

NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of May 5, 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 May 5, 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;
Trent Fellers, representing the State Treasurer;
John P. Curry, representing the Insurance Industry;
Thomas D. Freimuth, representing the Legal Profession;
Julie A. Beno, representing Libraries;
Timothy L. Loewenstein, representing the General Public;
Leslie S. Donley, representing the Attorney General;
Laura Peterson, representing the Director of Administrative Services;
Ryne D. Seaman, representing the Banking Industry;
Michael P. Edgecombe, representing the Media

Staff in attendance:

Cathy Danahy, Executive Director;
Kacey Nelkin Pedersen, Recording Clerk;
Ron Moravec, 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 given by posting notice in the Lincoln Journal Star newspaper on April 2, 2010 and on the state's website public meeting calendar. A copy of the Notice and Affidavit of Publication by the printer is included in the Board records.

Agenda Item 4. ADOPTION OF AGENDA

A current copy of the agenda has been kept in the Secretary of State's office, located in the State Capitol Building, Room 2300. Ms. Donley moved to adopt the agenda as presented; seconded by Mr. Freimuth.

Voting For:	Beno	Curry	Decker	Donley
	Edgecombe	Fellers	Foley	Freimuth
	Gale	Loewenstein	Peterson	Seaman
Voting Against:	None			

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES

Chairman Gale asked for a motion to approve the minutes of the February 10, 2010 meeting. Mr. Foley moved to approve the minutes, subject to an amendment under **Agenda Item 8. Finances Review Subcommittee** adding *Mr. Foley reported that the general and administrative expenses imposed on Nebraska Interactive by its parent corporation, NICUSA, have increased by 89% the past two years and that NICUSA made a \$367,000 cash transfer from Nebraska Interactive to NICUSA during the most recent fiscal year*; seconded by Mr. Fellers.

Voting For:	Beno	Curry	Decker	Donley
	Fellers	Foley	Freimuth	Gale
	Loewenstein	Peterson	Seaman	
Not Voting:	Edgecombe			
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. No audience member indicated a desire to provide public comment.

Agenda Item 7. CHAIRMAN'S REPORT

Chairman Gale recognized Mr. Curry, whose term on the State Records Board ends on July 16, 2010, for his 5 years of service by presenting him with a commemorative medallion from the Secretary of State and a Secretary of State Certificate of Appreciation of service. He thanked Mr. Curry for his hard work and willingness to serve.

Chairman Gale recognized Mr. Moravec, who is retiring June 30, 2010 for his 5 years of service as Legal Counsel to the State Records Board by presenting him with a commemorative medallion from the Secretary of State and a Secretary of State Certificate of Appreciation of service, thanking him for his work.

Agenda Item 7.a. Agreements & Addenda

Agenda Item 7.a.1. Interagency Agreement between the Douglas County Treasurer and the Nebraska State Records Board. Mr. Hoffman explained the agreement and indicated it had not been signed yet by the Douglas County Treasurer. Hearing no motion, Chairman Gale moved to Agenda Item 7.a.2.

Agenda Item 7.a.2. Addendum One to the Interagency Agreement between the Douglas County Treasurer and the NE State Records Board – Over the Counter Payments. Mr. Hoffman discussed the Over the Counter Payment service. Hearing no motion Chairman Gale moved to Agenda Item 7.a.3.

Agenda Item 7.a.3. Addendum Fifteen between the Secretary of State and the Nebraska State Records Board - Nonprofit Corporation Biennial Reports

Mr. Hoffman explained the addendum. Ms. Donley moved to approve the addendum; seconded by Mr. Loewenstein.

Voting For:	Beno	Curry	Decker	Donley
	Edgecombe	Fellers	Freimuth	Gale
	Loewenstein	Peterson	Seaman	
Not Voting:	Foley			
Voting Against:	None			

The motion carried.

Agenda Item 7.a.4. Addendum Sixteen between the Secretary of State and the Nebraska State Records Board - Application for Electronic Access to Records and

Agenda Item 7.a.5. Addendum Seventeen between the Secretary of State and the Nebraska State Records Board – Document Upload and Delivery Online Service

Mr. Hoffman stated both Addendum Sixteen between the Secretary of State and the Nebraska State Records Board - Application for Electronic Access to Records and Addendum Seventeen between the Secretary of State and the Nebraska State Records Board – Document Upload and Delivery Online Service will not be presented at this meeting because the concept has changed. Consideration of both addenda will be postponed until a later meeting.

Agenda Item 7.a.6. Addendum Eight between the Nebraska Department of Health and Human Services, Division of Public Health and the Nebraska State Records Board – Health Professional License Monitoring Service.

Mr. Hoffman explained the addendum. Mr. Seaman moved to approve the addendum; seconded by Mr. Freimuth.

Voting For:	Beno	Curry	Decker	Donley
	Edgecombe	Fellers	Freimuth	Gale
	Loewenstein	Peterson	Seaman	
Not Voting:	Foley			
Voting Against:	None			

The motion carried.

Agenda Item 7.a.7. Addendum Four between the Nebraska Department of Agriculture, Weights and Measures Division and the Nebraska State Records Board – Device Registration Form.

Mr. Hoffman explained the addendum. Mr. Freimuth moved to approve the addendum; seconded by Ms. Decker.

Voting For:	Beno	Curry	Decker	Donley
	Edgecombe	Fellers	Freimuth	Gale
	Loewenstein	Peterson	Seaman	

Not Voting: Foley

Voting Against: None

The motion carried.

Agenda Item 7.b. Over the Counter Payment Solution

Mr. Hoffman discussed the Over the Counter Payment Solution. After a lengthy discussion, Mr. Curry motioned as follows:

Whereas, recent demand for a secure and flexible electronic payment solution has led Nebraska interactive, portal manager of Nebraska.Gov, to develop a “create once – launch many times Over the Counter Payment” program which gives State and Local governmental agencies the ability to take electronic payments in person over the counter in exchange for public records,

Whereas, currently an agency must delay until the next State Records Board meeting to seek approval of such a payment program. This standard payment program allows agencies to take Electronic Check and/or Credit Card payments within a time frame of three business days once requested by an agency and launched by Nebraska Interactive, which is beneficial to users, agencies making the program available, the portal manager and the State Records Board,

Whereas, such program is not an approval of fees for a new application but is a Board approved standard fee for processing of payments by a user of an existing application. The Electronic Check and Credit Card payment process will be identical from agency to agency and the fees for each type of payment will be identical from agency to agency. A template form of such addenda is attached hereto marked as Attachment “A”,

Whereas, authorizing the Board Chair to sign such “Over the Counter” payment addenda proposals during the interval between Board meetings with the requirement of presentation of such signed addenda to the Board at its next meeting for review and ratification will provide efficiency to this payment program service,

Now Therefore, I Move to allow the chairman of the State Records Board, during the time period between Board meetings, to sign addenda with government agencies for the use of “over the counter payment processing” programs for approved and existing applications at \$1.75 per electronic check and 2.49% plus \$1.75 for credit card transactions, with the Board receiving 10% of Nebraska Interactive’s portal fee for such services. Further, such signed addenda shall be reported to the Board at its next scheduled meeting for the Board’s review and ratification; seconded by Chairman Gale.

Ms. Decker offered a friendly amendment to take “state agencies” out of Mr. Curry’s motion. Mr. Curry agreed. Chairman Gale as seconding party agreed. Chairman Gale suggested to remove “State and” after the first ‘Whereas’. Ms. Decker suggested after the first “Whereas”, after the words “Local Governmental”, to add, “(herein referred to as “agencies”)”. Mr. Curry and Chairman Gale agreed to Ms. Decker’s suggestion.

NOTE: Paragraph one (1) of the motion is amended as follows: *Whereas, recent demand for a secure and flexible electronic payment solution has led Nebraska interactive, portal manager of Nebraska.Gov, to develop a “create once – launch many times Over the Counter Payment” program which gives Local governmental agencies (herein referred to as agencies) the ability to take electronic payments in person over the counter in exchange for public records,.*

Voting For:	Beno	Curry	Decker	Donley	
	Edgecombe	Freimuth	Gale	Loewenstein	Seaman

Not Voting: Fellers Peterson

Voting Against: Foley

The motion carried.

Mr. Loewenstein requested to go back to Agenda Item 7.a.1. **Interagency Agreement between the Douglas County Treasurer and the Nebraska State Records Board** and present a motion. Chairman Gale said Mr. Loewenstein may make a motion. Mr. Loewenstein moved to approve the Interagency Agreement between the Douglas County Treasurer and the Nebraska State Records Board subject to the signature of the Douglas County Treasurer; seconded by Mr. Freimuth.

Voting For: Beno Curry Decker Donley
 Edgecombe Freimuth Gale Loewenstein Peterson
 Seaman

Not Voting: Fellers Foley

Voting Against: None

The motion carried.

Mr. Seaman left the meeting at 10:35 A.M.

Agenda Item 7.c. Report on visit to Ashburn, Virginia Active/Active Datacenters for Nebraska.gov Disaster Recovery Verification

Mr. Loewenstein gave a report on his visit to Ashburn Virginia to witness the performance of the NIC Active/Active Datacenters in Ashburn, Virginia and Allen, Texas. The Ashburn facility was shut down and the Allen center continued to operate. The Allen facility was then shut down and the Ashburn center continued to operate, thus confirming active/active datacenters as a portion of the NIC Disaster Recovery Plan. He gave the performance of the systems an AAA rating. He also reported future plans are in progress to use "Cloud" computing to enhance the system.

Agenda Item 7.d. OCIO Report on verification of Source Code investigation

Ms. Decker gave a report on verification of the Nebraska.gov source code. She reported her staff reviewed the DVD's provided by Nebraska.gov and they verified there was information on the DVD's and that some of the files could be unencrypted. The files have not been taken off and loaded in order to run the files. That function will be performed as time permits to avoid cost to the Board. Ms. Decker reported the source code is visible and appears to be something that if the right environment were created, in the event of a disaster the OCIO could figure out how to get the state back in business. Ms. Decker said by this time next year the OCIO should be able to confirm the OCIO can run the code. Mr. Foley suggested it would be helpful if the new Subcommittee could meet to consider some of this information. Chairman Gale agreed and Ms. Donley suggested the Subcommittee meet sometime this summer.

Chairman Gale asked the Board members to consider a replacement for Mr. Curry whose term on the Finances Review Subcommittee will end on July 16, 2010.

Chairman Gale declared a recess at 10:45 A.M.

Chairman Gale reconvened the meeting at 11:05 A.M.

Ms. Donley did not return to the meeting.

Agenda Item 8. EXECUTIVE DIRECTOR'S REPORT

Chairman Gale moved to Item 8.c.

Agenda Item 8.c. NADC Grant – 2nd Extension request

Mr. Frank Daley, Executive Director, NADC, requested a second extension to the NE Accountability and Disclosure Commission State Records Board grant - *Online Campaign Statement Filing* due to the complexity and difficulty in programming requirements. The project will be developed and tested this summer and in use by October 4, 2010. Mr. Foley moved to grant the requested extension time; seconded by Mr. Loewenstein.

Voting For:	Beno Foley	Curry Freimuth	Decker Gale	Edgecombe Loewenstein	Fellers Peterson
Voting Against:	None				
Absent:	Donley	Seaman			

The motion carried.

Agenda Item 8.a. University of Nebraska Grant update

Ms. Danahy presented the University of Nebraska State Records Board grant final report for *NE Public Documents Digitization Project, Phase II*.

Agenda Item 8.b. State/Local Grant Status Report

Ms. Danahy presented the grant status report for the 3rd quarter of FY10.

Agenda Item 8.d. NSRB - Cash Fund Balance

Ms. Danahy presented the NSRB Cash Fund Balance report for the 3rd quarter of FY10. She pointed out this report contains 3rd quarter FY09 comparisons per the Board's request. Mr. Loewenstein moved to accept the Cash Fund Balance Report; seconded by Mr. Fellers.

Voting For:	Beno Foley	Curry Freimuth	Decker Gale	Edgecombe Loewenstein	Fellers Peterson
Voting Against:	None				
Absent:	Donley	Seaman			

The motion carried.

Agenda Item 8.e. Delivery of Network Documents (by DVD) on March 2, 2010.

Ms. Danahy reported per the previous Network contract with Nebraska.gov, all other network and manager records, work papers and operations documentation pertaining to network operations were delivered to the NSRB on March 2, 2010. Ms. Danahy reported three DVD's were viewed and the network manager records, work papers and operations documents pertaining to the network were present on the media received.

Agenda Item 9. NEBRASKA.GOV REPORTS

Agenda Item 9.a. General Manager's Report

Mr. Brent Hoffman, General Manager, Nebraska.gov gave the General Manager's Report.

Mr. Fellers left the meeting at 11:30 A.M.

Agenda Item 9.b. Project Priority Report

Mr. Hoffman gave the Project Priority Report. Ms. Beno moved to approve the Project Priority Report; seconded by Mr. Edgecombe.

Voting For:	Beno	Curry	Decker	Edgecombe	
	Foley	Freimuth	Gale	Loewenstein	Peterson

Voting Against: None

Absent:	Donley	Fellers	Seaman
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The motion carried.

Agenda Item 9.c. State of the Portal

Mr. Hoffman gave the State of the Portal address tabled from the February 10, 2010 Board meeting. Chairman Gale requested a copy of the State of the Portal address presentation be sent to all Board members.

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

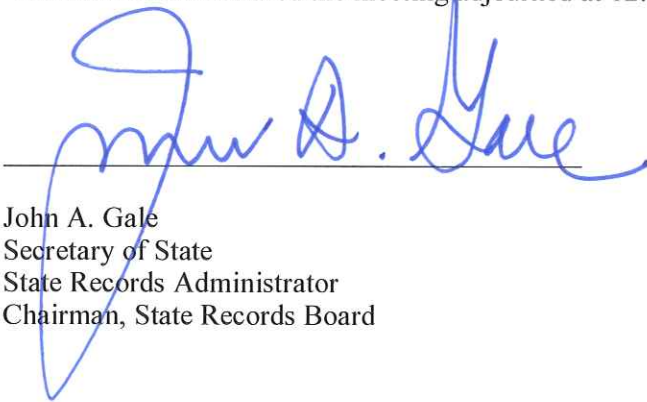
Mr. Curry returned to the meeting at 12:00 P.M.

Agenda Item 10. DATE FOR NEXT MEETING

Chairman Gale announced the next NE State Records Board meeting will be held on Wednesday, August 25, 2010 at 9:00 A.M in Room 1507, State Capitol, Lincoln, Nebraska.

Agenda Item 11. ADJOURNMENT

Mr. Foley moved to adjourn the meeting. All members present signified by saying "aye". Chairman Gale declared the meeting adjourned at 12:15 P.M.



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

8/25/10
Date