

April 2017 INK Board Meeting April 11, 2017

Opening

A meeting of the INK Board was called to order at 10:03 a.m. Tuesday, April 11, 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
Scott Hill, representing the Kansas Bar Association (*by telephone after the start of the meeting*)
Lana Gordon, representing the Secretary of Labor
Gregg Wamsley, representing Kansas Library Association
Phil Wittmer, Executive Branch Chief Technology Officer

Others Present

Duncan Friend, Information Network of Kansas, Inc.; Kathy Sachs, Kansas Secretary of State Office (*by telephone*); Nolan Jones, James Adams, and Ashley Gordon, Kansas Information Consortium, LLC. Guests included: John Thomson and Mike Plunkett, PayIt, LLC.; Tom Day, Director of Legislative Administrative Services for the Kansas Legislature.

Consent Agenda

The consent agenda for the meeting included the March 2017 INK Board minutes and March 2017 Network Manager Report, along with contracts for approval for KanPay Counter services for USD 347 Kinsley-Offerle, City of Tribune, City of Centralia, City of Downs, and Tonganoxie Public Library-Friends of the Library; a contract amendment for the Kansas Board of Cosmetology and the Board expense approval.

Friend noted a correction needed in the minutes on what was shown for the consent agenda last time, where it said the January 2017 minutes, and it should say February 2017 minutes. He had corrected it on the hard copies available today, but the copy distributed electronically prior to the meeting says January.

Action Taken: Billingsley moved to accept consent agenda with this change, seconded by Wamsley.

Discussion: Wittmer asked on the Board of Cosmetology. What the amount of the monthly service fee is? Gordon stated that it is not a monthly amount per se. What they are doing is changing the rate to match INK's payment processing-only rate. This is not a new service.

Action Taken: The motion carried unanimously.

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Regular Agenda

1. Presentation: Legislative Audio Streaming (*Tom Day*)

[Tom Day, the Director of Legislative Administrative Services for the Kansas Legislator was invited by the Board to present on the status of the Committee Audio Streaming project for which the Board had approved grant funding.]

Day opened by introducing himself and expressing appreciation for the help they had received along with the grants from the Information Network of Kansas Board for audio streaming in committee rooms at the Capital. Right now, there are three rooms fully operational – four, actually, but three that were included in the grant proposal. They were selected due the likelihood of receiving the heaviest use based on the committees that would be meeting in them this year about education, budget, and taxes. They are now in the next stage, based on the approval of additional funding by the board, to get the rest of the rooms outfitted. This will likely occur by mid-May so they will be in place for the interim committee meeting schedule, however many there may be throughout the summer and fall. The equipment is on its way to be installed.

Day noted that they have had exceptional amount of comments from the Legislators, from the outside, and from state agencies that utilize those rooms for the audio streaming that is available through the website to listen in on committee hearings if the agencies or outside personnel aren't coming down to the Capital in person for the committee meetings.

Legislators are now using the archival audio streams that are available to them through the three rooms. The meetings in the Old Supreme Court Room are not being archived. Those meetings have not been archived because of the equipment that is in there, but they are trying to get that resolved as well. He continued, noting that the Old Supreme Court Room does have video streaming as well as audio streaming, but all the other rooms are just audio, which was the legislator's intent. He thanked the board again for their help. Many legislators have been interested in transparency, it has been a very good thing for the state of Kansas, the Kansas Press Association has been very grateful as well for that transparency of what goes on in the committee rooms.

Day continued that what has been interesting is to watch Legislators in those committee rooms. Many chairs of the committees have been very good about reminding everyone that they are being streamed. It is taking a little bit different perspective from legislators on what kind of comments they may make in those three rooms. Overall, things have been very good and they are looking forward to continuing to work with INK. He is open for any questions that you may have.

Rucker expressed that he appreciates Mr. Day's desire to make a presentation to the Board and knows that the members appreciate it as well. He asked the Board for comments. Wittmer said that, having testified in the room, he would have appreciated some notification that the meeting was being broadcast, perhaps a note at the door along the lines of "this call may be recorded" when one calls customer service, to alert people that are testifying that in fact this session is live

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streaming audio and being recorded. This is just a request that maybe he could carry back to the legislators. Day thanked Wittmer and said they have thought about that. In fact, they had a lot of comments even from Legislators and/or just folks attending the meeting that they should have signs up that say the room is live audio streamed, or, in the case of the Old Supreme Court Room, live audio and video. They did talk to all the committee chairs about doing this, but sometimes they become overwhelmed with other things and forget to make that announcement in the beginning of those meetings. Rucker thanked Mr. Day for his time and said they are very glad to be a part of this. Mr. Day noted to Friend that he does know they owe a quarterly status report and will get that submitted.

Action Taken: None.

2. Network Manager Report (*Nolan Jones*)

Jones thanked the board for moving the meeting so that he could attend the NIC Partner Conference the previous week. He expressed that the conference had been very good and that he wanted to share a few details.

Autonomous Vehicles. Wearing his government hat, it provided ideas about the impact to government agencies, and to the insurance agency. He gave several examples about liability, the impact to fuel tax of electric vehicles and the consequences to state and local highway funding, and questions about where vehicles will be tested and how states are lining up to provide more industry friendly regulation to encourage the industry. While everyone knows that parts of it are between 3 and 20 years out, it is something to begin positioning for. The impact on commercial trucking is already beginning. **Security.** Jones discussed some of the topics in this area that were covered in the conference, and noted that Bill Smith from the KBI also attended. **Technology Lab.** Jones organized a new technology lab there that allowed attendees to play around with virtual and augmented reality, drones, and those sorts of things, with some demonstrations on how it would apply to government - not just new toys and games.

Secretary Gordon asked for more information about what he was referring to be “partner” at the Partner Conference. Jones explained the role of NIC as it relates to KIC and the idea of bringing together the individuals representing the states where they have portals every few years to create an opportunity for them to talk with each other and share what is going on. Wittmer then talked about his concerns about autonomous vehicles and wondered if there was any talk about blocking cell phone use by drivers in vehicles. The board members and Jones shared thoughts on that issue. Jones closed by discussing the increase he was seeing in mobile inspections and the idea of putting mobile devices in state employees’ hand to perform various functions – he is seeing interesting opportunities for efficiency with that.

Jones then talked about some of the things KIC had been doing – they are still in assessment mode, but have already made some changes to improve operations. Security has been a top focus and staff had spent over 125 hours last month on PCI assessment, work they hope to reuse in the future to make things less time consuming. The other broad bucket of things they have been working on is identifying and implementing changes to better serve their agencies, things like password reset, forms, and customer service. They are going through that process right now and

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reevaluating everything. If they were coming in brand new to an agency - what do they need to do to demonstrate they are the right folks to be working with? How do we best provide those services? They are also trying to eliminate internal processes that are redundant to free people up. That will be an ongoing thing – they had some quick wins in the next month.

Finally, he has been discussing and focusing a lot on bigger projects. He feels they need to be undertaking some large robust “great for the state” projects. They are evaluating resource levels and what they need to do and that’s why he wants to start further discussions with the agencies on these types of projects that he thinks are more efficient and effective use of their time. In the business plan, the biggest focus is on replacing Legacy applications to reduce the workload, keeping them up-to-date and secure – every hour he can reduce on that free up time for development. The last thing is innovation – a broad category, but he feels there is a lot more innovation that they can bring into everything that they are doing. He will discuss this more in the business plan topic. This concludes his network manager report.

Hill joined by conference call at 10:30am.

Rucker asked for comments from the Board members. There were none.

Action Taken: None.

3. 2017 Strategic Plan and 2017 Business Plan/Vision (*Nolan Jones*)

[Note: At the previous meeting, Jones had committed to providing an updated 2017 INK Business Plan and a copy had been distributed shortly in advance of the meeting. **A copy of that document is attached.** Jones recapped the highlights of the plan and discussion ensued with the Board, highlights of which are captured below].

Jones indicated he was not satisfied with the business plan that had previously been presented. While there must be points of accountability, he did not want to get into the mode of “check offs” where he just did this and that. It was a little challenge for him with his managers to explain that. It is safer to have those. But, they need to be able to adapt to opportunities as the year progresses and ask if they are focusing on the big picture and the right items. There is a caveat that while he mentions 2018 and 2019, he is not expecting this business plan to cover that.

He then summarized and explained further the key elements in the proposed plan (see attached) for 2017 – evaluating and eliminating little used services; improving marketing – he noted that as a company, they provide over 12,000 different services and some of them may be used here; and business development, in his mind including bigger projects that provide value to the citizens and business of the state of Kansas. He ended by summarizing the items included in Horizon Two and Three for 2018 and 2019 in the Business Plan.

Wittmer said that he was seeking to understand, not to challenge his suggested focus on larger projects. Why is that? Jones responded that he is not looking at backend systems – and what he is talking about is more than just payment processing on websites. They do large projects. They have a lot of expertise in their company. They have a lot of expertise in their office. We can do

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some very good complicated projects. It is the sort of stuff that will keep his staff awake at night. It is riskier and more challenging, but he thinks it is the proper use of what they can provide. They are capable of doing a lot of nice things for the State, citizens, and businesses and Jones said that they should be challenging themselves to take on those larger projects to do that.

Wittmer asked if there is great value in larger projects. Jones stated that there is value to the citizens and businesses. He honestly hasn't looked at the financial stand point of that, it will depend on each one. What will provide the best value to the state is those kinds of projects.

Rucker asked for comments or questions by the board or others. Friend interjected a reminder to the Board that what they would vote on here with the Business Plan – whether they choose to do so today or not – is what they would be using to evaluate KIC's performance by next year. The contract states that there is one document through which you can negotiate your expectations and this is it. Jones responded that he started off with that very point. Putting it out on the table, it is scary for both sides – he gets more discretion, but he works for the Board and wants them to be happy – he doesn't want it to be just check off.

Rucker stated that any report like this – from his perspective – is best understood in consideration of each person at the tables' supervisory experience. And, there is a time for self-evaluation. He proposed to defer to Wittmer – who knows more about the IT world than he – to say that, conceptually, he is struggling with a document that is as generalized and non-specific as this document is without an accompanying measurement utensil.

If in fact, they are being asked to judge future performance, both in the intermediate term and in the distant future and descriptors are used like “enhance” or “intention” or potential to do things, or “we're thinking about” – again, he stated that he deferred to Wittmer not to put an inordinate burden on him, but it seems to Rucker that without a more defined measurement document to go along with this, the board (who spends far less time carrying out the goals) is handicapped when decision time about renewal and performance comes. Instead, they are left with an evaluation based on impressions as opposed to genuine measurable accomplishments. He asked if he was being clear.

Wittmer said he was clear and thanked him in jest for “putting that burden on me.” He continued that he felt cursed with being able to see all sides of the issue and appreciated what Jones was saying about not wanting to be boxed in. But, Wittmer continued, he thinks it does beg for some measures. Especially “Horizon One”. Jones said he could absolutely do that. Wittmer stated that it should be very easy to put measure around how many legacy apps are going to be renovated, rebuilt, which ones, that kind of thing. Two, he felt was a means to an end for number three. He felt that it also could be measured. Jones agreed and said he struggled with this, too - he went to his boss and that they weren't satisfied with marketing, but they don't say “you did three of these and two of those and they're not satisfied”, so it's a risk to us.

He then summarized some areas where he felt they could provide detail and, yet, no matter what's in there and how specific, he stated that he is still going to target satisfaction in the broad sense with the Board – and they agreed.

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Rucker related to the Board the similarity he saw in supervising an employee – where someone had done well, then toward evaluation time they had problems, yet the deadline has arrived, the difficulty is there in how to handle it fairly based on problems that, while they can be managed, extend beyond the evaluation period. The employee can end up with a checkered evaluation that doesn't reflect the solid work he did. He expressed that he felt they, too, might fall into a trap in this evaluation period without a measurement document to accompany this. They would emphasize only the current behavior at that time, not the bigger picture. Jones responded that it goes both ways also. If he had a lousy year but the last three months are good. There is definitely that element of trying to keep the full year in perspective.

Wittmer had a general comment. He has scratched his head at previous versions that emphasize goals that are to grow INK. He is not necessary a fan of that more than he is a fan of growing government – hence the large projects quandary, too. He thinks that somehow they need to weave in adding value to the business case. And, that's probably a tension with NIC vs. INK. NIC needs to grow to make money – he gets that. But, he doesn't believe the goal of INK is as much as to grow as to add value.

Jones stated that his perspective is that until there is no more paper in government and no need to go into an office, he thinks there's opportunities and projects that can improve government – citizen interaction. Until they are there, his head in on growth. There's got to be stuff NIC is doing with thousands of services out there that KIC hasn't done here and that he wants to focus on. Billingsley noted that transparency is very important to citizens. This is what this is for, not just the state, but cities and counties.

Secretary Gordon really liked what Jones said about listening to the customers and trying to help develop something that way, as she has found that very important – it has been key in her short experience at the Department of Labor. There are always difficulties in communicating what is really possible, what the IT professionals can really provide for the business and what the business wants out of that? They really have to get together and listen to each other to see what they can design to make it easier to navigate government. This is something that we struggle with every day. And, maybe approaching it that way can help projects focused on expanding the way we do things. So, more than going out and searching for new things to do, what can be done to make the things that are already being done better?

Rucker asked for comments. He then asked when Friend had received a copy of the plan – he said he had received a copy probably on Friday and distributed it right before the Board meeting. Rucker expressed that, in light of that, it was probably premature for Board action. He then asked if Jones might respond to some of the concerns and comments that had been raised shortly, then that could be distributed in advance of the next meeting. Friend noted that he wasn't sure if he'd mentioned this to Rucker, but from a legal counsel perspective, it was probably fine to distribute things in advance of the next meeting, but that – as everyone in the room likely knew – from an open meetings perspective, the distribution was one way, they couldn't engage via email in discussion of it. Secretary Gordon confirmed that they couldn't discuss among themselves. Jones confirmed he could turn it around quickly.

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Secretary Gordon asked to add one more thing. She does like the idea of some way to measure progress – it is good for both sides to be able to see it. Certainly, adjustments can be made along the way. Just because one takes a detour doesn't mean that everything that's been done is wrong, but then there is a chance to correct course. The members concurred with her remarks.

Action Taken: No action taken.

4. Network Manager Contract Renewal

Rucker asked Friend to preface the discussion. Friend said that usually after the end of the year, KIC comes back and presents how they did against the goals and objectives in the contract language. And, while they'd passed out the contract language and Counsel had been there at a previous meeting, there are really two things going on. One is the evaluation of their performance. The other is the triggering of the provision to add a year to the contract by the outcome of that evaluation.

What has happened is that, after talking with Counsel is that there was a vote on the extension, but really the vote is to be on whether the performance objectives for the previous year were met or not. When he talked with Counsel, he posed questions from Knapp – first, whether or not there needed to be a vote, and the answer is that there does need to be one. The next questions was if the Board did vote on it, would the contract allow that if the vote was “No” this year, and things improved next year, for the contract to be extended two years as part of the evaluation the following year. And, the answer there was no – that's not in the contract. Friend read the email from Counsel aloud to confirm the situation. So, it really goes back to the evaluation of last year's performance and whether or not the Board believed the stated objectives and deliverables for 2016 had been met. However, in the motion previously, Tunnell moved that the Board approve an extension of one year and Hill seconded. There were several abstentions, a no vote, and two yes votes and the motion failed. But, this wasn't explicitly a vote on whether those objectives and deliverables had been met.

Rucker asked if Friend was indicating that the past action of the Board did not specifically address the contract language the way contract language is worded - Friend stated that this was correct. Rucker responded that the topic for discussion today was whether or not the Board deems that past action fulfilled the contract requirement placed on the Board to make an evaluation of the objectives and deliverables stated in the Business Plan. That is the issue (Friend agreed).

Rucker would ask to poll the membership whether or not their past action not to extend was reflective of the intention of the evaluation that is required in the contract. There is assessment language in the contract. INK is required on a yearly basis to make that assessment as it relates to KIC's performance and deliverables. The current status of the Board as he understands it is that there were not enough yes votes to pass the measure in favor of extending it a year. Rucker asked if any board member would like to clarify their past vote – or, would the Board like to revote on what it was that they actually seemed to have accomplished but now is questioned. Friend read the pertinent language from the contract aloud.

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Billingsley stated that guesses that this can be interpreted either way. His might be different than the Secretary of State's Office, versus the Lottery's. He stated that he thinks with the vote it was unclear to the Department of Revenue whether they had been met and that is the reason for the abstention. Rucker asked if anything had changed since that time – would he still abstain - or are there additional facts that have altered Billingsley's prospective?

Billingsley stated that as it stands now would probably vote no, to not, due to the fact that there have been some lost contracts and he doesn't think necessarily a reward is with the extension. He is not saying that it can't be made up, but he just doesn't think it gives them a pass.

Rucker asked for further comments. Hill, speaking by phone, disagreed that the Board has made any affirmative decision yes or no on this issue. He understood that the previous vote failed, but as he sat through that discussion and the questions that followed, he thinks that the vote failed at that time for a lack of information and he just doesn't think they got an affirmative yes or no vote on the question. He thinks they need to affirmatively decide that with a vote.

Rucker asked if there were any further comments by the Board. He has heard from Hill on his position and so has the Board. There did not seem to be any further comments. Friend reminded the Board that Legal had said that they do need to make a decision one way or the other. Rucker asked for a motion. Hearing none, he asked if Hill would like to put his comments in the form of a motion. Hill responded that he thought he did last time and it failed, but if someone wanted to make an affirmative motion that the requirements were not met and no extension will be granted, then he thinks that would be the motion this Board would be looking to entertain. He continued, saying that he is not willing to make that motion. Rucker said that, absent any motion, they can certainly defer action until the next Board meeting, with the admonition that they are not to discuss this among themselves between now and the next Board meeting.

He continued that it was his understanding – he is not brushed up on the latest of the latest of the Kansas Open Meetings Law – that they could talk as long as they did not meet the majority of a quorum. A quorum for this body is five members. A majority would be three, which would allow, under the previous provisions of KOMA for two, not three, but two members being able to speak with one another. What he would like to get accomplished today or tomorrow - before the end of the week - is that this question be posed to Counsel and that all of the members receive from staff Counsel's interpretation and whether or not Rucker's interpretation is right or wrong. In this way, the Board could be assured by next month's meeting – if in fact his interpretation is correct – he will be calling each of the members to get their thoughts on the specific question that Counsel believes needs to be posed, voted on, and move forward.

Action Taken: Billingsley made a motion that this item be moved to the agenda of the May Board meeting, seconded by Secretary Gordon. Hill abstained. Motion passes.

5. Kansas Business Center Update

Friend briefly recounted that they had presented the Business Form Finder application over the lunch hour last time. There was some discussion at that time also about the interest on behalf of the Secretary of State's office in getting sponsorship from the Governor's office – most of the

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agencies are in the Executive Branch. Friend said that there were two questions at that time – he didn't want to put words in Wittmer's mouth, but essentially it was OK to move forward with getting the application populated, but if they wanted to get it "certified", that would be something else. So, Wittmer was going to meet with Kim Borchers the afternoon of the Board meeting to understand which of those it was. The outcome of the first part was that she sent out an announcement about the project to cabinet agencies and had the contact for the small agencies do so as well. He thinks they came out last Monday morning to about 45-50 agencies, boards, and commissions. It notified them about the project and told them there would be some follow up outreach from the team. So, the team followed up several days later, by the end of the week, with additional requests for contact information and for an RSVP for a kickoff meeting scheduled for April 20. They also asked for some feedback on Business Types so that they could start to get a feel for what's out there in advance of the meeting. The team has set up an email box to go back and forth with agencies and they are beginning to get responses. Agencies are also asked to review their forms and make a formal declaration in the form of a letter if they do not have any business-related forms or online services.

Friend continued that the second part is something Wittmer can speak to. In parallel, in fairly quick order after the Board meeting, he put together a "SWAT" team who came over to SOS and talked to the team and their technical folks, including Curtis Bears from the Treasurer's Office who was involved in developing it. So, Wittmer's team began performing an assessment of various dimensions of the app – platform, interface, security, etc. and that's been progressing. He thinks they've done an aggressive job in trying to get after it and the Secretary of State is trying to be responsive.

Friend indicated there was a meeting scheduled tomorrow at 9am where it looks like most everyone is going to be able to attend to finalize the details. So, this is what has transpired since the Board last met. What he sees over the horizon is that there are people for whom Business Form Finder is new – the concept is pretty straightforward, but they've never seen it or entered data or any of that. So, going back to partnering with OITS, they have a training room, and some room at the Secretary of State's office, where they can sort of "workshop" people in, adjusting the approach based on how many forms they have and research that the team will do. Karen Clark at SOS has already put together some training materials based on how things are working right now. We know that Revenue plans to dedicate someone to it because they have a lot of forms, along with Labor. Labor has been coming over and helping to enter stuff. They have been doing really great. We are always getting kudos to them whenever we can.

Rucker interjected that he really does appreciate that and wants that reflected in the minutes. He would really like to thank the Department of Revenue as well. Friend and Rucker had also been invited to talk to the management meeting at Department of Revenue - Billingsley said he thinks that it was well received. Andy Coultis of KDOR has been involved since the beginning, but almost all the resources are directed toward the tax season at present. He felt it was going to be very useful and the Secretary had good remarks about it.

Rucker asked Wittmer if there were any comments that he wanted to add. Wittmer just had a clarification that he might be being overly sensitive, but the team was actually representing the Executive Branch, not OITS. The head of the team, Chris McGinley is from KDHE and he is

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there because he heads the Architecture team for the Executive branch. His specialty is in applications are as well. He continued that they appreciate the opportunity. They were able to do two things with this effort. The first way is hopefully to add some value to the project, but the second was to launch this assessment capability going forward – they will probably use this as part of the KITO process for some of their larger projects. So, he continued, he asked them, number one, not to critique the application, but rather to assess it in terms of security, accessibility, suitability of the infrastructure and software for the long-term, its mobile readiness and extensibility – can it be built on in the future? and overall compliance with the State of Kansas implementation regulations and practices. He just got a preliminary view of the report in his email last night, so he had not had a chance to look at that yet.

Rucker said he understood that Wittmer might have an overarching question about why this topic continues to be presented on the Board agenda. It is a legitimate question and there are a variety of tentacles to the answer. But, from the perspective of the chair that he currently holds, one of the principal reasons he wants to continue to update this Board on the progress on the Kansas Business Center is because there is a \$450,000 to \$500,000 budget item that is still in existence for potential use or possible use for Kansas Business Center. As long as the financial commitment that has been made is an ongoing commitment by the Board, even if they never touch that money, he feels that they have an accountability and transparency responsibility to the Board, and board members can tell them when they've heard enough - perhaps going to every other month or every third month as things go along.

Rucker asked for additional comments or matters related to the topic. There were none.

Action Taken: Billingsley made a motion to do cover the New Business agenda item before lunch, Secretary Gordon seconded. Motion passed unanimously.

Rucker stated that those members who would like to go are free to do so. He indicated that he had no adjourned the meeting – he has done that for obvious reasons, as they can continue to discuss business in open meeting as it has not been adjourned, without running afoul of the open meetings act.

6. New Business

Billingsley said that there had been some discussions earlier in the year – he believes it was by the Deputy Chief of Staff for the Governor, Kim Borchers, about a retreat because he thinks the strategic plan ends this year. Rucker noted that Ashley Gordon was saying yes. So, Billingsley was wondering if the Chair had thought about this or entertained anything to have a retreat in the fall or at some point. He offered that maybe there was no requirement to have one.

Rucker stated that there is certainly no requirement that the Board have one, but was it advisable? Secretary Gordon expressed that she thought having some time to spend doing that was really helpful, having some time to mull over what the plan was, the purpose, the goals. Rucker said that he was not in opposition at all – has he given it a lot of thought? The answer was no. Rucker asked if Wamsley had any comments. Wamsley responded that he thought it was a good idea. Billingsley said he would entertain Friend investigating that a little bit. Friend

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had been attending to lunch and returned to the table to confirm whether there had been a motion.

Rucker stated that the Board would continue to consider new business as they broke for lunch. The board began lunch at 11:34 a.m. and completed it at 12:00 p.m. No new items were raised.

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

Adjournment

Meeting adjourned at 12:00 p.m. The next INK board meeting will be at 10:00 a.m. on May 2, 2017 at 700 SW Harrison, Topeka, Kansas, 2nd Floor KDOT Executive Conference Room

Minutes submitted by: Nikki Reed/Duncan Friend