



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of April 27, 2011

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 April 27, 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;
Ryne D. Seaman, representing the Banking Industry;
Thomas D. Freimuth, representing the Legal Profession;
Mike Konz, representing the Media

Absent:

Julie A. Beno, representing Libraries;
Carlos Castillo, appearing later, Director of Administrative Services

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 March 25, 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. Konz moved to adopt the agenda as presented; seconded by Ms. Decker.

Voting For: Decker Donley Foley Freimuth

	Gale Seaman	Keene Stenberg	Konz	Loewenstein
Voting Against:	None			
Absent:	Beno	Castillo		

The motion carried.

Agenda Item 5. 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 6. APPROVAL OF MINUTES

Chairman Gale asked for a motion to approve the minutes of the February 2, 2011 meeting. Mr. Loewenstein moved to approve the minutes; seconded by Mr. Keene.

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

The motion carried.

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, and the Nebraska State Records Board.

Chairman Gale reported signing the following Electronic Government Service Level Agreements: Blaine County (signed on 3/24/2011), NE Commission for the Blind and Visually Impaired (signed on 3/24/2011), NE Department of Agriculture (signed on 3/24/2011), NE State Electrical Division (signed on 4/18/2011), Board of Engineers and Architects (signed on 3/24/2011), NE Liquor Control Commission (signed on 3/24/2011), NE Department of Natural Resources (signed on 3/24/2011), NE Real Estate Commission (signed on 3/24/2011), NE Department of Roads (signed on 4/18/2011), NE State Fire Marshal (signed on 3/24/2011), NE Environmental Trust (signed on 4/15/2011), NE Department of Labor (signed on 4/18/2011), and the Office of the Secretary of State (signed on 2/16/2011).

Mr. Castillo arrived at the meeting at 9:10 A.M.

Agenda Item 7.a. 2. Electronic Government Service Level Agreements (ESLA) between Nebraska Interactive, LLC, the Nebraska State Records Board and Douglas County.

Mr. Brent Hoffman, General Manager, Nebraska Interactive, LLC explained the Douglas County ESLA. Two changes were made to the agreement which varied from the ESLA template approved at the December 1, 2010 Board meeting. Mr. Loewenstein moved to approve the Douglas County ESL Agreement; seconded by Ms. Donley.

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

The motion carried.

Agenda Item 7.a. 3. Addendum One to the Electronic Service Level Agreement between Nebraska Interactive, LLC, Nebraska State Records Board – Over the Counter Service, Blaine County Treasurer.

Mr. Hoffman explained the Blaine County Over the Counter Service Addendum One which was signed by the Chairman on 3/24/2011.

Agenda Item 7.a. 4. Addendum One to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Nebraska Department of Labor, Online Contractor Registration Payments.

Mr. Hoffman explained Addendum One to the Electronic Service Level Agreement with the NE Department of Labor. Ms. Donley moved to approve Addendum One to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Nebraska Department of Labor, Online Contractor Registration Payments; seconded by Ms. Decker

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

The motion carried.

Agenda Item 7.a. 5. Addendum Five to the Electronic Government Services Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Nebraska Department of Agriculture, Online Licensing Services Suite.

Mr. Hoffman explained Addendum Five to the Electronic Service Level Agreement with the NE Department of Agriculture. Ms. Donley moved to approve Addendum Five to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Nebraska Department of Agriculture, Online Licensing Services Suite; seconded by Mr. Konz.

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

The motion carried.

Agenda Item 7.a. 6. Addendum One to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Nebraska Department of Roads, NDOR Online Storefront Application.

Mr. Hoffman explained Addendum Five to the Electronic Service Level Agreement with the NE Department of Roads. Mr. Loewenstein moved to approve Addendum One to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Nebraska Department of Roads, Online Storefront Application; seconded by Mr. Seaman.

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

The motion carried.

Agenda Item 7.a.7. Addendum Nine to the Electronic Government Service Level Agreement between Nebraska Interactive, LLC, the Nebraska State Records Board and the Nebraska Department of Health and Human Services (DHHS), Birth Certificate Request Services.

Mr. Hoffman explained Addendum Nine and reported Nebraska.gov will be working with the Department of Health and Human Services to evaluate their entire electronic system. Mr. Hoffman said a totally different addendum would come before the Board if Nebraska.gov and DHHS agree to any online services. No action was taken.

**Agenda Item 8. NETWORK MANAGER OPERATIONS REVIEW
SUBCOMMITTEE REPORT (John Gale, Chair)**

Chairman Gale reported the Subcommittee considered the request by Nebraska Interactive, LLC to increase subscriber fees. The Subcommittee recommended the subscriber fees not be increased at this time. Mr. Seaman moved to deny the request by Nebraska Interactive, LLC to increase their subscriber fees at this time; seconded by Mr. Konz.

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

The motion carried.

**Agenda Item 9. COUNSEL'S REPORT
Over the Counter Payment Services for Local Government Agencies (Chairman's Authority to sign)**

Ms. Colleen Byelick, explained the necessity to clarify the Chairman's authority to sign Over the Counter Payment Services for Local Government Agencies. Mr. Loewenstein moved in reference to Agenda Item 9. that the recommended motion provided to the Board in text be approved, with the addition of Blaine County Treasurer, Addendum One, Over the Counter Payment (signed March 24, 2011 and reported to the NSRB April 27, 2011) on the "Addenda for ratification" list; seconded by Ms. Decker.

Text of motion provided: *I hereby move that the State Records Board, after having reviewed the list of signed addenda before them for Local Government Over the Counter Payment Services, hereby ratify their adoption. The list of signed addenda mentioned herein will be attached to and made a part of these meeting minutes. I further move to allow the chairman of the State Records Board, during the time period*

between Board meetings, to sign addenda with local government agencies for the use of "over the counter payment processing" programs with a portal fee of \$1.75 per electronic check and 2.49% plus \$1.75 for credit card transaction, with the Board receiving 10% of Nebraska Interactive's portal fee for such services. Such signed addenda shall be reported to the Board at its next regularly scheduled meeting.

Addenda for ratification included:

- Valley County Treasurer Addendum Two, Over the Counter Payment (signed November 29, 2010 and reported to the NSRB December 1, 2011).
- Arthur County Treasurer Addendum Two, Over the Counter Payment (signed January 24, 2011 and reported to the NSRB February 2, 2011).
- Arthur County Courts Addendum One, Over the Counter Payment (signed January 24, 2011 and reported to the NSRB February 2, 2011).
- Custer County Treasurer Addendum One, Over the Counter Payment (signed January 24, 2011 and reported to the NSRB February 2, 2011).
- Logan County Treasurer Addendum One, Over the Counter Payment (signed January 24, 2011 and reported to the NSRB February 2, 2011).
- McPherson County Treasurer Addendum One, Over the Counter Payment (signed January 24, 2011 and reported to the NSRB February 2, 2011).
- Thomas County Treasurer Addendum One, Over the Counter Payment (signed January 24, 2011 and reported to the NSRB February 2, 2011).
- City of Bellevue Addendum One, Over the Counter Payment (signed January 24, 2011 and reported to the NSRB February 2, 2011).
- Cheyenne County Treasurer Addendum One, Over the Counter Payment (signed January 26, 2011 and reported to the NSRB February 2, 2011).
- Keith County District Court Addendum One, Over the Counter Payment (signed January 26, 2011 and reported to the NSRB February 2, 2011).
- Blaine County Treasurer addendum One, Over the Counter Payment (signed March 24, 2011 and reported to the NSRB April 27, 2011).

After discussion, Mr. Loewenstein called for the question.

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

The motion carried.

Chairman Gale called for a vote on the motion.

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

The motion carried.

Agenda Item 10. NE DEPARTMENT OF ROADS AND OPEN PORTAL SOLUTIONS, INC. AGREEMENT

Treasurer Stenberg explained the Memorandum of Understanding entered into by the State Treasurer and the Department of Roads regarding the Agreement between Open Portal Solutions, Inc. and the NE Department of Roads. Mr. Stenberg moved to amend the motion approved by the Board on February 2, 2011 to conform to the agreement entered into by the NE Department of Roads and the State Treasurer as set forth in the Memorandum of Understanding dated February 28, 2011 included in the Board members packets; seconded by Mr. Keene.

Voting For:	Castillo	Decker	Donley	Foley	Freimuth
	Gale	Keene	Konz	Loewenstein	Seaman
	Stenberg				

Voting Against: None

Absent: Beno

The motion carried.

A letter explaining the Board's action will be sent by the Chairman to both the Department of Roads and Open Portal Solutions.

Mr. Loewenstein raised an issue regarding section 4.3 of the contract between the NE Department of Roads (NDOR) and Open Portal Solutions (OPS) who will be providing vehicle collision reports via a web portal. The section reads "*NDOR represents and agrees that, during the term of this Agreement, OPS shall be the exclusive provider of the services described herein. No other entity shall have the right to conduct online sale transactions of State of Nebraska vehicle collision reports provided by NDOR.*" Mr. Loewenstein discovered some county and municipal law enforcement agencies are providing these reports as well.

After discussion, Chairman Gale suggested that the board include in the letter to NDOR and OPS that addresses the Treasurer's amendment and that the Board's interpretation of section 4.3 of the contract is that the contract applies to only the certified copies provided by NDOR and include signature lines for NDOR and OPS to sign off that they agree. Mr. Stenberg moved that the board include in the letter to NDOR and OPS that addresses the Treasurer's amendment, that the board's interpretation of section 4.3 of the contract is that the contract applies to only the certified copies provided by NDOR and not the uncertified vehicle collision reports being disseminated by local jurisdictions and that the letter include signature lines for NDOR and OPS to sign off if they agree; seconded by Mr. Loewenstein.

Voting For:	Castillo	Decker	Foley	Freimuth	Gale
	Keene	Loewenstein	Seaman	Stenberg	

Voting Against: Donley Konz

Absent: Beno

The motion carried.

Chairman Gale left the meeting at 11:10 A.M. and asked Mr. Loewenstein to function as Vice Chair and continue the meeting.

Agenda Item 11. EXECUTIVE DIRECTOR'S REPORT**Agenda Item 11. a. NSRB – Cash Fund**

Ms. Danahy explained the February 2, 2011 Cash Fund balance reported to and approved by the Board was incorrect. She presented an amended February 2, 2011 Cash Fund Balance report. Mr. Foley moved to approve the February 2, 2011 amended Cash Fund Balance Report; seconded by Mr. Stenberg.

Voting For:	Castillo	Decker	Donley	Foley	Freimuth
	Keene	Konz	Loewenstein	Seaman	Stenberg

Voting Against:	None
-----------------	------

Absent:	Beno	Gale
---------	------	------

The motion carried.

Ms. Danahy presented the April 27, 2011 Cash Fund Balance Report. Ms. Donley moved to approve the April 27, 2011 Cash Fund Balance Report; seconded by Mr. Foley. Mr. Keene requested the total amount transferred from the Cash Fund Balance to the General Fund since the November 2009 Special Legislative Session. Ms. Danahy will research the question and notify the Board members via email. Ms. Donley moved to withdraw the motion and table the approval of the April 27, 2011 Cash Fund Balance until the next Board meeting; seconded by Mr. Stenberg.

Chairman Gale returned to the meeting at 11:20 A.M.

Voting For:	Castillo	Decker	Donley	Foley	Freimuth
	Gale	Keene	Konz	Loewenstein	Seaman
	Stenberg				

Voting Against:	None
-----------------	------

Absent:	Beno
---------	------

The motion carried.

Chairman Gale resumed chairing the meeting at 11:23 A.M.

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

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

Following the State/Local Grant Status Report, Mr. Stenberg opened a discussion regarding a prior meeting of the Network Operations Review Subcommittee and a discussion involving possible legislative changes to be drafted to address submitting the Board's actions to the legislature regarding fee approval, to make fees mandatory after Board approval which would allow compliance with VISA rules, to accept percentage payments under the state contract and address the Over the Counter issue and what the law should be. Mr. Loewenstein proposed by consensus the Board ask the Network Operations Review Subcommittee to move forward with these considerations of legislation and bring forth a report to the Board in October, 2011; seconded by Mr. Foley.

Voting For:	Castillo	Decker	Donley	Foley	Freimuth
	Gale	Keene	Konz	Loewenstein	Seaman
	Stenberg				

Voting Against: None
Absent: Beno

The motion carried.

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.

Ms. Decker left the meeting at 11:15 A.M.
Mr. Keene left the meeting at 11:20 A.M.
Ms. Decker returned to the meeting at 11:23 A.M.
Mr. Castillo left the meeting at 11:23 A.M.
Mr. Keene returned to the meeting at 11:25 A.M.
Mr. Loewenstein left the meeting at 11:26 A.M.
Mr. Castillo returned to the meeting at 11:27 A.M.
Mr. Loewenstein returned to the meeting at 11:29 P.M.

Agenda Item 12.b. Project Priority Report

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

Voting For: Castillo Decker Donley Foley Freimuth
Gale Keene Konz Loewenstein Seaman
Stenberg

Voting Against: None

Absent: Beno

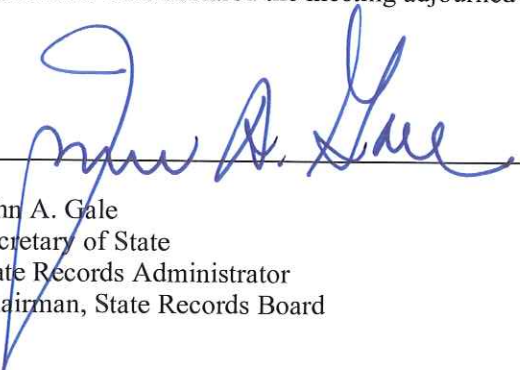
The motion carried.

Agenda Item 13. DATE FOR NEXT MEETING

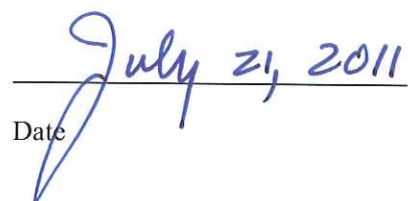
Chairman Gale announced the next NE State Records Board meeting will be held on Wednesday, July 20, 2011 at 9:00 A.M in Room 1507, State Capitol Building, Lincoln, Nebraska.

Agenda Item 14. ADJOURNMENT

Mr. Stenberg moved to adjourn the meeting. All members present signified by saying "aye". Chairman Gale declared the meeting adjourned at 11:45 A.M.



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



Date