



# NEBRASKA STATE RECORDS BOARD 2023 ANNUAL REPORT

Neb. Rev. Stat. § 84 - 1205.05

## MEMBERS

Neb. Rev. Stat. §§ 84 - 1203 - 84-1204

Robert B. Evnen, Secretary of State, State Records Administrator, Chairperson  
Jim Pillen, Governor or designee  
Mike Hilgers, Attorney General or designee  
Mike Foley, Auditor of Public Accounts or designee  
John Murante/Tom Briese, State Treasurer or designee  
Jason Jackson, Administrator, Department of Administrative Services or designee  
Beau Reid, representing the Insurance Industry  
David Richards, representing the Libraries  
Water Weir, representing the General Public  
Cody Gerlach, representing the Media

### Vacant Member Positions:

Representative of the Banking Industry  
Representative of the Legal Profession

## ACTIVITIES

Neb. Rev. Stat. §§ 84 - 1205 - 84-1205.03

Meetings were held on March 30, 2023, July 27, 2023, November 2, 2023, and December 14, 2023. All meetings were held in the 2<sup>nd</sup> floor conference room of the Center on "N" Street, located at 12<sup>th</sup> and N Street, Lincoln, Nebraska. Minutes of each meeting are attached.

Respectfully submitted,

Robert B. Evnen  
Secretary of State  
State Records Board Chairperson



## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of March 30, 2023

**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 9:03 a.m. on March 30, 2023.

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

Robert Evnen, Secretary of State, State Records Administrator and Chairperson  
Lt. Governor Joe Kelly, representing the Governor  
Jason Jackson, Director of Administrative Services  
Josh Shasserre, representing the Attorney General  
Mike Foley, Auditor of Public Accounts  
Jason Walters, representing the State Treasurer  
David Richards, representing the Libraries  
Walter Weir, representing the General Public

Absent:

Cody Gerlach, representing the Media

Vacant member positions:

Representative the Banking Industry  
Representative the Legal Profession  
Representative the Insurance Industry

Staff in attendance:

Libby Elder, Executive Director, NSRB  
Tracy Marshall, Recording Clerk  
Colleen Byelick, Chief Deputy Secretary of State and General Counsel

Other Attendees

Casey Tribolet, Administrative Office of the Courts ("AOC")  
Kelsey Remmers, Nebraska State Patrol ("NSP")  
Daniel McEowen, NSP

**Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT.** 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 March 8, 2023, and on the State's public meeting calendar website. The public notice and proof of publication relating to the meeting would be 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. Jackson seconded the motion. There was no further discussion.

Voting For:	Evnen	Shasserre	Foley	Jackson
	Walters	Richards	Weir	Kelly

Voting Against: None

Absent: Gerlach

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.** The Chairperson asked for a motion to approve the minutes of the December 13, 2022, meeting. Mr. Foley moved to approve the minutes as presented. Mr. Weir seconded the motion. There was discussion regarding Mr. Weir's request at the December meeting to see a report from Nebraska Interactive, LLC dba Tyler Nebraska ("Tyler Nebraska") regarding future management of upgrades, and that Mr. Weir's had not yet received the report. There was no further discussion.

Voting For:	Evnen	Shasserre	Foley	Jackson
	Walters	Richards	Weir	Kelly

Voting Against: None

Absent: Gerlach

The motion carried.

**Agenda Item 6. APPROVAL OF FINANCIAL REPORT.** Libby Elder, Executive Director for the NSRB provided a summary of the December 30, 2022, Cash Fund Balance Report. Mr. Jackson moved to approve the financial report. Mr. Richards seconded the motion. There was no further discussion.

Voting For:	Evnen	Shasserre	Foley	Jackson
	Walters	Richards	Weir	Kelly

Voting Against: None

Absent: Gerlach

The motion carried.

**Agenda Item 7. PUBLIC COMMENT.** The Chairperson asked if anyone wished to provide public comment to the NSRB. No member of the public 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 agreements signed pursuant to NSRB authority, including Electronic Government Service Level Agreements, PayPort Addendums, and a Termination Agreement.

**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 government partners, including Antelope County and the AOC.

**Agenda Item 8.c. Update on NSRB Grant Program:** Ms. Elder stated that the NSRB has statutory authority to provide grants to state and local agencies for development of programs and technology to improve electronic access to public records or electronic information. The program was suspended in September of 2016 due to state revenue shortfalls. At the December 13, 2022, NSRB meeting, a resolution to resume the NSRB grant program was approved.

Ms. Elder stated that a subcommittee has been established. Draft materials have been assembled, including grant guidelines, a grant application, and a draft grant agreement. These materials, when finalized by the subcommittee, would be brought before the NSRB for review and approval. There was discussion regarding the types of prior grant projects.

**Agenda Item 9. NEW BUSINESS**

**Agenda Item 9.a. Approve Department of Motor Vehicles – Revised Addendum 15:** Ms. Elder stated that there was a draft summary document and Revised Addendum 15 in the NSRB meeting materials, along with a letter from Director Lahm explaining the request for this revision to Addendum 15.

Ms. Elder stated that Tyler Nebraska began processing renewals of fleet vehicles for the Department of Motor Vehicles pursuant to Addendum 15, after approval at the September 18, 2019, NSRB meeting. Owners of fleet vehicles are those that have between 25 and 2,500 vehicles. This service provides the opportunity for owners with a fleet of vehicles to renew all their vehicles in one group, instead of individually. The Revised Addendum 15 adds credit card as a payment option with 2.49% as the portal fee, which is the standard credit card fee under other template addendums.

Mr. Foley moved to approve the Revised Addendum 15, and Mr. Jackson seconded the motion. There was no further discussion.

Voting For:	Evnen	Shasserre	Foley	Jackson
	Walters	Richards	Weir	Kelly

Voting Against:	None
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Absent:	Gerlach
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The motion carried.

**Agenda Item 9.b. Approve Nebraska State Patrol – Statement of Work:** Ms. Elder stated that there was a draft statement of work (“SOW”) with the NSP in the NSRB materials, and that there were some representatives of the NSP to present to provide additional information, if needed.

The NSP receives annual grant funding through the Department of Justice, and they have been using the services of Tyler Nebraska on various projects for NSP and the AOC under two current statements of work. One is for collection of felony conviction data to be delivered to the National Instant Criminal Background Check System (“NICS”), signed in February of 2020. The other is for collection of Misdemeanor Crimes of Domestic Violence data, also for delivery to NICS, which was signed in July of 2019.

Ms. Elder explained that NSP’s recent federal grants from the Department of Justice include the NICS Act Record Improvement Program (“NARIP”) grant and the National Criminal History Improvement Program (“NCHIP”) grant. These grants provide for continuing the work being done by Tyler Nebraska using dedicated personnel to ensure expedient completion of work under the grant.

These 2 grants provide for funding 7 full-time positions at Tyler Nebraska (5 full-time developers, 1 full-time project manager and 1 full-time quality analyst). The project manager, quality analyst, and 2 of the 5 developers work on projects under both grants, and 3 developers are dedicated solely to NCHIP grant work.

The SOW is being proposed to allow funding these 7 full-time positions at a lower hourly rate, instead of performing work at the time and materials rates in the NSRB Master Contract. There is also an attachment with some terms and conditions applicable to the NSP’s federal grant funding.

There was discussion regarding the Nebraska JUSTICE system and whether Tyler Nebraska created the JUSTICE system. Tyler Nebraska did not create the JUSTICE system but does work that integrates with the JUSTICE system.

The SOW addresses how data in the JUSTICE system passes through to the NSP for federal reporting, and Tyler Nebraska will not be working directly in the JUSTICE system itself, but will be improving the interfaces that connect to the JUSTICE system, in pursuit of the grant objectives.

There was discussion regarding the project being funded entirely with federal dollars. Mr. Foley asked whether there were any federal bidding requirements. Ms. Remmers indicated that the federal grant does have some requirements; however, they would like to use the statewide contract in place with Tyler Nebraska, as Tyler Nebraska built and maintains the applications that integrate with the JUSTICE system. Upon further inquiry from Mr. Foley, Ms. Remmers indicated that she could obtain additional information from the NSP legal department.

Mr. Foley indicated that the SOW provides for funding in the amount of \$900,000 to Tyler Nebraska with a 5 percent escalator and asked how many years the project will continue. Ms. Remmers indicated that it will be a multi-year project; however, the duration will depend on how quickly progress is made.

Mr. Foley indicated that he was not comfortable with the project, as there are unanswered questions, and he would not be voting for it.

Mr. Sloan stated that the NSP reapplies for grant funding each year. Ms. Remmers indicated that the NSP can apply annually or every 2 years. The NSP prefers to apply for such grant funding annually.

Ms. Elder stated that Section 4.4 of the Statement of Work provides term language that ties the term to the duration of the NSP grant funding, but the term cannot exceed the duration of the State's Master Contract with Tyler Nebraska.

Chairperson stated that to continue this project, the NSP will have to reapply to its federal grantor. Ms. Remmers indicated that is correct.

Mr. Foley stated that this project is too open ended to write checks to Tyler Nebraska for \$900,000 a year, with a five percent escalator, for an unlimited number of years, and he is not comfortable with it.

There was discussion regarding Attachment A, which is incorporated into the SOW in 4.11.

Ms. Remmers stated that NSP applies for the grants on an annual basis, but it is difficult to put a term on completion of the work. The modernization of the AOC database is complex, and the NSP is dedicated to seeing those projects through to completion.

Mr. Foley stated that if funding does not continue, the projects may stop before work is completed. The Chairperson asked if NSP is doing work that is discrete in each year. Ms. Remmers stated that these grants cover a variety of things at the NSP, and this work is only one piece of the use of grant funding, and NSP has been applying for NCHIP since pre-2010 and NARIP since pre-2012.

There was discussion regarding whether the Auditor has ever made any inquiry of the disposition of these funds by the NSP. Ms. Remmers indicated that the NSP gets audited. The Chairperson asked whether the Auditor has articulated any objections to how the NSP has been spending the money. Ms. Remmers indicated they had not.

Mr. Weir asked technical questions regarding the project and indicated that there does not appear to be enough specificity in the SOW about the work or projects that will be done with the grant funding. Ms. Remmers indicated that some of the specificity comes from what the grants require. NCHIP is about the betterment of criminal history records nationwide. NARIP is about the betterment of firearm background checks nationwide.

Ms. Remmers indicated that the long-term goal is to have an upgraded court database, and the NSP is reviewing how to fund this outside of federal grant funding. There are many good things that come from having updated court records.

Mr. Weir asked what other court modernization projects have cost, and how long they have taken. The information was not known.

The Chairperson indicated that under the SOW, the NSP is solely responsible for overseeing the work and the terms of the grant.

Mr. Foley stated that in his 16 years on the NSRB, he has never seen a SOW of this magnitude. He asked if the SOW is not approved, what would be the effect of waiting until the next NSRB meeting so that they could dig deeper into it. Ms. Remmers stated that it would potentially delay progress on the

grant projects.

Mr. Hoffman indicated that NSP is about \$400,000 behind in paying Tyler Nebraska because there is no mechanism for payment. Mr. Sloan added that there are the 2 existing SOWs, and Tyler Nebraska had been doing work. Mr. Sloan indicated that Tyler Nebraska is 2-3 months behind on getting paid. Until recently, lines were being added to the Master Contract through the SOWs that were previously signed.

Ms. Remmers stated that they were paying under the MCDV SOW, and that is how the partnership with Tyler Nebraska started. The grants are very heavily suited to assisting the AOC. So, NSP reached out to AOC to say there are funds to help AOC. AOC indicated that they needed a team at Tyler Nebraska to move forward. NSP did not understand the intricacies of the Master Contract. NSP did not understand that when they began paying for a team at Tyler Nebraska that they were not in line with the Master Contract.

Upon inquiry from the Chairperson, Ms. Elder indicated that Tyler Nebraska referred on a few occasions to having received a grant. More recently, they made Ms. Elder aware of the arrangement in a meeting with NSP at Tyler Nebraska's offices, where it became clear that Tyler Nebraska is a contractor of NSP, not a grant recipient. It was discussed that if they want to use Tyler Nebraska for this work, and pay for entire positions, which is different than the Master Contract, a Statement of Work could be prepared for review by the NSRB. Ms. Elder explained that the rates in the draft SOW are lower than those in the Master Contract, and the Master Contract indicates that time and materials rates are "not to exceed" rates.

The Chairperson asked who prepared the SOW. Ms. Elder indicated that the initial draft was prepared by Tyler Nebraska, and that she worked with NSP to get requirements relating to NSP's grant funding to add to the SOW.

Ms. Remmers indicated that the Master Contract is set up as time and materials, but this project is not time and materials; however, since the Master Contract is in place, NSP Purchasing has indicated that the Master Contract should be used.

Mr. Foley asked what rates have been paid, and Ms. Remmers indicated they have been paying the lower rates.

Mr. Jackson stated that the main reason that the NSRB is reviewing this matter is that rather than doing a Request for Proposal, the NSP wants to use the NSRB Master Contract. Ms. Remmers indicated that Tyler Nebraska has been doing work for NSP and the AOC for a number of years, and using the Master Contract meets the objectives of the parties.

Ms. Elder stated that if NSP wants to use the Master Contract, they need to have a SOW in place and this draft SOW has differences from the template SOW, which requires NSRB review and approval.

Mr. Kelly made the motion to approve the Nebraska State Patrol – Statement of Work. Mr. Richards seconded the motion.

Mr. Jackson stated that he believes NSP should issue a Request for Proposal. Mr. Foley indicated that based on what he had heard, his team will take a look at this.

Mr. Foley made a motion to table the Statement of Work to the next meeting. The motion was seconded by Mr. Shasserre.

Voting For:	Evnen	Shasserre	Foley	Jackson
	Walters	Richards	Weir	Kelly

Voting Against: None

Absent: Gerlach

The motion carried.

There was discussion regarding what information needs to be provided at the next meeting to allow the members to be fully informed on this matter. The following items were mentioned: (1) time horizon; (2) total anticipated spend; (3) totality of the project; (4) specificity of the work, including that which is applicable to the AOC and to the NSP; (5) contractual remedies available; (6) procurement requirements under the grant; (7) rationale for not competitively bidding; and (8) understanding of the impact of this work as it relates to criminal history information and public safety.

The Chairperson requested that the NSP provide this information in advance and give the NSRB at least 30 days to review this information prior to the NSRB meeting.

#### **Agenda Item 10. TECHNICAL INFRASTRUCTURE UPGRADES**

##### **Agenda Item 10.a. Review Progress Report**

Ms. Elder reported on the Grails and Drupal progress as shown on the progress reports.

**Agenda Item 10.b. Authorize Action by Chair Regarding Technical Infrastructure Upgrades (Closed Session).** Mr. Jackson made a motion to go into closed session for the limited purpose of discussion of authorizing action by Chairperson regarding Technical Infrastructure Upgrades. The motion for closed session was seconded by Mr. Weir.

Chairperson Evnen restated the motion to go into closed session. The NSRB went into closed session at 10:18 a.m.

Voting For:	Evnen	Shasserre	Foley	Jackson
	Walters	Richards	Weir	Kelly

Voting Against: None

Absent: Gerlach

The motion carried.

At 11:15 a.m., Mr. Jackson moved that the NSRB reconvene in open session having completed discussion of authorizing action by the Chairperson regarding Technical Infrastructure Upgrades. The motion was seconded by Mr. Weir.

Voting For:            Evnen            Shasserre            Foley            Jackson  
                              Walters            Richards            Weir            Kelly

Voting Against:      None

Absent:                Gerlach

The motion carried.

Mr. Foley made a motion that the NSRB, working in concert with the Department of Administrative Services, publish a Request for Information ("RFI") to explore what companies might be interested in doing work with the NSRB in development of electronic government services applications. Mr. Walters seconded the motion.

Voting For:            Evnen            Shasserre            Foley            Jackson  
                              Walters            Richards            Weir            Kelly

Voting Against:      None

Absent:                Gerlach

The motion carried.

*A break was taken from 11:20 – 11:37 a.m.*

#### **Agenda Item 11. NEBRASKA INTERACTIVE REPORTS**

**Agenda Item 11.a.** Nebraska Interactive, LLC, Project Priority Report: Mr. Sloan addressed Mr. Weir's prior question about management of future maintenance. Tyler Nebraska prepared a report, which has been provided to Ms. Elder.

Mr. Sloan presented the Project Priority Report and provided a summary of several projects in progress. Mr. Foley made a motion to approve the Project Priority Report, seconded by Mr. Jackson.

Voting For:            Evnen            Shasserre            Foley            Jackson  
                              Walters            Richards            Weir            Kelly

Voting Against:      None

Absent:                Gerlach

The motion carried.

#### **Agenda Item 11.b. Nebraska Interactive, LLC Business Plan:**

Mr. Hoffman presented the Business Plan for 2023. There was discussion of Tyler Nebraska's expenses and payments made to Tyler Technologies, Inc. Mr. Hoffman indicated that the DMV

modernization project is coming up and will have a significant impact as 97 services touch the DMV applications today. There are revenue restrictions, and Tyler Nebraska would like to increase the cost of driver history records and title liens and registrations to bring the cost up to market value. They are looking at more SaaS model and platform development, instead of custom development to assist them in operating under a self-funded model. Tyler Nebraska has the same number of staff in 2023 as they had in 2022.

The growth strategy is to generate more revenue through use of technology for citizens and business. Tyler Technologies, Inc. has an Engagement Builder tool that allows an agency to put up a simple series of webpages with an appointment scheduler, build their own forms, and it could be done without Tyler Nebraska, if the agency wanted to. They also have an over-the-counter payment tool that could be rolled out to generate revenue. Corporate monitoring is discussed by the National Association of Secretaries of State (NASS), and some states have services that would notify the registered agent or business owner that their company has had filings to alert them to fraudulent filings.

Tyler also has a data certification framework that links common questions and allows for creation of one form for all audits (PCI compliance, IRS requirements, etc.). This would be a cost savings for agencies, as they spent 60% of their time on audits.

Tyler Nebraska will offer a SaaS platform service to DHHS to provide all vital records from beginning to end and reduce staffing. Mr. Hoffman indicated that DHHS uses a paper system, as citizens are required to mail in information, etc. Mr. Foley indicated DHHS is happy with their system. Mr. Hoffman indicated he could still talk with them about it.

Mr. Hoffman stated that they are seeing what Tyler Technologies, Inc. has available to offer to State government and he is excited about the future. Tyler Technologies, Inc. is meeting 2 days with each general manager in every state to see how operations work. Tyler is a products company, and Tyler Nebraska is a service company.

The Chairperson moved to approve the Business Plan, a second was not obtained. The Chairperson indicated the NSRB may consider the Business Plan at the next meeting.

*Mr. Kelly left the meeting at 11:52*

**Agenda item 11.c. General Manager's Report:**

Mr. Hoffman reported the following:

1. Nebraska Interactive, LLC will now be using the name Tyler Nebraska, but they will answer to any of their names or trade names.
2. On the charts and graphs, there are the number of hours spent on revenue and non-revenue services.
3. There are statistics indicating an increase in attacks on software in supply chains, and cyber security attacks are on the rise. Privacy laws are becoming stricter, and Tyler Nebraska will monitor those changes on an ongoing basis.
4. Tyler Nebraska monitors legislation to see what agencies need as a result of statutory changes.
5. Mr. Hoffman agreed to bring information to the next NSRB meeting on the division between use of credit and debit cards.

6. Tyler Nebraska completed website updates for the incoming elected officials.
7. Tyler Nebraska participated as a sponsor for the Center for Operational Excellence. There were about 300 people present, including many agency directors.

Mr. Sloan reported on attending the Nebraska Bar Association conference. Tyler Nebraska provided technical assistance on use of the JUSTICE System and e-filing.

The Chairperson discussed a letter dated March 1, 2023, sent to the Chairperson from the Nebraska Corn Board and the Nebraska Wheat Board regarding the Quarterly Commodity System. The letter requests the NSRB provide financial support for an application used by the commodity boards, in which they receive over \$6 million through transactions processed.

The letter states that the system may be sunset in 2024. Mr. Hoffman confirmed that Tyler Nebraska may sunset the application in 2024. The Chairperson indicated that the system supports all their operations and they moved from a manual system to an electronic system with Tyler Nebraska.

The letter states that the commodity boards had been told the burden to pay for the upgraded framework is on the commodity boards. Mr. Sloan explained that they were not told they had to pay for the upgrade, but instead that they were given several options.

The Chairperson indicated that Tyler Nebraska needs to provide this upgrade work under the Master Contract at no charge to the partner agencies, and that Tyler Nebraska is nowhere near the timetable originally presented to the NSRB.

Mr. Hoffman discussed his work to grow and expand the portal and indicated that this situation is due to the unique situation of the upgrade. Mr. Hoffman stated that he does not believe that the tone of the letter represents the conversation between Mr. Sloan and the agencies, and Tyler Nebraska did not believe they should intervene in the wording of an agency's letter. Further, as part of the application rationalization process, Tyler Nebraska determines which applications are valuable to the agencies.

Mr. Foley asked when the application will be upgraded. Mr. Hoffman indicated that the Department of Agriculture would get their upgrade when Tyler Nebraska has the funds and availability to provide the upgrade. He further indicated that the success of Tyler Nebraska is the success of the NSRB, and the failure of Tyler Nebraska is the failure of the NSRB. Mr. Hoffman indicated the agencies want more from Tyler Nebraska because they like the services. Tyler Nebraska only has the resources that come in through the portal. Mr. Hoffman stated that you cannot create a business in 1996 and never change prices and not end up in this situation. Tyler Nebraska needs additional resources, regardless of the upgrade.

The Chairperson indicated he would undertake efforts to assure the Department of Agriculture gets the upgrade as they ought to have. Mr. Foley stated the Master Contract has numerous references that say the upgrades are Tyler Nebraska's responsibility. Mr. Hoffman indicated that he does not think that getting legal involved will lead to a solution because there is an emphatic disagreement from Tyler's side. Tyler Nebraska will take responsibility for the upgrades, but it doesn't get them additional staff.

**Agenda Item 13. DATE FOR NEXT MEETING.** The Chairperson announced the next regular meeting of the NSRB will be in June possibly sooner and is anticipated to be held at the 12<sup>th</sup> and N Street location.

**Agenda Item 14. ADJOURNMENT.**

Mr. Foley made a motion to adjourn, which was seconded by Mr. Jackson.

Voting For:	Evnen	Shasserre	Foley	Jackson
	Walters	Richards	Weir	

Voting Against: None

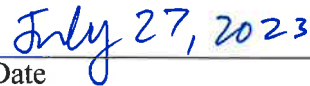
Absent: Gerlach

The motion carried.

The meeting adjourned at 1:05 PM.



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



Date



## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of July 27, 2023

**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 9:04 a.m. on July 27, 2023

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

Robert Evnen, Secretary of State, State Records Administrator and Chairperson  
Lt. Governor Joe Kelly, representing the Governor  
Phil Olsen, Representing Administrative Services  
Mike Hilgers, Attorney General  
Mike Foley, Auditor of Public Accounts  
John Murante, State Treasurer  
David Richards, representing the Libraries  
Walter Weir, representing the General Public  
Cody Gerlach, representing the Media

Vacant member positions:

Representative the Banking Industry  
Representative the Legal Profession  
Representative the Insurance Industry

Staff in attendance:

Libby Elder, Executive Director, NSRB  
Tracy Marshall, Recording Clerk  
Colleen Byelick, Chief Deputy Secretary of State and General Counsel

State Agency Attendees:

Chad Cornelius, Administrative Office of the Courts ("AOC")  
Casey Tribolet, AOC  
Sherri Dennis, AOC  
Captain Lance Rogers, Nebraska State Patrol ("NSP")  
Kelsey Remmers, NSP  
Daniel McEowen, NSP  
Julie Kortus, Department of Agriculture

**Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT.** 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 March 8, 2023, and on the State's public meeting calendar website. The public notice and proof of publication relating to the meeting would be 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. Murante moved to approve the agenda as presented. Mr. Foley seconded the motion. There was no further discussion.

Voting For:	Evnen	Hilgers	Foley	Olsen	Gerlach
	Murante	Richards	Weir	Kelly	

Voting Against: None

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.** The Chairperson asked for a motion to approve the minutes of the March 30, 2023, meeting. Mr. Foley moved to approve the minutes as presented. Mr. Murante seconded the motion.

Voting For:	Evnen	Hilgers	Foley	Kelly	Weir
	Murante	Richards			

Voting Against: None

Not Voting/Abstain: Gerlach Olsen

The motion carried.

**Agenda Item 6. APPROVAL OF FINANCIAL REPORT.** Libby Elder, Executive Director for the NSRB provided a summary of the March 30, 2023, Cash Fund Balance Report. Mr. Foley moved to approve the financial report. Mr. Olsen seconded the motion. There was no further discussion.

Voting For:	Evnen	Hilgers	Foley	Olsen	Gerlach
	Murante	Richards	Weir	Kelly	

Voting Against: None

The motion carried.

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

**Agenda Item 8. OLD BUSINESS – Nebraska State Patrol - Statement of Work.** Ms. Elder explained that at the March 30, 2023, meeting, the NSRB reviewed a draft statement of work regarding

work for the NSP. A summary document was prepared to address questions remaining at the end of the prior meeting, and the draft statement of work ("SOW") was modified.

Ms. Elder explained that the NSP applies for two separate annual grants through the United States Department of Justice ("DOJ"), and they have been using the services of Tyler Nebraska on various projects for NSP and the AOC. NSP's recently approved federal grants (NARIP and NCHIP), provide for continuing the work being done by Tyler Nebraska. However, NSP and AOC have requested that Tyler Nebraska provide assigned staff, full-time to complete the projects.

NSP and Tyler Nebraska are requesting this SOW address the work to be funded with grant funding, and specifically the funding of 7 positions. Tyler Nebraska would be providing full-time assigned positions to this work, and will charge hourly rates lower than that specified in the NSRB's contract with Tyler Nebraska ("Master Contract"), with the rates being specified in the SOW.

Ms. Elder explained that the time horizon for this work is the duration of NSP's 2022 and 2023 DOJ grant funding, with an estimated spend of \$1,600,000. There is an attachment to the SOW, which identifies the projects to be completed, and the SOW includes contractual remedies.

Ms. Elder explained that both NSP grants are subject to 2 CFR Part 200 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. 2 CFR §200.317 provides, "When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds..." Neb. Rev. Stat. §73-504 provides for competitive bidding by state agencies when a contract for services is "in excess of fifty thousand dollars." However, Neb. Rev. Stat. §73-507 provides limited exceptions to the competitive bidding requirements. One such exception is for a sole source contract. The Master Contract was entered into by the NSRB following completion of the sole source request process established by the Department of Administrative Services. The NSRB complied with the state procurement policies and procedures in entering into the Master Contract. The work for the NSP and AOC fits under the Master Contract, and the NSP further sought approval from the DOJ to use the Master Contract.

Ms. Elder also explained the impact of this work as it relates to criminal history information and public safety. The NSP, AOC and Tyler Nebraska have worked to bring the SOW into better alignment with the Master Contract and to answer the questions presented. Based upon all of this, the NSRB's approval of the SOW was requested.

Mr. Hilgers asked if the NSRB is a party to the agreement, and whether the SOW could be signed without NSRB approval. Ms. Elder stated that the NSRB is a party to the SOW, but that the SOW includes language which indicates the NSRB is not responsible for grant compliance.

Mr. Foley stated that he would recuse himself from this matter because he may need to audit it.

Mr. Weir asked what will be used to develop the software and who will own it. Mr. Sanders with Tyler Technologies, Inc. responded that the work would be subject to the state's Master Contract, and that the state will own the data. There was some discussion of Entellitrak and Cloud hosting.

Mr. Hilgers moved to approve the NSP SOW. The Chairperson seconded the motion.

Lt. Governor Kelly indicated that there are some unanswered questions regarding Entellitrak.

The Chairperson explained that whether Entellitrak is approved or not will be decided later in the meeting. If Entellitrak is approved later in the meeting, it will be an option for this work. If it isn't approved, then Entellitrak won't be an option.

Mr. Hilgers asked whether the SOW was entirely federally funded, with no state taxpayer dollars. Ms. Elder indicated that the SOW is entirely federally funded.

Ms. Byelick stated that Tyler Nebraska has indicated that if use of Entellitrak is approved, it would be an option for agencies to use Entellitrak, it would not be required.

Mr. Weir asked what the current AOC applications are built on. Mr. Cornelius with the AOC explained that most of the AOC's applications are in Grails, and there would be a lot of work involved with making a change, and the AOC is not ready to make a determination regarding Entellitrak.

There was discussion regarding the 7 Tyler Nebraska employees assigned to this project, and the division of work between NSP and AOC projects.

Mr. Murante asked if this will be an ongoing expense to the NSP. Ms. Elder explained that the SOW addresses two years of grant funding, but if they wish to continue this work, the SOW would have to be amended, or a new SOW would need to be signed.

Mr. Hilgers asked if there would be a difference in spending for maintenance as compared to the initial build. Mr. Cornelius explained that the AOC needs a team to maintain and enhance the system, and AOC has been solely dependent on this team for this purpose. It would be drastic to the AOC if the NSRB did not approve this SOW, as the AOC would not have enough time to get another plan in place for maintenance of the system, which integrates with the JUSTICE system.

Mr. Olsen requested clarification regarding whether work is done on the JUSTICE system. Mr. Cornelius explained that some modernization does require changes to be made within JUSTICE, but this work is to systems that integrate with JUSTICE, such as e-filing. Mr. Olsen asked if there is revenue generation, and Mr. Cornelius explained that fees are received for filings and use of these systems.

There was discussion regarding the SOW coming before the NSRB for approval, and NSP's ability to seek a different vendor. There was discussion regarding the term of the SOW, and that the NSP is committed to funding this SOW for the duration of two years of their grant funding.

The Chairperson stated that Tyler Nebraska has been working on the system for years, the SOW has been adjusted to address concerns raised at the last meeting, it is limited in scope, limited in dollars, limited in time, federally funded, and important work for the NSP and AOC.

Voting For:	Evnen	Hilgers	Olsen	Gerlach
	Murante	Richards	Weir	Kelly
Voting Against:	None			
Not Voting/Abstain:	Foley			

**Agenda Item 9. TECHNICAL INFRASTRUCTURE UPGRADES**

**Agenda Item 9.a. Review Progress Reports** Ms. Elder stated that Grails and Drupal progress reports are included in the NSRB materials. Additional progress has been made since these reports were prepared. Tyler Nebraska is continuing to make progress on the upgrade work.

**Agenda Item 9.b. Tyler Technologies, Inc. presentation – Entellitrak & Engagement Builder**

Winn McInnis, Senior Vice President with State Enterprises expressed how important Tyler's relationship is with the State of Nebraska and the NSRB. Nebraska is one of their first contracts, and they take that very seriously. Mr. McInnis recognized mistakes have been made over the last 18 months and they are utilizing all their opportunities and benefits to rebuild trust and regain alignment with the NSRB. Mr. McInnis stated that they have new tools and technology that they would like to bring to Nebraska. Mr. McInnis introduced Jeff Marsh, Senior Director of Technology, Brian Combs, President of Platform Solutions Division, and Mike Cerniglia, Senior Vice President of Platform Technology.

Bob Sanders introduced Tanner Hughes, the new General Manager for Tyler Nebraska, then proceeded to discuss progress made with Drupal, Grails, and Tyler Nebraska's operating system. Mr. Sanders discussed the impact of continuing the current path with upgrades or considering options for new technology to reduce the workload, including use of low-code, no-code platforms, which would allow for faster development time and the addition of new features.

Brian Combs explained that Michael Cerniglia was the original architect of the Entellitrak platform, and that use of these low-code platforms allows for development work to be completed much faster. The Entellitrak platform was built for the public sector with a case management framework and is used in all three levels of government. This technology is proven, the roadmap is influenced by government agencies, it is agile as you can bring in features that make sense for you, it is scalable and FedRamp certified, and working on authority to operate in the AWS government cloud.

Mr. Cerniglia stated that the platform was developed out of the need to reduce development time and provide open-source software with support. Tyler Technologies, Inc. has a lot of experts that can build on the platform but doesn't have to be used to build on this platform. Tyler will provide training and certification. In addition, Tyler provides quarterly releases to bring innovation into the government sector. However, Tyler has a long-term supported release, so customers can stay on the version with all security updates being current.

*Mr. Hilgers left at 10:11 returned 10:14*

Mr. Weir stated that the low-code, no-code model is sometimes referred to the data first model, and asked if Tyler Nebraska expects to spend time working closely with the agencies to give them what they want. Mr. Combs indicated that Tyler is moving to a more a user-centered model.

Mr. Foley asked clarification on building an application using Entellitrak, if there are two paths, they can hire Tyler Nebraska to write it, or if they have the skills, they can buy a license and write it. Mr. Combs stated that is correct. Mr. Cerniglia stated that Entellitrak involves metadata, and it reads that metadata and generates the forms it needs.

There was discussion regarding deployment. Tyler prefers deployment in their cloud, but applications can also be deployed where the customer needs it to be deployed. Tyler has some tooling coming out that will allow customers to use their own preferred layout and styling.

*Break at 10:20 returned 10:33.*

Mr. Hughes gave a demonstration of a quarterly reporting system built for the Department of Agriculture using Entellitrak. The system allows for submission of commodity information and payment of fees, distribution of emails, in addition to retrieval, exporting, and formatting of information from the system by Department of Agriculture staff.

Mr. Hughes explained it took 1 week to build the system in the Entellitrak platform, but it would have taken 6 weeks to complete the upgrade in Grails. Tyler Nebraska gathered additional feature requests from the Department of Agriculture and determined it was possible to provide those enhancements with approximately 3 weeks of work, whereas building those features in Grails would have taken about 4 months.

Mr. Hughes stated that Tyler Nebraska began using AppEngine in Nebraska in 2017. AppEngine is a low code, no-code platform, and there are currently 131 services in AppEngine. Engagement Builder is a replacement of AppEngine, and it provides all features of AppEngine, but more. Engagement Builder is made to be intuitive and allow users to make changes on their own.

The Grails applications will be moved into the future, using new platforms, at no cost. There is a huge platform services team that can be used to help build these out, which will reduce demand and allow for moving forward in an agile state, focused on mission delivery.

Mr. Sanders summarized that Tyler Nebraska is requesting authority to use these platforms, but agencies will not be required to use them, it will be their choice. The platform will be provided at no cost to the agencies and no cost to the NSRB. Additionally, Tyler Nebraska is requesting to use a subcontractor to assist with website development, and to host partner websites in the Cloud.

Tyler Nebraska will engage with the 12 agencies with Grail's applications to find the best fit for them, Grail's upgrade, Entellitrak, or Engagement Builder. They will present a report and plan to the NSRB at the next meeting.

Mr. Weir asked if Excel is the data source. Mr. Sanders indicated it is all in the platform itself, but you could export to Excel.

Julie Kortus, IT Supervisor with the Department of Agriculture, shared her thoughts on the proof-of-concept work for the Department of Agriculture using the Entellitrak platform. Once Agriculture had approval to move forward with the proof-of-concept, Tyler Nebraska provided the first demonstration within a week. Testing was completed July 19<sup>th</sup>, which was about 1 month from the initial demonstration. Entellitrak has features that were not available to the Department of Agriculture before, including reminder emails and prevention of duplicate reporting. Entellitrak has met and exceeded the Department of Agriculture's expectations, and they would like to move all commodity reporting to Entellitrak, along with some solutions built in AppEngine.

**Agenda Item 10. NEW BUSINESS****Agenda Item 10.a. Sixth Amendment to Master Contract – Cloud Services**

The Chairperson stated this agenda item is an amendment to the Master Contract to add Entellitrak and Engagement Builder as Electronic Services.

Ms. Elder stated that the draft amendment provided in the NSRB materials modifies the definition of an Electronic Service to allow for cloud-based hosting and modifies the Electronic Services – Addendum E to include Entellitrak and Engagement Builder. Cloud-based hosting will require OCIO approval through the Cloud Review Board to ensure the OCIO is comfortable with the data being stored in the Cloud.

Mr. Elder distributed a revised amendment to the NSRB members. The Chairperson explained that there was some concern with moving to a low-code, no-code solution, because the NSRB would not own the code for the platforms listed on Addendum E, as the NSRB currently does for applications built on Grails. In working through this matter, Tyler Nebraska has agreed to extend the time in which they would continue to provide services during a transition from 18 months to 30 months. The adoption of this revised amendment would add Engagement Builder, Entellitrak, and would provide for an extension from 12-18 months for operation during transition, which will now be 12-30 months.

Mr. Hilgers moved to adopt the Sixth Amendment distributed to the NSRB, which contains both modifications, the addition of Engagement Builder and Entellitrak and up to 30 months for transition, which was seconded by Mr. Weir.

Mr. Weir asked if limitations on hosting the United States apply. Ms. Elder stated that NITC standards are incorporated into the Master Contract and apply to these services.

Mr. Hilgers stated that he supports low-code, and from a risk mitigation standpoint, the fact that the amendment now provides additional time to transition to a new vendor down the road.

There was discussion and clarification regarding the language in the recitals of the amendment.

Voting For:	Evnen	Hilgers	Foley	Olsen	Gerlach
	Murante	Richards	Weir	Kelly	

Voting Against: None

The motion carried.

**Agenda Item 10.b. Waiver of Master Contract Insurance Requirements for Nebraska Interactive, LLC, dba Tyler Nebraska's proposed subcontractor – Dogwood Media**

Ms. Elder stated that Part I. Section F. of the Master Contract requires subcontractors to have the same insurance as is required of Tyler Nebraska.

Tyler prepared a request for waiver of the requirement that their subcontractor have the same insurance as Tyler Nebraska. Tyler Nebraska would like to use Dogwood Media Solutions ("Dogwood") to design and build partner websites. Tyler Nebraska would establish the design and

build specifications to ensure the websites meet the standards of other Tyler Nebraska-built websites. At the conclusion of the build process, Dogwood would transfer the websites to Tyler Nebraska who will launch, host, and maintain the websites going forward. Dogwood will not have access to Tyler's production environment; and will not have access to payment information or to any the State of Nebraska's sensitive information or data.

Ms. Elder indicated that the request is for the NSRB to authorize the Chair to sign a letter of agreement on behalf of the NSRB, authorizing Dogwood to work as a subcontractor with their current insurance provided that the NSRB is relying on Tyler Nebraska's representation in this written request.

Lt. Governor Kelley moved to approve the Waiver of Master Contract Insurance Requirements, seconded by Mr. Richards.

Voting For:	Evnen	Hilgers	Foley	Olsen	Gerlach
	Murante	Richards	Weir	Kelly	

Voting Against: None

The motion carried.

#### **Agenda Item 10.c. Tyler Technologies, Inc. NASPO Contract**

Ms. Elder stated that although this is listed as an action item, it will be an information item. The Department of Administrative Services ("DAS") signed a participating addendum to a NASPO contract with Tyler Technologies, Inc. ("NASPO Contract"). The NASPO Contract provides the ability for state agencies to purchase the same types of technology services like development of applications and websites, in addition to the ability to purchase certain information technology products.

It appears that when a purchase order or other agreement is signed with a partner agency pursuant to the NASPO Contract, that the partner agency is paying for the work using hourly rates in the NASPO Contract, and the work is being completed by Tyler Nebraska, the local affiliate of Tyler Technologies, Inc.

The significant overlap among the services available through the NASPO Contract and the Master Contract raised potential concern. Tyler Nebraska agreed to pause work under the NASPO Contract so the NSRB could review it. Some state agencies did execute statements of work pursuant to the NASPO contract prior to the pause. Ms. Elder stated that the concern is related to the NSRB's responsibility to oversee the work of Tyler Nebraska and Tyler Nebraska's responsibility to grow the portal. There was no further discussion.

#### **Agenda Item 11. REPORT FROM NSRB GRANT REVIEW SUBCOMMITTEE**

Ms. Elder stated that the Grant Review Subcommittee met most recently on May 26th at 2:00 PM. The subcommittee consists of Auditor Foley (Subcommittee Chair), Walter Weir, Jason Jackson, and David Richards.

The subcommittee presented and discussed two objectives –

1. Providing grants for state agency projects that could be completed by the Office of the Chief Information Officer (“OCIO”); and
2. Proceeding with a Request for Information (“RFI”) to gather information on qualified contractors who could perform work on state agency projects, which would be funded by NSRB grants.

Mr. Foley stated that the OCIO can take on the work of a couple applications. The OCIO has indicated that he does not need a Memorandum of Understanding, but that the NSRB can hire his office to do the work.

There was discussion of the use of grant funds from the NSRB to fund projects completed by the OCIO. There was no action taken, and no further discussion.

### **Agenda Item 12. EXECUTIVE DIRECTOR’S REPORT**

**Agenda item 12.a. Review of Template Agreements:** Ms. Elder provided a list of agreements signed pursuant to NSRB authority, including Electronic Government Service Level Agreements, PayPort Addendums, a Citizen Payment Processing Addendum, and two Termination Agreements.

**Agenda Item 12.b. Review of Project Status Reports:** Ms. Elder presented information related to the status of various active projects based upon feedback from local and state government partners, including the AOC.

**Agenda Item 12.c. Ernst & Young LLP Audit for Nebraska Interactive – Years ended December 31, 2022, and 2021.**

Ms. Elder stated that the audit had been referred to the Finances Review Subcommittee, and the NSRB can anticipate an agenda item for the next NSRB meeting to accept the audit. Auditor Foley stated that he prepared a chart of Tyler Nebraska’s revenue based upon information in the audit.

Mr. Foley also stated the importance of moving forward with a Request for Information to determine who has the ability to perform the type of work that Tyler Nebraska provides for the State of Nebraska.

### **Agenda Item 13. NEBRASKA INTERACTIVE REPORTS**

Agenda Item 13.b. was presented prior to Agenda Item 13.a.

#### **Agenda Item 13.b. Project Priority Report**

Jay Sloan provided a summary of the Project Priority Report, including work completed updating websites for newly elected officials, several local payment implementations, and work for the AOC and the Department of Motor Vehicles.

Mr. Foley moved to accept the Project Priority Report, seconded by Mr. Richards.

Voting For:	Evnen	Hilgers	Foley	Olsen	Gerlach
	Murante	Richards	Weir	Kelly	

Voting Against: None

The motion carried.

**Agenda Item 13.a. Review April 20, 2023, Network Outage**

Mr. Sanders addressed the network outage on April 20, 2023, and stated that there is a technical aspect and human aspect. Jeff Marsh, Senior Director of Technology for the Infrastructure and Hosting Team addressed the technical aspect of the outage. Mr. Marsh shared that Tyler has been working to automate the failover processes. Regarding AT&T, the internet circuit is two cables with the same point of presence. A boring unit took both circuits out. AT&T would be delivering a diverse point of presence circuit, which should be up and running soon.

Mr. Sanders shared that the outage was about 3 hours, and that the duration had more to do with a delay in decision making, rather than a technical issue. Tyler Nebraska is adjusting to have the failover occur more automatically in the future.

Mr. Weir asked if Tyler Nebraska is running to both datacenters simultaneously. Mr. Sanders indicated they are running to two datacenters simultaneously, with one being primary.

Mr. Hilgers stated that 2 hours to make a decision to failover is a lot of hesitancy and asked what happened in those 2 hours. Mr. Sanders stated he went minute by minute through the day, but the team had not done a failover of this environment in the middle of the day. There was concern about loss of data. Mr. Sanders shared that Mr. Toner had recommended that Tyler Nebraska have a written policy regarding when to fail over.

The Chairperson stated that the contract provides for a penalty of \$2,000 per hour for each hour over 2 hours. If in the judgement of the NSRB, this is the fault of Tyler Nebraska, the NSRB has the authority to impose a penalty of \$2,000. The Chairperson stated that the failover should have been completed within the two hours, and Tyler Nebraska is working on its response when these events occur.

Mr. Foley moved to assess a \$2000 penalty, seconded by Mr. Richards.

Voting For:	Evnen	Hilgers	Foley	Olsen	Gerlach
	Murante	Richards	Weir	Kelly	

Voting Against: None

The motion carried.

**Agenda Item 13.c. General Manager's Report**

Mr. Sanders mentioned important work completed by Tyler Nebraska, including updating websites at no cost for incoming elected officials. Mr. Sanders also highlighted the DMV's online services and Tyler Nebraska's work to help them identify and prevent fraud.

Mr. Sanders stated that Tyler still owes the NSRB a Business Plan, and based upon action today, they will be better able to revise and present the Business Plan.

**Agenda Item 14. DATE FOR NEXT MEETING.** The Chairperson announced the next regular meeting of the NSRB is expected to be held in September or October at the 12<sup>th</sup> and N Street location.

The Chairperson acknowledged Tyler's presence at the meeting and thanked them for taking the time to attend, in addition to the representatives of the AOC and the Department of Agriculture.

**Agenda Item 15. ADJOURNMENT.**

Mr. Murante made a motion to adjourn, which was seconded by Mr. Hilgers.

The Chairperson requested all in favor to say aye.

The motion carried.

The meeting adjourned at 11:46 AM.

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

11/2/2023  
\_\_\_\_\_  
Date



## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of November 2, 2023

**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 9:03 a.m. on November 2, 2023.

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

Robert Evnen, Secretary of State, State Records Administrator and Chairperson  
Lt. Governor Joe Kelly, representing the Governor  
Jason Jackson, Director of Administrative Services  
Josh Shasserre, representing the Attorney General  
Mike Foley, Auditor of Public Accounts  
Jason Walters, representing the State Treasurer  
David Richards, representing the Libraries  
Walter Weir, representing the General Public  
Beau Reid, representing the Insurance Industry

Absent: Cody Gerlach, representing the Media

Vacant member positions:

Representative the Banking Industry  
Representative the Legal Profession

Staff in attendance:

Libby Elder, Executive Director, NSRB  
Tracy Marshall, Recording Clerk  
Colleen Byelick, Chief Deputy Secretary of State and General Counsel

**Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT.** 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 on the table by the entrance.

**Agenda Item 3. NOTICE OF MEETING.** The Chairperson announced that public notice of the meeting was duly published in the Lincoln Journal Star on October 5, 2023, and on the State's public meeting calendar website. The public notice and proof of publication relating to the meeting would be 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. Jackson moved to approve the agenda as presented. Mr. Weir seconded the motion. There was no further discussion.

Voting For:	Evnen Richards	Shasserre Weir	Foley Kelly	Jackson Reid	Walters
Voting Against:	None				
Not Voting:	Gerlach				

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.** The Chairperson asked for a motion to approve the minutes of the July 27, 2023, meeting. Mr. Kelly moved to approve the minutes as presented. Mr. Richards seconded the motion.

Voting For:	Evnen Weir	Shasserre Kelly	Foley Reid	Walters	Richards
Voting Against:	None				
Not Voting/Abstain:	Gerlach	Jackson			

The motion carried.

**Agenda Item 6. APPROVAL OF FINANCIAL REPORT.** Libby Elder, Executive Director for the NSRB provided a summary of the June 30, 2023, Cash Fund Balance Report. Mr. Kelly moved to approve the financial report. Mr. Jackson seconded the motion. There was no further discussion.

Voting For:	Evnen Richards	Shasserre Weir	Foley Kelly	Jackson Reid	Walters
Voting Against:	None				
Not Voting/Abstain:	Gerlach				

The motion carried.

**Agenda Item 7. PUBLIC COMMENT.** The Chairperson asked if anyone wished to provide public comment to the NSRB. No member of the public 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 agreements signed pursuant to NSRB authority, including Electronic Government Service Level Agreements, PayPort Addendums, Statements of Work, and a Termination Agreement.

**Agenda Item 8.b. Review of Project Status Reports:** Ms. Elder presented information related to the status of various active projects based upon feedback from local and state government partners.

**Agenda Item 9. Accept the Ernst & Young LLP Audit of Nebraska Interactive, LLC – Years ended December 31, 2022, and 2021.**

Mr. Foley reported that the Finance Subcommittee reviewed the audit report, which was submitted in accordance with the NSRB's contract with Nebraska Interactive, LLC dba Tyler Nebraska. The Finance Subcommittee recommended acceptance of the audit report for year ending December 31, 2022.

Voting For:	Evnen	Shasserre	Foley	Walters	Richards
	Weir	Kelly	Reid	Jackson	

Voting Against: None

Not Voting/Abstain: Gerlach

The motion carried.

**Agenda Item 10. Presentation by Nebraska Interactive LLC dba Tyler Nebraska**

Tyler Nebraska presented information on the progress of technical infrastructure upgrades, the application migration plan, and using Pantheon for cloud hosting.

Mr. Bob Sanders, Vice President of State Enterprises for Tyler Technologies reported that the NSRB would be seeing new technology, new processes, new engagement, and completion of new project work.

Mr. Tanner Hughes, General Manager for Tyler Nebraska, stated that Tyler Nebraska is invested in bringing new value to Nebraska, bringing in the voice of the customer, and having a flexible and feasible plan for moving forward with planned outcomes.

Mr. Jay Sloan, Director of Operations for Tyler Nebraska, provided an update on technical infrastructure upgrade work, including progress on moving the Department of Agriculture's applications to Application Platform, powered by Entellitrak, in addition to adding enhancements. Mr. Sloan also presented information on Tyler Nebraska's work with agencies to assist them in determining their path forward. Following a question-and-answer session, a majority of the agencies have decided to move forward with Application Platform, while Administrative Office of the Courts and the State Electrical Division are still considering options.

Mr. Sloan presented a report on the migration work and indicated that some project completion dates may need to be adjusted to incorporate enhancements in the work for these agencies.

Ms. Natalie Erb, Senior Project Manager, provided information on Nebraska Project Hub, a new system to be used to capture the voice of the customer to help ensure Tyler Nebraska understands project needs.

Mr. Sloan discussed progress on moving 112 applications from AppEngine to Engagement Builder. Tyler Nebraska again hosted a question-and-answer session with partner agencies to receive their questions and feedback. Tyler Nebraska has obtained blanket approval from the OCIO Cloud Board to move 77 of the 112 applications to Cloud hosting. The next group of applications will go individually through the OCIO Cloud Board.

Mr. Sloan discussed a new project for the DMV, using Engagement Builder, which will assist with managing the process for motorcyclists to document completion of a safety course to ride without a helmet.

Mr. Bruce Rice, Director of Development, discussed the history of Tyler Nebraska's use of Drupal and Tyler Nebraska's plan for improving website hosting and upgrades through use of Pantheon. Mr. Rice shared that Tyler Nebraska sought partner agency feedback. There was discussion of the security of Pantheon, and Tyler Nebraska's approval from the OCIO Cloud Board to move websites to the Cloud.

Mr. Hughes discussed the timeline for Tyler Nebraska's planned accomplishments, which has been developed to incorporate enhancements and to work around partner availability.

There was discussion of hosting in the AWS cloud, the difference between low-code/no-code solutions and custom development, and modifications that would be made to the written progress reports to align with Tyler Nebraska's planned accomplishments, including NSRB awareness of partner work that has been on hold.

*Break: 10:05 am – 10:12 am*

#### **Agenda Item 11. Request for Information (RFI)**

The Chairperson explained that the NSRB adopted a resolution at the March 2023 meeting to publish a request for information to determine what companies might be interested development of electronic government services applications. At that point, Tyler Nebraska was working on the Grails upgrade and there was a degradation in service for partner agencies. To address application needs, the NSRB would pursue the RFI and reinvigorate the grant process to help agencies pay for development.

The Chairperson explained that since that time, Tyler Nebraska has made many changes and has a plan for moving forward. The Chairperson stated that the course of action should be to allow Tyler Nebraska to prove out their plan, and not to pursue, in a rush, the RFI.

Mr. Foley stated that 25 years ago there were very few companies that knew how to build applications for the portal, but now hundreds and hundreds of companies do this work. Mr. Foley stated that he wants the NSRB to live up to the motion in March of 2023.

There was discussion of the need for redundant providers, and how many providers the NSRB would want to manage. There was also discussion of the distinction between determining who could perform all functions Tyler Nebraska performs and who else could build applications. It was clarified that the motion made in March of 2023 was for an RFI for development of electronic services applications.

The Chairperson stated that an RFI for application development would be issued, and a presentation would be given on the availability of electronic government services.

Mr. Foley stated that the RFI needs to be widely distributed and people should have a lengthy time to respond. The Chair stated the NSRB will follow customary practices in completion of the RFI.

There was discussion regarding the RFI covering all services, instead of just applications. The Chairperson indicated the motion passed by the NRSB was for a RFI for applications, and that is what would be prepared.

*Mr. Reid left 10:57 am returned 10:59 am*

#### **Agenda Item 12.a. Project Priority Report**

Jay Sloan provided a summary of the Project Priority Report for work completed in Quarter 2 of 2023. Mr. Sloan highlighted a project for the DMV, which assists in preventing fraud by verifying the identity of individuals completing actions regarding their driver's license. Mr. Sloan also highlighted a project for the Administrative Office of the Courts regarding electronic signing of orders. Mr. Kelly moved to accept the Project Priority Report, seconded by Mr. Shasserre.

Voting For:	Evnen	Shasserre	Foley	Walters	Richards
	Weir	Kelly	Reid	Jackson	

Voting Against: None

Not Voting/Abstain: Gerlach

The motion carried.

**Agenda Item 12.b. Review June 11-12, 2023, Payment Processing Outage and Determine Whether to Assess a Penalty to Tyler Nebraska**

Mr. Hughes referenced a letter regarding three outages in June. On June 11-12, Tyler Nebraska experienced a partial outage of payment processing for county and city users of certain over-the-counter payment processing equipment. The cause was an expired security certificate, which was the responsibility of Tyler Technologies, Inc. The total outage was 18 hours and 33 minutes. However, county and city offices are open at 8:00 AM on Monday morning, and if the certificate had been renewed prior to 8:00 AM, there would have been no issue. The Chairperson indicated that the services were out from 8:00 AM to 1:30 PM and suggested that Tyler Nebraska be assessed a fine for 5.5 hours at \$2,000 per hour for a total of \$11,000.

Mr. Reid made a motion to assess a \$2000 penalty for each hour, with such penalty totaling \$11,000, seconded by Mr. Weir.

Voting For:	Evnen	Shasserre	Foley	Walters	Richards
	Weir	Kelly	Reid	Jackson	

Voting Against: None

Not Voting/Abstain: Gerlach

The motion carried.

*Mr. Kelly left 11:08 am returned 11:11 am*

**Agenda Item 12.c. Review June 21, 2023, Site-to-Site Service Outage and June 28, 2023, Network Outage**

Mr. Hughes stated that on June 21<sup>st</sup>, Tyler Nebraska had a site-to-site VPN outage from 6:00 AM to 9:00 AM. It began during non-peak hours, so Tyler Nebraska had 3 hours to recover, and did so within that timeframe. The outage was resolved within the allocated timeframe so there was no action for the NSRB. The June 28, 2023, outage was summarized in the outage letter, but was not further discussed.

**Agenda Item 12.d. General Manager's Report**

Mr. Hughes discussed bringing new value to the State of Nebraska. There was discussion of work for the Nebraska State Patrol.

Mr. Jackson requested information from Tyler Nebraska regarding Tyler's approach to ESG due to increasing skepticism with companies involved in ESG at odds of shareholder or taxpayer return.

**Agenda Item 13. DATE FOR NEXT MEETING.** The Chairperson announced the next regular meeting of the NSRB will be held December 14, 2023, at the 12<sup>th</sup> and N Street location.

**Agenda Item 14. ADJOURNMENT.**

Mr. Foley made a motion to adjourn, which was seconded by Mr. Richards.

The Chairperson requested all in favor to say aye.

The motion carried.

The meeting adjourned at 11:15 AM.



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

12/14/2023

Date



## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of December 14, 2023

**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 9:01 a.m. on December 14, 2023.

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

Robert Evnen, Secretary of State, State Records Administrator and Chairperson  
Lt. Governor Joe Kelly, representing the Governor  
Adam Kauffman, representing the Director of Administrative Services  
Josh Shasserre, representing the Attorney General  
Mike Foley, Auditor of Public Accounts  
Tom Briese, State Treasurer  
Walter Weir, representing the General Public

Absent: Cody Gerlach, representing the Media  
David Richards, representing the Libraries  
Beau Reid, representing the Insurance Industry

Vacant member positions:

Representative the Banking Industry  
Representative the Legal Profession

Staff in attendance:

Libby Elder, NSRB Executive Director  
Tracy Marshall, NSRB Recording Clerk  
Colleen Byelick, Chief Deputy Secretary of State and General Counsel

**Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT.** 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 on the table by the entrance.

**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, 2023, and on the State's public meeting calendar website. The public notice and proof of publication relating to the meeting would be 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. The Chairperson stated that he would like to adjust the order of discussion to discuss 8d. before 8c. Mr. Weir moved to approve the agenda with the agenda order adjusted to discuss item 8d before 8c. Mr. Shasserre seconded the motion. There was no further discussion.

Voting For: Evnen Shasserre Kauffman Briese Weir  
Kelly

Voting Against: Foley

Absent: Gerlach, Richards, Reid

The motion carried.

Prior to moving to Item 5, Secretary Evnen introduced State Treasurer, Tom Briese, as a new member of the NSRB.

**Agenda Item 5. APPROVAL OF MINUTES.** The Chairperson asked for a motion to approve the minutes of the November 2, 2023, meeting. Mr. Weir moved to approve the minutes as presented. Mr. Shasserre seconded the motion.

Voting For: Evnen Shasserre Foley Kauffman Weir  
Kelly

Voting Against: None

Absent: Gerlach, Richards, Reid

The motion carried.

**Agenda Item 6. APPROVAL OF FINANCIAL REPORT.** Libby Elder, Executive Director for the NSRB provided a summary of the September 30, 2023, Cash Fund Balance Report. Mr. Briese moved to approve the Cash Fund Balance Report. Mr. Kelly seconded the motion. There was no further discussion.

Voting For: Evnen Shasserre Foley Kauffman Briese  
Weir Kelly

Voting Against: None

Absent: Gerlach, Richards, Reid

The motion carried.

**Agenda Item 7. PUBLIC COMMENT.** The Chairperson asked if anyone wished to provide public comment to the NSRB. No member of the public 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 agreements signed pursuant to NSRB authority, including Electronic Government Service Level Agreements, PayPort Addendums, a Statement of Work, and an amendment to a Statement of Work.

**Agenda Item 8.b. Review of Project Status Reports:** Ms. Elder presented information on the status of various active projects based upon feedback from local and state government partners.

**Agenda Item 8.d. Presentation regarding the Portal and Electronic Government Services**

The Chairperson introduced Agenda Item 8d and provided information on the revenue model that has been in place with the NSRB's vendor for many years. The revenue model provides funding for the Nebraska.gov website, which connects to state agency services. Many of those services are provided by the NSRB's vendor through no cost application development and hosting services for state agencies. The portal is funded by portal fees paid by individuals who complete transactions online. Customers can go into agency offices or utilize the online services. State agencies have the choice of whether to use the NSRB's vendor.

Mr. Foley stated that state agencies are increasingly not getting their work done for free, and the revenue model is breaking down. Further, state agencies do not have enough information on other options available to them.

Ms. Elder presented information regarding the responsibilities of the NSRB, the selection of the current network manager, the current network manager contract, the network manager's responsibilities, the self-funding nature of the portal, agency use the NSRB's contract/network manager's services, agency use of other vendors for services that involve customer interaction, and information regarding what other states are doing to provide online government services to their citizens. Ms. Elder presented options to the NSRB to consider when moving forward, including completion of the RFP process, extension of the contract with Nebraska Interactive, LLC dba Tyler Nebraska ("Tyler Nebraska") for up to 30 months, use of the OCIO office for some services, or exploring use of a National Association of State Procurement Officials ("NASPO") contract to obtain services.

The Chairperson stated that the NSRB would reserve time in March to discuss the revenue model and whether to proceed with a Request for Proposals ("RFP"). Mr. Foley stated that he has done some of this research as well. He indicated that a number of other states require that applications be hosted on their servers. There was discussion regarding the portal splits in other states and this being the appropriate time to begin discussing an RFP process.

**Agenda Item 8.c. Status of Request for Information ("RFI") for Electronic Government Services Applications**

The Chairperson explained in March, the NSRB adopted a resolution to issue an RFI. The RFI has been prepared in conjunction with DAS and has been provided to Mr. Foley for review. Several Mr. Foley's concerns were incorporated into the RFI. The RFI is ready for release, and it addresses questions regarding vendor ability to develop and host applications, and ability to develop applications on low-code or no-code platforms, like Tyler Technologies, Inc.'s Entellitrak platform.

Mr. Foley presented his concern with asking companies to share their knowledge of Entellitrak, as he wants companies to share what they can offer to the State of Nebraska.

The Chairperson stated that it is our understanding that there are third-parties certified to develop using Entellitrak. The RFI asks vendors to provide information on what they can provide to the State of Nebraska, in addition to inquiring about their ability to use Entellitrak.

There was no further discussion.

**Break 9:50 ended 9:58**

**Agenda Item 9. NEBRASKA INTERACTIVE, LLC dba TYLER NEBRASKA REPORTS**

**Agenda Item 9.a. Project Priority Report**

Natalie Erb provided a summary of the Project Priority Report for the 3<sup>rd</sup> quarter of 2023, highlighting projects in progress and projects completed, with emphasis on projects for the Department of Motor Vehicles, the University of Nebraska Medical Center, the Motor Vehicle Industry Licensing Board, and work modernizing the payment checkout using a Tyler Technologies, Inc. common checkout page, known as CCP.

There was discussion of the DMV's use of Fast Enterprises, LLC as a backend vendor, and movement of the motor vehicle registration system from Tyler Nebraska to Fast Enterprises. Tyler Nebraska will still provide payment processing services for the DMV for such system.

There was also discussion of the Lexis Nexis Fraud Detection Service project for the DMV. Mr. Kelly moved to accept the Project Priority Report, seconded by Mr. Shasserre.

Voting For:	Evnen Kelly	Shasserre Kauffman	Foley	Briese	Weir
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Voting Against:	None
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Absent:	Gerlach, Richards, Reid
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The motion carried.

**Agenda Item 9.b. Status of Technical Infrastructure Upgrades, Migrations and Enhancements**

Mr. Hughes presented information on Tyler Nebraska's modernization work in the last six weeks, which is currently on track. Tyler Nebraska is five percent (5%) complete with the overall Application Platform migration. The first Tyler Nebraska application platform project has been launched with the Department of Agriculture. Tyler Nebraska is currently ahead of schedule with the Application Platform work.

Tyler Nebraska is eight percent (8%) complete with the Engagement Builder work, and the first nine applications have been launched.

Regarding Pantheon, Tyler Nebraska has begun movement of websites to Cloud hosting through Pantheon.

**Agenda Item 9.c. Business Plan**

Mr. Hughes presented the 2024 Business Plan, beginning with a discussion of existing services. Tyler Nebraska plans to modernize to bring new value to State agencies. Tyler Nebraska will be updating payment processing devices and is prepared for compliance with the updated PCI standards. Mr. Hughes discussed staffing, indicating that Tyler Nebraska has a full staff. Ms. Erb will be taking on some of the project management responsibilities, with Mr. Sloan focusing more on marketing. Mr. Hughes discussed plans for portal growth including offering Tyler Technologies, Inc. products and services. The Business Plan does not include financial information due to Tyler Technologies, Inc. being publicly traded, but this information will be provided when available.

There was discussion of the use of the word “refactoring” and concern that it does not represent modernization and instead represents restructuring existing code.

There was discussion regarding how Tyler Nebraska decides whether to charge for work under a Statement of Work, and when the work is performed at no additional cost. The Chairperson stated he plans to fully develop that information at the next NSRB meeting.

There was discussion of Tyler Nebraska’s capital costs in updating the payment processing equipment.

Mr. Weir requested information regarding the use of the word “refactoring” in the Business Plan, and indicated it is not clear to him what is happening to each application to make them current.

Mr. Shasserre moved to accept the Business Plan with Tyler Nebraska’s commitment to provide financial information before the next NSRB meeting, seconded by Mr. Evnen.

Voting For:	Evnen	Shasserre	Briese	Kelly	Kauffman
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Voting Against:	Foley
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Not Voting:	Weir
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Absent:	Gerlach, Richards, Reid
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The motion failed.

There was discussion regarding the NSRB expectations of the Business Plan, as the NSRB has a responsibility to approve the Business Plan. Mr. Weir indicated that he was not comfortable with the use of the word refactoring, and did not believe that Tyler Nebraska has made it clear how they plan to upgrade applications, including details on writing code, redoing plug-ins, integration testing, user testing, etc. Mr. Weir agreed to meet with Tyler Nebraska in advance of the March NSRB meeting to work through any concerns.

#### **Agenda Item 9.d. General Manager’s Report**

Mr. Hughes presented information on the launch of the Application Platform application for the Department of Agriculture in November, along with several enhancements, which were added to the application. Mr. Hughes also presented information on an e-signature project for the Administrative Office of the Courts.

There was a discussion of information gathered through customer satisfaction surveys, and Tyler Nebraska following up on instances when scores are lower than desired.

There was discussion regarding the savings to the State of Nebraska in connection with the e-signature project.

**Agenda Item 13. DATE FOR NEXT MEETING.** The Chairperson announced the next regular meeting of the NSRB will be held in March 2024 at the 12<sup>th</sup> and N Street location.

#### **Agenda Item 14. ADJOURNMENT.**

Mr. Foley made a motion to adjourn, which was seconded by Mr. Shasserre.

Voting For:	Evnen	Shasserre	Foley	Briese	Weir
	Kelly	Kauffman			

Voting Against:       None


Not Voting/Abstain: Gerlach, Richards, Reid

The motion carried.

The meeting adjourned at 11:17 AM.



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



Date