



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of September 28, 2016

Agenda Item 1. CALL TO ORDER, ROLL CALL

The meeting of the Nebraska State Records Board was called to order by Chairman John A. Gale at 9:12 A.M. on September 28, 2016 in Room 1507 of the State Capitol, Lincoln, Nebraska.

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

John A. Gale, Secretary of State, State Records Administrator and Chairman;
Mike Foley, Lt. Governor, representing the Governor;
Craig Kubicek, representing the Auditor of Public Accounts;
Tony Ojeda, representing the Insurance Industry;
Brenda Ealey, representing Libraries;
Leslie Donley, representing the Attorney General;
Byron Diamond, Director of Administrative Services;
Brian Buescher, representing the Legal Profession;
Don Stenberg, State Treasurer;
Angela Stenger, representing the Media;
Crystal Wichita, representing the Banking Industry

Absent: Greg Osborn, representing the General Public

Staff in attendance:

Steven Chase, Executive Director
Tracy Marshall, Recording Clerk

Agenda Item 2. ANNOUNCEMENT OF NEBRASKA OPEN MEETINGS ACT

Chairman Gale announced that in accordance with the Nebraska Open Meetings Act, reproducible written materials to be discussed at the open meeting and a copy of the Nebraska Open Meetings Act are located to the left of the public seating area.

Agenda Item 3. NOTICE OF HEARING

Chairman Gale announced public notice of the meeting was duly published in the Lincoln Journal Star on June 13, 2016, and on the state's website Public Meeting Calendar. The public notice and proof of publication relating to the meeting will be attached to and made a part of the meeting minutes.

Agenda Item 4. ADOPTION OF AGENDA

Lt. Governor Foley moved to adopt the agenda as presented; seconded by Mr. Diamond.

Voting For: Buescher Diamond Donley Ealey

	Foley Stenger	Gale Stenberg	Kubicek Wichita	Ojeda
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 July 13, 2016 meeting. Ms. Ealey moved to approve the minutes; seconded by Ms. Donley.

Voting For:	Buescher Gale Wichita	Diamond Kubicek	Donley Ojeda	Ealey Stenger	Foley Stenberg
Voting Against:	None				
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. 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, the NE State Records Board, the State Electrical Division, the City of Fairbury, the Department of Health & Human Services, the State Historical Society, Hooker County, the Military Department, the Board of Pardons and the Public Service Commission. Signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.a.2. Mr. Chase introduced Addendum 1 to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the City of Fairbury and Hooker County Treasurer. The Addenda were signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.a.3. Mr. Chase introduced Addendum 2 to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Tourism Commission (Event Registration Management). The Addendum was signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.a.4. Mr. Chase introduced a Statement of Work between Nebraska Interactive, LLC, Board, the Nebraska State Records Board and the Accountability & Disclosure Commission, the Attorney General, Banking & Finance, the Blind & Visually

Impaired, the Deaf & Hard of Hearing Commission, the Education Department-Assistive Technology Partnership, the Electric Division, the Board of Engineers & Architects, the Fire Marshal, the Insurance Department, the Investment Council, the Motor Vehicle Industry Licensing Board, Natural Resources, the Board of Parole, the Professional Practices Commission, the Tax Equalization & Review Commission, and the Volunteer Service Commission (ServeNebraska). The Statement of Work was signed by Chairman Gale pursuant to Board Authority.

Agenda Item 7.a.5. Addendum 4 (Conceal and Carry Weapons Permit Renewals) to the Electronic Government Service Level Agreements between Nebraska Interactive, LLC (NI LLC), the Nebraska State Records Board and the Nebraska State Patrol (NSP). Appearing on behalf of the NSP was Attorney David Babcock and researcher Jeff Avey. Also appearing was Brent Hoffman from NI LLC. Because Mr. Babcock needed to leave early, the matter was heard before Action Item 5. The parties presented an Addendum to allow individuals who have been approved to carry concealed weapons to renew permits online by paying a \$50.00 fee along with a \$4.50 user fee.

Mr. Babcock left at 9:30 A.M. Mr. Avey remained to represent the NSP.

Mr. Buescher stated that although he supported the program, he believed the user rate estimate at 30 percent was too low to justify the \$4.50 portal fee. Mr. Buescher motioned for a \$3.00 fee that was seconded by Mr. Stenberg.

The vote for the Mr. Buescher's motion was as follows:

Voting For:	Buescher	Foley	Kubicek	Stenberg	Stenger
Voting Against:	Diamond	Donley	Ealey	Gale	Wichita
Not Voting	Ojeda				
Absent:	Osborn				

The motion did not pass.

Ms. Donley motioned to accept the addendum as written which was seconded by Ms. Wichita.

The vote for the Ms. Donley's motion was as follows:

Voting For:	Diamond	Donley	Ealey	Gale	Wichita
Voting Against:	Buescher	Foley	Kubicek	Stenberg	Stenger
Not Voting	Ojeda				
Absent:	Osborn				

The motion did not pass.

Tony Ojeda left at 10:07 A.M. and returned at 10:13 A.M.

A break occurred at 10:45 A.M. The meeting resumed at 11:05 A.M.

Mr. Diamond made a subsequent motion to reconsider his vote for the \$3.00 portal fee. Mr. Buescher seconded the motion.

Voting For:	Buescher Kubicek	Diamond Stenger	Donley Stenberg	Foley	Gale
Voting Against:	Wichita	Ealey			
Not Voting	Ojeda				
Absent:	Osborn				

The motion carried.

Mr. Stenberg made the motion to allow a portal fee of \$3.00. Lt. Governor Foley seconded the motion. Should the NSP and NI LLC agree on the \$3.00 portal fee, Chairman Gale could sign the addendum without further action by the Board. Otherwise, the NSP is free to return and present evidence in support of a higher portal fee.

Voting For:	Buescher Gale	Diamond Kubicek	Donley Stenger	Ealey Stenberg	Foley Wichita
Voting Against:	None				
Not Voting	Ojeda				
Absent:	Osborn				

Agenda Item 7.a.6. Addendum 2 (Suite of Services – Inspection Mobile Application & NBC Headquarters Interface & Database) between Nebraska Interactive, LLC, the NE State Records Board and the Brand Committee. John Widdowson, vice chair of the Nebraska Brand Committee (NBC) presented an addendum creating an automated cattle-inspection system requires all users to pay the \$1.00 inspection fee and \$0.06 portal fee. Widdowson stated the fee was within the NBC's statutory authority and necessary for the NBC to launch the site by July 1, 2017. Although the proposed system did not meet Office of the Chief Information Office (OCIO) requirements, Ed Toner, Chief Information Officer stated the OCIO approved the current project direction under the condition that NI LLC commits to move all devices to Android or an OCIO compliant operating system to coincide with the initial device refresh.

Mr. Stenberg motioned to accept the NBC Addendum, which was seconded by Brian Buescher.

Voting For:	Buescher Gale	Diamond Kubicek	Donley Stenger	Ealey Stenberg	Foley Wichita
Voting Against:	None				
Not Voting	Ojeda				
Absent:	Osborn				

The motion carried.

Agenda Item 7.b. PRICEWATERHOUSECOOPERS ANNUAL AUDIT OF NEBRASKA INTERACTIVE, LLC; DECEMBER 31, 2015 AND 2014: Lt. Governor Foley , as the chair of the finance subcommittee, made a motion to receive the audit and noted the amount earned by NI LLC and the amounts paid to the Nebraska State Records Board Cash Fund in a separate document provided to the Board. The motion was seconded by Mr. Ojeda.

Voting For:	Buescher	Diamond	Donley	Ealey	Foley
	Gale	Kubicek	Ojeda	Stenger	Stenberg
	Wichita				

Voting Against: None

Absent: Osborn

The motion carried.

Agenda Item 8. Executive Director's Report

Agenda Item 8.a. Cash Fund Balance update: The Cash Fund Balance is not reported for this meeting because the third quarter is not complete and will be reported at the next meeting on December 7, 2016. In the next Cash Fund Balance will include the ECM balance of \$5,795.99.

Agenda Item 8.b. Tablets: The Executive Director acquired a Dell Venue 8 Pro 5855 tablet through the OCIO on a trial basis and was used at the meeting.

Agenda Item 8.c. As of September 15, 2016, the Board received 19 grant requests totaling \$391,281.00. Chairman Gale noted that the number of applications verified that there is an interest for the grant program when funding is available. Lt. Governor Foley made a motion on behalf of Governor Ricketts that in light of state budgetary needs, the Board's grant program be suspended for one year. The Board would also follow the advice of the counsel for the Department of Administrative Services on whether existing applications would be denied or retained for further consideration. Lt. Governor Foley Motion was seconded by Mr. Stenberg.

Voting For:	Buescher	Diamond	Donley	Ealey	Foley
	Gale	Kubicek	Ojeda	Stenger	Stenberg
	Wichita				

Voting Against: None

Absent: Osborn

The motion carried.

Agenda Item 8.d. Technical Advisory Committee: Because the grant program was suspended, the Board requested that the Technical Advisory Meeting set on October 12,

2016, is cancelled.

Agenda Item 9. Nebraska.gov Reports

Agenda Item 9.a. Subscriber Fees. Mr. Brent Hoffman of NI LLC requested that it be allowed to increase its subscriber fees from \$50.00 per 10 users to \$95.00 per 10 users to support additional customer services, such as online help and live telephone help. Mr. Buescher and Mr. Ojeda stated that they would not be supportive of the fee request as presented, but recommend providing information on revenue impact, specific details on how NI LLC would use the increase income, and what users (one-time users versus frequent users) would be affected by the increase.

Ms. Donley made a motion to table the fee request to the next meeting; which was seconded by Mr. Ojeda.

Agenda Item 9.b. Project Priority Report

Mr. Hoffman was joined by Carmen Easley from Nebraska Interactive LLC. Both Easley and Hoffman explained the project priority system was created, ranked, and implemented. Mr. Toner indicated that the program priority system has been reviewed and approved by the OCIO and would continue to suggest modifications to the system. Mr. Hoffman indicated that it would provide an updated version of the report by the December 7, 2016 meeting.

Mr. Stenberg made the motion to approve the Project Priority report, seconded by Ms. Wichita.

Voting For:	Buescher	Diamond	Donley	Ealey	Foley
	Gale	Kubicek	Ojeda	Stenger	Stenberg
	Wichita				

Voting Against: None

Absent: Osborn

Mr. Buescher exited the meeting at 12:30 P.M and returned at 12:35 P.M.

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

Agenda Item 8.d. General Manager's Report. Mr. Hoffman indicated the documents provided to the board can be reviewed by the Board which includes enhancements to its offices in Lincoln, Nebraska and increasing staff as a result in the increase of projects.

Agenda Item 10. DATE FOR NEXT MEETING

Chairman Gale announced the next NE State Records Board meeting will be held on December 7, 2016, at 9:00 a.m., in Room 1507 of the State Capitol.

Agenda Item 11. ADJOURNMENT

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



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



Date