

Information Network of Kansas Board Meeting Minutes

April 2021 INK Board Meeting April 1, 2021

Opening

A meeting of the INK Board was called to order via online videoconference in Microsoft Teams at 10:06 a.m. by INK Secretary Lucas Goff with the following members present:

Mark Burghart, Secretary of Revenue
Kate Butler, representing the Kansas Bar Association
Jennifer Cook, representing the Secretary of State
Jim Haugh, representing the Secretary of Commerce
Vicky Ortiz, representing the Kansas Library Association
Tom Sloan, representing the Kansas Rural Water Association
Kristy Wilson, representing the Kansas Association of Independent Insurance Agents
Glen Yancey, representing the Executive Branch Chief Executive Technology Officer

Others Present

Tim Shultz, INK Board Counsel; Duncan Friend, Information Network of Kansas; Nolan Jones, Ashley Gordon, and James Adams, Kansas Information Consortium, LLC.

Consent Agenda

The Consent Agenda for the meeting included the draft minutes for the March 4, 2021 INK Board meeting, the March 2021 Network Manager report, contracts for an over-the-counter service which will allow government agency constituents to pay for government services using credit cards at government agency locations and receive confirmation of payment (KanPay Counter) for the City of Maple Hill, City of Quinter, and the Saline County Health Department. Development of the INK application for this service is at no cost to the contracted government agencies. This is a fee service. The final item was a contract between the Kansas Department of Revenue, the Information Network of Kansas, and Datalink Services, Inc. using the contract template previously approved by KDOR/INK that enabled purchase of Motor Vehicle Records through INK using fee schedules previously approved by KDOR/INK.

Action Taken: Sloan moved to approve the items on the Consent Agenda, seconded by Yancey. The motion was unanimously approved.

Regular Agenda

Regular Business

1) Possible New Board Member Introduction (or) Appointments Update

Friend said that he had been corresponding with a representative from the Governor's Appointments Office and that an appointment for the final board position was imminent. Due to logistics, he'd said that he'd preferred they name the person either a few days before the board meeting or right after due to the logistics of the Oath of Office and establishing their availability to attend the meeting. So, he expected that they had chosen to do so after, but there definitely should be a new member appointed by the May meeting.

Action Taken: None.

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2) Contracts for 2020 Calendar Year Financial Audit

Friend explained that there were two contracts in the Board packet that he put on the regular agenda to make sure all the members, especially those that were newer, were briefed on it. BTandCo – Berberich Trahan in Topeka – was the firm that would be conducting the annual financial audit this year. The rates were the same as they had been the past several years. Friend then went on to explain the audit process at a high level. There are two activities, a financial audit and an agreed-upon-procedures (AUP). Both audits, looking at the financial statements and operations for calendar year 2020 – the INK fiscal year – usually begin in June. The first audits the financial statements, the second tests a selection of transactions to ensure that INK is adhering to their legal requirements for its contracts with data providing entities to collect the correct fees and remit them in a timely manner in compliance with the terms. This is all done in cooperation with KIC staff, NIC staff, and the INK accountants. To re-emphasize, other than INK expenses of the Board, like mileage reimbursement or attorney fees, financial transactions (receipts and expenses) are being reported by KIC and flow onto INK's financial statements. What comes out of the process, hopefully, is audited financial reports that then are transmitted and included in the State's Comprehensive Annual Financial Report (CAFR). While INK has always qualified as a component unit of state government, the reporting of its results on the CAFR has only occurred since Friend has been here, starting about five years ago.

To-date, he is not aware of INK ever having a qualified opinion or whatever it is called now with regard to any problems with the audit or results.

Action Taken: Sloan moved to approve the contracts, seconded by Cook. The motion was unanimously approved.

3) INK / KIC Contractual Matters

Goff asked if there was any discussion before moving into Executive Session. Friend responded that he didn't think so and recapped the process for the members.

Action Taken: Hearing no further discussion, at 10:16 a.m., Goff moved to recess the board meeting of the Information Network of Kansas into executive session. The subject of the executive session will be to discuss matters related to the master contract between the Information Network of Kansas and the Kansas Information Consortium, LLC and other matters of attorney-client privilege pursuant to K.S.A. §75-4319(b)(2) of the Kansas Open Meeting Act which authorizes consultation with attorneys on matters that would be deemed privileged under the attorney-client privilege. The open meeting will be reconvened via the current Microsoft Teams video conference at 10:37 a.m. and that the attendees of the executive session shall be the board members or their proxy representatives, Board Counsel, and the Executive Director. Seconded by Yancey. No further discussion. Motion passed unanimously.

The Board returned from Executive Session at 10:37 a.m. No action was taken during the Executive Session, but Goff indicated that the Board would like to return to Executive Session to continue discussion with their attorney.

Action Taken: Hearing no further discussion, Goff moved at 10:37 a.m. to recess the board meeting of the Information Network of Kansas into executive session. The purpose of the executive session will be to discuss matters of attorney-client privilege related to contracts

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pursuant to K.S.A. §75-4319(b)(2) of the Kansas Open Meeting Act which authorizes consultation with attorneys on matters that would be deemed privileged under the attorney-client privilege. The open meeting will be reconvened via the current Microsoft Teams video conference at 10:50 a.m. and that the attendees of the executive session shall be the board members or their proxy representatives, Board Counsel, and the Executive Director. Seconded by Sloan. No further discussion. Motion passed unanimously.

The Board returned from Executive Session at 10:50 a.m. Goff stated that no action was taken during the Executive Session and opened the floor for any motions to be made.

Action Taken: Yancey moved that as a result of the Executive Session and a review of the Secretary of State-related outage on January 31, 2021 through February 5, 2021 that the Board concur with the recommendation of Board legal counsel for no penalty to be assessed to KIC. Seconded by Goff. There was no further discussion. The motion was approved unanimously.

Goff asked the members if there were any other motions with regard to the Executive Session discussion.

Action Taken: Sloan moved that, based on conferring with board counsel in the Executive Session, no fine will be assessed to KIC for the credit card services outage on February 26, 2021. Seconded by Yancey. There was no further discussion. The motion was approved unanimously.

Goff again asked the members if there were any other motions with regard to the Executive Session discussion.

Action Taken: Sloan moved that, based on client-attorney conversation during Executive Session, the INK Board attorney send a letter to the NIC attorney with whom he has had a working relationship expressing INK's opinion on non-compete issues as NIC and Tyler are going forth with their combination.

Discussion: Goff said that he would like to have further discussion on the motion based on the previous conversation with Counsel. He asked if Sloan would be interested in making a statement to the fact that the Board would ask that attorney to notify them that the Board wants to have or continue to have those discussions as timely as possible, versus, perhaps, stating the direction of the conversation. Sloan responded that this was fine if it was the Board's will.

Friend asked Shultz if he felt comfortable with the content of the letter based on what he had heard so far, in terms of what it would be, as he was trying to take minutes and wanted to make sure he had what he needed – the question of whether the letter would address timeliness or what was desired. Shultz responded his understanding was timeliness, that they wanted to conversation as soon as they could have it. Sloan asked "Shouldn't the timeliness be tied to the issue?" Shultz responded in the affirmative and Sloan agreed.

Action Taken: Goff seconded the motion unchanged. There was no further discussion. The motion was approved unanimously.

4) 2021 INK Business Plan Initiatives: State Home Page Update

Friend introduced this agenda item, deferring the presentation to Jones and Adams. The 2021 Business Plan contains an initiative to review and update the State Home Page and associated content at <http://www.kansas.gov> and this presentation was to discuss the proposed approach moving forward for the interest of and any advice from the Board. James Adams introduced himself as the head of technology for KIC. There were some difficulties with him being able to present his slide deck, so he talked the members through the presentation without that. He began by saying that the overall intent was to talk briefly about what had been done in the past, what was going on today, and then discuss what they planned to do in the future. He related that he had been with KIC for 17 years and this would be the 10th portal redesign for Kansas.gov that he has worked on.

Note: Butler left the meeting at 11:01 a.m.

He began by explaining the current home page design and that it focused on search in response to seeing users having difficulties in finding the content they were looking for. The current page received about 1.2 million page views last year. In addition, about 40% of that was mobile. Their current approach is to design everything to make sure it works on the popular mobile platforms first. Adams then defined two terms, redesign – working on the look, colors, fonts, etc. – and realignment, which would be focusing on the purpose. They would address both in the 2021 work. His proposal for the 2021 upgrade was to move to a more audience-based organization of the experience.

Adams then addressed the timeline. He felt based on their experience, it can be done very quickly. It can be more methodical and solicit a lot of agency feedback. And, if the board members had people they wanted to send INK's way to help with that, it would be very welcome. Having said that, there are two approaches they can you: 1) Gather significant feedback upfront and produce something by, perhaps, the end of June, or 2) He was also confident that he could produce something iterative and even faster and have something by the end of April. It would still be solid and very good, but not as fleshed out as the other approach. Using this approach, they would continue to gather feedback and work to improve it through May, continue to roll out features, and then gather feedback, going through an iterative process with something final at the end of June.

Friend interrupted and asked Sloan, who had suggested he'd had come conversations with people about this, whether he had some sense of the timing preferred here. Sloan responded that he believed what Adams was suggesting was that a first, updated version at the end of April, a second one at the end of May, and a final version at the end of June is appropriate. It would give opportunities for both users and agencies to provide feedback about the direction. So, he likes the proposal.

Friend didn't know if the other board members had any feedback and deferred to Goff to continue the discussion. Cook indicated she had a question. Adams had said that about 40% of traffic is mobile – how has that changed since the design was done in 2019, where it sounds like maybe that first design was done with mobile in mind? Adams responded that this was a great question. There had actually been pretty significant mobile traffic on the portal for 6-7 years. It has probably one up incrementally a bit over the last 3-4 years. Friend added that he thought it was important to understand from a user experience perspective that the experience people were having was not the “desktop view” of images and the site – no longer is it the field of sunflowers on a 24- or 21-inch screen. Everyone probably knows that, but with different levels of sophistication, including more than himself. He continued that – while Adams hadn't yet mentioned it,

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often in information delivery, we talk about the users' intention and searching for what they want. However, often, the government itself has a message they want to get out that needs a way for it to be delivered outside of searching – about COVID, CARES act, or changes in Annual Reports, for example, so that's part of the design, too. Goff asked if there was any more discussion. Seeing none, he moved on to the next item on the agenda.

Action Taken: None.

5) Network Manager Report – Jones

Jones began by talking about recent Amber Alerts. He followed by discussing “Telegov”, a new solution developed by the Maryland operation that Jones and the team had demo'd to Kansas Department of Revenue the previous week. It is a web-based tool to help citizens schedule meetings with government agencies instead of just walk-ins. It is now used in a number of states, West Virginia, Mississippi, Kentucky, and New Jersey, where it is used by their Department of Vehicles. The key thing is not so much the solution, but the model – in most instances, KIC is able to grab the solution at no cost and share it across their states. AppEngine to develop online forms is another example of this.

Friend responded that he had been able to be on the call with them and after seeing the product, they'd agreed it was something that they should come and show to the Board. The product has the ability not just to schedule a walk-in meeting, but a Microsoft Teams meeting as well. More agencies are apparently wanting to schedule visits given they may have people out of the office, or even virtual visits. It sounds like there are a number of different use cases so far in the other states.

Action Taken: None.

6) Grant Program – Update on Recent Activities, May Grant Application Round

Friend noted that the Board's traditional periods for grant application were in May and November, but in more recent times, he'd always understood it was to take all comers and respond whenever something came up as far as a grant request. As a reminder, the 2021 budget approved for grants set back in January by the Board was around \$650,000, although there are more funds that could be granted. He had been working with Sloan on contacting some people in the areas of water, as Sloan was the representative from the Kansas Rural Water Association and had many connections. Friend had been interested in expanding INK investments in natural resources information / data so they had been talking to various groups to solicit grant proposals over the last month. There had also been some conversations about Broadband which INK has provided grant funding for before, to the tune of over \$750,000. Friend had also had some follow up on a grant that the Kansas Department of Education had been interested in before about teacher retention. The person in charge of their statewide teacher licensing had approached him previously, but they'd fallen out of touch during COVID-19. Friend then asked Sloan if he had anything to add on the grant meetings they'd been involved in. Sloan recapped some of the upcoming meetings that were scheduled including Commerce and Biological Survey, in the hope of getting more water and other data available through them, over time moving to KDHE and the Water Office. And, he has provided Friend with some leads from the Rural Water Association on data that should be of interest to people like the One Call outfit, developers, and those who need to know who to contact. Friend reemphasized that he wanted to be a facilitator here, so if Board members had ideas or wanted to connect him with someone, he would be glad to help. Friend then closed the item by talking about some progress that was being made on a proposal he had

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worked with several people on a year ago; Deb Miller, former Secretary of Transportation; Susan Duffy of the Kansas Corporation Commission; Pat Hurley, a former Secretary of Administration, and Alan Conroy, former Director of Budget and Director of Legislative Research, now head of KPERS. What they held in common was that they were all associated with a Governor's Fellows program. This was a case where they would take master's students and run them through the Secretary of Administration's office and send them out into agencies to work. They would get credit, but also it was intended to start to build a bench. Friend became involved through conversations he had with Pat Hurley and Alan Conroy about this. He went out the Historical Society and did some research and then worked with them to outline a proposal to bring the program back. As part of that, Friend said that he did mention that while he couldn't make a commitment for the Board, it might be of benefit to INK. The idea was that if the Administration decided to revisit the program, when they structured it they could include some elements of evidence-based decision making, making public information available, and transparency – the kinds of things that INK does in its grant program. Then, when the individuals were out doing projects in the agencies that aligned with this, it could help serve INK's mission, increase awareness among future executives of INK's existence and mission, and, maybe, if they had good ideas, INK might be able to provide grants to help support them.

This proposal was forwarded to Secretary Burns-Wallace in fall 2019, but he recently got an email from Deb Miller that a member of her staff had contacted the group wanting to have a Zoom meeting to further investigate it. So, INK has a variety of things they can do in this area to support it. This would not be Friend getting interns, but people they would be trying to bring in, vetted by high-level government officials to help support and extend the mission of agencies and the idea would be to get a little piece in there so INK could get on the agenda for what they would do. Friend would keep the Board posted on this.

Action Taken: None.

7) **Review: Board Officer Nomination Process**

Friend quickly recapped this item. There was a motion made in January to hold off on electing officers until the rest of the Board members were seated after appointment by the Governor. However, the Board is now down to one officer, Goff, and it appears an appointment is imminent. And, since it is for his position, it is very possible the Board could go into the next meeting with no officers at all. So, he wanted to call that back to their attention to see what their pleasure was at this point. He then reviewed the three officer positions and what was entailed, noting that he had sent the descriptions out previously. He then addressed some of the drawbacks to not having a complete officer slate. He ended by outlining the normal process, per the by-laws, of how and when officers were elected. Normally a nominating committee is convened, they contact potential candidates, a slate is brought forward for an election in January, and then officers serve for one-year terms, and are usually user association – rather than state – representatives.

Sloan then spoke, indicating that he and Friend had had some discussions about this. His concern was that the Board could wind up at the next meeting without officers. So, his suggestion was that between today and next Thursday (April 8th), Board members would nominate themselves or another member for various offices. Friend would compile that list and send out to the Board within the second week of April, and then the Board votes electronically. If there are two or more individuals nominated, each would add a 100- word synopsis of who they are and why they would like the position, and the Board votes. Then, when they convene for the May meeting, officers would be in place. He continued that he felt it was important in terms of setting the agenda, and to the visibility or face of the organization, and, frankly, that he assumes the Board should be doing evaluations of the Executive Director as an employee of INK, but also of the

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attorney, as well as other organizations with whom the Board routinely interacts – and this can't be done without some sort of elected Board leadership.

Friend added for the Board's awareness that the previous board counsel had warned against voting by email due to Kansas Open Meetings Act concerns, so he'd want to talk with Shultz about the specifics of executing this, but he could hook up a phone call just as easily, he just wanted to add that small caveat.

Action Taken: Sloan moved that the process previously outlined – board member nominating themselves or others for officer positions and conveying those to Friend over the next week, then holding a virtual meeting the following week to elect officers of the Board – be approved. Seconded by Burghart. There was no further discussion. The motion was approved unanimously.

There was no new business. Goff closed the meeting by saying that he hoped that the Governor's office would make their appointment before the next meeting and he wanted to say that he'd very much enjoyed working with everyone on the Board. And, regardless of whether he was renominated or not, it had been a great experience for him and he very much appreciated the members' guidance and the opportunity to ride along with them in this process. It's been very enjoyable and he wants to thank everyone for that time.

Adjournment: Goff moved to adjourn the meeting at 11:35 a.m. Yancey seconded. The motion passed unanimously. The next regular meeting is scheduled for May 6.