

INK Board Minutes

Meeting Minutes November 1, 2016

Opening

A meeting of the INK Board was called to order at 10:01 a.m. Tuesday, November 1, 2016 in the KDOT Executive Conference room, 700 SW Harrison, 2nd Floor, Topeka, KS by Chairman Eric Rucker, representing the Secretary of State, with the following members present:

Matt Billingsley, representing the Secretary of Department of Revenue
Scott Hill, representing the Kansas Bar Association
Phil Wittmer, Executive Branch Chief Technology Officer
Gregg Wamsley, representing Kansas Library Association
Kim Borchers, representing the Governor's Office
Tom Tunnell, representing the Kansas Grain and Feed Association

Other Present

Duncan Friend of INK, Shane Myers and James Adams of Kansas Information Consortium, LLC; Scott Somerhalder, National Information Consortium; Kathy Sachs of Kansas Secretary of State; Dan Dunbar, Board Counsel (Department of Administration Office of Chief Counsel). Guests included: John Thomson and Mike Plunkett, PayIt, LLC

Consent Agenda

The consent agenda for the meeting included the October 2016 INK Board minutes, the October 2016 Network Manager report, contracts for approval, and a listing of Board expenses since the last meeting that required approval of the Board

Action Taken: Wamsley moved to accept consent agenda, seconded by Billingsley. Motion carried unanimously.

Regular Agenda

Rucker asked that Item 3 on the agenda, Kansas Business Center Update be moved to the 2nd item on the agenda, before the KIC Annual Disaster Recovery exercise. Hearing no objections, the change was made.

1. Network Manager Report – Shane Myers.

Gov2Go. Myers reminded the Board about the background of Gov2Go mobile platform and the move to support it by NIC. That work is ongoing. He noted that they are continuing to monitor Arkansas and attempted to incorporate lessons learned from there into Kansas, especially for a recent new service they deployed related to voter registration.

Google Cardboard as Holiday Gift. While they have recently provided calendars as holiday gifts, Myers indicated that by instead distributing branded Google Cardboard they would be introducing partners to new innovative technology that will also hopefully generate some ideas for applications.

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Amazon Echo. They have also started to make use of this based on some work that has been done in Utah and Mississippi. James Adams and his team have taken the lead into looking at Amazon “skills”. They have developed a state symbols skill using trial and error. Next, they have been talking with Department of Revenue about integrating the Echo in practice driving exams. They are interested in focusing on developing this in the context of a conversational UI (user interface). Google Home is out there, so they would also take those best practices as they look at it next.

Business Plan Tracking Scorecard. Myers asked for any questions or feedback on this document that had been distributed over the weekend. Rucker, in consideration that all members may not have had a chance to access the additional detail on the private Board website, asked Myers to go through the spreadsheet. Myers pulled up the document and recapped the structure of the Business Plan (with 66 tasks), its connection to the 2015-17 Strategic Plan (with 6 strategies), and the relationship to the Tracking Scorecard, a document presented monthly to the Board to summarize progress against the plan.

Wittmer noted that Myers had probably covered this before, but asked if the metrics he was talking about were out on the portal, or where could those be found? He was looking for Customer Satisfaction. Myers confirmed they were and explained the attempt to provide measurable goals for each item, for example X number of services launched or Y press releases. Wittmer confirmed his question was answered. Rucker noted the need for the Board to understand what was originally set out to be accomplished so that they could understand revisions. Myers pointed out the place in the tracking document that showed the original unadjusted goals, indicating that those numbers don’t change. Rucker wanted to ensure that percent complete included those that had been postponed or cancelled.

Wittmer had a couple thoughts, some for next fiscal year that might be moving the goalposts. He expressed that he craves time series views on how INK is progressing over time. And, while he sees that there are a lot of measures of effort, he wanted to know if there were corresponding measures of outcome. Myers stated that yes, from that perspective, one outcome would be the budget. There are separate supporting documents that Hollingsworth had previously managed from a budget perspective that were approved and measured and then reported on a monthly basis. Hill provides this update. The theory is all of this effort will tie to and satisfy the end-users’ objectives which in turn should satisfy all the strategies that were introduced and, finally, in the end should satisfy the financial objectives for INK. Wittmer said that as a board member he was craving that this picture be painted in tandem, for example “we did these initiatives, we got these results”.

Hill asked Myers if, in passing out the Google Cardboard, he was providing any type of application for people to look at anything. He wondered if there was a way to do a virtual tour of the Capitol. Myers confirmed that was exactly their thought. Just a short clip, a teaser, to get them thinking about how they could see this technology applying.

Hill wondered what the cost was for the Capitol tour and Myers said they were still determining that. Hill expressed he thought it would be good use of some of the grant money that was set aside to do some sort of virtual reality tours of Kansas for schools. Hill felt this would be a great use of the money currently set aside. Shane confirmed they were in the process right now of working with corporate to determine costs and get the video recorded.

Action Taken: None.

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2. Kansas Business Center Update – Duncan Friend.

Friend made a presentation (See copy attached) on the background and current status of Business Compliance Navigator (Form Finder), as well as its value in advancing the Kansas Business Center initiative.

Discussion: Upon completion of Friend’s presentation, Wittmer stated that he liked the last slide as clearly this kind of solution is going to shine a spotlight on “paving the cow paths” (a phrase that Friend had referred to earlier in the presentation). He expressed that the challenge he has been seeing in state government is that there has to be some sort of governance cross-agency. Fixing one agency’s form or another isn’t enough – there will need to be reengineering across agencies. He doesn’t know how one does that in state government.

Friend stated that one of the advantages of this approach is that now one will know the agencies that congregate around a process. From that, one can prioritize, as they can’t all be done at once, and then know the specific agencies that will need to be brought to together. At that point, one would have the statutes for reengineering, but will need the executive sponsorship to drive the change.

Tunnell mentioned that Wittmer had provided a good description of the effort and asked when this application would go online. Friend stated that they have had ongoing discussion about this. They went through an initiative with Kansas Information Consortium, and then to Oracle. They are looking to restart as soon as they can.

To get the software up and configured may be something in the range of 6-8 weeks, but the bigger issue is getting the agency participation as Wittmer talked about – getting people on board, the system populated with information, and making sure it is working correctly. He doesn’t have an estimate on that – Tunnell interposed to ask if Friend would explain the Oracle situation. Friend indicated that he could, although there was Board Counsel also in the room. He asked Sachs to correct him if he misstated, but he reported that current status was that they had communicated with Oracle and their principal person has agreed to cancel the contract. The Oracle representative has also contacted Eventus, the other provider, and is fully confident that he’ll have them do the same thing. Eventus does pretty much all their business with Oracle.

There is still an open question about the hosting service – they still need to pursue this to make sure that Oracle does not charge for the hosting / software service that was running in the background while we were negotiating with them.

Rucker summarized the situation. They were in close to a \$400,000 contract with Oracle that all parties agreed appeared to be a good idea. Wittmer was involved, Billingsley, there were various individuals involved that determined this was the path they wanted to take. After finding that the representations made by Oracle about the deliverables weren’t as represented, INK began the process of backing out of the contract and brought that issue to the Board. The Board, based on good counsel from the Department of Administration said that this ought to be handled at the lowest level without involving legal, if possible, and Sachs had worked with them. Oracle admitted that they would not be able to deliver what had been initially indicated in the way they’d initially said it would be delivered, so the \$400,000 contract is in the “rear view mirror”. The outstanding piece that Friend had made reference to is about \$25,000. They turned the system on, but within a day, they were being told by the project that it wasn’t working. There should be a full retrenchment on their part and Rucker anticipates there will be. Rucker stated that they are back in the business of identifying a vendor that can provide Form Finder. They are not there yet, but plan to exercise great dispatch in getting this project back on track.

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Sachs addressed the Board. She stated that she doesn't want to make promises on commitments yet, but they are looking at a database where that information can be kept. What will be important is that there is the ability for state agencies and ultimately cities and counties to individually sign on in such a way that she could update, for example, her information and Tunnell could do so also, but crossing over those boundaries between agencies would not be allowed. Because it is possible that there will eventually be as many as 1,000 jurisdictions participating, it is key that this functionality is there. They gave the same requirements to a group that were given to Oracle to prove they can meet the requirement and are waiting on a report to find out whether they can fulfill them. Friend stated that one of the issues with the previous vendor was that one set of staff came on site and suggested that the requirements weren't a problem to meet. Then, a later set came on site and said that it wouldn't work... "they told you what?" Billingsley stated that Oracle admitted to it. They were very up front. Tunnell stated that this is actually the best case scenario from the Board perspective because they are way better off than if they'd continued.

Hill stated that he had three points or concerns:

- 1) Last month, in discussing the larger business center goals and the wizard approach that everyone wants to get to, he heard figures mentioned of, like, \$7 million, and they'd all agreed the numbers were very large and that the Board couldn't afford to do that, so they'd need to take a different approach. He has some concerns about the larger scope of this and wondered if everyone was on the same page about where the Board was going. Is that really the cost and is the Board ever going to get there?
- 2) Next, when the Board agreed to fund the \$400,000 or whatever the amount was, his memory was that when they invested that amount of money they were promised a quick turnaround. This was a turnkey approach and there would be something up and running within 6-8 weeks. He stated that we are now 6 to 8 months or more beyond that and he doesn't want to lose track of revisiting the issue as to whether or not that sort of money needs to be invested in this or maybe there are other approaches to what the Board needs to accomplish with that large investment.
- 3) His third concern was also big picture. Much of what had been accomplished there with the Kansas Business Center in the presentation was complete last September or October with a very strong push from the Secretary of State and the Governor's Office. But, he wasn't seeing anything up there that has changed in the last year. He knows where things are with Oracle, but he's not sure he's seen any progress with the Kansas Business Center in a year. He has a lot of concern about that and where the Board is going. He noted that he and Sachs had a conversation last month about the KBC and Form Finder and how they work together. He was not sure he understood all that, but what he is struggling with seeing is any progress at all on the Kansas Business Center.

Rucker asked Sachs if she would like to address that. Friend handed out letters of support that had been very recently submitted by agency partners: Department of Revenue, Department of Labor, and Network Kansas. Sachs explained again what Network Kansas was. They, along with the small business development centers, are saying that this is what the people they work with in starting and maintaining businesses want. This is the first step. There is no one source that someone can go to and ask online how to start a restaurant. That information changes on a regular basis. It changes with the city, state, and counties and this information has to be kept updated. This step has to be done first. Restaurants are the most common new business and are also the most common business to fail every year. They need to know when getting into it exactly what it is going to take and what requirements are needed. There is no question that this is needed. The idea is that all public entities, starting with the state, have to keep this information updated.

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So, Sachs continued, this is how you build it. This is how you get that information together – what are the common business requirements, what are the businesses people are interested in, what are the steps to get started, what people to get in the room to build this? The neat thing about Form Finder or Business Compliance Navigator is that it is the requirements one writes before going out and spending \$10-\$20 million dollars. The other question is how does one ever decrease regulation and government bureaucracy? The approach is to find out where there is duplication, and what is unnecessary, and this produces that. There is no doubt that businesses want this, the people who help businesses want this, and the state agencies who are trying to get information out about how to do this properly want this.

As to the quick turnaround. Sachs stated that they put together a great requirements documents, they gave it to Oracle, and they promised that they read and understood them – and they stated that they had a product that was tailor made for this and they would produce this. When they came into do the work after months of working with them, they came in and said they can't. She said she could apologize for that, but she doesn't think she should. She thought it was wise that they sat down with them and they said what they could do and what they can't, but she doesn't think that is "on us" in that a big company like Oracle comes in and says they can do something and they can't. It did slow things down, having to go back and forth with counsel in Department of Administration and discussing with Oracle. Finally, yes they are looking at the big picture. She said that they need to do it in an intelligent manner, and in a way that reduces the bureaucracy if they can. If not, then they will move on. They know the path. In Oregon's case, they confirmed theirs was inaccurate the day it went live because they didn't have a system for agencies to keep up their own information.

Rucker followed up on Sachs' statements to say that they were approaching it in a micro instead of a macro way and are not pursuing a \$7 million project. It is his perspective that this micro approach is starting with a firm foundation, allowing agencies to keep it updated as rules, regulations and status change. He stated that it doesn't anticipate a \$3 million or \$5 million future. He believes that Form Finder can be done for even less than what they proposed to invest in Oracle, but is a suspicion on his part based on some things he believes will come to pass. As to the progress in the past year, were Oracle to have performed as they'd represented themselves, he doesn't think that question would be pertinent and the Board would have been hearing progress as was planned.

Sachs noted that Billingsley may have some perspective to add. Billingsley stated that Oracle had admitted that they had failed to oversee their partner – their partner was saying one thing and Oracle had represented this. It appeared that they thought it was better to walk away and cancel the contract because they couldn't deliver.

Friend said that, as far as the origin of some of the large numbers discussed, he always went back to the original Kansas Business Center report from three years ago in November. There is an overview of what the group was trying to accomplish, and it looks at other states to for cost estimates based on what they were doing. It contains an outline of the pillars that they wanted, a technical piece, pros/cons, lessons learned, interviews – Oregon is mentioned as well. These pillars – account management, the idea that when users come in, they have access to track all their filings; single sign-on or some derivation of that; a shopping cart across agencies, so if they have to go across agencies to finish a process, they can. The things that they wanted to accomplish are still here. The question for the Board, of course, is where does this all fit in and when will they see it.

Rucker stated that they are still a believer in Form Finder. Everyone seems to be fully confident that this is the micro approach and the way to go. They will be back with the Board as soon as there is some sort of progress with a vendor search and how it is that these services are going to be provided. And, he stated that they all are very aware that they have a limited amount of time to execute it. Tunnell asked if the Board will have to pay Oracle to get out of it. Rucker said, in fact, he anticipated less money – the ceiling is still, of course, the ceiling.

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Hill asked Rucker whether he believed that he had the authority to spend the \$425,000 without coming back to the Board. Rucker said he was always willing to get additional feedback from the Board. He asked if the Board had any reservations about setting or maintaining a ceiling of \$425,000. Hearing none, he asked if there was any opposition to the ceiling remaining at \$425,000 (Friend corrected the amount to \$452,000, to be accurate).

Hill would like to see what the proposal is and how that fits into the big picture before the Board spends that kind of money. Understanding where things were when they approved that amount and how it fit into things, he would like to see it again. Billingsley agreed to that. Wittmer stated that he needed to “bang the drum one more time”. The answer for him to these questions, to answer the ongoing, he is craving measures of outcomes. He understands that they are talking about doing stuff and making it easier for small business, but from there the picture gets murky and he thinks that’s why the Board is wandering around.

Wittmer said that a feeble analogy is that he wanted to help people navigate Kansas. Well, if someone tells him they need to go to Wichita and, by the way, this is the only time they’re going to be in Kansas, Wittmer said, he would probably give them Google Maps. Yet, if someone were a resident and were going to do that all the time, he would build them a GPS. It may be OK to build cow paths – what are the outcomes the Board is looking for? Right now he thinks they’re looking for business starts – but maybe in a year or two business longevity, or new jobs opportunities, or corporate income tax generated by entrepreneurs. Whatever they build today needs a laser-like focus around that, whatever those 3-5 business outcomes, then the Board can declare success.

Rucker stated that to go back to the earlier answer is that this is a result of the business advisory meetings that have been held. He said that they are customer driven. First of all, they want to assess what it is that they are telling us that they need. Sachs noted that one thing that is important, if the Board members read the letters that were passed out – and they can get letters from the CPAs, the Small Business Administration, and others on the advisory committee – while she can talk about the big picture in a moment, there is no question about what people want and need and what the Governor has expressed support for, along with the small business administration and Network of Kansas who deals with new businesses and maintaining them and closing businesses. So, she would like to separate that question about what comes now from what’s next. They can have that conversation now or next month. But, right now, from talking with experts in the field who work with 500 businesses a month, there is no doubt this is the tool they need. She didn’t want to go very far into it, but the United Nations and State Department have seen what they are doing and they have contacted her about the next step, with the Kauffman Center to partially fund it, that this is the right next step and it is important, and needs to be done now. Rucker followed up that it seemed to be the sense of the Board to take a look at it again and so they will report back, although there is a need for dispatch here.

Hill wanted to go back to the overall progress and further elaborate on his concern. He stated that the Board has a project manager for this project. They hired Friend as project manager and elected to have that person report to the Secretary of State.

The Board does not have any direct reporting from the project manager to the Board – he understands that Friend is here reporting to the Board, but it is not quite what he is saying. He is struggling that the Board has this ongoing project in which the Board has invested this money and continues to invest this money in a project manager and Hill does not have a roadmap of where they are going with this, when the project has met its goals, the measures of success and what has been accomplished in the last 6 to 8 months. Rucker asked whether Hill would like a monthly report.

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Hill noted that Friend had mentioned other parts of the Kansas Business Center, like single sign-on, and he thought from some other discussions with Sachs that some of these things could be moving along at the same time. He just wanted to make sure that things are moving forward with the Kansas Business Center in a way that supports the Board's continued investment, resources, money, the Board's time, and that sort of thing. He is not sure what he is looking for, he just has concerns with the overall progress of Kansas Business Center.

Sachs stated that Rucker is chairing a business plan committee and they met in May to ask Myers to produce something that says "How would you accomplish those goals? What would you do if the Board and the state were not in the way, the agencies were not in the way, to show the vision that you understand what it takes to show the State of Kansas is the leader in e-government services?" So, Rucker has asked for that report, they are waiting on a business plan – they know they don't have it yet, but they know that it includes commitments that Myers and Somerhalder (NIC) are making with regard to NIC providing a single sign-on infrastructure. She doesn't have the dates on that, but has asked for the dates. Single sign-on, account management – so those things are marching along also, but they need to wait for their Network Manager's response to that. Hill stated that he is not trying to point blame anywhere. He thinks that ultimately the responsibility comes down to the Board members. He just wants to make sure that the members all have good knowledge moving forward.

Rucker responded that Friend does not work for him, he works for the Board. He thinks that if the Board would find it enlightening, he will put Friend on the agenda every month to provide an updated report on the Kansas Business Center to fully inform and answer any questions that any Board member has, NIC/KIC, or a member of the public. He would be pleased to do that and asked Friend to do so.

Borchers asked if that satisfied Hill's concerns. He noted that he was the only one talking here. Borchers said that she had been around in this Administration for six years and that it was interesting to her that they had an Executive Director and the Kansas Business Center didn't go anywhere. So, she thinks having one person who is responsible for the project is good. If it is more communication from Friend, then the Board can decide if it is moving in the right direction, she's not one who thinks another layer of people is needed in here. Also, she can read a report and it may not tell her anything, necessarily. Part of why she is sitting here is there hasn't been movement. As an example, Knapp worked in the Secretary of State's office a long time ago under Graves when all this stuff started.

Part of that, she stated, is that the buck stops with the Board. Part of it was that it was handed off and nothing was getting accomplished. The Board has to decide in its mind what progress looks like, where they say "no, we're not moving in the right direction", how they hold folks accountable. So, more communication, maybe bi-weekly reports, whatever will work for Friend – she's not up for just creating a document for the sake of that. She is in complete agreement.

Wittmer stated that he heard a challenge that, given the lack of success to-date, what are we going to do, and then we can challenge the project manager. But, she stated, that is our fault.

The Chair asked for other comments and John Thomson (PayIt), a visitor, asked to be recognized. Thomson was recognized and addressed the Board. He said he just happened to be speaking Thursday in another state on this and similar topics. He said, as an IT guy who loves technology but loves business outcomes more, he thinks that projects languish in this cycle that they are stuck in because there's a false choice. By looking at all the same ways that it's always been done – even the examples from looking at peers when you benchmark and end up paying \$6-\$8 million for customer software, that's how the world worked 10 years ago. But there are platforms and solution providers now that do this.

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He said that he heard a lot of what is right from the project manager. Gathering all the intelligence, and then there's a "what do we do with it?" When there is a lot of talk about capital outlay, that's when you know you are talking to the wrong partner. That is not how this world works anymore. He stated the PayIt would love to come talk with them about a solution that marches them down the path and starts producing business results, but also has a bigger picture in mind – the next three things that they want to do and how it is they get there, with built-in analytics from the ground up – here's what's working, what's not, where do they spend time. He knows that they spent some time talking with the project in the spring and they'd like to sort of clean that up and show them what's possible – what's even more possible than what they are doing now.

Wittmer stated with regard to the project that he knows that they are looking at what other states are doing and that is a good thing. But, frankly, in this space, as a business person himself, he thinks that we are somewhat in competition with other states. Let's look at someone that's contemplating opening a business in Missouri vs Kansas. What is the total package that Kansas has to offer? And, what are the incremental benefits Kansas can offer vs. the state's around us. Maybe Commerce should be a part of this discussion, too. He thinks it is more than a system. Friend showed a section of the existing Kansas Business Center devoted to that, but expressed that he thinks there is a lot more investment that could be made. He agrees with that – the problem is to unify the efforts.

Action Taken: None.

Sachs departed the meeting.

3. KIC Annual Disaster Recovery Exercise – Shane Myers

Myers noted that this is the time of year that, from a contractual perspective, KIC performs their annual disaster recovery test. This is just to create awareness of the timeline. It will be followed by the appropriate outreach and review/approval process. The date that they are targeting for this is November 12 which is a Saturday. The work will begin at 12:01 AM and will be down until 6 AM. The reason for this basically is to prove out their capability and run the annual test. They have two geographically dispersed disaster data center locations, one in Virginia and one in Allen, Texas. They will start in Virginia, then move to Allen, run in Allen and test some transactions, then move back, then run some transactions to make sure that things are working well in Virginia and that will complete the exercise. For the failover, they expect a flip of 15 to 30 minutes or shorter than that. They have seen shorter times in previous exercises. They will now proceed to do outreach in advance starting with the Department of Revenue and Secretary of State about the date of the 12th. When they get the approvals they will notify the Board of the plans.

Action Taken: None.

4. INK Strategic Plan

Rucker stated that they will be in contact with Myers as they go forward on this subject and anticipate getting together relatively soon, recognizing that the plan is due on December 1st. Myers offered to give an update on what has been presented. Rucker stated that he felt all the board members have been presented with that material – he thought it would be more beneficial for the board if the committee got together before the December meeting rather than taking additional time today, unless Myers thought otherwise.

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Myers responded that the struggle will be with meeting the December 1 date from a contractual compliance perspective. This is basically when INK/KIC owes a draft of the business plan. Traditionally, this has been a collaborative effort between Jim Hollingsworth and him that basically built the business plan for INK. Within the plan, maybe only three sections were owned by KIC. Normally they would kick that off in October and that would be based off the strategic plan. There is one in play with six strategies that was launched in 2015. There have been a lot of discussions about the strategic plan and what he presented in August 2016 was the outcome of that. He had conversations with Wittmer and with other board members on “What would your strategic plan look like? What would you propose to the Board?” He presented that in August and was asking for feedback and he was hoping to get that at the following meeting so they could have that approval on what the strategic plan would be. As of today, he doesn’t have an answer, yet they owe a business plan by December 1. This is why they are kind of stuck at this point. Rucker stated that hopefully they would be meeting in the next 7-10 days and clearly before the contractual deadline date.

Hill stated, to make sure he understood, that it is possible that in December the Board would be approving both a strategic plan for 2017 and the business plan. Chairman Rucker stated that he hoped that the Board would desire some reflection on what was submitted with a follow up passage date as it has occurred to the past in January or February/March. Myers confirmed that the December 1st date was usually considered a first draft and Hollingsworth usually led the discussions about that in the December meeting. Rucker stated that he didn’t think the Board has any problem with what the Board did in the past. Myers indicated his main concern was to determine what he would be building with Friend, what strategic plan it would be based on. Rucker stated that the group would be meeting in November before the initial submittal.

Action Taken: None.

5. Portfolio Analysis Update – Shane Myers.

Shane recapped the members of the committee: Matt Billingsley, Tim Metz, Duncan Friend, Ashley Gordan and himself.

One of the items was to perform a partner contract review and update the templates. They were addressed back in 2010 but haven’t been addressed since then. And, there were several areas that the committee had discussed where updates were needed. One was to look at adding language to create an avenue to basically quit or terminate the contract from an INK perspective. Second, they are looking for an area to interject a look at changes to the efficiency fees over time - possibly implement something on a percentage basis or every five years from the date of the discussions. The last piece would be creating the opportunity to obtain the adoption level and rates for the service by the state agency, as this has been challenging to obtain, so the group had thought the contract would be an appropriate spot to get that information. And, in addition, maybe getting more information about the total cost of ownership and the benefits of getting that online.

Action Taken. None.

6. Update on Executive Director/Search/Contract for Approval - Phil Wittmer.

Wittmer stated that there was a proposal in today’s packet. There were some questions but he didn’t receive any redlines from the attorney. Wittmer’s opinion is that they are fine with the proposal and it would effective to move forward. He is not sure if there needs to be a motion. He recapped the structure of the proposal and that he

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was impressed with the firm. Tunnell stated that he has used this firm more than once and they are very professional. One thing they are not is a headhunter. They won't go out and find the candidate for the Board to hire. They will seek applications that will narrow down that meets the Board's criteria. They do the background check. Everything from the credit report, phone interviews, and it saves him time. The cost is very reasonable. Borchers stated that this explains why they aren't asking for a percentage because they are not headhunters. This would be like what she might do to post an ad on The Ladders - like what she does for the Governor now. However, they don't go out and approach people. Wittmer confirmed that was correct. Rucker asked Wittmer if he had a chance to talk with the balance of the Board committee and gauge their interest in engaging this vendor. Tunnell, Metz, and Billingsley all had experience with them, Wittmer had reviewed the result with Knapp after having talked with CBS and the committee was unanimous about moving forward. Having said that, he made CBS aware that there is not unanimity on the Board about this or even the need for the position. This is part of the challenge to get the Board aligned around that before we this hire. Borchers asked Tunnell what level of individual he used them for hiring. Tunnell stated that last time used them, a few weeks ago, was for a CFO. Billingsley stated that his was for an executive director for a nonprofit organization that had a \$1.5 million budget. Chairman Rucker asked Counsel if we have a purchasing or a vendor issue here. Counsel stated no. Chairman Rucker ask if it exceeds \$5,000. Counsel stated that we are exempt from procurement rules. Chairman Rucker stated that there are then no purchasing issues.

Action Taken: Motion to approve (Hill). It was seconded by Tunnell. Rucker asked if there was any discussion.

Discussion: Rucker noted that, as had been stated earlier, there is not unanimity on the Board. As a result of this, he believes that the position is not needed, so he will be casting a no vote. Tunnell wanted to confirm that he was correct that the vote was not to hire someone, just to identify the parameters for hiring someone. Rucker stated that he was correct, but he wouldn't be willing to spend any money to make that investigation. Wittmer said he took the position that one goes into this deal with 75% probability that the Board is going forward with hiring someone. At one point there is a checkpoint at the end of phase 1, where the Board can decide if it is aligned on whether to fill the position or not and what it looks like. The requirements that he gave them were the key attributes. In full disclosure, they were differentiators from the prior Executive Director, that is, "here is what we didn't have before and what we aspire to accomplish in this position". Rucker asked for additional comments and, seeing none, called for a vote – and then confirmed it via a show of hands.

Action Taken. Hill motion to approve to enter into a contract for services, Tunnell seconded. Vote recorded as follows:

No: (3) Rucker, Billingsley, Borchers

Yes: (4) Hill, Tunnell, Wittmer, Wamsley

The motion fails for lack of a quorum (5 votes needed, per statute K.S.A 74-9303(d)).

Further discussion: Wittmer asked if the matter was tabled or killed. Borchers asked for some clarity on what they were proposing to use the entity for. Was the Board looking to hire someone? Or looking for someone to develop a position description? It says that there is a position analysis in this. Is it a case where they develop that, come back to the Board and it agrees that is what it is looking for and then they move forward?

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Wittmer responded that it is to do 90-95% of the heavy lifting to hire a backfill for Jim Hollingsworth. But, in so doing to redraft the position description and expectations. Hill thinks the background was that there was a motion to eliminate Jim and his position - which failed. What passed was the elimination of Jim and keeping the position, which would remain open and which we would remain silent on for a period of time. Then, there was a motion – he believed with five votes – to seek out a third-party vendor to assist in this process – with putting together a job description and ultimately hiring. He believed that that motion was also passed with five votes. So, he thinks that there have been the votes necessary to get where the Board is today and what they are looking at today is simply approval of a contract that is consistent with those previous decisions.

Wittmer stated that, in its previous incarnation – he has only had the benefit of one year here – the way it was being executed before, he would vote no. If that’s all that the Board aspires to, absolutely don’t fill the position. To be very candid, if the vision of INK is to be a sole supplier to meet all of our needs for the foreseeable future, he doesn’t agree with that point of view. He doesn’t believe a single vendor will get us where we need to go. Then we don’t need the position. Wittmer doesn’t agree with that point of view and that a single vendor will get us where we need to go in the next 3 to 4 years. He continued saying that we need to look at all of the alternatives out there to supply our needs.

Tunnell continued. When he came on board, it was at the time when Jim was leaving. He did not have the experience of enjoying the input or help of an Executive Director. At some point when others did and they voted to continue with the position, they must have seen some value to keep the position and find someone with a new set of criteria. So, he is kind of in the middle – he doesn’t know what we had, and he doesn’t know what we need. He thought that at least we were going to look at the offer on what is out there and what we need.

Borchers expressed her concerns. Whenever a recruiter is used, they take a percentage of the salary and everyone is always hesitant about doing that. On the other hand, she looks at what CBS is doing and \$20,000 is a lot of money. This is work that she and her staff do. She is not volunteering, but what she is saying is that she would much rather – because the best employees she’s hired weren’t applying through an “Indeed app” – it was someone she talked to at Koch who knew someone else, then she got Phil Wittmer. So, it was definitely a recruitment style approach. She wouldn’t mind looking at an entity who is more of a heavier player in executive search where that is what they do, that’s what they deal with, they perform an executive search for people who do this kind of stuff and manage these types of people. Borchers continued, saying that knowing what the market bears out may not always give the Board what they want. So, they will have spent a lot of money on something and won’t end up getting anything. Versus, if the Board goes with another entity, most of those are set up that you only pay if you get your candidate. With the proposed arrangement, the Board is still paying whether you like the candidate. So, the Board could be paying \$20,000 for something where they don’t like anything they deliver.

So, that is her reticence. She suggested that she would much rather pay somebody 25% of an overall salary knowing that the Board got a really good search and some really good candidates to look at. That’s all her hesitancy is about. She just doesn’t know that they are the right players. She asked if it was only Topeka that they were looking at. She asked “Are we going to require that this person lives here in town?”, stating that there’s a lot of people that won’t look for jobs in Topeka if they’re up in Kansas City. Will the Board retain someone who will recruit people out of Kansas City to come here? To her, this is people who post ads for you. They do a very good job once you have a candidate that might get through, but she is looking for someone to go out and find the Board those candidates - not someone who doesn’t.

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Tunnell noted that he also knew what he was looking for, and he wasn't sure the Board did. Billingsley stated that he can only speak for the agency that they were dissatisfied with the service they were receiving from the Executive Director. He just doesn't think they were getting what they were entitled to. And it just wasn't over the last year. He has gone back and asked previous people about the relationship and it just wasn't there.

He said he would cite an example: When the Executive Director does not know who the Director of Vehicles is and does not have a relationship with that person, it's a concern. I went and asked the director - did he ever approach you? No. She has been there three years. He stated that that is the reason for his dissatisfaction. Borchers stated that this is a different dilemma.

Rucker said that, if in fact, piggybacking on Wittmer's comment, a single vendor is not in the cards for the future, then the need for an Executive Director would be increased. It seemed to him that the Board would want to get to a position where they had made a determination that they were going to walk down that road. Then maybe Wittmer would know whether or not the need for an Executive Director had come to full fruit or ripeness. In other words, if Wittmer is predicating his yay or nay on the assumption that the Board will be dealing with one or more vendor as a provider of services to this Board, that maybe that is a decision we should contemplate first, which may, in Wittmer's mind, not Rucker's mind, he stated, bring the reality of an executive director more into full fruit. And, Rucker continued, speaking of that, we have such an item on the agenda today. However, for today's purposes, we do not have five votes. Tunnell asked if the Board could entertain a motion to table this and then study it – he would make that motion.

Action Taken. Tunnell motioned to table this matter for further discussion. Seconded by Borchers. Motion passed with voting as follows:

Yes: (6) Rucker, Billingsley, Borchers, Tunnell, Wittmer, Wamsley
No: (1) Hill

7. OITS RFP for Mobile and Web Application Services

Friend began by stating that he would chime in to start, given that he knows people at the table have different positions about that. There has been an RFP, and Friend expressed he thinks Wittmer is precluded from speaking much about it because it is an RFP on the street and there are vendors around. Myers had something to at least say in terms of bidding – he's not sure if he does or not - and the Board Legal Counsel is here from the perspective of whether or not the Board can go into Executive Session.

Friend stated that he put it on the agenda because it has come out and it does deal with mobile and web services. But, as of right this moment, he is looking around and people are just kind of looking back at him, so he does not know if members have questions or whether anyone can answer them. He said he wishes he had more for the Board, but this is kind of late breaking in terms of the positions being decided about various parts of this.

Rucker stated that he appreciated Friend being proactive, but he doesn't have an Executive Session scheduled on the agenda, but just to be "innoculative", he asked Dunbar whether based on his knowledge of the agenda item an executive session would be appropriate. Dunbar responded that he and Friend had spoken about this the last few days and it is really complicated, but the short answer is "no, not at this time." Rucker asked if there was anyone in attendance that desired to speak to the agenda item that was placed on the agenda for possible Board consideration. Wittmer responded that without Executive Session, he had to excuse himself. He cannot

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be present in a conversation about an RFP that he has on the street with two potential bidders in the room. Rucker noted that he could respectfully understand. Wittmer exited the meeting.

Rucker asked for other comments from Board members, or comments as to the agenda item. Borchers asked why the Board was having a discussion about OITS that has nothing to do with the Board. Billingsley stated that he is glad Borchers asked that question. He continued that the question was ‘What does this have to do with the INK Board?’ The RFP, the State’s RFP?

Rucker recognized Friend. He stated that he could answer how the item came to be on the agenda. The question really is, historically - he asked those who had been there for a little while to recall the “scrap metal RFP” that came out from the Attorney General and they wanted a scrap metal application – INK, this Board, actually bid on that. He thinks it is still open right now and, maybe Shane knows what the status is. So, it’s not unheard of for the INK Board to bid on it. The topic of it is “Mobile Apps and Web Services” so the question would be, for Friend, INK is a potential bidder on it, as could be KIC – although if KIC wants to be, the Board has to let them out by contract, whether their corporate partner or anyone – so it was that topic that led to this.

Borchers responded that, it was just her perspective, but nothing against the INK vendor who is here, but the INK Board has a vendor. She continued that she doesn’t consider that vendor to be – they can go for any RFP they want – she doesn’t see that it is the role of INK. Because, her real concern is that, if that’s the case, they have Phil Wittmer who is ultimately responsible for it who may not be able to even be part of the decision-making process for any of it. She doesn’t think that’s what the objective is.

This is one of those odd exceptions. The Attorney General wouldn’t be making this decision, but the Board actually has something that is impacting Wittmer’s agency, so she doesn’t think the Board’s issue.

Billingsley asked how the Network Manager has the authority to go in and bid without the approval of the Board. That’s his question. Rucker asked Friend how the scrap metal issue where the Board was a vendor, the Board did submit an RFP (bid) was handled.

Friend stated that he thought at that point – indicating he would refer to Myers for some of the history – the position he took, that is, he understood was the position to take, was that they are the agent. It was sort of that decentralized responsibility – if KIC feels the INK Board should bid on it, go ahead and bid on it – we didn’t have Legal review it or anything else and it went out. Historically – Friend stated that he would need some help from Myers even if he spoke in the abstract as to what has happened previously when they bid as INK as it has happened a number of times. Hill noted that he thought Wildlife and Parks was bid as INK. Myers responded that it was bid as KIC. Friend asked Myers, but did KIC normally come – KIC has to come if they want to bid as KIC, do you have to come if you bid as INK?

Somerhalder (NIC) responded yes, but continued that, “without getting into details because there are competitors in the room. It would be an opportunity whether we choose to bid or they choose to bid or not. The main reason is that, per our contract, and the way that INK is set up, is to have a discussion on whether or not we would bid that if we choose to as INK, as KIC, as separate - we don’t know, it’s a discussion to make sure the Board is aware...”. Borchers asked “But you’re permitted to do that?” Somerhalder began to respond saying “we are permitted, but we need to have a discussion” – then Friend interrupted saying “You need our permission to bid as KIC”, to which Somerhalder continued “but we need your permission to bid it if we bid in a different fashion.”

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Hill stated that he thought there needed to be a discussion to as to the scope of this proposal, what impact if any it has on the portal and the Board to determine whether or not it is interested in bidding on it or whether or not it is interested in this subject at all. And he doesn't understand that. He has looked through the proposal but he can't say that he really understands any of it. He would really like to know how this potentially impacts us.

Billingsley said that he would think it would be KIC coming to the Board and saying "Yes we should" to give the Board some information. Somerhalder said "I would say we'd like to have that conversation with you, but because of the competition, and other competition in the room, we don't feel it's – at this time – the right discussion for us to have with you." Borchers questioned Somerhalder "The RFP is out, right?" Somerhalder confirmed that it was. Borchers continued "...and you have how many days?" Somerhalder said it was due on the 29th of November. Friend interjected that it had been moved to December. Myers stated that not that he was aware of that.

Borchers questioned "So, you have no prohibition – does the contract you have with us require that you have to receive permission from the Board...?" Somerhalder "yes", Borchers "...to go out as a separate entity?" Somerhalder responded "Yes, yes it does." Friend indicated it was also from a competitive standpoint as the Board gets 15% of all the money they make, so I think that's the story here, if KIC is our franchisee and they go outside – this is historically – the Board has a say in that. He continued that he thought that was the origin of it - he wasn't "fronting" for it.

Rucker asked for help on a point of confusion. He believed that in the case of scrap metal, the INK Board signed the actual contract (bid). It is the Board that is the successful or unsuccessful bidder. And so there are literal, physical document, Mr. Dunbar, to execute that makes the Board responsible for individual contracts when INK is the successful bidder, and, he thinks, even when INK is not. Friend noted to Dunbar that there might be another issue with this, so deferred to Dunbar to explain.

Dunbar responded that, if INK decides to bid on this and – depending on how the Board resolves the issue with KIC, whether or not they are bidding on INK's behalf, he is not quite sure how all that works – if either of those things happen – Rucker said that "we have been having these discussions, too" – and, Dunbar continued, to some extent even NIC, because he is not sure how that even works, but, clearly, if INK chooses to bid on this, Dunbar stated that he would have a conflict. And, to some extent, if KIC bids on it, he would also have a conflict. He stated that he knows KIC will come with their own counsel if they bid on behalf of themselves and maybe if they bid on behalf of INK the Board will have counsel, but because of our (the Office of Chief Counsel) relationship with OITS.

Borchers stated to Dunbar "So, if they bid on behalf of themselves, we don't have any conflicts". Dunbar responded that "If the Board gives them the authority to bid on behalf of themselves and not on behalf of INK, then I would not have any conflict."

Rucker stated that, just to review, what is actually on the agenda today and what it is that was put on there, the Secretary of State's office, or INK, was not responsible for the agenda item – he wants to make that clear. But, what is on it is the OITS RFP for Mobile and Web Application Services. He continued that he wanted Mr. Dunbar to know that his office has discussed the contingency of this Board recognizing his conflict. And, the office has had a discussion about the possible approaching of the Attorney General's office to give them additional legal counsel in this matter. So, understanding that may have been Dunbar's position and indeed he believes it might be Dunbar's position, they are looking at contingencies to provide the Board the appropriate legal counsel, so that if the Board had questions, they might get them answered. But, because that topic was

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only indirectly on the agenda and not directly on the agenda, he did not believe it was ripe. There is no one to discuss this discussion item.

Action Taken: Borchers made a motion that the Board free KIC to go out for the RFP separate from the INK Board.

Friend was recognized by the Chair. He stated that this was just informational, so that everyone is aware, but if they go ahead and bid and the Board releases them, and they get the “franchise” to develop apps and collect fees – one of the examples in there is a KDOR app for Webtags, people has not seen it, but those fees will no longer flow through the Board so you won’t get 15% of them – however much that expands in the future, which he is not saying is good or bad, he was just saying that is part of the discussion that if the 85/15 matters to the Board, if it goes outside, through the others, then the revenue, for the future apps, won’t flow through the Board. He continued that this may not be a big deal, that is what happens.

Hill stated that this is hugely important. The Board is having a potential loss of portal revenue here and there is nowhere around the table here taking any ownership for addressing this issue at all or leading a discussion. He continued that when the Board gets back to the Executive Director issue, this is what an Executive Director should be looking at, informing the Board of the scope of this proposal and leading a discussion as to whether or not the Board is going to bid, and the ramifications of allowing KIC out of this contract to go bid on its own. He thinks this is pretty significant and he is at a complete loss as to what the Board is doing here today or what it should do.

Borchers responded that she would like to throw something out. They have the head of OITS who is sitting here who could be completely pulled out of the ability to pick who is selected for his RFP for his own agency, if the Board does this under the auspice of INK. She would be saying “wait a minute.”

Hill responded that this is very odd that the Board is dealing with a bid – he doesn’t know what to do with it. Borchers stated that the other thing is, she did not know what kind of impact that is. Friend can throw that out, but she doesn’t know the cash impact is (of the 85/15). Does this take off, does it not? Could it be years down the road? There’s a myriad of things that can happen, and that may be a lot of assumptions. The other thing is, if the RFP goes out, and, let’s say, KIC/INK doesn’t get it the Board is still in the same position. Let’s say somebody else got it, the Board is still in the exact same mobile app. So, quite honestly, whether the Board does it as INK as a board, or the Board went with another vendor...at the end of the day, if another vendor was selected, the Board still loses that revenue. Billingsley stated that was correct – well, not unless they use KanPay. Somerhalder said not necessarily – it doesn’t change the initiative for INK and KIC under their current contract. Which is to push digital government, to push mobile services. He continued that it doesn’t prohibit them from moving forward and still doing all the things we’ve talked about with GovPay.

Friend noted he thought he could drive some of this, and that it sounded like one issue that is very important here is that it sound like whatever discussion the Board has, as there can be more with these details, needs to be in an open public meeting, so that is something people need to know, versus an Executive Session to discuss these things. He thought that the other question about a statewide contract is that normally it is the default to go through the state contract, while it is true that there is a statute that says agencies should do everything they can to help INK, he doesn’t know whether it means for the future that it still will be competitive or basically state agencies for mobile and web services would then go through that contract. And, while Wittmer can’t talk about it – to the degree he can recuse himself on the Board side, that’s a legal matter – then, he probably still could do

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his other side, Friend thought, as a layman, but the Board would still have the question of who was going to lead the discussion for the Board and who would provide that input.

Borchers said that she didn't mean to put Dunbar on the spot, but, for some of these questions, can they not go into Executive Session? If we asked the vendors to leave the room, could we ask some of these questions – that's part of the problem – INK is now a vendor. Dunbar did not respond. Rucker stated that, again, not having placed the item on the agenda - Friend thought that Hill asked for it related to a question of conflict of interest. Rucker continued that, not having placed the item on the agenda, Hill placed it on the agenda, Rucker had discussed with Friend, and in the office discussions that they had had, that Rucker believed the item to be premature for the agenda formed in the manner in which it was formed. So, Rucker believed what the Board should do, or at least consider, is "kicking this can down the road" one month. This gives them the opportunity to approach the Attorney General and ask them how to sort this knot out, how to "unknot the knot" and what their advice would be.

Borchers stated wouldn't the RFP have to be in? Rucker said that that the RFP (response) doesn't go forward until board action. Friend looked at the Purchasing website and said that according to that, it closes on November 29th. Borchers: Right. Friend continued that he has received an email from one of the principals that says it has moved to December 18th, but the bid does not indicate that, so he is just providing the Board with the most current information.

Rucker responded that he thinks it is just simply that the agenda item the Board has, there is no one to speak to it. So, there is nothing to be considered, and no action to be taken by the Board. If this board were to make a decision to be a vendor or participate in the RFP, he would strongly suggest that it seek legal counsel before doing so. That's why he doesn't believe this item is appropriately before the Board – at least there is no one to talk about it and there is no board action that has been proposed thus far.

Borchers asked Rucker, that, given the way he said that, who would be available? Rucker responded that this is why the Board needs legal counsel. The way that this was placed on the agenda – that is an excellent question – and his response is that just as one member of the Board, not the Board, is that they need to have legal counsel, and if there needs to be a special meeting of this board before such time as any deadline passed, for potential board action, then that is another matter. But, he believes that they need legal counsel to advise the Board as to how to deal with this knotty situation. It may be OK that the Board is OK with not doing anything and simply call lunch. (*cross talk*) But Rucker believes we need to have legal counsel.

Borchers asked "Legal counsel for?" She understands on Rucker's end, but if the Board just made a decision to go ahead and free KIC up to go ahead without it being INK and then they would meet the deadline, and what the Board would potentially risk is that they wouldn't get whatever, but they end up risking that anyway because if another vendor is selected, the Board is going to lose that money anyway. So, there are three options:

- The Board goes with INK and has them to the bid on INK's behalf;
- Second, the Board frees them up and they can do whatever – and the Board loses the money;
- Or another vendor gets it, and the Board loses the money.

Friend said, yes, that sounded right to him. Rucker responded that none of those issues are on the agenda. Borchers asked why aren't they on the agenda. Rucker said that what is technically on the agenda is the OITS RFP. Borchers noted that Hill had been quiet. Hill said he is at a complete loss of what to do without some understanding of the scope of the project and no one can talk about that. He is very concerned that time is

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going to pass and the Board will be sitting on their hands and doing nothing. Rucker stated that expressing a concern is legitimate and asked Hill what he would suggest. Rucker said he is suggesting that before the Board does anything, they approach legal counsel to be appropriately advised. Then we can have a special board meeting and talk about something at that point in time after being properly advised. He expressed that he thought it was very curious that a board takes action on anything other than what an agenda item is. And the agenda item that is, the Board is not talking about it directly, it is skirting it. And taking any action on this board, on this agenda item, quite frankly he believes to be ill-advised. He stated that this is just one board member's opinion. He then called for action, motions, or discussion by the board.

Action Taken. Hill moved to engage counsel to look at this and call a special meeting to discuss whatever it is that the Board wants to do.

Borchers asked whether he wanted to give a deadline – two weeks? Hill suggested 10 days if there is a November 29 deadline. Billingsley noted there was a holiday during this period as well.

Seconded by Borchers.

Rucker called for discussion. Billingsley confirmed the holiday was Veteran's Day. Hill said that his motion was just to engage counsel. He doesn't know what that means given Rucker's discussion with the Attorney General's office, the conflict that the Board has here, the fact that the Board terminated their outside counsel earlier this year, he is not sure where that leaves the Board on engaging counsel in the next 10 days.

Revised Motion: Rucker recapped Hill's revised motion to advise with the Attorney General, counsel with the Attorney General, meet after appropriate counsel, and possible action. Seconded by Tunnell. Motion passes unanimously.

The board recessed for lunch at 12:14 p.m. Reconvened at 12:34 p.m.

8. New Business.

Friend brought forward an item for new business. While Friend had a transition period with Jim Hollingsworth, not everything came up at that time. Recently, the subject of filing a corporate tax return for Information Network of Kansas, Inc. came up. In the previous year, Hollingsworth, in attempting to move payroll out of the state system, found that he needed to have an active FEIN, which required filing a corporate tax return. Even though there is no corporate filing with the Secretary of State's office, it is a quasi-governmental, so – he deferred to Hill if he remembered, who deferred back to Friend – Friend had seen some documentation from Mize Houser that showed a letter from Hill filing some back tax returns. Filing is basically an annual report attached to a single-pager that shows zero income because the Board is a governmental unit. Friend has it for filing – it is overdue but there is no penalty, per Mize Houser. He had asked Hill if he wished to sign it and he deferred to Rucker given where things are at currently. So, the question before the Board is whether or not it is something the Board wishes to continue. Hill stated that he thought the last time they had filed three years. He thinks the question is whether the Board continues down the path of filing this or let it go because the current need from before has passed. Friend noted that Mize Houser has suggested that once filing has resumed, stopping is likely to generate yet another set of paperwork. Rucker's statement that it isn't an issue for the Board any longer, and the Board is continuing to pay Mize Houser every year to generate the paperwork. He thinks it is nonsensical to pay Mize Houser to do

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something that in no long applicable to the board, even though it might generate some additional paper work for one year, it won't be for successive years. Friend read the language from the letter sent last year with the filing. Chairman Rucker stated that there would be no filings in the future. Friend responded correct. Borchers asked how the Board was categorized – is it categorized as a government entity? Friend stated that there are some opinions from Phil Elwood, the previous board attorney...there have been some machinations around this topic for a while – that referred to INK as a “quasi-governmental corporation”. So (as it relates to the tax return) it says the income of the corporation is excluded from gross income” under Internal Revenue Code section, etc. because the Board is governmental. But, the statute calls the Board “the Information Network of Kansas, Inc.” although it provides no definition of a quasi-governmental corporation or anything else, it just exempts INK from purchasing and those kinds of things. He doesn't believe that INK is filed with the Secretary of State as a corporation or do the things one would necessarily do to be a corporation. And, apparently up to 2015, the Board has not filed corporate tax returns. Hill doesn't think that there is substantial annual cost for filing, but he doesn't have a preference either way. Rucker said that if there was no preference of the Board, they would continue to file. None was expressed. Tunnell stated that he “leaned toward compliance with the law” which was greeted with general laughter.

Action Taken: Billingsley moved to adjourn meeting, seconded by Tunnell. Passed unanimously.

Adjournment

Meeting adjourned at 12:41 p.m. The next INK board meeting will be at 10:00 a.m. on December 6, 2016, at 700 SW Harrison, Topeka, Kansas, 2nd Floor Conference Room

Minutes submitted by: Nikki Reed/Duncan Friend

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2. **Organized by Business Phase**, it incorporates information about required filings for a wide variety of business types, and a **Forms Catalog** for three (3) agencies (KDOL, KDOR, SOS).
3. Connects users to **Small Business Development Center(s) training and advisory services**.
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Kris W. Kobach
KANSAS SECRETARY OF STATE
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New one-stop Kansas Business Center website opens
Businesses can register, report to state

Posted September 26, 2014 • 10:20am

By Ann Marie Bush
ann.bush@cjonline.com

New and existing Kansas businesses will have a one-stop website to help streamline the process of registering and reporting to the state, said Kansas Secretary of State Kris Kobach.

Kobach and Gov. Sam Brownback announced the launch of the new website — www.kansas.gov/business/ — during a news conference Friday morning at Memorial Hall, 120 S.W. 10th Ave.

THAD ALLTON/THE CAPITAL JOURNAL
Gov. Sam Brownback, right, and Kansas Secretary of State Kris Kobach on Friday announce a new

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New government website aims to help business

HIGHLIGHTS

Gov. Sam Brownback and Secretary of State Kris Kobach say the new site provides useful links and information for Kansas businesses

BY JOHN HANNA
Associated Press

TOPEKA — Gov. Sam Brownback and Secretary of State Kris Kobach on Friday launched an online Kansas Business Center to help owners of existing firms and people forming new ones deal with regulatory requirements and obtain advice.

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Businesses may be looking for a form by its **name or number**, or for a **particular type of business**, or based on where they are in the business lifecycle (**Phase** – like Starting/registering, Operating, Closing, etc.).

Needs to be as comprehensive as possible - potentially incorporating multiple levels of government (state, local, federal) over time. Ideally, it would be reusable across states to leverage investment/collaboration.

...but, it also needs to be easy for government to populate and maintain, with distributed access, or it risks becoming rapidly outdated.

Network Kansas letter reaffirming support

October 17, 2016



October 17, 2016

Mr. Eric Rucker
Information Network of Kansas, Inc.
300 SW 8th Avenue – 3rd Floor
Topeka, Kansas 66603

Dear Mr. Rucker,

I am writing to you to express my support for the Business Compliance Navigator (Form Finder) project to the Information Network of Kansas Board of Directors. As a participant in the Kansas Business Center Advisory Council, Network Kansas shares the interests of that group in reducing barriers to the formation and operation of businesses in Kansas. We believe the next big step in expanding the Kansas Business Center is to focus on cataloging the forms and online services necessary for each business type using a method similar to the San Francisco Business Portal. By collecting this information and making it easily navigable online, you will have created a resource for businesses to use right now, while laying the foundation for delivery of more comprehensive services in the future. This application will also be a tremendous resource to our referral center which routinely answers 300-450 inbound leads a month and our 500 resource partner network. The information provided will help businesses comply with state and local requirements.

As you know, we have been integral partners in the services delivered through the Kansas Business Center for a number of years and have a strong interest in its continued success. To the degree that board members may not be familiar with our organization, let me provide a brief background. Created from the Kansas Economic Growth Act of 2004, the Kansas Center for Entrepreneurship d.b.a. NetWork Kansas works to create an entrepreneurial culture throughout the state and one of the most robust, collaborative networks in the country. One critical service we offer is a centralized referral center that connects entrepreneurs and businesses to our statewide network of resource partners that provide education, expertise, and economic resources at both the local level and throughout the state. Since its launch in March of 2006, the referral center has provided assistance to more than 17,000 clients. The Kansas Business Center has been an integral, strategic partner throughout this time. Our efforts in the referral center are part of a larger set of programs that, like the Kansas Business Center, make up a broad and diverse ecosystem of support for entrepreneurs in Kansas. Other services provided include multiple matching loan programs and the Entrepreneurship Community Partnership that now is made up of 55 (soon to be 59) Kansas communities who provide advanced entrepreneurship programs and locally controlled matching loans to businesses in their community.

I appreciate the chance to express support for the Business Compliance Navigator project and encourage your continued sponsorship of this initiative. If you have any further needs, please let me know.

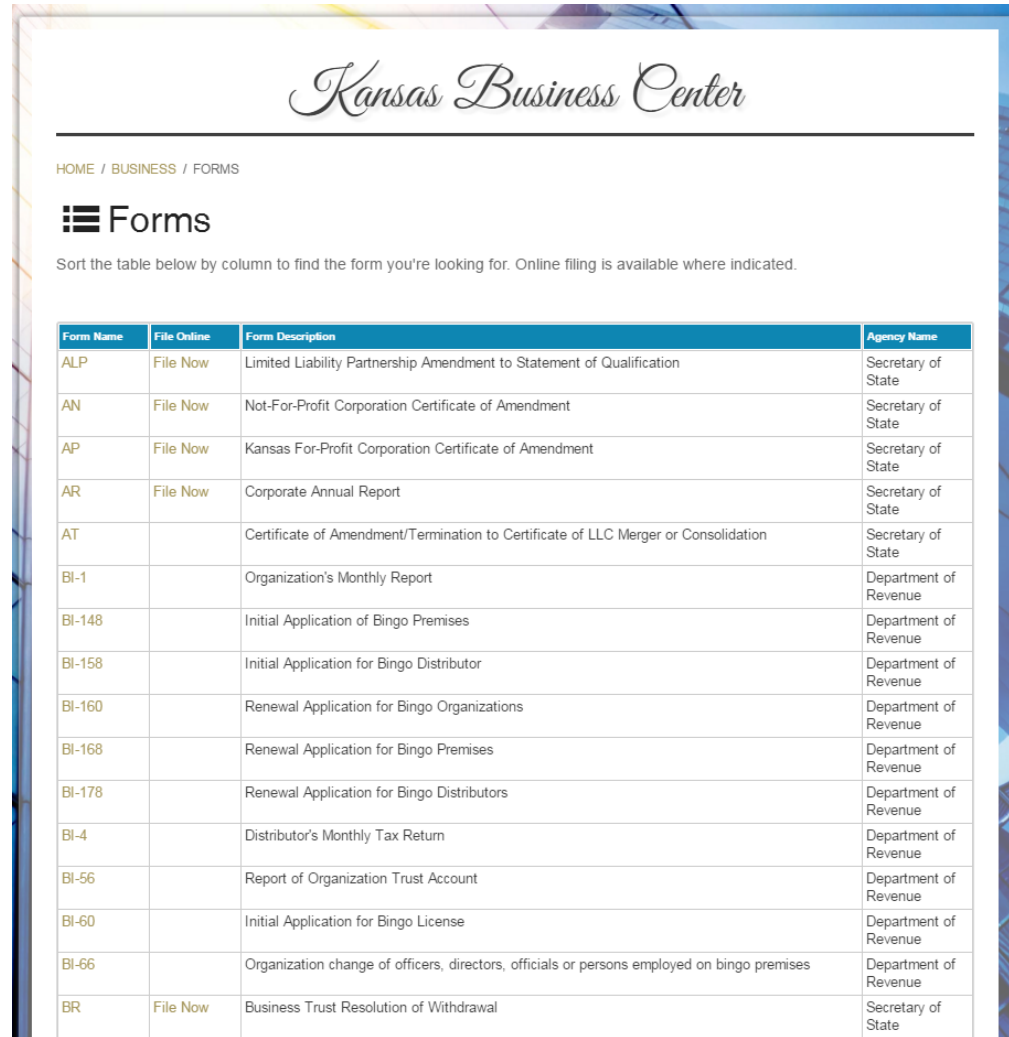
Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Radley".

Steve Radley, President and CEO
NetWork Kansas

Existing “Forms” page at KBC

- This feature was specifically requested by members of the KBC Advisory group
- Well-received by users and by peers (KBC 2015 IACA Award)
- Lists about 300 forms along with links to equivalent online services (where available)
- However, there is always room for improvement...



Kansas Business Center

HOME / BUSINESS / FORMS

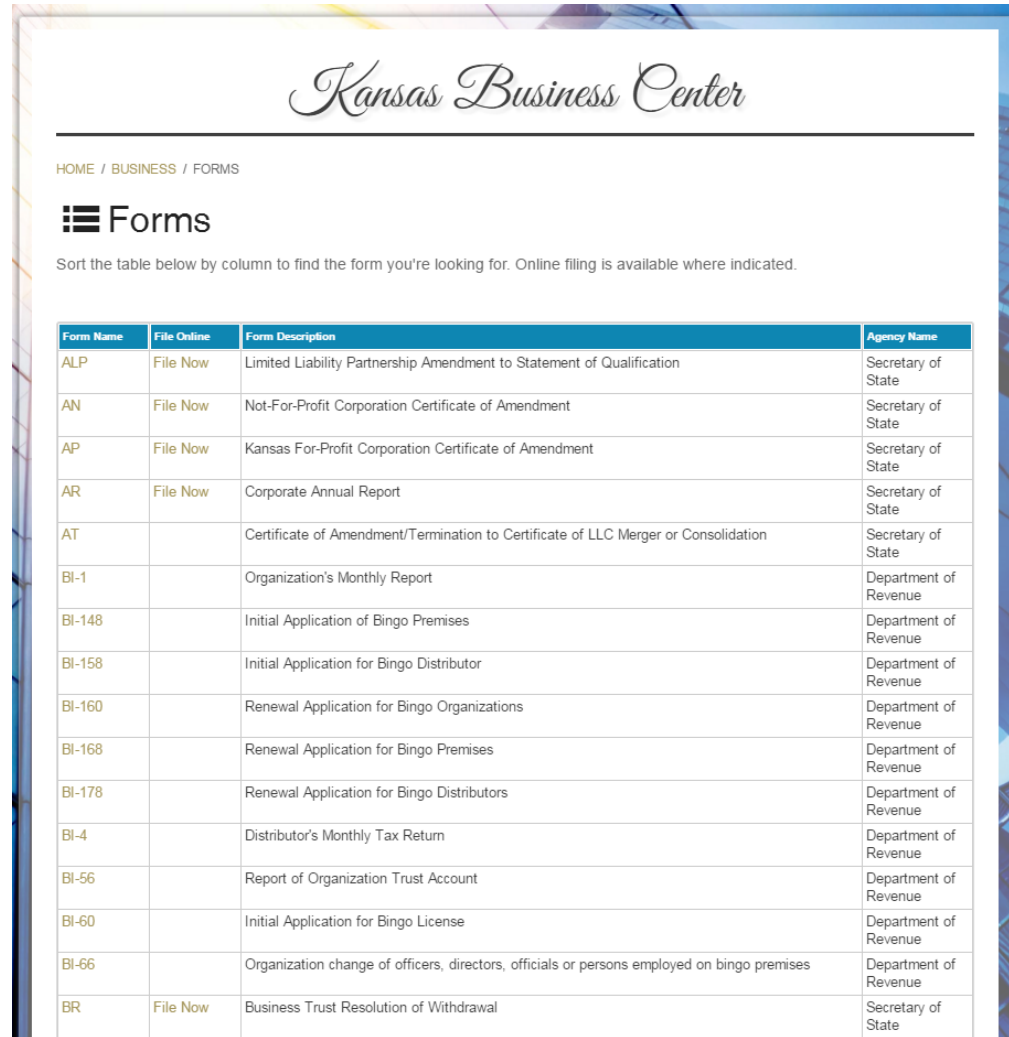
Forms

Sort the table below by column to find the form you're looking for. Online filing is available where indicated.

Form Name	File Online	Form Description	Agency Name
ALP	File Now	Limited Liability Partnership Amendment to Statement of Qualification	Secretary of State
AN	File Now	Not-For-Profit Corporation Certificate of Amendment	Secretary of State
AP	File Now	Kansas For-Profit Corporation Certificate of Amendment	Secretary of State
AR	File Now	Corporate Annual Report	Secretary of State
AT		Certificate of Amendment/Termination to Certificate of LLC Merger or Consolidation	Secretary of State
BI-1		Organization's Monthly Report	Department of Revenue
BI-148		Initial Application of Bingo Premises	Department of Revenue
BI-158		Initial Application for Bingo Distributor	Department of Revenue
BI-160		Renewal Application for Bingo Organizations	Department of Revenue
BI-168		Renewal Application for Bingo Premises	Department of Revenue
BI-178		Renewal Application for Bingo Distributors	Department of Revenue
BI-4		Distributor's Monthly Tax Return	Department of Revenue
BI-56		Report of Organization Trust Account	Department of Revenue
BI-60		Initial Application for Bingo License	Department of Revenue
BI-66		Organization change of officers, directors, officials or persons employed on bingo premises	Department of Revenue
BR	File Now	Business Trust Resolution of Withdrawal	Secretary of State

Existing “Forms” page at KBC

- Current listing includes forms from only 3 agencies (SOS, KDOR, KDOL)
- Provides Form Name, “File Online” link, Form Description, and Agency Name – but no supporting information
- Lacks dedicated search feature – can sort by column headers only.
- Not organized by **Business Type** (Restaurant) nor **Business Phase** (Registering, Operating, etc.)



Kansas Business Center

HOME / BUSINESS / FORMS

☰ Forms

Sort the table below by column to find the form you're looking for. Online filing is available where indicated.

Form Name	File Online	Form Description	Agency Name
ALP	File Now	Limited Liability Partnership Amendment to Statement of Qualification	Secretary of State
AN	File Now	Not-For-Profit Corporation Certificate of Amendment	Secretary of State
AP	File Now	Kansas For-Profit Corporation Certificate of Amendment	Secretary of State
AR	File Now	Corporate Annual Report	Secretary of State
AT		Certificate of Amendment/Termination to Certificate of LLC Merger or Consolidation	Secretary of State
BI-1		Organization's Monthly Report	Department of Revenue
BI-148		Initial Application of Bingo Premises	Department of Revenue
BI-158		Initial Application for Bingo Distributor	Department of Revenue
BI-160		Renewal Application for Bingo Organizations	Department of Revenue
BI-168		Renewal Application for Bingo Premises	Department of Revenue
BI-178		Renewal Application for Bingo Distributors	Department of Revenue
BI-4		Distributor's Monthly Tax Return	Department of Revenue
BI-56		Report of Organization Trust Account	Department of Revenue
BI-60		Initial Application for Bingo License	Department of Revenue
BI-66		Organization change of officers, directors, officials or persons employed on bingo premises	Department of Revenue
BR	File Now	Business Trust Resolution of Withdrawal	Secretary of State

Restaurant Licensing Guide (Example)

The Kansas Department of Agriculture is devoted to the total support of agriculture in Kansas. While we must fulfill our statutory obligations, the department is dedicated to providing support and assistance to make Kansas farms, ranches and agribusinesses successful and help them grow if that is their desire. We also encourage more farms, ranches and other agriculture business to expand in or relocate to Kansas. This checklist will help guide you through various resources and requirements for opening and operating a typical Kansas restaurant. In addition to license requirements by the Kansas Department of Agriculture, other Kansas agencies as well as local or federal government agencies may have regulatory requirements to follow. Contact your local planning authority to ensure you follow all local business development laws, rules, regulations and guidelines. This guide is designed to assist you as you work to build and operate a successful restaurant in Kansas.

✓	Department	Description	Renewal
	Kansas Small Business Development Center (KSBDK)*	The KSBDK is a network of service centers located throughout Kansas offering business consulting to small businesses. Call 800-452-6727 for more information.	Prior to starting
	Kansas Business Center*	The Kansas Business Center is a resource for information, filings, and personal assistance to start or maintain a Kansas business. Call 877-521-8600 for more details.	Prior to starting
	Office of the Secretary of State	Complete the appropriate business entry filings and forms required by the Kansas Secretary of State. Call 785-296-4564 for more information.	Prior to starting
	Department of Revenue	Visit the Department of Revenue website to find important business tax information . Call 785-368-8222 for more information.	Prior to starting
	Department of Agriculture, Food Safety	Restaurants must have a Food Establishment License . Application fee and license fee depends on square footage and business practices. Specialized processing, like vacuum packaging, requires a variance approval . The Plan Review application is available to assist in planning a new facility. To learn more about starting a food business , contact Food Safety and Lodging at 785-564-6767 or FSL@kda.ks.gov for more information.	Prior to opening, April 1
	Department of Agriculture, Weights and Measures	No license is needed from Weights and Measures, but a restaurant with scales must hire a licensed service company to test the scales once annually if the scales are utilized for any commercial transaction. Visit the Weights & Measures website for more information, or call 785-564-6681.	Annual service
	Kansas Department of Revenue, Alcoholic Beverage Control	Restaurants should obtain the appropriate on-premise license . Handbooks for a variety of topics related to selling alcohol in Kansas are available. It is recommended to contact ABC for further information at 785-296-7015. Other useful information can be found on the ABC website .	Prior to opening, Biannual Renewal
	U.S. Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB)	Retail beverage alcohol dealers are required under federal law to fill out the Alcohol Dealer Registration . Consult the TTB website for more information, or to apply online .	Prior to opening, July 1 if change in business
	Office of the State Fire Marshall (OSFM)	OSFM will approve the building for Life Safety Compliance. To locate all requirements please call 785-296-3401 and ask for the Prevention Division	Prior to construction, Annually
	Department of Health and Environment, Bureau of Water, Public Water Supply & Geology Sections	If the facility will not utilize a municipal public water supply or rural water supply as the source of drinking water and the facility will serve 25 people or more per day, 60 or more days per year, it will be considered a public water supply subject to State/Federal drinking water requirements. Contact the KDHE Public Water Supply Section at 785-296-5514. Water wells shall be constructed by Kansas-licensed water well contractors. There are special construction requirements for water wells, serving public water supplies. Contact the KDHE Geology Section at 785-296-5560 for more information.	Prior to construction

This guide is for informational purposes only. It is not intended to be an exhaustive list of requirements for operating a Kansas agribusiness entity. Please contact the appropriate agencies or organizations for specific requirements applicable to your business.

** Indicates that the information listed is merely a useful resource and not a requirement for operating the business*



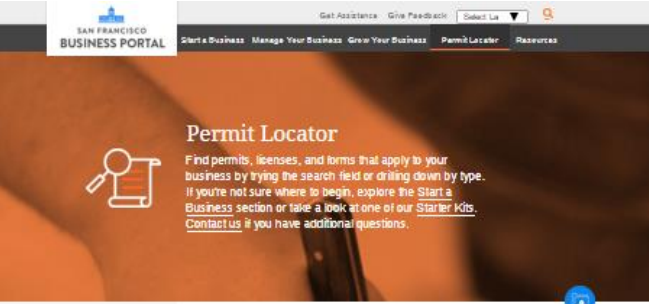
<http://businessportal.sfgov.org>

San Francisco Business Portal

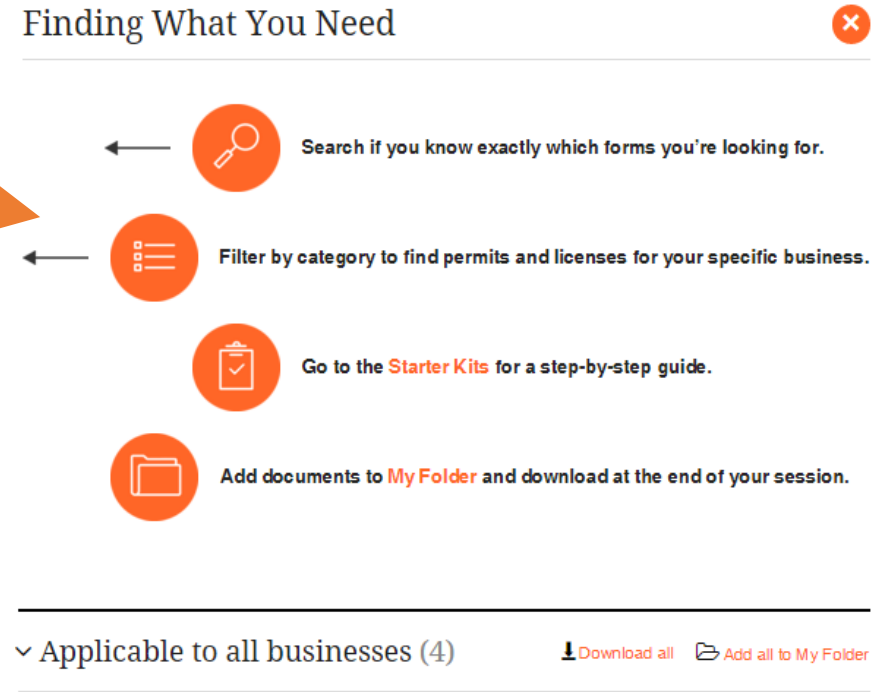
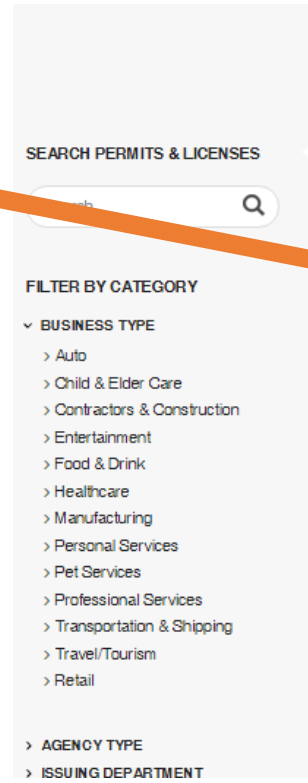
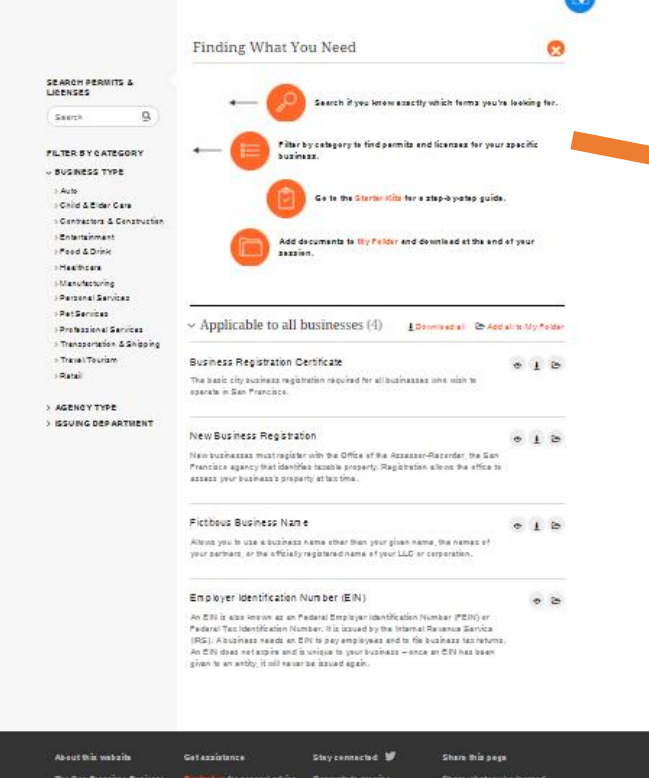
PERMIT LOCATOR

- Can search by selecting one or multiple categories based on “occupation”, agencies, and/or level of government – or search using free text
- Provides details for individuals forms, as well as direct links to download or save to a “shopping cart”.
- Search results include a segment with required forms common to all businesses
- Allows for creation of pre-populated “starter kits” with forms and other materials needed for specific occupations / business types

The screenshot displays the San Francisco Business Portal's Permit Locator page. At the top, the navigation bar includes 'SAN FRANCISCO BUSINESS PORTAL' and links for 'Start a Business', 'Manage Your Business', 'Grow Your Business', 'Permit Locator', and 'Resources'. A 'Permit Locator' header is prominently displayed with a magnifying glass icon and a brief description: 'Find permits, licenses, and forms that apply to your business by trying the search field or drilling down by type. If you're not sure where to begin, explore the Start a Business section or take a look at one of our Starter Kits. Contact us if you have additional questions.' Below this, a 'Finding What You Need' section offers three main actions: 'Search if you know exactly which forms you're looking for.', 'Filter by category to find permits and licenses for your specific business.', and 'Go to the Starter Kits for a step-by-step guide.' A 'Add documents to My Folder' option is also present. The main content area shows a list of applicable items for all businesses, including 'Business Registration Certificate', 'New Business Registration', 'Fictitious Business Name', and 'Employer Identification Number (EIN)', each with a brief description and interactive icons for download and folder management. The footer contains links for 'About this website', 'Get assistance', 'Stay connected', and 'Share this page'.



Multiple Ways to Find Forms and Services



Applicable to all businesses (4) [Download all](#) [Add all to My Folder](#)

Navigation / Search

- 1) Allows Free Text Search, and
- 2) Filter by:
 - Business Type (What we've called "Occupation")
 - Agency Type (For future expansion to multiple levels of government)
 - Department (State Agency)

NOTE: In Kansas, we will use "Business Phase" (Registering, Operating, etc. as a filter)

SEARCH PERMITS & LICENSES

Search

FILTER BY CATEGORY

- ▼ BUSINESS TYPE
 - > Auto
 - > Child & Elder Care
 - > Contractors & Construction
 - > Entertainment
 - > Food & Drink
 - > Healthcare
 - > Manufacturing
 - > Personal Services
 - > Pet Services
 - > Professional Services
 - > Transportation & Shipping
 - > Travel/Tourism
 - > Retail
- ▼ AGENCY TYPE
 - City
 - State
 - Federal
 - Other
- ▼ ISSUING DEPARTMENT
 - SF Animal Care & Control
 - SF Arts Commission



SAN FRANCISCO BUSINESS PORTAL

Get Assistance Give Feedback Select Us

Start a Business Manage Your Business Grow Your Business Permit Locator Resources

Permit Locator

Find permits, licenses, and forms that apply to your business by trying the search field or drilling down by type. If you're not sure where to begin, explore the [Start a Business](#) section or take a look at one of our [Starter Kits](#). [Contact us](#) if you have additional questions.

Finding What You Need

- Search if you know exactly which forms you're looking for.
- Filter by category to find permits and licenses for your specific business.
- Go to the [Starter Kits](#) for a step-by-step guide.
- Add documents to [My Folder](#) and download at the end of your session.

▼ Applicable to all businesses (4) Download all Add all to My Folder

Business Registration Certificate

The basic city business registration required for all businesses who wish to operate in San Francisco.

New Business Registration

New businesses must register with the Office of the Assessor-Recorder, the San Francisco agency that identifies taxable property. Registration allows the office to assess your business's property at tax time.

Fictitious Business Name

Allows you to use a business name other than your given name, the names of your partners, or the officially registered name of your LLC or corporation.

Employer Identification Number (EIN)

An EIN is also known as an Federal Employer Identification Number (FEIN) or Federal Tax Identification Number. It is issued by the Internal Revenue Service (IRS). A business needs an EIN to pay employees and to file business tax returns. An EIN does not expire and is unique to your business - once an EIN has been given to an entity, it will never be issued again.

About this website Get assistance Stay connected Share this page

Restaurant

Displays a total of 21 forms

- 17 occupation-related
- 4 common to all businesses (see next page)

Multiple filters can be applied for one search

Each entry in results linked to supporting page with additional metadata - which links to form.

The screenshot displays the San Francisco Business Portal's Permit Locator interface. The top navigation bar includes 'Start a Business', 'Manage Your Business', 'Grow Your Business', 'Permit Locator' (highlighted), and 'Resources'. A search bar on the left is labeled 'SEARCH PERMITS & LICENSES'. Below it, a 'FILTER BY CATEGORY' section lists various business types, with 'Restaurant' selected under the 'Food & Drink' category. The main content area shows 17 search results. The first three results are: 'Alcohol License - Full Bar', 'Alcohol License - Beer & Wine Only', and 'Seller's Permit'. Each result includes a brief description and icons for viewing, downloading, and adding to a folder. The 'Restaurant' filter is highlighted in red in the category list.

SAN FRANCISCO BUSINESS PORTAL

Start a Business Manage Your Business Grow Your Business **Permit Locator** Resources

SEARCH PERMITS & LICENSES

FILTER BY CATEGORY

- Business Type
 - Auto
 - Child & Elder Care
 - Contractors & Construction
 - Entertainment
 - Food & Drink
 - Alcohol/Beer & Wine Distributor
 - Alcohol/Beer & Wine Importer
 - Alcohol/Beer & Wine Wholesaler
 - Bakery
 - Bar
 - Brewery
 - Cafe or Deli
 - Candy Store
 - Caterer
 - Chocolatier
 - Corner Store
 - Farmer's Market Booth
 - Food Manufacturing
 - Grocery Market
 - Ice Cream Shop
 - Mobile Food Truck
 - Restaurant**
 - Vending Machines
 - Winery
 - Healthcare
 - Manufacturing
 - Personal Services
 - Pet Services
 - Professional Services
 - Transportation & Shipping

Results (17) Download all Add all to My Folder

Alcohol License - Full Bar

Allows an establishment to sell most kinds of spirits and alcoholic beverages. Includes beer, wine, and hard liquor.

Alcohol License - Beer & Wine Only

Allows an establishment to sell beer and wine. Does not include hard liquor.

Seller's Permit

Permit required in order to sell or lease tangible personal property in the State of California.

Manager's Food Handling Certification

At least one employee at each retail food facility must be certified as a food safety person by passing an approved examination. The certified person can be any owner, manager, or employee responsible for safe food handling.

Weights & Measures Automated Point of Sale Registration

Registration required for businesses that have at least one Point of Sale (POS) station. Also called a cash register.

Place of Assembly Permit, Operation

Approved A-2 event spaces (intended for food and/or drink consumption) or A-3 event spaces (intended for worship, recreation, amusement, or other assembly), authorized to have more than 49 occupants, require a San Francisco Fire Department Operational Permit.

Restaurant (cont.)

(...scroll down)

Forms common to all business types are also displayed at the end of the search results



SAN FRANCISCO BUSINESS PORTAL

Start a Business | Manage Your Business | Grow Your Business | **Permit Locator** | Resources

additional capacity as a result of any addition, improvement, modification or change in use of an existing connection.

Limited Live Performance 👁️ 📄

Allows you to host entertainment performances in establishments whose primary use is not entertainment (eg. A restaurant with a piano player, or a café that hosts live poetry or music).

Health Permit to Operate - Restaurants, Bars, and Licensed Healthcare Facilities 👁️ ⬇️ 📄

All restaurants, bars and licensed healthcare facilities must obtain a permit to operate from the Department of Public Health. This application packet includes the required forms.

✓ **Applicable to all businesses (4)** ⬇️ Download all 📁 Add all to My Folder

Business Registration Certificate 👁️ ⬇️ 📄

The basic city business registration required for all businesses who wish to operate in San Francisco.

New Business Registration 👁️ ⬇️ 📄

New businesses must register with the Office of the Assessor-Recorder, the San Francisco agency that identifies taxable property. Registration allows the office to assess your business's property at tax time.

Fictitious Business Name 👁️ ⬇️ 📄

Allows you to use a business name other than your given name, the names of your partners, or the officially registered name of your LLC or corporation.

Employer Identification Number (EIN) 👁️ 📄

An EIN is also known as a Federal Employer Identification Number (FEIN) or Federal Tax Identification Number. It is issued by the Internal Revenue Service (IRS). A business needs an EIN to pay employees and to file business tax returns. An EIN does not expire and is unique to your business – once an EIN has been given to an entity, it will never be issued again.

Example of Supporting “Information Page” at SF Business Portal that is presented when a result is selected – similar purpose to wireframe in next slide

The screenshot shows the top portion of the San Francisco Business Portal. The header includes the San Francisco logo and 'BUSINESS PORTAL' text. Navigation links include 'Start a Business', 'Manage Your Business', 'Grow Your Business', 'Permit Locator', and 'Resources'. A search bar and language selector are also present. The main content area features a document icon, the title 'New Business Registration', and a paragraph explaining that new businesses must register with the Office of the Assessor-Recorder. Below the text are two orange buttons: 'Download' and 'Add to My Folder'. A blue folder icon is visible in the bottom right corner of the page.

ISSUING DEPARTMENT

SF Office of the Assessor Recorder

AGENCY TYPE

City

Information

To register, submit a New Business Registration form to the Office of the Assessor-Recorder, Business Personal Property Division. Later, each Spring, the Office of the Assessor Recorder will ask you to fill out a Business Property Statement (Form 571-L) by reporting the book cost/full cost of all your supplies, equipment and fixtures at each business location.

Learn more from the [Assessor-Recorder](#).

Permit Documents

The following documents are part of this permit. Fill out the necessary forms and submit them to the issuing department to apply.

- [New Business Registration Form](#)

Excerpt from Form Finder wireframe that illustrates what kind of metadata we plan to display first round here in Kansas

Food Establishment Application Form Information	
Form Name	Link to Form
File Online	
Form Title	Food Establishment Application
Form Description	A business that prepares or offers food for immediate consumption is required to have a Food Establishment License. These food establishments include restaurants, senior meal sites and kitchens, special events, caterers and mobile food units.
Filing Fee	Fee - Varys based on category and size.
Filing Frequency	Annually
Business Phase	Registering a Business
Occupation	Restaurant
Statute/Source	Kansas Food Code
Video Name	
Agency Name	Kansas Department of Agriculture
Mailing Address	1320 Research Park Drive Manhattan, Kansas 66502
E-mail Address	Secretary@kda.ks.gov
Phone Number	(785) 564-6700
Website Address	http://agriculture.ks.gov/
Physical Address	1320 Research Park Drive Manhattan, Kansas 66502

1320 Research Park Dr, Manhattan, KS 66506 [Get directions](#)

At this address

[Kansas Department of Agriculture](#)

Business Compliance Navigator (Form Finder) is what Business is looking for:

A one-stop location for forms, online services, and information about business filing requirements in Kansas.

Demonstrations of support and interest in this approach:

- Recent letters of support from Network Kansas, Department of Revenue, Department of Labor.
- Support from Kansas Business Center Advisory Council (*includes Small Business Development Centers and Kauffman Foundation, Network Kansas, Accountants, Attorneys, Bankers*)
- **San Francisco Business Portal** has won awards from CIO Magazine, Harvard Ash Center, and ACT-IAT *Excellence.gov*
- **Oregon Business License Directory** nominated as finalist for 2016 NASCIO IT Recognition Award in the Government-to-Business

...and it provides a future foundation for efficiency and innovation while delivering service to business today.

Implementation of Business Compliance Navigator will result in an inventory of online services and forms used to regulate business in in the state. Now, both the State and entrepreneur will know:

- Which agencies regulate which business types;
- Which steps, and how many, are needed to start and operate a particular business type across agencies;
- Which of these steps are automated (online services) and which are still paper forms;
- The statutes and regulations associated with each;

Why is this important for the future?

Why is this important for the future?

- The information gathered during the Business Compliance Navigator project enables cross-agency process review and re-engineering to avoid “paving the cow paths” by premature automation / integration of processes that are inefficient and duplicative.
- Reports generated from BCN will log frequency of user selection of forms and online services to add data to these decisions.
- The forms and services inventoried contain the requirements needed to develop the “wizard”-based approach
- As part of conducting the project, we are building the cross-agency awareness and communication needed as groundwork for next steps.

Questions