

NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of December 1, 2010

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 9:00 A.M. on December 1, 2010, 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;
Brenda L. Decker, representing the Governor;
Michael D. Foley, Auditor of Public Accounts;
Jason Walters, representing the State Treasurer;
Scott Keene, representing the Insurance Industry;
Thomas D. Freimuth, representing the Legal Profession;
Julie A. Beno, representing Libraries;
Leslie S. Donley, representing the Attorney General;
Carlos Castillo, Director of Administrative Services;
Ryne D. Seaman, representing the Banking Industry;
Mike Konz, representing the Media

Absent: Timothy L. Loewenstein, representing the General Public

Staff in attendance:

Cathy Danahy, Executive Director;
Kacey Nelkin Pedersen, Recording Clerk;
Colleen Byelick, Legal Counsel

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 right 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 October 29, 2010 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. Konz moved to adopt the agenda as presented; seconded by Mr. Keene.

Voting For: Beno Castillo Decker Donley

	Foley Konz	Freimuth Seaman	Gale Walters	Keene
Voting Against:	None			
Absent:	Loewenstein			

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES

Chairman Gale asked for a motion to approve the minutes of the August 25, 2010 meeting. Mr. Freimuth moved to approve the minutes; seconded by Ms. Beno.

Voting For:	Beno Foley Konz	Castillo Freimuth	Decker Gale	Donley Keene
Not Voting:	Seaman	Walters		
Voting Against:	None			
Absent:	Loewenstein			

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. No audience member indicated a desire to provide public comment.

Agenda Item 7. CHAIRMAN'S REPORT

Agenda Item 7.a. DMV Bulk Sales Downtrend & Future Expectations

Bev Neth, Director, Department of Motor Vehicles, explained the statutory authority that governs the sale of data in Nebraska, the Uniform Vehicle Records Disclosure Act and the genesis of how the Department of Motor Vehicles (DMV) arrived at where they are today. She identified the types of records DMV sells, the overall revenue generated by the DMV and future expectations.

Agenda Item 7.b. Agreements and Addenda

Chairman Gale introduced Mr. Brent Hoffman, General Manager, Nebraska.gov. Chairman Gale asked Mr. Jason Walters if he was requesting that the following agenda items be advanced on the agenda for first consideration: **7.b.1.** Addendum Six to the Interagency Agreement between the Nebraska Liquor Control Commission and the Nebraska State Records Board – Over the Counter Payment System, **7.b.4.** Addendum Three to the Interagency Agreement between the Nebraska State Patrol and the Nebraska State Records Board – Over the Counter Payments and **7.b.5.** Addendum One to the Interagency Agreement between the Department of Roads and the Nebraska State Records Board – Over the Counter Payments be addressed first. Mr. Walters agreed.

Mr. Hoffman explained agenda item **7.b.5** Addendum One to the Interagency Agreement between the Department of Roads and the Nebraska State Records Board – Over the Counter Payments has not been signed, so it would not be addressed at this meeting. Chairman Gale chose to include item **7.b.5.** since it is the same issue Mr. Walters will be raising. Mr. Hoffman explained agenda items **7.b.1., 7.b.4** and **7.b.5.,** state agency Over the Counter Payment service addenda.

Mr. Walters confirmed that the Treasurer’s Office was not involved in the discussions with state agencies regarding the Over the Counter Payment service being offered by Nebraska.gov and that the Treasurer’s Office would prefer tabling these agenda items so they may discuss this concept with Nebraska.gov to determine if there are other solutions that would not charge fees to the customer or consumer. The Treasurer’s Office does not believe the fees being proposed are allowable and that they are state agency transactions, even if done by an independent agency and they would fall under the constitutional authority of the Treasurer’s Office to manage banking relationships. Ms. Donley said it is her understanding that the Over the Counter Payment service is an online service to pay, and not an online service to retrieve records; therefore, it is the position of the Attorney General’s Office that Nebraska.gov cannot provide the service for state agencies, boards and commissions; they may only provide the service for local government. Mr. Foley moved to table the Over the Counter Payment services addenda for state agencies; seconded by Mr. Freimuth.

Voting For:	Beno	Castillo	Decker	Donley
	Foley	Freimuth	Gale	Keene
	Konz	Seaman	Walters	
Voting Against:	None			
Absent:	Loewenstein			

The motion carried.

Agenda Item 7.b.2. Addendum Nine to the Interagency Agreement between the Department of Health and Human Services and the Nebraska State Records Board – Birth Certificate Request Services. Mr. Hoffman explained the addendum and indicated this addendum has not been signed but negotiations are ongoing with the Department of Health and Human Services. This addendum will be brought back to the board for approval when negotiations are complete.

Agenda Item 7.b.3. Addendum Five to the Interagency Agreement between the Nebraska Accountability and Disclosure Commission and the Nebraska State Records Board – NADC Data Export. Mr. Hoffman explained the addendum. Mr. Freimuth moved to approve addendum five; seconded by Mr. Seaman.

Voting For:	Beno	Castillo	Decker	Donley
	Foley	Freimuth	Gale	Keene
	Konz	Seaman	Walters	
Voting Against:	None			
Absent:	Loewenstein			

The motion carried.

Agenda Item 7.b.6. Valley County Treasurer Addendum Two – Over the Counter Payment. Chairman Gale reported he signed Addendum Two on November 29, 2010.

Agenda Item 7.c. Network Manager Operations Review Subcommittee Report
 Chairman Gale reported the Subcommittee has had two meetings. A survey was conducted of state agencies regarding the service they are receiving from Nebraska.gov and other portal questions. The Subcommittee is still analyzing and digesting the information and will have a more detailed report as soon as that is accomplished. Chairman Gale also reported several contractual issues are being studied and explored such as the portal source code and escrow agreement.

Agenda Item 7. d. State Record Retrieval Board Report on Legal Status

Ms. Colleen Byelick reported on a complaint received by a Red Willow County official regarding a company, State Record Retrieval Board, who was conducting business in Nebraska soliciting homeowners to obtain copies of deeds for a price higher than a county office would charge. Ms. Byelick reported on the correspondence between the Office of the Secretary of State and the company. The company agreed to stop all activity in the state of Nebraska.

Agenda Item 8. COUNSEL’S REPORT

Agenda Item 8.a. Interagency Agreement Template (Electronic Government Service Level Agreement)

Ms. Byelick introduced a template of a new electronic service level agreement between Nebraska Interactive, LLC, the State Records Board and partners (government agencies) who wish to use Nebraska Interactive’s services. The original agreement was formulated in the late 1990’s and it was time to bring it up to date and to better define responsibilities. Ms. Byelick distributed a copy of the template with Ms. Donley’s revisions. Chairman Gale moved to approve the new interagency Agreement; seconded by Mr. Freimuth.

Voting For:	Beno	Castillo	Decker	Donley
	Freimuth	Gale	Keene	Konz
	Seaman	Walters		
Not Voting:	Foley			
Voting Against:	None			
Absent:	Loewenstein			

The motion carried.

Chairman Gale declared a recess at 10:40 A.M.

Chairman Gale reconvened the meeting at 10:55 A.M.

Mr. Castillo did not return to the meeting.

Agenda Item 9. FINANCES REVIEW SUBCOMMITTEE REPORT (Mike Foley, Chair)

Agenda Item 9. a. PricewaterhouseCoopers Audit Report – Nebraska Interactive, LLC December 31, 2009 and 2008.

Mr. Foley reported the Subcommittee met on Monday of this week and reviewed the annual audit report. Mr. Foley said the Subcommittee continues to watch the general and administrative expenses charged by the parent company and reported they have gone up again; \$747,000 in general and administrative fees and \$330,000 in cash transfers from Nebraska Interactive to its parent corporation. In summary, Mr. Foley reported the Subcommittee was satisfied with the quality of work by PricewaterhouseCoopers. Mr. Foley moved to accept the receipt of the PricewaterhouseCoopers annual Audit Report of Nebraska Interactive, LLC for December 31, 2009 and 2008; seconded by Ms. Decker.

Voting For:	Beno	Decker	Donley	Foley
	Freimuth	Gale	Keene	Konz
	Seaman	Walters		

Voting Against: None

Absent: Castillo Loewenstein

The motion carried.

Agenda Item 10. ORIENTATION AND POLICIES/GUIDELINES SUBCOMMITTEE REPORT (Julie Beno, Chair)

Agenda Item 10.a. Grant Application and Process Review

Ms. Beno reported on the grant process review being conducted by subcommittee members Tim Loewenstein, John Gale and Cathy Danahy. The goal of the subcommittee is to make the process as fair and impartial as possible to all grant applicants and to have the process completed by July 1, 2011. A draft will be presented at the next meeting for Board review, discussion and approval.

Agenda Item 11. EXECUTIVE DIRECTOR’S REPORT

Agenda Item 11. a. Final Grant Reports

Ms. Danahy reported final grant reports were received from the following NSRB grant recipients:

1. Arthur County Assessor – GIS System
2. Grant County Assessor – GIS System
3. Hooker County Assessor – GIS System
4. Logan County Assessor – GIS System
5. Accountability and Disclosure – Online Campaign Statement Filing
6. Board of Barber – Enhancement/Restructuring of Barber Licensing System
7. Treasurer – NebraskaSpending.com (Phase III)

Ms. Danahy said she would forward all final reports from GIS System grants to Mr. Larry Zink, GIS Coordinator for the OCIO for his review. Ms. Danahy distributed a final grant report from the Nebraska Volunteer Service Commission – Train/Trainee Online Database Search and an additional letter from the Board of Barber Examiners - Enhancement/Restructuring of Barber Licensing System.

Agenda Item 11.b. NSRB Cash Fund

Ms. Danahy introduced the NSRB Cash Fund Balance Report which included the first quarter of FY 10-11 plus one additional month. A discussion took place regarding Agenda Item 11.d., Reserve Grant Funds. The issue of the Board setting aside an amount for grants from the current fund balance was discussed. No action was taken. Mr. Foley moved to approve the Cash Fund Balance Report; seconded by Mr. Seaman.

Voting For: Beno Decker Donley Foley
Freimuth Gale Keene Konz
Seaman Walters

Voting Against: None

Absent: Castillo Loewenstein

The motion carried.

Agenda Item 11.c. State/Local Grant Status Report

Ms. Danahy introduced the State/Local Grant Project Status Report.

Agenda Item 11 d. Reserve Grant Funds
No action taken.

Agenda Item 12. NEBRASKA.GOV REPORTS

Agenda Item 12.a. General Manager's Report
Mr. Brent Hoffman, General Manager, Nebraska.gov gave the General Manager's Report.

Mr. Seaman left the meeting at 11:55 A.M.

Mr. Seaman returned to the meeting at 11:57 A.M.

Agenda Item 12.b. Project Priority Report
Mr. Hoffman gave the Project Priority Report. Ms. Donley moved to approve the Project Priority Report; seconded by Mr. Konz.

Voting For:	Beno	Decker	Donley	Foley
	Freimuth	Gale	Keene	Konz
	Seaman	Walters		
Voting Against:	None			
Absent:	Castillo	Loewenstein		

The motion carried.


Agenda Item 12.c. 2011 Business Plan
Mr. Hoffman presented the 2011 Business Plan for the Board's review. The Business Plan will be discussed and approved at the next NSRB meeting February 2, 2011.

Agenda Item 13. DATE FOR NEXT MEETING
Chairman Gale announced the next NE State Records Board meeting will be held on Wednesday, February 2, 2011 at 9:00 A.M at the Nebraska State Education Association Conference Room, 605 South 14th Street, Lincoln, NE 68508-2742.

Agenda Item 14. ADJOURNMENT
Ms. Donley moved to adjourn the meeting. All members present signified by saying "aye". Chairman Gale declared the meeting adjourned at 12:28 P.M.



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



 Date