



NEBRASKA STATE RECORDS BOARD

ANNUAL REPORT

Neb. Rev. Stat. § 84 - 1205.05

2021

MEMBERS

Neb. Rev. Stat. §§ 84 - 1203 and 1204 (2), (3)

Robert B. Evnen, Secretary of State, State Records Administrator, Chairperson
Pete Ricketts, Governor or designee
Doug Peterson, Attorney General or designee
Charlie Janssen, Auditor of Public Accounts or designee
John Murante, State Treasurer or designee
Jason Jackson, Administrator, Department of Administrative Services or designee
Tony Ojeda, representing Insurance groups
Water Weir, representing the General Public
Angela Stenger, representing Media groups
Bob Sullivan, representing the Legal Profession

Meetings were held on March 25, 2021, June 9, 2021, October 5, 2021, and December 16, 2021. The March 25, 2021 meeting was held in 1221 N Street, 2nd Floor Conference Room, Lincoln, Nebraska, commencing at 9:00 a.m. The June 9, 2021 meeting was held at 1221 N Street, 2nd Floor Conference Room, commencing at 9:05 a.m. The October 5, 2021 meeting was held at 1221 N Street, 2nd Floor Conference Room, commencing at 9:00 a.m. The December 16, 2021 meeting was held at the Nebraska State Capitol Building – Room 1510, commencing at 9:06 a.m. Following are the minutes of each meeting.

A handwritten signature in blue ink, appearing to read "Robert B. Evnen".

Robert B. Evnen
Secretary of State
State Records Board Chair



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of March 25, 2021

Agenda Item 1. CALL TO ORDER, ROLL CALL. The meeting of the Nebraska State Records Board (NSRB) was called to order by Chairperson Robert B. Evnen at 9:00 a.m. on March 25, 2021.

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

Robert B. Evnen, Secretary of State, State Records Administrator and Chairperson;
Lt. Governor Mike Foley, representing the Governor;
Jason Jackson, the Director of Administrative Services;
Leslie Donley, representing the Attorney General;
John Murante, State Treasurer;
Walter Weir, representing the General Public;
Tony Ojeda, representing the Insurance Industry;
Angela Stenger, representing the Media;
Bob Sullivan, representing the Legal Profession

Members absent:

Russ Karpisek, representing the Auditor of Public Accounts

Vacant member positions:

Representative of the Libraries
Representative the Banking Industry

Staff in attendance:

Colleen Byelick, Chief Deputy and General Counsel, Secretary of State
Tracy Marshall, Recording Clerk

Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT. After confirming that a quorum was present, the Chairperson 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 Chairperson or to the right of the public seating area.

Agenda Item 3. NOTICE OF MEETING. The Chairperson announced that public notice of the meeting was duly published in the Lincoln Journal Star on March 5, 2021, and on the state's public meeting calendar website. 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. The Chairperson brought to the Board’s attention the adoption of the agenda. Ms. Stenger moved to approve the Agenda as presented. Mr. Foley seconded the motion.

Voting For:	Evnen Sullivan	Foley Murante	Jackson Ojeda	Donley Stenger	Weir
Voting Against:	None				
Absent:	Karpisek				

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES. The Chairperson asked for a motion to approve the minutes of the December 18, 2020 meeting. Mr. Foley moved to approve the minutes as presented, Mr. Weir seconded the motion. There was no further discussion.

Voting For:	Evnen Sullivan	Foley Murante	Jackson Ojeda	Donley Stenger	Weir
Voting Against:	None				
Absent:	Karpisek				

The motion carried.

Agenda Item 6. APPROVAL OF FINANCIAL REPORT. Colleen Byelick, Chief Deputy and General Counsel for the Secretary of State provided an overview of the December 31, 2020 Cash Fund Balance Report. Chairman Evnen explained how some of the funds would be used for the move of the State Records Center. Mr. Foley moved to approve the Cash Fund Balance report. Ms. Stenger seconded the motion. There was no further discussion.

Voting For:	Evnen Sullivan	Foley Murante	Jackson Ojeda	Donley Stenger	Weir
Voting Against:	None				
Absent:	Karpisek				

The motion carried.

Agenda Item 7. PUBLIC COMMENT. The Chairperson asked if anyone wished to provide public comment to the Board. No public member indicated a desire to provide public comment.

Agenda Item 8. EXECUTIVE DIRECTOR’S REPORT

Agenda Item 8.a. REVIEW OF TEMPLATE AGREEMENTS: Ms. Byelick indicated the EGLSAs, Business Payment Processing, PayPort, and SOWs that were signed pursuant to Board Authority.

Agenda Item 8.b. REVIEW OF PROJECT STATUS REPORTS: Ms. Byelick presented information related to the status of various active projects based upon feedback from the state agency partners.

Agenda Item 9. NEBRASKA INTERACTIVE REPORTS.

Agenda Item 9.a. Consider renewal or extension of First Amendment to the Contract for Services between the NSRB and Nebraska Interactive, LLC. Ms. Donley moved to Renew the First Amendment to the Contract for the remainder of the Contract term, seconded by Mr. Ojeda. Mr. Sloan, Director of Operations for Nebraska Interactive, presented an analysis regarding the benefits to state agencies on the additional training Nebraska Interactive provided to its staff and the reduction on state agency content management spend. Mr. Jackson indicated that the use case presented to him satisfied his concerns.

Voting For:	Evnen	Foley	Sullivan	Jackson	Weir
	Murante	Ojeda	Stenger	Donley	
Voting Against:	None				
Absent:	Karpisek				

Agenda item 9.b. Nebraska Interactive LLC Business Plan for 2021 (Revised): Mr. Hoffman presented the revised business plan for 2021 and answered questions from the Board regarding the plan. Mr. Foley moved to accept the Nebraska Interactive LLC Business Plan for 2021, Ms. Donley seconded the motion.

Voting For:	Evnen	Foley	Sullivan	Jackson	Donley
	Weir	Murante	Ojeda	Stenger	
Voting Against:	None				
Absent:	Karpisek				

The motion carried.

Agenda Item 9.c. Project Priority Report Q4: Mr. Hoffman provided a brief overview of the report. Mr. Hoffman introduced Jay Sloan, the new Director of Operations for Nebraska Interactive. Mr. Sloan discussed new operational processes that Nebraska Interactive was implementing. Mr. Ojeda moved to approve the Project Priority Report, which was seconded by Ms. Stenger. There was no further discussion.

Voting For:	Evnen	Foley	Sullivan	Jackson	Donley
	Weir	Murante	Ojeda	Stenger	

Voting Against: None


Absent: Karpisek

The motion carried.

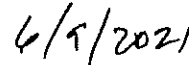
Agenda Item 9.d. General Manager's Report: Mr. Hoffman indicated that Fiserv had an outage that impacted county payment processing. Mr. Hoffman indicated he would be presenting a letter regarding the outage at the next Board meeting. Mr. Hoffman indicated that the company remained strong through the fourth quarter and discussed the impact of COVID-19 on the business revenue and expenses. Mr. Hoffman discussed security issues mitigated during the fourth quarter and PCI compliance.

Agenda Item 10. DATE FOR NEXT MEETING. The Chairperson announced the next NSRB meeting is tentatively scheduled for June 10, 2021, at 9:30 a.m., 1221 N Street 2nd Floor Conference Room.

Agenda Item 11. ADJOURNMENT. The Chairperson declared the meeting adjourned at 10:15 a.m.



Robert B. Evnen
Secretary of State
State Records Administrator
Chairperson, State Records Board



Date



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of June 9, 2021

Agenda Item 1. CALL TO ORDER, ROLL CALL. The meeting of the Nebraska State Records Board (NSRB) was called to order by Chairperson Robert B. Evnen at 9:05 a.m. on June 9, 2021.

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

Robert B. Evnen, Secretary of State, State Records Administrator and Chairperson;
Leslie Donley, representing the Attorney General;
Jason Walters, representing the State Treasurer;
Russ Karpisek, representing the Auditor;
Walter Weir, representing the General Public;
Tony Ojeda, representing the Insurance Industry;
Angela Stenger, representing the Media;
Bob Sullivan, representing the Legal Profession

Members absent at Roll Call:

Lt. Governor Mike Foley, representing the Governor;
Jason Jackson, the Director of Administrative Services;

Vacant member positions:

Representative of the Libraries
Representative the Banking Industry

Staff in attendance:

Colleen Byelick, Chief Deputy and General Counsel, Secretary of State
Tracy Marshall, Recording Clerk

Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT. After confirming that a quorum was present, the Chairperson 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 Chairperson or to the right of the public seating area.

Agenda Item 3. NOTICE OF MEETING. The Chairperson announced that public notice of the meeting was duly published in the Lincoln Journal Star on May 5, 2021, and on the state's public meeting calendar website. 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. The Chairperson brought the Board's attention to the adoption of the agenda. Mr. Ojeda moved to approve the Agenda as presented. Ms. Donley seconded the motion.

Voting For:	Evnen Stenger	Donley Karpisek	Weir Walters	Sullivan	Ojeda
Voting Against:	None				
Voting Abstain:	None				
Absent:	Foley	Jackson			

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES. The Chairperson asked for a motion to approve the minutes of the March 25, 2021 meeting. Ms. Stenger moved to approve the minutes as presented, Mr. Weir seconded the motion. There was no further discussion.

Voting For:	Evnen Ojeda	Donley Stenger	Weir	Sullivan	Walters
Voting Against:	None				
Voting Abstain:	Karpisek				
Absent:	Foley	Jackson			

The motion carried.

Agenda Item 6. APPROVAL OF FINANCIAL REPORT. Colleen Byelick, Chief Deputy and General Counsel for the Secretary of State provided an overview of the March 31, 2021 Cash Fund Balance Report. Mr. Sullivan moved to approve the Financial Report. Ms. Donley seconded the motion. There was no further discussion.

Voting For:	Evnen Ojeda	Donley Stenger	Weir Karpisek	Sullivan	Walters
Voting Against:	None				
Absent:	Foley	Jackson			

The motion carried.

Agenda Item 7. PUBLIC COMMENT. The Chairperson asked if anyone wished to provide public comment to the Board. No public member indicated a desire to provide public comment. Mr. Weir inquired about security measures. Chairman Evnen asked Nebraska Interactive, LLC (NIC) to address that issue as part of the General Manager’s Report.

Lt. Governor Foley and Mr. Jackson arrived 9:14 a.m.

Agenda Item 8. NEW SERVICES

Agenda Item 8.a. TeleGov & Agenda Item 8.b. PromptPay – Ms. Byelick explained that TeleGov and PromptPay services were being presented for awareness and discussion by the Board, and that no fees were being proposed for these services. Mr. Hoffman explained that TeleGov is an appointment calendaring system, which would allow citizens to schedule an appointment, or in-office visit. Mr. Sloan explained that PromptPay is a payment channel in which an agency can take a PCI compliant payment. Instead of taking a payment over the phone, individuals are sent a payment link to their smart phone via text message, which they can click and then complete the payment. There were no questions and no further discussion.

Agenda Item 8.c. CheckFreePay – Mr. Sloan explained that CheckFreePay is a service aimed to serve individuals who prefer to pay with cash. CheckFreePay allows merchants to integrate with NIC systems, and then individuals can make a cash payment directly to the merchant for fees or citations they owe. CheckFreePay is provided by Fiserv, and Fiserv has contracted with NIC Corporate. Mr. Sloan explained that, if an individual receives a citation, but does not have a credit card or other method for making an online payment, the individual could take a citation to a merchant, and the merchant could pull up the information, and the individual could pay the citation with cash. A \$1.25 portal fee would be added to the service. The Fiserv service fee is \$3.00, so a total of \$4.25 would be added to the transaction for the user.

Following discussion of the Board members, Ms. Stenger moved to approve CheckFreePay with the rate of \$1.25 fee for NIC per transaction, and to authorize the chairperson to sign addenda with agencies for the use of the CheckFreePay services, which was seconded by Mr. Karpisek. There was no further discussion.

Voting For:	Evnen	Foley	Sullivan	Donley	Weir
	Walters	Ojeda	Stenger	Karpisek	

Voting Against: Jackson

Absent: None

The motion carried.

Agenda Item 9. APPROVE CHANGES TO APPENDIX E

Ms. Byelick provided the Board with a draft of a third amendment to the contract between the Board and NIC. The amendment would add TeleGov, CheckFreePay, and AppEngine to the list of electronic services contained in Appendix E. Additionally, some references in the contract would be corrected. Mr. Foley moved to approve the changes to Appendix E and to adopt the third amendment to the contract, which was seconded by Mr. Sullivan.

Voting For:	Evnen	Foley	Sullivan	Jackson	Donley
	Weir	Walters	Ojeda	Stenger	Karpisek

Voting Against: None

Absent: None

The motion carried.

Agenda Item 10. EXECUTIVE DIRECTOR’S REPORT

Agenda Item 10.a. Review of Template Agreements: Ms. Byelick provided a list of the EGSLAs, Business Payment Processing, PayPort, and SOWs that were signed pursuant to Board Authority.

Agenda Item 10.b. Review of Project Status Report: Ms. Byelick presented information related to the status of various active projects based upon feedback from the state agency partners.

Agenda Item 10.c. Report on Termination of DHHS Birth Certificate Service: Ms. Byelick referred to a letter received from DHHS regarding termination of services and indicated that DHHS had clarified that they wished only to terminate services related to birth certificates. DHHS indicated to Ms. Byelick that they did not have any issues with the service provided by NIC but had replaced the service using internal IT staff and did not want to charge a fee to their users.

Agenda Item 11. NEBRASKA INTERACTIVE REPORTS.

Agenda Item 11.a. Project Priority Report Q1: Mr. Sloan provided a brief overview of the Project Priority Report and discussed new operational processes that NIC was implementing. Ms. Stenger moved to approve the Project Priority Report, which was seconded by Ms. Donley. There was no further discussion.

Voting For:	Evnen	Foley	Sullivan	Jackson	Donley
	Weir	Walters	Ojeda	Stenger	Karpisek

Voting Against: None

Absent: None

The motion carried.

Agenda item 11.b. Review February 26, 2021 Payment Outage. Mr. Hoffman explained that NIC’s selected merchant processor for county payments, Fiserv, had an outage as a result of a 3rd party internet service provider. This outage impacted credit card processing throughout the country. Mr. Hoffman indicated the loss of service was not caused by a site or service hosted or developed by NIC, and the loss of functionality was not due to a change in infrastructure, code base, or due to NIC. Mr. Hoffman requested it be considered a Force Majeure event.

Chairperson Evnen indicated that if there is a loss of functionality of three hours or more that the

Board must decide in good faith, and in writing, whether the loss is chargeable to NIC. This outage continued from 9:40 a.m. to 3:30 p.m., which exceeds the 3-hour period, leaving it to the Board to determine if the outage was within the control of NIC. Chairperson Evnen further indicated that he requested an opinion from Ed Toner, Chief Information Officer for the State of Nebraska, and Mr. Toner concluded the outage was not due to NIC. Chairperson Evnen stated that if NIC is not at fault, there is no reason to assert a penalty. There was discussion regarding whether Fiserv was being held harmless by NIC.

Ms. Donley moved to find that the outage was not due to the action of NIC, and that the Board approve proceeding without penalty to NIC, which was seconded by Mr. Foley.

Voting For:	Evnen	Foley	Sullivan	Jackson	Donley
	Weir	Walters	Ojeda	Stenger	Karpisek
Voting Against:	None				
Absent:	None				

The motion carried.

Agenda item 11.c. General Manager’s Report: Mr. Hoffman reported the following:

There was a legislative change relating to electronic tagging of cattle, which impacts the Brand Committee.

Nebraska Interactive, LLC is now a wholly owned subsidiary of Tyler Technologies, instead of NIC. He indicated that there will be no operational or personnel changes in 2022 as a result of the acquisition. NIC’s financial position remains strong supporting current operations.


The Game and Parks Commission issued a Request for Proposals for permitting and licensing, and NIC is examining the requirements.

NIC is exploring tools to evaluate performance, which can be used by users of the service.

In response to an inquiry by Mr. Weir, NIC addressed security measures like firewalls, training, and security policies and there was some discussion by the Board.

Agenda Item 12. DATE FOR NEXT MEETING. The Chairperson announced the next NSRB meeting is tentatively scheduled for September 14 or 15, 2021, at 9:00 a.m., 1221 N Street 2nd Floor Conference Room.

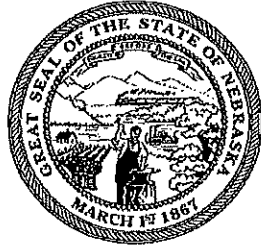
Agenda Item 13. ADJOURNMENT. The Chairperson declared the meeting adjourned at 10:30 a.m.



 Robert B. Evnen
 Secretary of State
 State Records Administrator
 Chairperson, State Records Board

10/19/2021

 Date



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of October 5, 2021

Agenda Item 1. CALL TO ORDER, ROLL CALL. The meeting of the Nebraska State Records Board (NSRB) was called to order by Chairperson Robert B. Evnen at 9:00 a.m. on October 5, 2021.

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

Colleen Byelick, Representing Secretary of State, State Records Administrator and Chairperson
Lt. Governor Mike Foley, representing the Governor
Jason Jackson, the Director of Administrative Services
Leslie Donley, representing the Attorney General
John Murante, representing the State Treasurer
Russ Karpisek, representing the Auditor
Walter Weir, representing the General Public
Tony Ojeda, representing the Insurance Industry
Angela Stenger, representing the Media

Members absent:

Bob Sullivan, representing the Legal Profession

Vacant member positions:

Representative of the Libraries
Representative the Banking Industry

Staff in attendance:

Libby Elder, Executive Director, Nebraska State Records Board
Tracy Marshall, Recording Clerk

Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT. After confirming that a quorum was present, the Chairperson 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 Chairperson or to the right of the public seating area.

Agenda Item 3. NOTICE OF MEETING. The Chairperson announced that public notice of the meeting was duly published in the Lincoln Journal Star on September 1, 2021, and on the state's

public meeting calendar website. 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. The Chairperson brought the NSRB's attention to the adoption of the agenda. Lt. Governor Foley moved to approve the Agenda as presented. Mr. Murante seconded the motion.

Voting For:	Byelick Stenger	Donley Karpisek	Weir Murante	Ojeda Jackson	Foley
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Voting Against: None

Voting Abstain: None

Absent: Sullivan

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES. The Chairperson asked for a motion to approve the minutes of the June 9, 2021 meeting. Mr. Weir moved to approve the minutes as presented. Ms. Stenger seconded the motion. There was no further discussion.

Voting For:	Byelick Stenger	Donley Foley	Weir Jackson	Murante Karpisek	Ojeda
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Voting Against: None

Voting Abstain: None

Absent: Sullivan

The motion carried.

Agenda Item 6. APPROVAL OF FINANCIAL REPORT. Libby Elder, Executive Director for the NSRB provided a summary of the June 30, 2021 Cash Fund Balance Report. Lt. Governor Foley moved to approve the report. Mr. Murante seconded the motion. There was no further discussion.

Voting For:	Byelick Stenger	Donley Karpisek	Weir Jackson	Murante Foley	Ojeda
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Voting Against: None

Absent: Sullivan

The motion carried.

Agenda Item 7. PUBLIC COMMENT. The Chairperson asked if anyone wished to provide public comment to the NSRB. No public member indicated a desire to provide public comment.

Agenda Item 8. EXECUTIVE DIRECTOR’S REPORT

Agenda Item 8.a. Review of Template Agreements: Ms. Elder provided a list of the EGSLAs, Citizen Payment Processing Addendums, PayPort Addendums, and Statements of Work (“SOW”) and SOW amendments that were signed pursuant to NSRB authority.

Agenda Item 8.b. Review of Project Status Report: Ms. Elder presented information related to the status of various active projects based upon feedback from the state agency partners.

Agenda Item 8.c. Report on Termination of the Village of Arlington Service: Ms. Elder presented information on a letter received from the Village of Arlington requesting to terminate PayPort and Citizen Payment processing services provided by Nebraska Interactive, LLC (NIC).

Agenda Item 8.d. Template Termination Agreement: Ms. Elder presented a template termination agreement, which would be used to establish a formal process for documentation of termination of services. The template would be signed by the Secretary pursuant to authority to sign agreements in between NSRB meetings.

Mr. Jackson moved to approve use of the template termination agreement and empower the Secretary to approve termination agreements in between board meetings, which was seconded by Ms. Donley.

Voting For:	Byelick Stenger	Donley Karpisek	Weir Jackson	Murante Foley	Ojeda
Voting Against:	None				
Absent:	Sullivan				

The motion carried.

Agenda Item 9. NEW BUSINESS

Agenda Item 9.a. Audit of Nebraska Interactive LLC Lt. Governor Foley reported on the Finance Subcommittee’s review of the Ernst & Young LLP audit report of Nebraska Interactive, LLC. Lt. Governor Foley moved to receive the audit in compliance with the contract, which was seconded by Mr. Ojeda.

Voting For:	Byelick Stenger	Donley Karpisek	Weir Jackson	Murante Foley	Ojeda
Voting Against:	None				
Absent:	Sullivan				

The motion carried.

Agenda Item 9.b. Electrical Division Addendum Nine: Ms. Elder provided a summary of changes made through Addendum Nine , which include: (1) the Electrical Division will no longer pay the portal fees for individuals seeking electrical permits; (2) electronic check will be an optional method of payment with a \$1.75 portal fee; (3) portal fees will be distributed to NIC and permit fees will be distributed to the Electrical Division (instead of the total amount being sent to the Electrical Division, and NIC billing the Electrical Division at the end of the month for the portal fees); and (4) prior Addendums One through Five and Seven will be replaced by Addendum Nine.

There was discussion regarding shifting the cost of portal fees for permits from the agency to the customer. Mr. Thelen from the Electrical Division explained that customers currently pay portal fees for licensing, renewals, and exams and this will allow for consistency in payment of the portal fees.

Mr. Weir moved to approve the Electrical Division Addendum Nine, which was seconded by Lt. Governor Foley.

Voting For:	Byelick Karpisek	Donley Foley	Weir	Ojeda	Stenger
Voting Against:	Jackson				
Not Voting:	Murante				
Absent:	Sullivan				

The motion carried.

Agenda Item 10. NEBRASKA INTERACTIVE REPORTS.

Agenda Item 10.a. Project Priority Report: Mr. Sloan provided an overview of projects completed in quarter two, discussed migration of certain websites, and presented information on new services launched with the Nebraska Board of Land Surveyors. Mr. Sloan presented information on projects being undertaken in quarter three. There was discussion regarding what information is included in the Project Priority Report and how projects are prioritized.

Mr. Jackson moved to approve the Project Priority Report, which was seconded by Ms. Stenger. There was no further discussion.

Voting For:	Byelick Stenger	Donley Karpisek	Weir Jackson	Murante Foley	Ojeda
Voting Against:	None				
Absent:	Sullivan				

The motion carried.

Agenda item 10.b. General Manager’s Report: Mr. Hoffman reported on the following:
NIC’s interest in continuing to expand electronic government within the constraints of the state contract, and in bidding opportunities for additional projects.

NIC recognition in two national award competitions for agency projects.

Portal revenue is down from last year, but last year was an unprecedented year that drove traffic online.

NIC is preparing for some sunseting of key application infrastructure.

NIC has three open positions, and three more openings for a grant team. NIC has had challenges filling positions.

NIC presented a Pandemic Comparison Report and indicated that citizens used more online services during the COVID-19 pandemic, and that use of business data services have been down, including driver history records and UCC filings.

There was discussion regarding recovery from cyber-attack and fail over testing.

Agenda Item 11. DATE FOR NEXT MEETING. The Chairperson announced the next NSRB meeting is tentatively scheduled for first or mid part of December, 2021, at 9:00 a.m.

Agenda Item 12. ADJOURNMENT. The Chairperson declared the meeting adjourned at 10:08 a.m.



Robert B. Evnen
Secretary of State
State Records Administrator
Chairperson, State Records Board

1/17/2022

Date



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of December 16, 2021

Agenda Item 1. CALL TO ORDER, ROLL CALL. The meeting of the Nebraska State Records Board ("NSRB") was called to order by Chairperson Robert B. Evnen at 9:06 a.m. on December 16, 2021.

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

Robert Evnen, Secretary of State, State Records Administrator and Chairperson
Lt. Governor Mike Foley, representing the Governor
Jason Jackson, the Director of Administrative Services
Leslie Donley, representing the Attorney General
John Murante, representing the State Treasurer
Russ Karpisek, representing the Auditor
Walter Weir, representing the General Public
Tony Ojeda, representing the Insurance Industry
Angela Stenger, representing the Media
Bob Sullivan, representing the Legal Profession

Vacant member positions:

Representative of the Libraries
Representative the Banking Industry

Staff in attendance:

Libby Elder, Executive Director, Nebraska State Records Board
Ashley Elledge, Recording Clerk
Colleen Byelick, Chief Deputy Secretary of State and General Counsel

Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT. After confirming that a quorum was present, the Chairperson 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 were located to the left of the Chairperson or to the right of the public seating area.

Agenda Item 3. NOTICE OF MEETING. The Chairperson announced that public notice of the meeting was duly published in the Lincoln Journal Star on November 15, 2021, and on the State's public meeting calendar website. The public notice and proof of publication relating to the meeting would be attached to and made a part of the meeting minutes.

Agenda Item 4. ADOPTION OF AGENDA. The Chairperson brought the NSRB’s attention to the adoption of the agenda. Mr. Foley moved to approve the Agenda as presented. Mr. Sullivan seconded the motion.

Voting For: Evnen Donley Weir Ojeda Foley
Stenger Karpisek Murante Jackson Sullivan

Voting Against: None

Voting Abstain: None

Absent: None

The motion carried.

Agenda Item 5. APPROVAL OF MINUTES. The Chairperson asked for a motion to approve the minutes of the October 5, 2021 meeting. Mr. Ojeda moved to approve the minutes as presented. Mr. Foley seconded the motion. There was no further discussion.

Voting For: Evnen Donley Weir Ojeda Foley
Stenger Karpisek Murante Jackson

Voting Against: None

Voting Abstain: Sullivan

Absent: None

The motion carried.

Agenda Item 6. APPROVAL OF FINANCIAL REPORT. Libby Elder, Executive Director for the NSRB provided a summary of the September 30, 2021 Cash Fund Balance Report. Mr. Foley moved to approve the report. Mr. Karpisek seconded the motion. There was no further discussion.

Voting For: Evnen Donley Weir Murante Ojeda
Stenger Karpisek Jackson Foley Sullivan

Voting Against: None

Absent: None

The motion carried.

Agenda Item 7. PUBLIC COMMENT. The Chairperson asked if anyone wished to provide public comment to the NSRB. No public member indicated a desire to provide public comment.

Agenda Item 8. EXECUTIVE DIRECTOR’S REPORT

Agenda Item 8.a. Review of Template Agreements: Ms. Elder provided a list of the Electronic Government Service Level Agreements (“EGSLA”), Event Registration and PayPort Addendums, and Statements of Work (“SOW”) and SOW amendments that were signed pursuant to NSRB authority.

Agenda Item 8.b. Review of Project Status Report: Ms. Elder presented information related to the status of various active projects based upon feedback from local and state agency partners. Discussion took place regarding projects Nebraska Interactive, LLC (“NIC”) is working on for the Administrative Office of the Courts. The Chairperson emphasized the importance of the Office of the Courts’ projects and advised NIC to complete the projects by the end of January. Mr. Sloan provided information on the projects and work being done. Mr. Ojeda encouraged review of the communication between NIC and the Office of the Courts to be sure there is effective communication occurring. Mr. Hoffman explained that when a project starts, NIC doesn’t have all specifications and that can impact the timeline. Additionally, both sides have been working diligently to accomplish these projects, and they will collaborate with the Office of the Court’s to do everything in their power to complete the projects by the end of January. Mr. Weir inquired whether there are any resources that Tyler Technologies can provide to assist with the project. Mr. Hoffman indicated that an employee that previously worked at NIC on Office of the Court’s projects had been promoted to work on federal projects, is coming back over to NIC to assist with the completion of the Court’s projects.

Agenda Item 9. NEW BUSINESS

Agenda Item 9.a. Nebraska Brand Committee:

Ms. Elder provided a summary of Addendum Four as it relates to a new project NIC is working on for the Nebraska Brand Committee. NIC is creating a system to allow individuals to renew their brands online. The portal fee for online renewals will be a flat rate of \$3.75 regardless of the method of payment selected by the individual (credit card or electronic check), and the portal fees will be paid by the Nebraska Brand Committee. The standard Business Payment Processing Addendum rate is \$3.00 for electronic check, and \$3.00 plus three percent for credit card. The brand renewal fee is \$50.00. The Chairperson explained that the Executive Director of the Brand Committee planned to be present at the meeting but was unable to attend. There was discussion regarding the order in which the NSRB should take action, before or after a partner commission or board takes action on an issue. Mr. Hoffman explained that he attended the most recent Nebraska Brand Committee meeting in Kearney, and at that meeting, the Executive Director of the Nebraska Brand Committee informed the Nebraska Brand Committee of the project and the negotiations between NIC and the Brand Committee. Lt. Governor Foley stated that regardless of the negotiation between NIC and a partner, the NSRB has the authority to determine and approve the appropriate fee. The Chairperson stated that the NSRB would be relying on NIC’s representation of the Nebraska Brand Committee’s position, and if that representation was incorrect, the issue would be revisited by the NSRB. Ms. Stenger moved to approve Addendum Four, which was seconded by Ms. Donley.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan
Voting Against:	None				

Absent: None
The motion carried.

Agenda Item 9.b. Discussion Regarding Nebraska Interactive Technical Infrastructure Upgrades:

The Chairperson requested that NIC begin the discussion regarding NIC's technical infrastructure upgrades. Mr. Hoffman stated that in early 2020 or late 2019, information began to come out regarding the sunset of software. Soon after, NIC was transitioning to a new Director of Operations. Mr. Hoffman asked the new Director of Operations to review the issue and offer the best course of action.

Mr. Sloan, NIC Director of Operations, stated that NIC has three vital pieces of software that are coming to an end of life. These pieces of software are open source. When a version reaches end of life, there is no more support. The three pieces of software are (1) Grails, which is a framework that applications are built on; (2) Drupal which is a website platform, and (3) CentOS which is an operating system. These are all sunsetting in a very close timeline, and are not backwards compatible, so the older version does not flawlessly move to the newer version. There is a significant amount of work to be done in order to move to the new versions, and NIC has explored various options to accomplish the work.

Mr. Sloan indicated that NIC has attempted to have their team complete the work along with regular daily development work, but with demands of both tasks, this was not effective. NIC considered use of third-party contractors, but this is not efficient or cost effective, and NIC has concerns about contractors working in systems NIC will be maintaining. NIC considered hiring, but there would be a ramp up time of at least three months for new employees, and in the current hiring market, this is not effective. After reviewing these options, NIC determined that they would assign one of their two teams working on new development projects to solely work on completing the upgrades. The other development team will work on projects in progress, updates that are required by statutory changes, and other projects that must be worked on for partners. As a result, NIC will not be accepting new development in 2022. Mr. Sloan further indicated that NIC has a thorough plan for approaching these upgrades (what is being upgraded, how it is evaluated, how to communicate with partners, how to test, and how to communicate testing opportunity to partners).

Mr. Hoffman added that NIC has worked on application rationalization and has identified services that they can make minor modifications to, and move over to a product, which will prevent making unnecessary upgrades. These determinations will be on a case-by-case basis and in collaboration with partners. This will be evaluated based on several key factors: (1) amount of revenue generated by the application (2) satisfaction with application (3) transaction volume and (4) cost savings to the agency. This will allow NIC to sit down with partners when they request a service and use data to evaluate whether an enhancement is valuable. Mr. Sloan indicated that NIC has not always evaluated the cost-effective nature of a project or enhancement to a partner, and instead has generally agreed to complete the work. This is now a part of the regular questions asked in partner meetings.

There was discussion regarding NIC's confidence in having the three major upgrades completed in 2022. Mr. Hoffman indicated that the upgrades will likely go into 2023, and if not half the year, the whole year. Mr. Sloan indicated that the CentOS upgrade will go into 2023.

The Chairperson stated that customers are bearing the burden of these upgrades. There was discussion regarding options for NIC to bring in assistance to complete the upgrade work and tools and options to make the process easier for NIC.

Mr. Ojeda inquired as to whether there are partners that want to do new projects, and if so, what are their options now that NIC will not be available for new projects in 2022. Mr. Sloan indicated that they have begun discussing with partners that certain projects will have to be delayed and or put off for

a period of time. Those partners have options to talk with the OCIO office or pursue a procurement process. Mr. Hoffman stated that NIC revenue limits NIC's ability to invest in new staff.

There was discussion regarding whether an agency could hire a contractor to do work on a website created and maintained by NIC. Mr. Hoffman stated that there is a development team funded wholly by a grant, and that team works solely on State Patrol and Office of the Courts projects, and that funding a specific team would be an option for agencies. The Chairperson asked if agencies could hire independent contractors. Mr. Hoffman indicated that NIC would have to hire the independent contractors. Mr. Hoffman discussed the challenges of operating on revenue from being transactionally funded, NIC's growth, and the limited resources compared to the demand for NIC's services.

Mr. Jackson asked if the NSRB could anticipate a report on the prioritization of projects. Mr. Sloan explained he has been working with the Executive Director to develop a new method for scoring and prioritizing projects, which will be brought to the NSRB. Mr. Jackson asked what type of downtime will occur for the upgrades, and if the projects are being sequenced by vulnerability. Mr. Sloan indicated there will be no downtime, and all work will be done behind the scenes. However, if there was a vulnerability in existence that they could not efficiently patch, that application could be taken out of production. Mr. Jackson inquired as to whether it is correct that the duration of the project may be 18 to 24 months, but the service level degradation will only be in 2022. Mr. Sloan indicated that is correct. Mr. Jackson inquired what the contract requires regarding security and service levels and degradation of services like what will be occurring with the technical infrastructure upgrades. Mr. Hoffman stated that the contract requires NIC to keep things up and running and abide by NITC standards, and this will only affect new development outside of statutory and regulatory changes. Mr. Jackson inquired as to what the contract requires regarding who should bear the cost of these upgrades, and that from the discussion today it sounds as though the customers will bear the cost of the upgrades either in terms of paying for services while these upgrades are being made or suffering a degradation of services until upgrades are complete. Mr. Jackson then asked what the contract requires in relation to such upgrades. Mr. Hoffman reported on some of NIC's contractual responsibilities and indicated that the NSRB has responsibility for making sure that whoever is operating the portal is adequately funded to support it.

The Chairperson indicated that the contract requires both for the provider keep its infrastructure in proper condition, and to engage in new development for partner agencies. The Chairperson stated that he is in the process of appointing an ad hoc committee to review this matter, be aware of progress in real time, and hold NIC accountable for what they are proposing.

Mr. Ojeda stated that there is a guarantee of performance in the contract that provides that NIC's parent company guarantees the performance of NIC, and that the parent company may have to provide some resources to ensure NIC's compliance with the contract.

Seeing no further discussion, the Chairperson declared a five-minute break, and the meeting was again called to order.

Agenda Item 10. NEBRASKA INTERACTIVE REPORTS.

Agenda Item 10.a. Nebraska Interactive, LLC Business Plan for 2022:

Mr. Hoffman provided a summary of the Business Plan for 2022. Mr. Hoffman indicated that NIC's number one risk factor is staffing, but they are exploring many options, including, but not limited to, participating in job fairs and onboarding interns. NIC anticipates employee expenses increasing in 2022 and 2023. NIC workforce has been stable. NIC has identified a new customer service manager role and has added that position to NIC's budget. This position would monitor customer requests, progress on fixes, and track metrics. The 2022 Business Plan is a living document and that may need to

adjust as the year goes forward. Mr. Hoffman indicated that the acquisition by Tyler Technologies offers access to new products and services. Tyler presents new revenue opportunities and will not be a demand on NIC staff time and will allow NIC to avoid some of the challenges that are being faced with pending infrastructure upgrades. Mr. Hoffman indicated that the DMV, the Office of the Courts, and the Secretary of State’s office are the high revenue generating agencies for the portal. Forty-eight percent of NIC customers generate less than \$1,000 a year.

NIC has a suite of products, which are represented by pre-approved template addendums. NIC would like to “productize” some of Tyler Technologies services to fit a smaller market that fits Nebraska. Mr. Ojeda reviewed the staffing plan and inquired about how NIC establishes the metrics on employees, which are contained in the Business Plan. Mr. Hoffman stated that the metrics are based upon skills with NIC and are not representative of all skills a person may have from working somewhere else. Additionally, all developers are given a test when they are hired.

Mr. Ojeda moved to approve the Business Plan for 2022, which was seconded by Mr. Sullivan. There was no further discussion.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan

Voting Against: None

Absent: None

The motion carried.

Agenda Item 10.b. Project Priority Report: Mr. Sloan provided an overview of work completed in quarter three. Mr. Sloan provided an overview of a project completed for the motor vehicle industry licensing board, and a complaint management project completed for the Attorney General’s Office. There was discussion regarding the information included in the Project Priority Report and how projects are prioritized. Mr. Sloan clarified that a higher number is a higher priority, and that scores are determined based upon responses to a number of questions. Mr. Sloan indicated that there will be a meeting between NIC and the NSRB Executive Director in the near future to discuss options for the format of the Project Priority Report. There was discussion regarding authority of the NSRB to modify the priority of projects. Mr. Hoffman explained that the priority score is based on the priorities of the agency rather than on NIC’s priority.

Ms. Stenger moved to approve the Project Priority Report, which was seconded by Ms. Donley. There was no further discussion.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan

Voting Against: None

Absent: None

The motion carried.

Agenda item 10.c. General Manager’s Report: NIC reported on the following:

- (1) NIC received two awards for the Nebraska Department of Veterans’ Affairs website project.
- (2) NIC’s financial growth is steady. The growth pattern was affected by 2020 being an anomaly, in which NIC saw an increase in instant access services (motor vehicle renewals, driver’s license renewals, etc.), but a decrease in business records services. Business records services have not recovered to pre-pandemic levels.
- (3) Expenses have increased regarding technology, and the increasing number of developers. NIC would generally expect higher increases in Merchant and Processing fees than the eight percent reflected in the report.
- (4) The Identity Theft Research Center (ITRC) has reported in increase in data breaches, and it is important for NIC to have its own security teams.
- (5) There was an increase in downtime, but that was due to an OCIO issue, as NIC could not connect to the state network because the state network was down.
- (6) NIC’s overall satisfaction rating is 4.66 out of 5. Some services are receiving an engagement rate over fifty percent.
- (7) The Department of Motor Vehicles had a driver license printing issue, as their system was delayed and down. NIC was asked to assist DMV and extend drivers licenses for individuals. NIC was able to do that work for the DMV with short notice.
- (8) The Juneteenth federal holiday has required NIC to adjust every application that involves a calendar or deadline, and this has had a large impact on staffing resources.
- (9) NIC has hired two more Quality Analysts and a new developer has accepted an offer from NIC with a start date in January. NIC has two remaining open positions on their grant funded team. There was discussion regarding whether NIC hires straight out of college, and what the market salary is for an individual coming out of college.

Agenda Item 11. DATE FOR NEXT MEETING. The Chairperson announced the next NSRB meeting date is to be determined, but the meeting will be held at the 1221 N Street location.

Agenda Item 12. ADJOURNMENT. Mr. Ojeda moved to adjourn the meeting, which was seconded by Mr. Sullivan. There was no further discussion.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan

Voting Against: None

Absent:

The motion carried, and the meeting adjourned at 11:30 AM.



Robert B. Evnen
Secretary of State
State Records Administrator
Chairperson, State Records Board

4/6/2022
Date