February 2017 INK Board Meeting  
February 7, 2017

Opening
A meeting of the INK Board was called to order at 10:05 a.m. Tuesday, February 7, 2017 at 700 SW Harrison, 2nd Floor Executive Conference Room, Topeka, Kansas by Chairman Eric Rucker, representing the Secretary of State, which the following members present:

Matt Billingsley, representing the Secretary of Department of Revenue  
Lana Gordon, Secretary of Labor  
Scott Hill, representing the Kansas Bar Association  
Chuck Knapp, representing Jobs for America’s Graduates – Kansas (participating by telephone)  
Tom Tunnell, representing the Kansas Grain and Feed Association  
Gregg Wamsley, representing the Kansas Library Association  
Phil Wittmer, Executive Branch Chief Technology Officer

Other Present
Duncan Friend, Information Network of Kansas, Inc.; Shane Myers, Nolan Jones, James Adams and Ashley Gordon, Kansas Information Consortium, LLC; Scott Somerhalder, NICUSA; Kathy Sachs, Kansas Secretary of State’s office; John Yeary, INK Board Counsel. Guests included: John Thomson and Mike Plunkett, PayIt, LLC; Curtis Bears, Kansas State Treasurer’s Office.

Consent Agenda
The consent agenda for the meeting included the January 2017 INK Board minutes and January 2017 Network Manager Report, a contract with the Kansas Department of Aging and Disability Services, and Board expenses for approval.

**Action Taken:** Tunnell moved to accept consent agenda, seconded by Wamsley. Motion passed unanimously.

**Action Taken:** Billingsley moved to approve a KDADS (Kanpay) contract for approval, seconded by Tunnell. Motion passed unanimously.

**Action Taken:** Billingsley moved to approve the consent agenda expenses, seconded by Hill. Motion passed unanimously.

Regular Agenda

1. **2017 Board Officer Nomination Committee**

   Rucker told the Board that the committee, made up of himself, Knapp, and Billingsley had met. Rucker continued by polling the members proposed by the committee to confirm their agreement – Billingsley as Secretary, Wamsley as Treasurer, Knapp as Vice-Chair, and Rucker as Chair. He then asked the Board if there were any other nominations. There were none.

   **Action Taken:** Tunnell moved to adopt the committee recommendations: Eric Rucker as Chair; Chuck Knapp as Vice-Chair, Matt Billingsley as Secretary, and Gregg Wamsley as Treasurer. Motion seconded by Wittmer. Motion passed unanimously.
2. Network Manager Report

Myers opened his report by introducing the new Kansas general manager, Nolan Jones, and asked him to provide a quick background. Jones has been with the NIC parent company for a little over 10 years. Most recently, he started up the Louisiana portal where he spent two years. Prior to joining NIC, he worked with the State of Colorado in a variety of roles for almost 10 years, including head of Titling and Registration, Hearing Officer, and his last role was as the CIO for Colorado for Department of Revenue where he got to know NIC very well. He is very excited and looking forward to serving the Board. He has a strong passion for technology. He stated that he helped lead NIC into the first apps for mobile government, including the app for the FBI, ATF, then eventually the Secret Service and others.

Myers thanked everyone for their support and stated that it had been a privilege working with each and every one of those in attendance. He continued that he felt it had been a great partnership and that he had learned a lot from each of the members. He looked forward to the future with the State of Kansas as it is his home state. He re-emphasized that he was a Kansan and said that he looks forward to the new innovative things that come out of the Board and KIC.

Service Data Container / Service Builder. Myers noted that he had exciting news about the Service Data Container. While he realized this was in the 2017 INK Business Plan up for approval at the meeting, they had already been moving forward on it. Myers said that the concept had really come from back in early 2016 in the February meeting where they had begun to look at how to tackle making the maintenance work in the portfolio managed by KIC more efficient. At the time, this was mostly looking at “verification” applications. The approach had been to narrow their technology radar, and then reduce the technical debt or maintenance. The Service Data Container is now live – it is a module used to build services more efficiently. It uses a service-oriented architecture, flexible database, employs micro services via API generation – and more. Myers then shoed a demo of the product using the KDHE Dry Cleaners Verification.

The key is that this is built as a platform for use in looking at the inventory and looking for opportunities to rewrite applications to get them up-to-date in technology while taking a mobile first approach. Their review found that about 23% of service inventory is a potential candidate for this – a big chunk from the perspective of creating efficiencies in maintenance. They have built 4 since it launched last week that are live. The next step would be to reach out to the application owners and the agencies to solicit them to make the switch. Myers continued, saying it was really a huge win from looking at the maintenance inventory that he has been discussing with the board over the past year or so.

The final item Myers wanted to address was the NIC Partner Conference. He noted that he’d spoken about this at the last meeting, so he just wanted to give another quick reminder to save the date: April 4 - April 6 in Little Rock, Arkansas. Myers believes that rooms have to be booked by early March time frame. Myers knows Friend has mentioned in the past that this lands on a board meeting date - the 4th is actually an INK Board Meeting. He just wanted to extend the invite out to the Board again and stated that it is a great opportunity to connect with peers from other NIC States.

3. Portfolio Analysis Update

Myers doesn’t have many updates since they last met, but noted that with the departure of Tim Metz from the Board, there is an open spot on the committee. Right now, membership is made up of Hill, Friend, Gordon, and now Nolan Jones. Also, because there had been some leadership changes both on the KIC side and in the Board counsel representative, they had delayed meeting. So he assumes the contract review tasks will be rescheduled and move forward. Also, there were other two items that Myers spoken about last time to update the Board on. One was the District Court Record Search fee increase. They are still waiting on legal from OJA to review the contacts and
determine who needed to sign them at the District Court level. Second, they have kicked off the project with the Kansas.gov subscriber’s fee increase initiative. He believes that an April date for implementation is doable.

4. **INK Grant Applications (Legislative Audio Grant – Phase 2 Approval)**

Rucker asked Friend to provide background information on this item. Friend began by saying that he recognized that the members may not have had a chance to review the request, given that it was just provided to him this morning by the Legislature. However, he had forwarded it out via email, as well as provided copies in the packet and had hard copies with him if they were needed.

Basically, what happened is that there is a letter in the packet that was sent at the time of the award. They originally requested $199,000 to do 13 committee rooms. The Board came back and said that it would like them to do a little pilot and also wait until the new leadership came in to make sure that they had sponsorship for it, as it was quite an investment in interest in infrastructure to find out they weren’t supportive and shut it down or something like that.

So, the Legislature did put in the pilot, and the Board had said in its motion and the letter that once they had been through the pilot and shook it out a bit, the Board would like to have a little feedback on how that went and an indication that Leadership did support it. So, Friend continued, the folks from Legislative IT kept saying that it was going well and that Leadership supported it and that they wanted to proceed and would come back with a report and, at about 8:15 this morning, Friend received it. So, he put the letter with supporting documentation in the packet – it’s addressed to Rucker and the cover letter really explains things. Friend continued that he had been running around quite a bit to get prepared for the meeting and hadn’t had a chance to really examine it as it was kind of “late breaking.”

Friend pointed the members to the letter and read excerpt aloud, continuing that the letter said that the second phase of the project is to deploy streaming audio services to an additional 4 committee rooms, while the third phase will deploy streaming audio services to the final 5 committee rooms. He stopped to note that this 4, plus 5, when added to the initial 3 rooms was only 12 rooms, so he was not sure if that added up correctly. He continued reading from the letter, stating that the cost to implement streaming audio to 4 committee rooms for Phase 2 and Phase 3 is $43,200 per phase and asked the INK Board to consider allowing the Legislature to implement the remaining committee rooms in one final phase instead of two phases after the initial pilot project. Friend then said that they provide a little bit of status on how things have gone. Rucker stated that it was on the strength of how things had gone – and it seemed relatively problem-free – that the Board might look favorably on the proposals unless any board member had heard anything to the contrary.

**Action Taken:** Knapp (via phone) moved that the Board forward and grant the rest of the request. There was not a second, however, discussion ensued.

**Discussion**

Wittmer stated that he had just received the document before the meeting so he was polling his staff to see if there were any impacts to the network he should be aware of. Rucker said that the discussion could be paused, or there could be a second of the motion. Wittmer asked how the numbers compared to the original proposal.

**Action Taken:** Tunnel seconded the motion. Rucker noted that the Board now was officially into the discussion portion now that the motion had been seconded.

**Discussion (continued)**

Friend continued that the original had been $199,000 to do 13 rooms. They have $149,000 remaining after the $50,000 allocated to the pilot – and they have only billed $900 to-date of that. So, what remained was $149,000 of the original amount and they are requesting $86,400.
Friend said that, given that he understood that the Legislative CITO according to Terri Clark had retired on the 13th of last month, and – he isn’t being critical of it – but while this sounds right, he’d want to double check it as it was kind of done at the last minute. It is less than what they had asked for, so it is nothing to complain about, but he expressed that he just wanted to make sure there wasn’t something missing as it was significantly less. He said he could also step out and contact Terri if need be – he noted that Tom Day, the head of Legislative Administrative Services had offered to attend.

Rucker stated that he understands that this is a last-minute communiqué. He continued that it is one of those situations where he knows no more than what has been presented in the meeting. Obviously, as had been stated the amount is quite attractive in comparison to the initial approval of the $199,000 to fully fund the initiative. He continued that it appeared that the Board was in for a savings and he would like to take them up on their Phase 2 and Phase 3 implementation. He reaffirmed that there was a motion and second and asked the Board if there was further discussion. Knapp (by telephone) stated that he thought the project was 100% in alignment with the mission of the Information Network of Kansas and it was established by the Legislature, so he felt that it behooved the group to approve the request.

Wittmer then stated that, being the “IT guy” in the room, he had no opposition to it, he was just kind of surprised that victory was being declared this early on a pilot that hadn’t even deployed the “kill switch” functionality yet. That is a key piece of the thing and he would expect it would be fully tested before saying “let’s go.” He restated that it was just his perspective as the IT guy.

Knapp asked that, from a policy standpoint, wouldn’t that be the Legislature’s problem? He confirmed that they were talking about the kill switch functionality “in case something goes horribly wrong with the audio feed.” Wittmer said that, no, he was referring to the ability to go into executive session or kill testimony on a moment’s notice, if appropriate. Wamsley asked if there was an impact with bandwidth if they are going from three live streams to 12. Wittmer responded that this is quite possible as they have had difficulty in the past providing service in the Capitol.

Rucker noted that, admittedly, the Legislature got their correspondence to the Board at the last minute and, if there is any discomfort, that’s the source of it. Wittmer responded that he wished that he had a chance to research the topic before the meeting. Rucker again noted that there was a motion and second and asked if there was further discussion.

Knapp asked if there was a concern with not having enough bandwidth. Wittmer stated that he did have a concern, but he doesn’t know how it is performing. Knapp continued, asking if that was an OITS issue or one for the legislative IT Department – he asked if they controlled the bandwidth? Wittmer responded that it would ultimately be OITS. Knapp wanted to know if he could amend his motion.

**Action Taken.** Knapp moves to amend his motion to get further input from legislative IT on whether or not technologically they are confident that the request can be accomplished – and table it to the next meeting. He then struck the last phrase (and table it to the next meeting). Seconded by Wittmer. Rucker asked if there was discussion on the amended motion.

**Discussion**
Secretary Gordon questioned if bandwidth was an issue, would there be some way to address that through the grant if the Legislature had not used all the money. Wittmer stated that he didn’t know whether it was or not, continuing that he thought the whole point of a pilot is to find that out – he doesn’t have any knowledge about how that performance is. Rucker asked if Wittmer would be able to satisfy his curiosity before the next meeting (?). Wittmer indicated he thought he might be able to do so before the end of the meeting – he is just waiting on an update.
Rucker suggested that, in anticipation of possibly entertaining the amended motion later on in the board meeting, the Board go ahead and vote on the amended motion to gather additional information, with the potential of being provided yet before the Board adjourns.

**Action Taken.** The motion passed unanimously and was tabled until the end of the agenda where it will be brought up again and considered in light of any information obtained.

5. **2017 Strategic Plan and 2017 Business Plan**

*(Friend noted that he had hard copies of the plans if anyone needed them.)*

Myers stated that at the last INK Board Meeting they presented the Strategic Plan and the 2017 Business Plan and also reviewed the budget, with the idea of coming back to today’s meeting to get approval. He asked if Friend had received any feedback on the 2017 plans and Friend responded that he had not received anything specific. Myers then recapped the general approach to the plan (strategies, objectives, tactics). He noted that he had received notice from Secretary of State's Office that they plan to take UCC filings in-house, and that will be their priority for the first half of the year. He mentions that because it impacts project planning from an INK perspective and also the budget. Friend will go through this later using the handouts on the budget.

In addition to that, Secretary of State had notified them that in the second half of year they plan to focus on making a decision on the new business entity filing system for both in-house and online in July 2017. He stated that he brought this up because it could result in changes related to Phase 1 of the Kansas Business Center in the plan. So, from a project inventory perspective, INK has put these on hold. He continued that this represented between 20-25% of the overall hours budgeted in the plan that will now not have a decision on until the second half of the year. And, by cramming this in to the last half of the year, versus a full year plan, this introduces some challenges as well. So, he is notifying the Board of this to say that while some of the impact is known from a budget perspective, there are still unknowns from the project planning perspective in the proposed 2017 INK Business Plan. Myers then displayed the 2017 budget slide to the Board, emphasizing that the numbers had been revised to show the negative impact on revenue of UCC being pulled from the portal and they were based on the conservative assumption that the application would be going live and removed from the portal on April 1, 2017.

Myers asked Friend to pass out the hard copy of the slide. To summarize, Myers said that UCC had been removed as of April 1 and some revenue items that had been planned for January 1 implementation – District Court Record Search and subscriber fee increases – were now assumed to begin later, also on April 1. He then handed off to Friend to speak to the INK Expense Budget portion.

*(See attached copy of before / after budget chart discussed in the meeting)*

Myers displayed and Friend handed out a table that showed a comparison between the budget presented in January and the current proposed budget that reflected the revisions that had just been discussed. Friend emailed a copy to Knapp and then he and Myers then walked the group again through the table. Friend noted that the table assumed that the funding committed to grants would be expended, as well as the Kansas Business Center funding. He acknowledged that the second year maintenance for the KDOR grant may not go out in this year, but he had followed the method he’d understood Jim Hollingsworth had used in the past for completing the chart and it was possible that it could go out in this year.

Hearing no questions, Friend handed out a print out of a table listing a comparison between the line items in the 2016 INK Expense Budget and the proposed 2017 budget. He called out the fact that both the Executive Director cell phone and office space expenses were only shown for three months, assuming that they would both be eliminated by the end of March 2017. That was predicated on discussions at the last meeting and that he assumed might continue today. It
had changed only slightly in that the previous draft showed these two expenses through February rather than March, but no decision had been made. Among the various planned expenses, he noted that they had been cut substantially—the consultant for DR had been eliminated until more was known about how the Board wanted to approach DR on the INK side (it was still occurring on the KIC side), he legal budget was halved, and travel had been mostly eliminated. There had been more travel funds in the budget before and Friend said that he knew Board members had sometimes traveled in the past. He continued that he knew there was a NIC Partner Conference in Arkansas in April, but there’s no money included for this— he was just trying to strip it down to its bare bones. He doesn’t know if folks have an opinion on that.

Rucker asked for questions or discussion. Myers spoke, again re-emphasizing the resource challenges that KIC has with the items in the plan that were scheduled to begin at the start of the year that would not now begin until the second half of the year. He said that obviously they are not going to sit on their hands but look for replacement items. This piggy backs off the service builder presentation he made earlier as it gives them the opportunity to look at rewriting applications, looking at the 22% of the apps in the inventory analysis they did while the other items were on hold. He also noted that if it did start in the second half, they will also have some resource challenges, as from the perspective of Web File, it usually picks up in the July timeframe and it is a significant amount of hours.

Friends clarified to the Board that what was being talked about here was not the INK Expenses that had just been discussed but the 2017 Business Plan and Myers confirmed that was the case. Friend then emphasized to the Board that he wanted to make sure that they understand that the budget is only for three months of the office, so by accepting it they were essentially agreeing to close the office as he understood it.

Rucker stated that this has been an agenda item that has been covered at several board meetings and several presentations. The issue before the board is the adoption of the Strategic Plan and Business Plan for 2017. Rucker asked if Myers had any additional comments. Myers answered that he did not. Rucker asked if there were a motion.

**Action Taken**: Hill offered a motion to approve the budget subject to later discussion or amendment related to the Executive Director position. Rucker asked if everyone understood the nature of the motion. There was no response. Rucker asked for a second. Seconded by Billingsley. Rucker asked for further discussion. There was no further discussion and Rucker called for a vote. All members present voted in favor except for Rucker who voted no. Motion passed.

### 6. Network Manager Contract Renewal

Friend asked to chime in on the background and Rucker asked him to proceed. He stated that there is a Section 16.2 in the contract that reads:

*After the close of each Contract Year, the INK Board shall conduct a review of the performance of KIC with respect to the stated objectives and deliverables as set out in the Business Plan adopted and approved by the INK Board. If the INK Board determines that the stated objectives and deliverables have been met, the Contract Term shall be extended one (1) year beyond the then current Contract expiration date.*

*If the INK Board determines the stated objectives and deliverables set by the INK Board have not been met by KIC, the Contract term will not be extended for one (1) year, and the then current Contract expiration date shall remain in effect.*

He noted that this was six years—so it is sort of a rolling six years, then you lose a year off of it and then there are five years. He continued reading:

*If, in the opinion of the INK Board, KIC does not meet the stated objectives and deliverables established by the*
Friend said that last year it was determined that they did meet it. This provision doesn’t refer to discontinuing the contract, just the extension process. So, the Board would have to have two years in a row the Board would have to have an issue with their compliance in order to not continue this “rolling” extension. He continued that what happened last year – and Jim Hollingsworth has conferred this – while it is going to be going back the old way – the Business Plan Tracking Spreadsheet (and Business Plan) for 2016 had built into it the items that were necessary for that compliance. So, it has the Business Plan elements and also the items related to the contract, like “provide this report to the Executive Director on a monthly basis” and those kinds of things.

In the back of the packet, he noted that everyone should have a copy of the Business Plan scorecard – it’s been talked about it previous meetings and Myers has been distributing it monthly. It tells what the strategies were, what the tasks were, and whether they were completed or not – there were some postponed things and some cancelled things, and Friend believes there were questions at previous board meetings about those. So, he continued, if the Board members took a look through the document, they can see where KIC has marked individual items complete or not. He noted that one of the things that happened this year was that, other than secure or proprietary information or data, there are sixty items here for the Board to consider and he knows that there’s been discussion, some of the things he’s heard people say aren’t necessarily quantifiable, in terms of what they have issues with that might not be specifically here. But, per the contract, they have provided this information – so, the other question is – he wants to defer appropriately to the Board – if there’s questions they have about it. In his judgment, he heard that there were reasons behind the things that were cancelled and postponed and he doesn’t know how the Board feels about them – they can go back over them – but assuming that those are acceptable, or accepted by Jim Hollingsworth, or understood – not deal breakers – then the Board is back to whether they have submitted everything and it looks like they have. So, based on that, they suffice with what it says in the contract about meeting the Business Plan. And, this is the time to talk about those. Rucker stated that he was always willing to entertain additional information or discussion and asked the board members if there was any discussion.

Wittmer asked if the language that Friend read to the Board was available in the packet. Friend stated that it was not but that he can provide a copy. Friend then reread the main paragraph for Wittmer (see above). Billingsley asked if this would be something that the Board would need to discuss in an Executive Session.
Chairman Rucker stated it is a contract and it is a negotiable item at this time, but said he would defer to the Board Counsel, John Yeary, who was in attendance. Counsel called up the Open Meetings statute on his phone. Friend provided the copy he was reading to Wittmer who was seated next to him. Friend stated that it looked as if they went in using exemption (b) 13 from the statute in the past and it pertained to security. That exemption was mentioned in the letter that was sent to them last time approving the renewal. Yeary asked to confirm “That justification has been used in the past?” Friend said that it looked like it per the mention in the renewal letter – but that wasn’t what their discussion had been about. Yeary then read aloud through the gist of the exemptions list in the Open Meetings Act (K.S.A. 75-4319) and concluded that he “didn’t know that there is clearly one that just says contract negotiations – that doesn’t seem to exist, but there are maybe arguments that could be made that some of these things might touch on those.” Rucker responded that he appreciated Counsel’s advice and the rendition of the law – he asked if there were additional comments from board members about executive session and how it was that it would apply to contract renewal. He summarized that what was being looked for here was a desire on the part of the board to seek executive session understanding the questionable application of the law and arguments in favor of an Executive Session – if that was the intention of the Board. He emphasized that it wasn’t his intent to hurry the discussion, but if there were no further discussion, then he would entertain a motion to for passage of the Network Manager Contract renewal. He asked if there were a motion either to renew or not to renew.

Knapp (by phone) had a question about the executive session. He asked if – he said he is not making this motion – to move into an executive session for contract negotiations including INK’s legal counsel? And, then, if in the executive session, discussion strays from what Counsel thinks is “on target”, or within the parameters of why the Board is in Executive Session, then he could get them back on course in case there are concerns that we are going beyond the scope of whatever an executive session (should be). Rucker asked if there were any other comments by the board members. He reiterated that the discussion at hand was whether or not it was the Board’s desire to go into executive session to potentially discuss this specific matter within the confines as outlined by Counsel.

Knapp thinks there are some questions about the contract and also as it relates to how the contract is in alignment with the vision of the Board. He doesn’t know if that is consistent with contract negotiation or if he wants to make that argument. He continued that maybe the Board can have that discussion in public, but there might be some proprietary things that would be discussed, maybe some topics that would be discussed that would give someone an advantage if they heard it in open session. He said that he is not an attorney and doesn’t know if any of that make sense, but thinks there may be some element to go into executive session to discuss the contract negotiation.

John Yeary identified himself to Knapp on the phone and stated that he believed he understands his inquiry and the matters that Knapp touched on. He stated that “I don’t think we probably have solid grounds based on what I’m hearing to go into executive session, at least not one that cleanly meets those items that are listed as being appropriate for executive session.” Based on that, in his opinion, that those discussions take place in the open meetings. Knapp agreed. Rucker again asked the Board for further discussion, or a motion. Knapp asked what happened if there was not a motion. Counsel stated that he would have to review that contract provision. Friend handed him the hard copy of the contract he had read the provision from earlier. Yeary then read the provisions aloud again from Section 16.2.

Tunnell asked how long the current contract term was. Friend said six years. Myers said through 2022. Tunnell stated that the Board is talking about an extension of one year, sort of an “evergreen” structure. Billingsley asked to confirm it would then go through 2023. Myers stated that this was correct.

**Action Taken.** Tunnel moved that the Board approve the extension of one year, Hill seconded.

**Discussion**

Wittmer said that he was just processing what he heard and asked “Why are we extending a year for 2023 based on the performance of this of this year?” Rucker responded that it's because of the way the contract was constructed. It is a long standing contractual provision. It is not something that has been constructed lately. The contract may have been
renegotiated more recently, but this idea about adding and tacking a year on to our relationship has been in existence for quite some time. This is Rucker’s understanding – but he could be corrected. Sachs said she thought it was two or three years ago? Friend indicated his understanding was that it had been renegotiated in 2014 and that the theory then was to give them a little bit longer commitment and, as a result, they might make more of an investment. But, prior to that, as he remembered it would have been three years, with 2 two-year renewals (he noted that the KIC representatives were nodding their heads). But for most the time that Rucker has been involved, it has been this way. Rucker said that what he was remember then was the three years with 2 two-year renewals.

Scott Somerhalder (NICUSA) spoke, saying that if the Board remembered, when they were bidding on Wildlife and Parks. They had talked about creating a longer runway and there was an opportunity to go after it so the longer-term with that six-year initial was also a key conversation then.

Rucker asked if there were any additional comments by the Board. He stated that there is a motion and a second. By approving it, the Board would in essence be fulfilling that portion of the contract indicating that they have met expectations - that they in fact have met the obligations that they have to the Board and that would be the basis for the motion and the second for the renewal and the extension.

Knapp (by phone) stated that it feels like the Board is in the same place it was a year ago, where on the face of it appears that they have met the contractual obligation. He continued that it’s incumbent upon the Board that if they don’t like it, to change it, either through vision, or put in some kind of approval process, or digging deeper into their objectives. If they say they are going to roll out two unique applications, then maybe that needs to be incumbent upon our approval, or our approval that those are two unique applications. It seems like they met the contractual obligation. And, if the Board is ever going to get beyond having this conversation every year, they are going to have to either change the vision, or the objectives and how they are measured, the satisfactory completion of those activities – or something different than what the Board is currently doing. He knows that the Board set up a committee to look at it, he just doesn’t know that the committee made any significant changes that would alter the course they are currently on.

Wittmer then spoke, saying that he agreed with everything that Knapp just said but in the meantime he is not comfortable, it feels like the Board needs to have a stay. Rucker said that, piggybacking onto what Wittmer just indicated, he would turn their attention to the materials that are before the Board for consideration of this matter and, specifically, the front page. indicates that. He asked those in attendance to correct him he was wrong, but the total under Strategy, the third level down, “On target” was 86%. It seems to him that they are going to make the statement by the renewal that they have met all contractual obligations, that, at least as individual board members, they should take that fact into account and the break out of that spreadsheet when making a decision. He then asked for further discussion.

Hill stated that he is having troubles looking at this and finding anything other than satisfaction because over the course of the past year, the Board shifted direction and he doesn’t know that he can pint that entirely on them. He is looking at Strategy 6 Enterprise Account Management where there’s 0%. Someone can correct him on this, but he thought as a board that they chose to go another direction and put additional focus elsewhere. It is hard for him to say “here’s what we had as a business plan at the beginning of the year, our focus shifted from time to time, and now I’m trying to judge to judge compliance on this chart.” He is not using that as an argument for or against the fact that the Board should renew it, but it’s difficult for him to look at this chart and be able to gauge that.

Rucker stated again it is not a response Hill. It's just an additional comment. 86% must be viewed in the light of whether or not they have completed the requirements that is anticipated by the contract. That is the issue if one uses the contractual language to either renew or not renew. The Board is making a decision that they have met expectations. One might say is not an A or that it’s not an F. So, the issue becomes whether or not they met the
requirements of the contract at 86%. Rucker believes this is the essential issue before the Board. Tunnell asked if an 86% would be a B+ or A-?

Rucker called on Myers who had asked to speak. He stated that he can speak to 86% items. It kind of piggybacks off what Hill had said. He continued that KIC had been very transparent on this business plan that was set out and objectives throughout the year, providing it monthly. He gave the example of one that was cancelled within Strategy 2: Secure at least one service with time and material money throughout the year. That was based on the Kansas Sentencing Commission and the Board chose not to grant that money to the Sentencing Commission for that opportunity, therefore the time and materials opportunity went away and that was cancelled in Q1.

In Strategy 3 from a cancellation perspective: Establish at least two INK Board grant funding opportunities. The two there, cancelled in Q3 were based again on the Sentencing Commission and KDOR Driver’s license kiosk which was no longer of interest to KDOR. Strategy 3.1.2 - Establish Board mini-grant funding. That was cancelled in Q4 after many, many different dialogs on whether or not the Board should be doing mini-grants and it was determined that they should not. Outreach to the Legislative CITO: It was determined by the Executive Director in Q1 that this should be cancelled as the Legislative CITO was no longer interested. The next one, (4.1.5) Outreach to the Kansas Public Safety agencies on public safety media storage solution on a quarterly basis – that was cancelled in Q1 as it was determined by Jim Hollingsworth that there was no longer an opportunity to engage in there. The next - Implement at least one fee increase on an existing service during the year: This was allocated to a KDOR DHR (driver history record) increase and was cancelled in Q2 as the Director of Vehicles didn’t feel like it was the appropriate time to do that, so it was cancelled. (5.3.3) Perform partner contract template review during the year: This was postponed as he’d talked about during the Portfolio Analysis update – there were some leadership changes in INK Board counsel and this was postponed – he said that they would continue to work on this in 2017. The final two are the ones that Hill pointed out. So, when one looks at the overall score of 86%, those are the reasons why.

(Tunnell left the meeting at 11:18 am.)

Rucker thanked Myers for his explanation. Under 2.1 he would like to make a comment. The goal didn’t look as if it was to secure a particular agency, but any agency for time and materials. He asked Myers if that was done. Myers said that in the plan, it was targeted on the Kansas Sentencing Commission. Since that was cancelled, they did reach out to Board of Nursing for time and materials work. They did secure that opportunity, but they wanted that to be in 2017 and they are currently working on this with them. Rucker thanked Myers for the clarification. He then asked if there were any additional comments by the Board or those in attendance? There were none – he then noted that there was a motion and a second to renew the contract. He asked if there were further discussion.

Friend stated that, for the Board’s pleasure and understanding, that historically, regardless of how it works out, there would be a letter written that would come from the Chair to KIC with regard to the renewal. So, he supposed that if there were things the Board wanted to communicate, that venue was also available. Rucker added that there was nothing that would prevent individual board members from adding additional comments. He would prefer that if this were going to occur that they would cc other board members, if that were the course of action they chose to take. He continued that it was more problematic for the Board to send one letter to them other than just the notice of renewal, so, if in fact the Board does send a letter, it would say just that they have renewed and the time period pursuant to the contract. He then asked for discussion and, seeing none, called for a vote on the motion:

**Action Taken:** (see motion above) The vote was as follows, with a quorum present – he stated that five votes were needed to pass. There was some discussion during the vote, both for Knapp to continue to review his materials and to answer a question from Secretary Gordon who sought to clarify whether or not she was officially on the Board and able to vote. She had received the letter from the Governor’s office but didn’t know if it had been approved. Rucker understood her to be a fully-functioning member of the Board was she was appointed by
statute. And, Friend confirmed that Megan from the Governor’s office had informed him that she was “in” as a member for this meeting. The final vote was as follows:

Yes (2) – Wamsley, Hill
No (1) - Knapp (by phone)
Abstain (4) – Billingsley, Wittmer, Gordon, Rucker

The motion failed.

Discussion
Rucker said that it is permissible for the Board to have this as an agenda item at the next Board meeting. If that is the desire of the board where we can discuss this matter yet again. He said he was throwing that out as a suggestion for something that the Board can do in the future. However, it is also in order for the Board to entertain a motion of non-renewal. He asked for discussion by the Board on any motions that they wished to make regarding nonrenewal. There were no motions. So it will be left where it is at the current time.

7. Oracle/Eventus Contract Status

It is out of concern that when the Board chairman signs a letter to any member with regard to a contract that currently exists that the item be brought to the Board’s attention. There was an earlier letter that was penned by Rucker that has not been sent and he wants to make absolute certain that the cynicism of the Board was reflected in his words. This text was run by Board counsel and he wanted to make certain that the members understand that anytime that he pens a letter it would be his intention to run it by legal counsel, if not the Board before sending that letter. But, out of an abundance of caution, Rucker stated that he wanted to make sure that all of the members in this instance knew that it had not just been run by Board counsel but by the Board. Friend noted that he hadn’t understood that it was to be included in the packets, Rucker said that was fine. Rucker agreed to read it into the record:

Mr. Thomas F. Mazur
West Region Vice President of Sales
Oracle Public Sector State and Local Government Applications Sales
1411 West Francis Circle
St. Charles, Illinois 60174

Dear Mr. Mazur:

We were very disappointed to learn that Oracle has not approved our request to cancel the outstanding invoices related to Oracle Cloud Services.

We ask that you reconsider your position.

The state of Kansas should not be asked to pay for setting up services that were misrepresented by Oracle and were never provided. The requirements for this application were given to Oracle in great detail over numerous meetings. Oracle employees consistently represented that the Oracle Service Cloud product could be configured with out of the box settings to meet the requirements of the Form Finder project.

We notified Oracle within 72 hours after we were first able to access the system that, despite your representations, your product would not meet the requirements. We arrived at that opinion based on advice provided by your own experts. At your request, we agreed to delay our final decision and give you the opportunity to prove those experts wrong. You assured us that if we gave you this opportunity, that you would honor our decision, "do the right thing by
the state of Kansas”, and “make us whole”. We never imagined that your version of “the right thing” would be to keep the clock running while you prepared for that presentation.

Secretary Kobach and Governor Brownback regularly ask for project updates. We believe it is mutually beneficial for us to end to these negotiations so that we can move forward and deliver this important service without further delay. Meetings with both the Governor and the Secretary of State will take place in the next few weeks updating them on our progress.

This project has garnered a lot of interest from the International Association of Commercial Administrators (IACA) since we received an international Merit Award for the first phase of our work on the Form Finder project. In June of 2016 we updated our colleagues on our plans to create the form finder functionality and promised to demonstrate our progress at the 2017 meeting. As a result, Kathy Sachs, Deputy Assistant Secretary of State is scheduled to present an update on the Kansas Business Center on May 21st, 2017 to in Halifax, Nova Scotia. We believe it will be detrimental to both of our organizations to report that the State of Kansas has been on hold for nearly a year while we resolve this contract issue. Particularly since Oracle has acknowledged that this engagement was not handled in a manner that meets typical Oracle standards.

While we are willing to sign a non-disclosure agreement concerning this engagement if Oracle agrees to close out this negotiation with no liability to the State of Kansas or the Information Network of Kansas, we will only do so prior to January 30, 2017. That schedule would allow us to downsize our project and deliver something reportable prior to the 2017 Halifax presentation.

(Rucker stated that this paragraph would obviously not be added to the letter, given that he chose to run it by the Board.)

Sincerely yours,

Eric Rucker, Chairman
Board of Directors
Information Network of Kansas, Inc.

CC: Secretary of State Kris Kobach
Governor Sam Brownback

Again, Rucker emphasized to the Board that he had run this by counsel – counsel had approved the text with comment and he could certainly add those additional comments now.

He continued that it seemed as if there were two paths, or perhaps more than two. The Board can send the letter with a modification of the last paragraph. Or, the Board could choose not to send the letter and leave it in limbo. Or, another choice, at the pleasure of the Board, would be to modify the letter. He asked if Counsel had additional comments and Yeary indicated he did not.

Rucker asked if there was any action by the Board. He continued that the action anticipated would probably bed to eliminate the last paragraph of this letter and as it relates to nondisclosure and transmission of the letter from the Board Chair to Oracle. Wittmer asked what the amount in question is. Friend stated that the invoices are about $26,000 or so for a quarter – the language left some room that because it wrapped up according to them in September or October, it could be as much as $52,000, but he felt it was about $26,000. that they wanted you to pay for one quarter. Secretary Gordon liked the letter and thought it was excellent. Chairman Rucker admitted that there was some “heat” in the letter. Billingsley stated that he can't believe that are coming back and asking. Wittmer asked about striking the last paragraph because he believe it is key. He wondered if they could just alter the date of the
nondisclosure as it has been read to the Board in closing the matter. Friend noted that it was now in the public minutes so he would not be sure who all would sign a non-disclosure. Wittmer said he saw the problem. Secretary Gordon said that we can certainly send the letter and see what they say. Why spend money that you shouldn't be spending. Rucker agreed.

**Action Taken:** Secretary Gordon moved to send the letter minus the last paragraph, seconded by Wittmer. Motion passes unanimously.

8. **Kansas Business Center Update**

Sachs and Friend provided a live demonstration of a new Business Form Finder application to the Board, including both the public user interface and the administrative interface used by agencies to load and maintain the data. Curtis Bears of the State Treasurer’s Office who developed the application was also in attendance at the presentation. Sachs reminded the Board that she had told them last month that they had succeeded in getting the application built, and, to a large extent, with the cooperation of the departments of Labor and Revenue. Secretary Gordon expressed her pleasure at hearing this. Sachs mentioned that there may be some changes as the advisory group took a look at it – SBA, Network Kansas that take 1,000s of calls a year from people who want to start new businesses, CPAs, bankers, and business people. Only a small amount of data has been populated so far, but they are meeting with Kim Borchers of the Governor’s office on Thursday to make sure the message goes out properly to the state agencies – they will be entering and maintaining their own data. The main purpose, again, is to help businesses comply with law and regulation.

Sachs and Friend then walked through the application. She noted that Bears had developed a really good framework that is really easy to build on. It just kind of fell into place and he was able to wrap this in to what he was doing with the State Treasurer's Office. Rucker stated that the intention today is to tell the Board where things are in the process, but not to indicate to the Board that it is finished. This is a progress report and as the members of long-standing know with regularity.

There was some discussion about different ways in which the data collected by the tool might be useful - Secretary Gordon mentioned labor market data and they talked about the varying category schemes as well as the type of statistics the application will collect, like form and online service click-throughs. At some point they may be able to add notifications to users when forms change.

Rucker emphasized that what is driving the effort is to be fully functioning before the end of the term, fulfilling the initial commitment that the Governor and Secretary of State made to the public and the Secretary of Labor was involved in that along with the Secretary of Revenue. Secretary Gordon closed by stating that it looked pretty user friendly. Sachs said that is good to hear and to have fresh eyes taking a look at it.

The board recessed for lunch at 12:00 p.m. Reconvened at 12:38 p.m.

**INK Grant Applications (Legislative Audio Grant – Phase 2 and 3 Approval)**

Rucker called the Board back into session. This is the item that they had indicated previously that the Board would take up approval of the Legislative Audio Streaming request for funding of Phase 2 and 3 after lunch should additional information have been provided. Hearing that it had been, the Board would now take up the matter again.

**Discussion**

Wittmer thanked the Chair and the Board for allowing him to defer this. He did get the information and they have seen negligible impact on the network so he feels comfortable with proceeding. Rucker said he would now entertain a motion to approve Phase 2 and 3.
**Action Taken:** Knapp moved to approve Phase 2 & 3 for $43,200 each, seconded by Gordon. There was no further discussion. Motion passes unanimously.

9. **Executive Director Search Committee Update**

Chairman Rucker asked Friend if he would like to start this discussion. Chairman Rucker knows that there are members of the board committee here on that topic. Friend thinks that the Board had asked for standing update from the committee. The members can see from the minutes that there was quite a bit of discussion about commissioning the committee and where they might go and that Gregg Wamsley was added to it. So, Friend got ahold of Wittmer to see what kind of update there might be. He related that Wittmer had given him the lowdown and Friend had checked with the Board counsel and it didn’t seem as if it were going to be the kind of thing that would qualify for executive session, so he let Wittmer know that. So, Friend is going to hand it to Wittmer for the update.

Wittmer began his update, noting that Knapp, Wamsley, and himself had met by phone some weeks ago.

The best way Wittmer can summarize is what he put into the email to Friend. This is kind of a five-part thinking.

- The committee feels that in order to proceed with an Executive Director search, they need to align the position description with the requirements.
- But, in order to do that, they need to align with a vision, and the need - or not - for the position. He stated that this kind of goes back to the earlier discussion the Board had about vision.
- And, in order to do that, the Board needs to align on the vision for INK.
- So, as part of aligning around the vision of INK, the Board then needs to align on the role of the Network Manager and KIC.

Wittmer feels this is sort of a chicken and egg conundrum. He went on to say that he thinks the meaty issues become along the lines of the potential role of other partners within INK and the underlying business model. So, that’s kind of where the committee ended up. Not to boil the ocean, but that seemed like that’s at the heart of the matter about how and whether to fill an Executive Director role. What does the Board want INK to be doing going forward and what is the role of partners within INK? Wittmer invited Wamsley or Knapp to become part of the conversation if they wanted. Wamsley stated that this was a good summary of what was discussed. The committee doesn’t see a lot of alignment on where INK is going, so how can they know what to look for in an Executive Director?

Rucker asked if it is desire of the committee to continue to meet and flesh out these items of concern and potential future communication to bring clarity to where the Board is going. He asked if there were any suggestions on next steps. He believed that Mr. Hill was the one wanted to make absolutely certain that this item on the agenda didn't disappear or dissipate until there was some final resolution. Rucker respects that. And, he believes it is fully the intention of the Board to resolve these matters, further discuss them, and come to a conclusion about overall board vision and mission with its partner.

So, he just asks the question as an observer – would it be the desire of the committee to attempt to flesh these matters out further or have further discussion? He asked what the wishes of the Board and the committee were. Wittmer responded, asking if he was referring to the Search committee. Rucker said that he was. In other words, if there were more discussion, it might bring resolution to some of these issues - He is just throwing it out as a possibility. It would be the sort of thing that would traditionally be taken up in a retreat. If in fact, the Board were to retreat to a
location where they were kind of in a “no choice but to discuss this matter fully” environment, it might bring additional clarity about the mission, about vision, and so on. He is only throwing that out as a suggestion not pushing. Just an observation – if, in fact, they want to think about it. Since the Board made the agreement to include the topic in every meeting, if the committee would like to meet and discuss next steps among the members, that is more than fine. Wittmer said that he thinks for the committee members that they have nothing further to discuss until they get past these weightier questions. He couldn’t write a position description for an Executive Director for INK. Rucker believes that this does close the agenda item as a repeating agenda item on a monthly basis, unless he is misunderstanding the wishes of the Board. After hearing no response, Rucker stated that he doesn’t believe that he is misunderstanding, as there’s no dissension.

INK Expense Budget

Before beginning new business, Friend noted that he thought the budget for INK expenses was approved contingently earlier in the meeting, dependent on the outcome of the Executive Director Search discussion. He wanted to confirm that and make sure it received final approval. Rucker stated that the motion earlier was to approve the INK Expenses and the Business Plan and Strategic plan and the budget was involved in that, but for the Executive Director. Since we don’t have an Executive Director, the expenses that Friend outlined and the decrease in costs would be incorporated in the budget. Unless there are comments by the Board to the contrary, that is what he would say. Friend then reiterated his understanding the he was to close the office and make the address the Secretary of State’s office. Rucker confirmed this was the case at this point in time.

10. New Business

Subscriber fees waived for Legislators

Ashley Gordon stated that KIC has been approached by a Kansas State Senator regarding subscriber access to records. As she understands it, they were asked to present a recommendation to the Board about how to handle these types of requests. Gordon said that the request needs consideration and discussion because it is not just a straightforward subscription agreement. As the Board knows, people who are interested in subscribing to these services simply fill out a subscription agreement and pay the $95.00 - which is soon to increase to $125.00 - annual fee. They then receive user names and are then able to access a certain set of services for a charge because they pay for the cost of those records. Gordon continued that the matter for discussion is whether or not they would be willing to waive the cost of these subscription fee for legislators, and then whether or not they could receive records at no charge.

Rucker stated that this was well-put and is simply, then, the issue before the Board. Secretary Gordon stated that, since she was new, she was not sure what records they would need subscriptions to. Ashley Gordon responded that the subscriptions are largely geared toward the business community. These are people like attorneys, insurance adjusters, and private investigators doing background checks. So, what they do is get certain records that help them in furtherance of their business. They are accessing motor vehicle records to help with insurance adjustments or underwriting for loans. Maybe they are attorneys who access district court records searches in terms of helping them do business. So this is the main purpose behind the subscriber services.

Rucker asked the Board if there is any interest in waiving fees for State Representatives and State Senators fees. Knapp responded (by phone) that only if it were for official purposes. Rucker’s fear of opening it up to their “interpretation” for what would be official and what would not be causes him to view this dimly. Gordon stated that if a legislator really wants information like, for instance, from an agency or others, they can request that in their official capacity. She doesn’t see a reason that INK should have to have to give that service for free. Wittmer asked if they run afoul of some statute or something like that? Rucker said that nothing came to mind immediately for him. Sachs noted to Rucker that they have no statutory authority to waive fees at the Secretary of State’s office so they would still have to pay for them. Wittmer said his thinking was that there might be something about charging some
users and not others. Ashley Gordon stated that there are two things to consider – whether or not the (subscriber) fee for access can be waived and then whether or not the fee for the actual records themselves can be waived.

She thinks that the decision on whether or not to waive the fee is the decision of the INK Board and she would recommend consultation either with Board Counsel or the Governmental Ethics Commission just to make sure that no rules against gifts are being violated since it is higher than the $40.00 limit. She continued that, additionally, as Sachs had pointed out, a lot of the data providing entities and agencies are statutorily required to collect a fee. She knows that there are some instances, for example, at the Department of Revenue where they can waive a charge on a case-by-case basis, or OJA (Office of Judicial Administration) may permit intergovernmental access to these records for an official purpose.

KIC’s recommendation is that they do not create a policy on which services they would receive for free. The agency would have to approve that, assuming it gets past the test of whether it’s in violation of various laws.

Rucker stated that suggested action has been that the Board take this up with legal counsel before any action and he agrees. Unless the Board deems otherwise, his suggestion would be to add this to the agenda for next month’s meeting in anticipation with meeting with Counsel as to what the procedural problems might be. Rucker asked if there was further discussion. Seeing none, he thanked them for the update and entertained a motion to adjourn.

**Action Taken:** Wittmer moved to adjourn meeting, seconded by Secretary Gordon. Motion passes unanimously.

**Agenda for Next Meeting**
Subscriber fees waived for Legislators

**Adjournment**
Meeting adjourned at 12:57 p.m. The next INK board meeting will be at 10:00 a.m. on March 7, 2017, at 700 SW Harrison, Topeka, Kansas, 2nd Floor Conference Room

Minutes submitted by: Nikki Reed/Duncan Friend
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<th>2017 Portal Budget</th>
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*Reflects revised assumptions with regard to delays in revenue associated with the implementation of an increase in District Court Record Search fees (move from January 1 assumption in previous estimate to April 1, 2017), the implementation of an increase in Subscriber fees (move from January 1 assumption in previous estimate to April 1, 2017), and assumes that revenue associated with the Secretary of State UCC (application ceases as of April 1, 2017), a conservative assumption as no specific date has been given.
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$237,524  $465,230  ($227,706)