



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of June 10, 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 9:10 a.m. on June 10, 2022.

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

Robert Evnen, Secretary of State, State Records Administrator and Chairperson

Matt Miltenberger, representing the Governor

Jason Jackson, the Director of Administrative Services

Leslie Donley, representing the Attorney General

Russ Karpisek, representing the Auditor

Walter Weir, representing the General Public

Tony Ojeda, representing the Insurance Industry

Angela Stenger, representing the Media

Bob Sullivan, representing the Legal Profession

Absent at Roll Call:

John Murante, representing the State Treasurer

Vacant member positions:

Representative of the Libraries

Representative the Banking Industry

Staff in attendance:

Libby Elder, Executive Director, NSRB

Tracy Marshall, Recording Clerk

Colleen Byelick, Chief Deputy Secretary of State and General Counsel

Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT. After confirming that a quorum was present, 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 May 20, 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.

Ms. Stenger moved to approve the agenda as presented. Mr. Jackson seconded the motion.

Voting For:	Evnen	Donley	Weir	Ojeda	Milttenberger
	Stenger	Karpisek	Jackson	Sullivan	

Voting Against: None

Voting Abstain: None

Absent: Murante

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES. The Chairperson asked for a motion to approve the minutes of the April 6, 2022, meeting.

Mr. Ojeda moved to approve the minutes as presented. Mr. Karpisek seconded the motion. There was no further discussion.

Voting For:	Evnen	Donley	Weir	Ojeda	Milttenberger
	Stenger	Karpisek	Jackson	Sullivan	

Voting Against: None

Voting Abstain: None

Absent: Murante

The motion carried.

Agenda Item 6. APPROVAL OF FINANCIAL REPORT. Libby Elder, Executive Director for the NSRB provided a summary of the March 31, 2022, Cash Fund Balance Report.

Mr. Sullivan moved to approve the financial report. Ms. Donley seconded the motion. There was no further discussion.

Voting For:	Evnen	Donley	Weir	Ojeda	Sullivan
	Stenger	Karpisek	Jackson	Milttenberger	

Voting Against: None

Absent: Murante

The motion carried.

Agenda Item 7. PUBLIC COMMENT.

The Chairperson asked if anyone wished to provide public comment to the NSRB.

Mr. Murante arrived 9:17 a.m.

Nathan Arentsen provided public comment regarding a public records request that he made to the Nebraska Department of Health and Human Services for Cisco WebEx instant messages. Mr. Arentsen stated that he was informed the search would cost over \$5,000 and take nine months to complete. Mr. Arentsen paid an initial deposit of \$1,378.51. Mr. Arentsen stated that he believes the contract for Cisco WebEx instant messaging violates the Nebraska public records statutes as it does not provide for reasonable access to WebEx instant messages.

Agenda Item 8. EXECUTIVE DIRECTOR'S REPORT

Ms. Elder reported that the independent audit of Nebraska Interactive, LLC ("NIC Nebraska" or "NIC") has been received and forwarded to the Finances Review Subcommittee for review.

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 ("EGSLA"), a Citizen Payment Processing Addendum, PayPort Addendums, and a Statement of Work ("SOW").

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 the state agency partners. Discussion took place regarding projects NIC is working on for the Nebraska Accountability and Disclosure Commission, the Administrative Office of the Courts, and Cass County.

Agenda Item 9. NEW BUSINESS

Agenda Item 9.a. Records Board Rules and Regulations – Title 431: Ms. Elder explained that there are some regulations currently in place relating to the NSRB that should be updated. These regulations are in Title 431, Chapters 1 and 2.

Ms. Elder explained that Chapter 1 pertains to organization of the NSRB and most of the items covered by this regulation are addressed in statute. The statute indicates that the NSRB shall meet upon call of the Administrator or in accordance with its regulations. It was proposed that Chapter 1 be updated to only address meetings of the NSRB.

Ms. Elder explained that Chapter 2 pertains to practice and procedure of the NSRB. The Attorney General has promulgated model rules of procedure, and Neb. Rev. Stat. §84-909.01 provides that agencies adopt as many of the model rules as practicable. It was proposed that the current rules of practice and procedure be replaced with the Attorney General's model rules, which would be adopted by reference.

Ms. Elder requested that the NSRB take action to allow the Executive Director to proceed to issue a public notice and hold a public hearing on these draft rules and regulations and bring any information from the public hearing back to the NSRB for review.

Mr. Karpisek moved to authorize and direct the Executive Director of the NSRB to publish notice and proceed to public hearing on the proposed Title 431 regulations, which was seconded by Mr. Miltenberger.

Mr. Jackson left at 9:27 and returned at 9:29

Voting For:	Evnen	Sullivan	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Miltenberger	

Voting Against: None

Abstain: Donley

Absent: None

The motion carried.

Agenda Item 9.b. Discussion and Consideration of Network Manager Request for Proposal (RFP):

Ms. Elder explained that the term of the Master Contract between the NSRB and NIC is April 1, 2019, through March 31, 2024. It provides for a renewal for one additional two-year period. Ms. Elder referenced minutes of the September 12, 2018, meeting of the NSRB, where a decision was made to sole source the contract to NIC.

Ms. Elder reported that the Portal Operations Subcommittee met earlier this month to initiate discussion regarding whether to initiate a procurement process for the network manager contract, or to anticipate a renewal of the agreement with NIC. The reason for starting these conversations now is that the procurement process can be lengthy. Ms. Elder explained that although this item was listed as an action item on the agenda, instead of proposing action at this time, the Portal Operations Subcommittee will continue to review this matter and report back to the NSRB.

Mr. Weir requested to be included on the Portal Operations Subcommittee.

Agenda Item 9.c. Grails Subcontract.

Mr. Jackson moved to go into closed session for the limited purpose of discussion of the Grails subcontract and indicated that the closed session was necessary for the protection of the public interest and prevention of needless injury to the reputation of an individual. Chairperson Evnen stated that this matter will involve discussion of performance and vulnerability issues relating to operation of the state portal. The motion for closed session was seconded by Ms. Stenger.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Miltenberger	
	Sullivan				

Voting Against: None

Absent: None

The motion carried.

Chairperson Evnen restated the motion, which was to go into closed session for the limited purpose of discussion of the Grails subcontract as necessary for the protection of the public interest and prevention of needless injury to the reputation of an individual. The board went into closed session at 9:35 AM.

At 11:01 AM, Mr. Jackson moved that the NSRB reconvene in open session having completed discussion of the Grails subcontract. Mr. Jackson stated that no other matters were discussed in the closed session. The motion was seconded by Mr. Ojeda.

Voting For:	Evnen Stenger Sullivan	Donley Karpisek	Weir Jackson	Murante Miltenberger	Ojeda
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Voting Against: None

Absent: None

The motion carried.

The Chairperson asked whether any member of the NSRB wanted to bring anything forward on Agenda Item 9.c. No motions were made. The Chairperson indicated this matter would be further addressed with NIC.

Agenda Item 10. TECHNICAL INFRASTRUCTURE UPGRADES.

Mr. Jackson, Chairperson of the Technical Infrastructure Subcommittee provided an update on the subcommittee’s May 4, 2022, meeting. The meeting included (1) reviewing a summary of the prior meeting; (2) reviewing NIC’s communication to partners that explains the purpose and value of the upgrades and that will be sent at project kickoff and project wrap up (and tailored as appropriate to be sent to both executive level and technical contacts); and (3) reviewing NIC’s Grails Progress Report and Drupal Progress Report. Mr. Jackson stated that NIC indicated that they were considering contract with their Grails consultant to assist in completion of upgrades but did not indicate that additional funding would be required to effectuate that partnership. NIC affirmed that completion dates may adjust as they move forward, but that they would complete upgrades within the eighteen (18) month timeline originally planned, and that upgrades to be completed after that date would roll into their regular maintenance work. Ms. Elder added that copies of the Grails and Drupal progress reports are in the NSRB materials for review. Ms. Elder also stated that NIC had made her aware of NIC’s interest in seeking funding from the NSRB and that she requested an opportunity to review the concept before NIC shared it with the subcommittee.

The NSRB took a break: 11:10 a.m. – 11:15 a.m.

Agenda Item 11. NEBRASKA INTERACTIVE REPORTS.

Agenda Item 11.a. Nebraska Interactive, LLC, Project Priority Report:

Mr. Sloan presented information on the status of various active projects. Mr. Sloan discussed the modernization projects for the Administrative Office of the Courts, which should be fully deployed in the next week. Mr. Sloan discussed that the DOI Medical Malpractice project has delayed progress in completion of Grails upgrades. NIC was on-site at the DMV supercenter in Omaha working on the status forms project, and it was a near flawless roll out.

Ms. Donley moved to approve the Project Priority Report, which was seconded by Ms. Stenger.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Miltenberger	
	Sullivan				

Voting Against: None

Absent: None

The motion carried.

Agenda item 11.b. General Manager’s Report:

Mr. Hoffman reported on the following items for the first quarter of 2022:

1. NIC has been awarded a cooperative contract with National Association of State Procurement Officers through a competitive RFP for a citizen engagement platform. This contract is anticipated to continue through 2027 and can be seen on the DAS Materiel website by searching for Tyler.
2. NIC has returned to the office two days a week, with all staff present on Wednesdays, and staff choosing one additional day to be in the office.
3. NEMA was seeking a more streamlined website, and following launch, the website was awarded the Hermes Creative Gold Award within the government website category.
4. From a financial standpoint, NIC is running at 7% in revenues as driver history records have flattened. Instant government access has been flat as well.
5. NIC is working with Treasurer’s office to determine reasons why merchant fees are seeing a 25% overall increase for the last quarter. It is being driven by Elavon, the processor. Elavon’s fees increased in February 84% over the prior year and 54% in March over the prior year. NIC knew a price increase was coming in April, but this was prior to April. Although more dollar volume was processed, there were fewer transactions than last year.
6. 44% of NIC’s time was spent on services that generate no revenue.
7. NIC had a great hiring run over the last few months and made retention investments in valued staff.
8. Customer service satisfaction ratings continue to have high engagement rate over 20 percent, and 77% of respondents in last quarter gave a 5-star rating across 17 applications.

- 9. DOI continues to deploy the wholesale excise tax reporting system. This is an extremely complicated process, and Nebraska is one of two states that has the functionality to accept an excise tax online.
- 10. NIC launched the Nebraska Brand Committee customer portal, which allows for renewing brands online and viewing inspection information.
- 11. Revenues are limited by number of people in the state. All court e-filing is now mandatory, Nebraska Brand Committee’s brand inspections are online, DMV services are online, the Nebraska State Patrol has 95% adoption for their online services, the Board of Public Accountancy has its services online. Nebraska was an early adopter of online government, and there is a need to collaborate and be creative moving forward.

Agenda Item 12. RECOGNITION FOR SERVICE TO NSRB – Tony Ojeda and Angela Stenger. The Chairperson recognized, congratulated, and thanked Angela Stenger and Tony Ojeda for service to the NSRB from 2016 to 2022.

Agenda Item 13. DATE FOR NEXT MEETING. The Chairperson announced the next regular meeting of the NSRB will be in September and is anticipated to be held at the 12th and N Street location. The Chairperson also announced that, in addition, a special meeting may be called prior to the September meeting.

Agenda Item 14. ADJOURNMENT.
Mr. Karpisek moved to adjourn, seconded by Mr. Sullivan.

The meeting adjourned at 11:30 AM.



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

9/29/2022

Date