.

12. d. Mr. Hoffman gave a report on the downtime issue from the last meeting. Both Nebraska.gov and the OCIO have evaluated their systems and the OCIO has procured new hardware which will be in place shortly.

12. e. Mr. Hoffman gave a PowerPoint presentation titled *2007 State of the Portal*.

Agenda Item 13. CONTRACTOR’S REPORT. Mr. Bill Bidrowski gave the Independent Contractor’s Report.

Agenda Item 14. DATE FOR NEXT MEETING. Chairman Gale announced the date of the next Records Board meeting will be changed from July 15, 2008 to ensure enough time for vendors to respond to the Network manager RFI. Members will be notified as soon as the date is determined. Ms. Donley requested the Nebraska.gov Reports be moved up in future agendas to allow for more discussion.

Agenda Item 15. ADJOURNMENT. Ms Decker moved to adjourn the meeting. Chairman Gale declared the meeting adjourned at 1:45 P.M.



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