



## NEBRASKA STATE RECORDS BOARD

### MINUTES

#### Meeting of October 26, 2011

Chairman Gale introduced, welcomed and administered the Oath of Office to new board member Brian Buescher, appointed by Governor Heineman on August 3, 2011. Mr. Buescher represents the Legal Profession and replaces Mr. Tom Freimuth.

#### **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 9:05 A.M. on October 26, 2011, 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;  
Don Stenberg, State Treasurer;  
Scott Keene, representing the Insurance Industry;  
Leslie S. Donley, representing the Attorney General;  
Timothy L. Loewenstein, representing the General Public;  
Julie A. Beno, representing Libraries;  
Brian Buescher, representing the Legal Profession;  
Mike Konz, representing the Media

Absent:

Carlos Castillo, Director of Administrative Services;  
Ryne D. Seaman, representing the Banking Industry

Staff in attendance:

Cathy Danahy, Executive Director;  
Colleen Byelick, Legal Counsel;  
Kacey Nelkin Pedersen, 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 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 September 26, 2011 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. Stenberg moved to adopt the agenda as presented; seconded by Ms. Beno.

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

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES**

Chairman Gale asked for a motion to approve the minutes of the July 20, 2011 meeting. Mr. Loewenstein moved to approve the minutes; seconded by Ms. Beno.

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

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. AGREEMENTS & ADDENDA**

**Agenda Item 7.a. 1. Electronic Government Service Level Agreements between Nebraska Interactive, LLC, the NE State Records Board and the NE Accountability and Disclosure Commission; NE Board of Public Accountancy; NE Commission for the Deaf and Hard of Hearing; NE Department of Corrections; NE Dairy Industry Development Board; NE Ethanol Board; NE Supreme Court; Dundy County; Hitchcock County; Lancaster County; Sarpy County and Wheeler County; all signed by Chairman Gale pursuant to Board authority.**

Mr. Brent Hoffman, General Manager, Nebraska Interactive, LLC explained the revised Addendum Electronic Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the identified government agencies.

**Agenda Item 7.a. 2. Addendum Ten to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and the NE Supreme Court – Court Case Payment Monitoring. Signed by Chairman Gale on July 22, 2011; pursuant to Board authority.**

Mr. Hoffman explained the Supreme Court Case Payment Monitoring Service.

**Agenda Item 7.a. 3. Addendum One to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and Dundy County**

**Treasurer, Hitchcock County Treasurer, Lancaster County Clerk and Wheeler County Treasurer – Over the Counter Payment. Signed by Chairman Gale pursuant to Board authority.**

Mr. Hoffman explained the Over the Counter Payment addenda for the identified government agencies.

**Agenda Item 7.a. 4. Addendum One to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and Sarpy County - Real Estate Tax Payments for Sarpy County Treasurer.**

Mr. Hoffman explained the Real Estate Tax Payments service for Sarpy County. After discussion, Ms. Beno moved to approve Addendum One to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and Sarpy County; seconded by Ms. Decker. Mr. Hoffman will demonstrate the application after it is developed at the next board meeting.

Voting For:	Beno Gale	Buescher Keene	Decker Konz	Donley Loewenstein
Voting Against:	Foley	Stenberg		
Absent:	Castillo	Seaman		

The motion carried

**Agenda Item 7.a.5. Addendum Eight to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and the NE Department of Economic Development – Conference Registrations.**

Mr. Hoffman explained the NE Department of Economic Development Conference Registrations application. Mr. Stenberg moved to approve Addendum Eight to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and the Nebraska Department of Economic Development; seconded by Mr. Keene.

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

The motion carried.

**Agenda Item 7.a.6. Addendum Six to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and the NE Liquor Control Commission – Liquor License Renewals.**

Mr. Hoffman explained the Liquor Control Commission – Liquor License Renewals application. Ms. Donley moved to approve Addendum Six to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the NE State Records Board and the NE Liquor Control Commission; seconded by Ms. Decker.

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

The motion carried.

**Agenda Item 7.a.7. Rebranding Nebraska.gov service for online payments as PayPort and lowering fees charged for credit card transactions.**

Mr. Hoffman explained the rebranding Nebraska.gov service for online payments as PayPort and lowering fees charged for credit card transactions. Mr. Stenberg moved to approve Addendum Six; seconded by Mr. Loewenstein. After discussion, Mr. Stenberg withdrew his motion. Mr. Keene made the following motion: *Whereas, On May 5, 2010, the State Records Board approved allowing the Chairman of the State Records Board, during the time period between meetings, to sign addenda with local government agencies for the use of "Over the Counter" payment processing programs at a rate of \$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. It was clarified at a later meeting that said addenda did not need to be ratified by the Board but simply needed to be reported to the Board at the next regularly scheduled meeting.*

*Whereas, recent review by Nebraska Interactive has determined that the portal fee for credit card payments should be lowered to 2.49% and that the service should be known as "PayPort."*

*Now Therefore, I Move to approve the rate change for credit card transactions to 2.49%, with the Board continuing to receive 10% of the Nebraska Interactive portal fee for such service. The additional \$1.75 for credit card payments will no longer be charged. The rate for electronic check transactions to remain unchanged. I further move to continue the Chairman's authority to sign such agreements during the time period between Board meetings. I further move that existing addenda for this service be revised to reflect the new price and name for the service and allow the Chairman to sign said revised addenda;* seconded by Mr. Stenberg.

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

The motion carried.

Chairman Gale declared a recess at 10:15 A.M.

Chairman Gale reconvened the meeting at 10:35 A.M.

**Agenda Item 8. NETWORK MANAGER OPERATIONS REVIEW  
SUBCOMMITTEE REPORT (Mike Foley, Chair)**

**Accept the PricewaterhouseCoopers Annual Audit of Nebraska Interactive, LLC December 31, 2010 and 2009.**

Mr. Foley reported the Subcommittee (Mr. Foley, Mr. Keene and Mr. Seaman) met on October 14, 2011 and reviewed the annual audit report. Mr. Foley reported the audit was for calendar year 2010 and it is the first calendar year under the new contract. Mr. Foley pointed out the net income for Nebraska Interactive went from \$157,000 the prior year to approximately \$210,000 in 2010. For the same period, the revenue sharing to the State Records Board went from \$174,000 to \$209,000. Mr. Foley also pointed out the fees which go to the parent company in Kansas from Nebraska Interactive had been increasing substantially over the years have now seemed to stabilize at approximately \$828,000. Mr. Foley indicated the Subcommittee was satisfied with the report and recommended the Board formally receive the audit report. Ms. Beno moved to accept the receipt of the PricewaterhouseCoopers annual Audit Report of Nebraska Interactive, LLC for December 31, 2010 and 2009; seconded by Ms. Donley.

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

The motion carried.

**Agenda Item 9. NETWORK MANAGER OPERATIONS REVIEW  
SUBCOMMITTEE REPORT (John Gale, Chair)**

Chairman Gale identified the Subcommittee consisting of John Gale, Mike Foley, Brenda Decker, Don Stenberg, Leslie Donley and Colleen Byelick as counsel. Ms. Byelick gave the history of the Records Management Act and presented and explained the changes recommended by the Subcommittee. In summary, the changes included changing the term “gateway” to “portal”, update definition of “Portal” to mean the state-sponsored electronic information system; expand the role and duties of the Board to include approving fees for electronic information, products, and services; update the role and definition of the network manager; remove the eighteen month provision regarding fees established by the Board; require state agencies, other than the court or Legislature entering into agreement to provide electronic information, products, and services for a fee to request approval from the Board; change reporting period to annual rather than quarterly; remove public record statute (84-1205.06) due to inconsistencies with other public records laws; remove the requirement that state officials charging convenience fees have to follow the operating rules of the credit card company and provides that surcharge or convenience fees (including percentage fees) charged by a state official shall be honored by the state’s credit card provider.

Ms. Decker, representing the Governor, stated the Administration was not comfortable with the proposed changes as written. The Administration feels the State Records Board was created to manage the network manager and that the State Records Board has jurisdiction over agreements going through the network manager, but other agreements agencies may need to enter into would be getting into the businesses of the agencies and as such would not require approval of the Board. She indicated the Administration agrees there are many things in the proposed legislation that do need to be updated as proposed. Ms. Decker said the Policy Research Office would be willing to work with the Board to find compromises in the proposed legislation so that the Administration could support the legislation.

Mr. Stenberg moved the Nebraska State Records Board approve the legislative changes presented by the Network Operations Subcommittee and detailed in the draft legislation dated October 21, 2011 in substance and grant the Chairperson authority to pursue legislative enactment of the changes with the assistance of the Network Operations Subcommittee. He further moved to grant the Chairperson authority to make technical or other editorial changes suggested by the bill drafter’s office and grant the Network Operations Subcommittee authority to make other changes necessary to advance legislation; seconded by Mr. Keene.

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

The motion carried.

**Agenda Item 10. EXECUTIVE DIRECTOR'S REPORT****Agenda Item 10.a. NSRB Cash Fund Balance Report**

Ms. Danahy presented the 09/30/2011 Cash Fund Balance report. Ms. Donley moved to approve the Cash Fund Balance Report; seconded by Ms. Decker.

Voting For:	Beno	Buescher	Decker	Donley	Foley
	Gale	Keene	Konz	Loewenstein	Stenberg

Voting Against: None

Absent: Castillo Seaman

The motion carried.

**Agenda Item 10.b. NSRB Grant Status Report**

Ms. Danahy presented the 09/30/2011 State/Local Grant Project Status Report.

**Agenda Item 11. ORIENTATION AND POLICIES/GUIDELINES SUBCOMMITTEE (Julie Beno, Chair)****Agenda Item 11.a. Grant Review Subcommittee Grant Program Recommendations**

Ms. Beno summarized the changes distributed to the Board members to the Grant Process, the Grant Application and the scoring mechanism recommended by the Grant Review Committee (GRC). Mr. Loewenstein moved to approve the changes to the grant program as outlined in the documents distributed and Ms. Beno's oral presentation; seconded by Mr. Konz.

Voting For:	Beno	Buescher	Decker	Donley	Foley
	Gale	Keene	Konz	Loewenstein	Stenberg

Voting Against: None

Absent: Castillo Seaman

The motion carried.

**Agenda Item 11. NEBRASKA.GOV REPORTS****Agenda Item 11.a. General Manager's Report**

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

Chairman Gale left the meeting at 11:35 A.M.

Ms. Beno left the meeting at 11:40 A.M.

Chairman Gale returned to the meeting at 11:45 A.M.

Ms. Beno returned to the meeting at 11:45 A.M.

**Agenda Item 11.b. Project Priority Report**

Mr. Hoffman gave the Project Priority Report. Ms. Donley moved to approve the Project Priority Report; seconded by Mr. Loewenstein.

Voting For:	Beno	Buescher	Decker	Donley	Foley
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Gale Keene Konz Loewenstein Stenberg

Voting Against: None

Absent: Castillo Seaman

The motion carried.

**Agenda Item 13. DATE FOR NEXT MEETING**

Chairman Gale announced the next NE State Records Board meeting will be held on Wednesday, February 8, 2012 at 9:00 A.M. in Room 1507, State Capitol Building, Lincoln, Nebraska.

**Agenda Item 14. ADJOURNMENT**

Mr. Stenberg moved to adjourn the meeting; seconded by Mr. Konz. All members present signified by saying "aye". Chairman Gale declared the meeting adjourned at 12 Noon.

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

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Date