



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of December 13, 2022

Agenda Item 1. CALL TO ORDER, ROLL CALL. The meeting of the Nebraska State Records Board ("NSRB") was called to order by Chairperson Robert B. Evnen at 9:02 a.m. on December 13, 2022.

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

Robert Evnen, Secretary of State, State Records Administrator and Chairperson
Lt. Governor Mike Foley, representing the Governor
Jason Jackson, Director of Administrative Services
Leslie Donley, representing the Attorney General
Russ Karpisek, representing the Auditor of Public Accounts
John Murante, State Treasurer
David Richards, representing the Libraries
Walter Weir, representing the General Public

Absent:

Tony Ojeda, representing the Insurance Industry
Cody Gerlach, representing the Media

Vacant member positions:

Representative the Banking Industry
Representative the Legal Profession

Staff in attendance:

Libby Elder, Executive Director, NSRB
Tracy Marshall, Recording Clerk
Colleen Byelick, Chief Deputy Secretary of State and General Counsel

After confirming that a quorum was present, the Chairperson introduced David Richards, a new appointee to the NSRB, representing the Libraries.

The Chairperson announced that Cody Gerlach has been appointed to the NSRB as the representative of the Media, and his attendance is anticipated at the next meeting of the NSRB.

Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT. The Chairperson 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 were located to the left of the Chairperson or to the right of the public seating area.

Agenda Item 3. NOTICE OF MEETING. The Chairperson announced that public notice of the meeting was duly published in the Lincoln Journal Star on November 11, 2022, and on the State’s public meeting calendar website. The public notice and proof of publication relating to the meeting would be attached to and made a part of the meeting minutes.

Agenda Item 4. ADOPTION OF AGENDA. The Chairperson brought the NSRB’s attention to the adoption of the agenda. Mr. Foley moved to approve the agenda as presented. Mr. Weir seconded the motion. There was no further discussion.

Voting For:	Evnen Murante	Donley Richards	Foley Weir	Jackson	Karpisek
Voting Against:	None				
Voting Abstain:	None				
Absent:	Gerlach, Ojeda				

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES. The Chairperson asked for a motion to approve the minutes of the September 29, 2022, meeting. Mr. Foley moved to approve the minutes as presented. Mr. Weir seconded the motion. There was no further discussion.

Voting For:	Evnen Richards	Donley Weir	Foley	Karpisek	Murante
Voting Against:	None				
Voting Abstain:	Jackson				
Absent:	Gerlach, Ojeda				

The motion carried.

Agenda Item 6. APPROVAL OF FINANCIAL REPORT. Libby Elder, Executive Director for the NSRB provided a summary of the September 30, 2022, Cash Fund Balance Report. Mr. Karpisek moved to approve the financial report. Ms. Donley seconded the motion. There was no further discussion.

Voting For:	Evnen Murante	Donley Richards	Foley Weir	Jackson	Karpisek
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Voting Against: None

Absent: Gerlach, Ojeda

The motion carried.

Agenda Item 7. PUBLIC COMMENT.

The Chairperson asked if anyone wished to provide public comment to the NSRB. No member of the public indicated a desire to provide public comment.

Agenda Item 8. EXECUTIVE DIRECTOR’S REPORT

Agenda Item 8.a. Review of Template Agreements: Ms. Elder provided a list of agreements signed pursuant to NSRB authority, including Electronic Government Service Level Agreements and PayPort Addendums.

Agenda Item 8.b. Review of Project Status Report: Ms. Elder presented information related to the status of various active projects based upon feedback from local government partners, including Bellevue, Gothenburg, Prague, and Wauneta.

Agenda Item 8.c. Status of Rules and Regulations – Title 431 – Chapters 1 and 2: Ms. Elder provided an update on the status of Title 431 – Chapters 1 and 2, which were adopted by the NSRB at the September 2022 meeting. The adopted rules and regulations have been submitted to the Nebraska Attorney General’s Office for review.

Agenda Item 9. TECHNICAL INFRASTRUCTURE UPGRADES

Agenda Item 9.a. Review Progress: Ms. Elder stated that progress reports for the Grails and Drupal work were included in the meeting materials. Nebraska Interactive, LLC dba NIC Nebraska (“NIC”) is continuing to make progress, although more slowly than anticipated. Dates reflected in red on the progress reports indicate a change from original completion dates. NIC has completed six Grails projects (1 was a migration/rewrite). NIC has not completed any Drupal migrations yet, but initial progress has been made on each website.

The Technical Infrastructure Subcommittee had an online meeting on December 7, 2022, with NIC to discuss progress on the Drupal work. Mr. Weir and Ms. Elder were in attendance, along with Jay Sloan, Bruce Rice, and David Clang with NIC. NIC has decided to complete the same step on each website, and then the next step on each website, rather than completing one website at a time from start to finish.

Ms. Elder stated that NIC is migrating to a new primary operating system, and that this change in approach to the Drupal work allows NIC to be able to continue to make progress that could otherwise be impacted by the migration of the operating system.

Agenda Item 10. PORTAL OPERATIONS SUBCOMMITTEE REPORT AND RECOMMENDATIONS

Agenda Item 10.a. Funding for Grails Subcontract: Ms. Elder reported that at the June meeting of the NSRB, the NSRB reviewed Nebraska Interactive's initial request for funding for a subcontract with a proposed subcontractor, Object Computing, Inc. ("OCI"). OCI is an organization that offers dedicated support to users on behalf of the Grails Foundation (the non-profit group that manages the open-source Grails framework).

The original estimate to subcontract work to OCI was between \$500,000 and \$750,000 for 15-20 applications. NIC worked with OCI to get more detailed quotes and a timeline on 20 applications, then further narrowed their request for funding to 12 applications. At the September NSRB meeting, it was reported that NIC was continuing to develop a plan and options which would be brought before the NSRB at the December meeting, if appropriate. NIC submitted a proposal requesting funding for 8 applications at a cost of \$432,636 plus 15% for overages, which would be close to \$500,000.

The Portal Operations Subcommittee met on October 19, 2022, and December 5, 2022, to discuss Nebraska Interactive's proposal and options for moving forward. The subcommittee considered funding a portion of NIC's request and reviewed proposed legislation which could provide funding for the subcontract work. Ms. Elder reported that the subcommittee members did not reach a consensus regarding a recommendation to be provided to the NSRB.

The Chairperson stated that NIC has indicated that project development for partners has to be throttled back so that NIC can devote energy to the upgrades. However, progress on the upgrades does not appear to be impressive, and no member of the subcommittee is pleased to be in this position of having to choose between upgrades and new development.

The Chairperson stated that he had proposed to the subcommittee that the NSRB agree to pay for up to fifty percent (50%) of the cost of the upgrades, and that there be completion dates that must be met in order to receive reimbursement, and the agreement would include language to prevent diminishment of new development in the future. However, the other position is that these upgrades are the responsibility of NIC, and the NSRB should not have to pay for it. The majority of the subcommittee took the position that the subcontract not be funded, and the minority of the subcommittee took the position that some amount of funding be provided to help offset the cost of subcontracting with OCI.

Mr. Weir stated that he has been in the IT business for more than 40 years, and that this situation is like being in between a rock and a hard place. There is customized software developed for users, and NIC has no control over these upgrades as the company that created the platforms have upgraded and now NIC must implement those upgrades. NIC has completed application rationalization and determined what could be rewritten or could be no longer used. However, if we continue with customized applications, we may face this again in the future.

The Chairperson referenced the NSRB back to the Cash Fund Balance Report and mentioned that the NSRB has funding available if the NSRB wants to provide funding for the subcontract. However, pursuant to the contract, it is the responsibility of the vendor to keep the platforms up to date, at the vendor's expense.

Mr. Foley stated that the Chairperson provided an accurate and honest appraisal of the subcommittee meeting. NIC is doing very well, with record profits. Upgrading software is the responsibility of NIC, and there are many references in the contract regarding NIC being responsible for keeping the applications current. NIC is in the best position to know if upgrades need to be completed.

Mr. Weir stated that he would like to know what NIC will do to avoid this happening again in the future. The Chairperson asked NIC to address it as part of Agenda Item 11.

Ms. Donley made a motion to table the discussion, and Mr. Richards seconded the motion. The motion and second were withdrawn, with no objections. There was no further discussion.

Agenda Item 10.b. Nebraska Interactive, LLC Contract Renewal (Closed Session): Mr. Foley made a motion to go into closed session for the limited purpose of discussion of the Nebraska Interactive, LLC contract renewal which will involve performance and vulnerability issues relating to operation of the state portal. The closed session is necessary for the protection of the public interest and prevention of needless injury to the reputation of an individual. The motion for closed session was seconded by Mr. Murante.

Voting For:	Evnen	Donley	Foley	Jackson	Karpisek
	Murante	Richards	Weir		

Voting Against: None

Absent: Gerlach, Ojeda

The motion carried.

Chairperson Evnen restated the motion to go into closed session. The NSRB went into closed session at 9:47 a.m.

A break was taken from 10:15 – 10:20 a.m.

At 10:20 a.m., Mr. Foley moved that the NSRB reconvene in open session having completed discussion of the Nebraska Interactive, LLC contract renewal, which involved performance and vulnerability issues relating to operation of the state portal. The motion was seconded by Ms. Donley.

Voting For:	Evnen	Donley	Foley	Jackson	Karpisek
	Murante	Richards	Weir		

Voting Against: None

Absent: Gerlach, Ojeda

The motion carried.

Mr. Foley moved to offer Nebraska Interactive, LLC a 2-year contract renewal under the existing contract terms and conditions. The motion was seconded by Mr. Karpisek.

Voting For:	Evnen	Donley	Foley	Jackson	Karpisek
	Murante	Richards	Weir		

Voting Against: None

Absent: Gerlach, Ojeda

The motion carried.

Chairperson Evnen stated that the current termination is March 31, 2024, and the renewal would continue the contract term through March 31, 2026.

Agenda Item 10.c. Resolution to Resume Nebraska State Records Board Grant Program:

The Chairperson stated that there is a resolution document included in the meeting materials, the purpose of which is to resume the NSRB grant program. A subcommittee would be established by invitation of the Chairperson. The subcommittee would develop criteria and materials necessary to resume the grant program, which would be brought back to the NSRB for review.

Mr. Murante moved to adopt the resolution to resume the Nebraska State Records Board Grant Program, which was seconded by Mr. Karpisek.

Mr. Foley stated that he is willing to serve on the grant subcommittee. Mr. Foley also stated that the NSRB should consider issuing a request for information (RFI) to determine if there are vendors capable of doing web development work for partner agencies. There was discussion regarding previous uses of the grant program.

Voting For:	Evnen	Donley	Foley	Jackson	Karpisek
	Murante	Richards	Weir		

Voting Against: None

Abstain: None

Absent: Gerlach, Ojeda

The motion carried.

Agenda Item 11. NEBRASKA INTERACTIVE REPORTS

Agenda Item 11.a. Nebraska Interactive, LLC Business Plan for 2023:

Mr. Hoffman stated that NIC’s 2023 Business Plan was due 30 days prior to the December meeting of the NSRB. However, financials had not been approved by Tyler, and therefore the 2023 Business Plan was not submitted by the due date. The 2023 Business Plan is a non-action item to allow the NSRB additional time for review and consideration of approval at the next meeting. The 2023 Business Plan provides that NIC will

continue to work on Grails upgrades and Drupal migrations, in addition to some potential business development activities. There was discussion of NIC staffing numbers.

Agenda Item 11.b. Project Priority Report: Prior to addressing the Project Priority Report, Mr. Sloan expressed appreciation for the two-year renewal of the contract with NIC. Additionally, in response to Mr. Weir’s prior question, Mr. Sloan stated that NIC has a plan in place for 2023 and forward that proactively monitors software upgrades when they come along to avoid disruption as the result of upgrades. NIC will share that plan with the Technical Infrastructure Subcommittee, or the full NSRB, as appropriate.

Regarding the Project Priority Report, Mr. Sloan stated that Nebraska Liquor Control Commission is moving to a new backend system. Since the middle of June of 2022, NIC has completed 42 local installations (allowing renewal of local liquor licenses online), and 10 more local installations are in progress.

Mr. Sloan reported that NIC is reaching the end of the first of three legs of the NCHIP grant with the Nebraska State Patrol. Under the grant program, state information based on misdemeanor crime and domestic violence is supplied to the federal government to enforce firearm laws. The next leg of the grant will address felony convictions and then mental health convictions.

NIC completed the DMV data forms project, which is an online scheduling tool, which tells users that they can complete their renewal online. NIC tracks the number of users redirected to complete the renewal online instead of in the office. This service was developed at no cost to the State of Nebraska.

Mr. Foley moved to approve the Project Priority Report, which was seconded by Mr. Richards.

Voting For:	Evnen	Donley	Foley	Jackson	Karpisek
	Murante	Richards	Weir		

Voting Against: None

Abstain: None

Absent: Gerlach, Ojeda

The motion carried.

Agenda item 11.c. General Manager’s Report: Mr. Hoffman reported on the following items for the third quarter of 2022:

- From a security posture, distributed denial-of-service (DDoS) attacks were taking place in many states in October and November. Nebraska did not suffer downtime due to the attacks. NIC closely monitors DDoS attacks and has mitigation strategies in place.
- For the third quarter of 2022, NIC continued to see a high percentage of engagement (25% to 27%) in customer satisfaction surveys and an average of 4.5 star rating out of 5 stars.

- NIC has a total of 28 staff, with two open positions. One position is a developer position, which is currently posted, and the other is a quality assurance position, which will be filled at a later date.

Agenda Item 13. DATE FOR NEXT MEETING. The Chairperson announced the next regular meeting of the NSRB will be in March and is anticipated to be held at the 12th and N Street location.

Agenda Item 14. ADJOURNMENT.

Mr. Murante made a motion to adjourn, which was seconded by Mr. Foley.

Voting For:	Evnen	Donley	Foley	Jackson	Karpisek
	Murante	Richards	Weir		

Voting Against: None

Abstain: None

Absent: Gerlach, Ojeda

The motion carried.

The meeting adjourned at 10:45 AM.

Robert B. Evnen
 Secretary of State
 State Records Administrator
 Chairperson, State Records Board

4/17/2023

Date