April 2019 Board Meeting
April 4, 2019

Opening
A meeting of the INK Board was called to order at 10:02 a.m., Thursday, April 4, 2019 at 700 SW Harrison, 2nd Floor Conference Room, Topeka, Kansas by Chair Aaron Kite, representing the Kansas Bar Association, with the following members present:

Lucas Goff, representing the Kansas Association of Counties (Board Secretary)
Jennifer Cook, representing the Kansas Secretary of State
Gregg Wamsley, representing the Kansas Library Association (Board Treasurer)
Glen Yancey, CIO, Kansas Department of Health and Environment, representing the Executive Branch Chief Information Technology Officer

Others Present
Lee Allen, Executive Branch Chief Information Technology Officer; Duncan Friend, Information Network of Kansas; Nolan Jones, Ashley Gordon, and James Adams, Kansas Information Consortium, LLC.

Introductions

The Board members introduced themselves to the Executive Branch CITO, Lee Allen. Yancey indicated he had been representing Allen, but thought that as they moved forward with the INK Executive Director process it was important for Allen to be engaged in that, as ultimately the person works with Allen rather than him. Allen said he was happy to attend today, but would continue to proxy his vote to Yancey, but for the near future in getting his arms around the CITO job, he does not have time to properly put to the issues before the Board. He did want to be involved in the discussions around the Executive Director.

Consent Agenda
The consent agenda for the meeting included the draft March 2019 INK Board minutes, the March 2019 INK Network Manager report, and over-the-counter service (KanPay Counter) contracts for City of Clearwater, Butler County Register of Deeds, and Thomas County Register of Deeds.

> **Action Taken:** Wamsley moved to accept the consent agenda as presented. Yancey seconded. No further discussion. Approved unanimously.

Action Agenda

Regular Business

1) INK Executive Director Position Hiring Committee Report

Friend opened by saying that if the Board decided that they wanted to go into Executive Session on this topic, he had provided the language and mechanics to Kite. Kite asked Yancey to provide the report for the committee (Wamsley was in attendance, but Gaumer was not). Yancey indicated Friend could stay for his remarks. Yancey recapped the status of the posting of the position – it was posted for 14 days and they received 17 applications, which Wamsley and Gaumer have copies of. Yancey wanted to confirm a couple things with the Board. Generally, the next step would be to screen the applicant pool down to a reasonable

number against the minimum qualifications in the posting. Then, they would set up interviews, probably with the intent of having the top couple of candidates come and make a presentation to the full board. But, he wanted to feel out the Board to make sure they wanted the committee to proceed on that. He did bring the applications with him. Some of the applicants were known to him, he wasn't sure if they were known to Wamsley or Gaumer. Several state employees have applied, the former Executive Director, Friend has obviously applied.

Kite said the screening process made a lot of sense to him as he had recently been in an interviewing situation and someone on the committee had decided to give everyone an interview – he wasn't in favor of that as it became unwieldy. It doesn't make sense for the Board to set a number, that should be the committee. Yancey continued that there are actually quite a few high-end candidates that have applied for the position. So, one of the things they might want to do is to ask them to submit written answers to a questionnaire – he has done that in the past. He wanted to confirm everyone was OK with that as an approach, as well as offer up – he could send it out to the group at large – he sent Wamsley and Gaumer a list of questions they had used before at their agency and would send it out to the group at large. He would be interested if members had questions on that (Friend noted that it would be an open record if it were sent out that way). Kite indicated there was no confirmation process – he asked if there was any fundamental background checking. Goff noted that there were provisions in Kansas law that required a contingent offer to be made before there was a background check – there had to be an offer of employment. Kite indicated he was talking about a social media check. Yancey says he hasn't done that as part of any screening process – the first step is check references. They would then assemble a packet for the Board, here's the two candidates that scored the highest. The position requires a security clearance, which requires a KBI background check, so at the point the Board is ready to extend an offer, they would get a questionnaire they would have to complete. Kite recounted that the procedure will be to screen, conduct an interview process, then develop a list of candidates to present to the Board in general. He asked if Yancey would anticipate that the Board as a whole would interview them? Yancey said he was thinking they would present to the Board after giving them a list of topics they the Board wanted them to cover. Part of the duties of this position are to organize and present to the Board, so he thought if they gave them a list of what they wanted to know about, they would get a chance to see how they organize and execute that. Allen asked Yancey to send out the job description along with the questions.

Kite felt that, based on this, they should have a motion to revise the original resolution enabling the committee. There was then a discussion of timeline. Yancey said he was hopeful that they could have the interview pool screen and if not in-person interviews, Skype interviews by the end of the next week, so then two weeks to execute the interviews and then that would give them two weeks to prepare to speak to the Board so they should be able to get to a point to ask the preferred candidates to make a presentation to the Board. Friend confirmed the next meeting was on May 2.

Yancey indicated that at least one of the candidates is not local, so if they were selected in that group, does the Board have the capability to conduct a Skype meeting here in the KDOT meeting. Friend said he would have to check with the KDOT tech people to figure that out, as it would be their network. Kite had a question about the length of time the people would be given to present. Yancey indicated it was also the topics they wanted covered. Kite indicated it looked like there was no reason to go into Executive Session at this time.

Action Taken: Kite moved to modify the original resolution to allow the hiring committee over the next month to 1) develop and implement a screening process to narrow down the number of applicants based on the rules and regulations or guidelines the committee choses to implement at their discretion, and 2) that the hiring committee develop and implement an interview process for the applicants after they have been screened, 3) that the committee undertakes such reference checking as deemed appropriate, and 4) that a number of applicants be presented to the Board at the next meeting, with allowances made for presentations at that time. Seconded by Wamsley. No further discussion. Approved unanimously.

2) Network Manager Report

Jones provided a legislative update. There is "scrap metal" legislation that they have been part of the discussion about creating a database for and the legislation is moving forward. He doesn't think it will be a big project. The second one is House Bill 2179 to expand the Kansas Driver Privacy and Protection Act. It looks like it will pass, but shouldn't have any impact on INK or KDOR operations. He then talked about a new tool / process they were implementing for agencies and other customers to report issues and make change requests. James Adams, the KIC Director of Technology, explained in more detail – it was akin to software like ServiceNow or Remedy and provides reporting on their productivity and ticket status. Gordon then talking about an upcoming event at NIC corporate – Spark - that focused on getting Girl Scouts involved in technology, in this case, Amazon Blueprint. Jones then discussed the upcoming April 15 deadline for SOS and KDOR – they work as late as they need to. Also, he handed out an invitation to a "Clink with INK" marketing event coming up May 1 at The Pennant as outreach to current and potential customers.

Action Taken: None.

3) INK and State Initiatives

Friend began this agenda item with a brief presentation (*copy attached*) about the relationship between the State and INK. He noted that in his experience over the last couple years, there hadn't been anything on the INK Board meeting agenda about the "playing field" – that is, how INK works with KIC and the State. He went over some of INK's enabling statutes as it relates to the State – to provide advice, to cooperate with OITS, and for agencies to cooperate with INK. INK is a member of ITEC, for example, and, in turn, the Executive Branch CITO is a member of the INK Board. He then showed an organization chart for IT governance at the State and asked Allen and/or Yancey to comment. The importance for the Board is to understand there is a whole world in State IT where planning is going on that provides the setting for what INK is involved with. The State chart shows the INK Board and Executive Director, for example.

Allen talked about the IT Governance chart and his role as CITO and the chair of ITEC, what he is focused where he is focused on updating the policies – many haven't been updated for 10 years. But, there should be a larger mission around trying to move forward with technical initiatives, getting on common platforms - not just Executive Branch but down to cities and counties. It is difficult in his experience for people at the state level to visualize how this could be extended to the city / county level. The groups hadn't met for three or four years, but now are meeting all their statutory requirements by meeting quarterly for ITEC and ITAB. The Chief Information Technology Architect had been vacant for upwards of five years. So, he is trying to

put life back into the process and get a direction going for the committee to fulfill its mission with all its partners.

Friend then talked about local government, as Allen had, and pointed the Board to how this was also within INK's mandate - for example, there were several contracts on the consent agenda today, like City of Clearwater, Butler County Register of Deeds – Gordon has a marketing presence there. So, things are flowing through the Board – some of the things that the State does are done jointly with local units of government. He then noted that in the past, with the Secretary of State leadership, State IT governance wasn't something they interacted with that much, so even though they were part of it, it wasn't emphasized to the Board. Whereas in the Executive Branch, activities are seen through this lens.

He then presented a slide with a list of state plans and other documents on the Executive Branch side to stress the complementary nature of these with what INK does – INK has a strategic plan and a business plan, a contract, and the Board will shortly be talking about a grant policy and procedure which is essentially a strategy for how they deploy resources in a lot of places – and one of them is in this environment.

Allen said there is ownership in several places for the documents Friend listed (*see attached presentation*). The CITA is responsible for the Strategic Information Management Plan – not solely for creating it, but updating and maintaining it. The 3-year IT plans are the responsibility of the agencies and those have not been updated since going back to when the CITA position was filled (five years ago). As a CIO in the agency, what was being done five years ago wasn't providing value, so stopping it didn't really hurt anything. The OITS Strategic Plan was also really not supporting what the agencies needed or were doing. So, he reissued the OITS Strategic Plan, they are starting to move forward on the 3-year IT plans that will be due to the Joint Committee on Information Technology in October and the intent would be to go back and see what that means for the strategic plan – making it more that the state plan supports the agency plans. It is going to take time and he doesn't expect what he gets from the agencies to be as compelling as it should be. The new cabinet heads are going through their strategic planning at the same time these plans have to be submitted. So may not know enough about what they want to do in some cases to translate those into technical outcomes. They are working hard on the first four items.

Yancey said that he thinks one of the challenges for INK and all those entities that "flow through that universe" is that INK is both a strategy and a tactic in the sense that the broad mandate is to provide digital government – that means different things to different people, or digital access to government. And, in order to do that, one has to know what that means – the strategy piece – then you have to have the guardrails of it, you have to have all the policy pieces - safely, doing it in a repeatable fashion, not wasting money to deliver it. And, it is also a tool you can use for grants and other mechanisms to effect the changes you want to achieve. INK is an economic engine that allows one to innovate in that space. It all really does have to work together. It is important to focus on local units of government – in his career, he's seen the focus move to user experience instead of what is important to the agency. What does the citizen living in Dodge City need? What do they want to be able to do? To address this, you really can't do it effectively individually, it has to be addressed within this ecosystem.

Friend continued, noting that one of the things for INK to know about is that one value of the three-year IT plans is that it is a window into upcoming opportunities that INK could potentially be helpful in. It is one thing to go out with a grant program looking for things, but it's another thing to recognize that there's a customer base at theState that has its own planning process and routes and budgeting that those go through,

etc. From the perspective of the technical architecture, there are technical choices that are being made in the state strategically about what they want to do, so if INK wants to come into that world…He used the example of the Judicial Branch putting in a new systems and potentially presenting court records without fees. Architectural changes bring new capabilities and also eliminate things. And, while INK has its own architecture, it also sits on top of 50 agencies whose services it delivers, so it is important to watch what's going on behind there. INK can't hope to be the digital face if it isn't able to plug in to what they're doing or where they are headed. From a contractual perspective, it is also important to remember that they are able to procure these services from multiple vendors.

Friend asked Kite if he wanted to lead the discussion on that or talk about something in particular. He responded that he had a question he had always been curious about. The Secretary of State was on the Board but was not on the IT Governance slide that Friend displayed. There are other elected officials that are in those positions not by virtue of appointment. He wanted to know, in terms of what INK does, how does it interact with those agencies? – and he is curious how OITS interacts with agencies that are run by elected officials. Friend indicated that his understanding is that they pretty much went along with the Executive Branch – it is all branches. Allen agreed, they fall under the ITEC guidelines. He continued, however, that he doesn't know that they've really engaged them. He thinks they do view it that way.

Kite noted that there is somewhat of an existential crisis. There are statutes that created this Board at a time when a lot of this stuff was very aspirational. Now, things are past that aspirational time and people are interested in efficiency, and in harnessing information, and managing these relationships between the population of the state and these government agencies. Obviously, Secretary of State was placed on the Board statutorily for a reason, probably because they were one of the primary purveyors of interaction between the state and small business and individuals. All of that probably needs to be brought into this discussion when they Board is considering its purpose. Now, with some of what's going on, it sounds almost as if INK is a competitor in the marketplace here to provide services, even thought it is a statutory construct. He understood that maybe Friend's point was that when they are going through the grant application process and all of that, we need to have these things in mind. He wasn't sure about how to push the discussion forward and asked if Friend had a more specific discussion he wanted to have about this.

Friend said that the origin of this – since he had talked to Yancey about it, he felt like he should bring it up – is that one part of the defining things is that what INK is trying to do is go out and participate in this environment. And, it is great that these planning processes have been reactivated as this creates a better environment for INK to "play" in. But, one of the things that occurred during this time was that, while the CITO was on the Board, they openly bid a state contract to create something modeled on INK for primarily mobile. PayIt is the company and they are actively interested in being the mobile front end for the State and he thinks the State has been actively supporting that. So, that's a real manifestation of what he spoke of in general terms about how things have changed over time. And, it has created a situation that affects the discussion about how the Board deploys grants and about the INK Business Plan and what it focuses on and it doesn't, where the Board is looking at a situation at the State where there is a large engine moving and PayIt is part of that engine and it really presents the mobile face of Kansas government – and lots of things are going mobile. On the other side with INK, the question becomes if an agency is going to do something mobile, unless the state wants to have multiple mobile interfaces, the agencies all report to Allen and PayIt is here, they're interested in this business, and they have a contract under OITS. There is business that INK has done that has been taken away and moved to PayIt by Department of Revenue who was on the Board. Or, things at KDHE that weren't being done by INK but is now being done by PayIt. So, as the Board

considers how to deploy their grant money and their strategic planning, this is another piece of the playing field that needs to be considered.

Allen noted that Kite had said something that had struck him. As far as his position officially having membership on the Board, it does put him in an uncomfortable position with all the vendors. He understands what the intent was in 1991, but there was obviously an intent for what has been done today. He is responsible for managing vendors and relationships with them across the gamut of the Executive Branch and to sit on the Board for what is a competing interest with some of those people – not just PayIt, but some of the others as well – it's not exactly the most comfortable place to be. What he tells his CIOs and the Governor's office is that the business requirements need to drive what the solution is – that's first and foremost. He is vendor-agnostic at that point. Cost, privacy, security – all those things are part of the requirements. He is vendor first, cloud first, mobile first in his approach to things. INK is another one of the vendors they work with in that mix. So, trying to manage that amongst everybody and be fair to the vendor community at large puts him in a very difficult position in that role. He thinks his predecessor was even more to the "right" on that. Friend noted that in the past, the DISC Director was a non-voting member of the Board, which might take him out of those kinds of situations.

Allen continued that, thinking about coming into the meeting this week, he had a conversation with the Governor's Chief of Staff indicating this is something that needs to be thought about as far as his role on the Board and he asked Allen to do some homework on the statute and have this type of discussion to see whether he needs to become a non-voting member. He thinks a presence is worthwhile, simply because he has a presence with every one of his other vendors when they want to talk strategically about what they are doing and what's going on, he is at the table talking to them and he can provide value here and he loves the connection down to the counties and the cities.

Friend indicated that was the topic he wanted to talk through. By policy, he wanted to understand that, for example, KIC has a mobile application, but the state wanted to go with a single face. So, what is the position related to that? Those are questions that come up – he doesn't want to force the discussion now. Kite added that it brought him back to the existential question. If one looks at the statutes, it doesn't appear as if the Legislature was creating a vendor when they were creating INK. The statutes indicate that INK is supposed to assist OITS, that's really the purpose, and INK has its own larger purpose, which is transparency in government. The question is, is INK by virtue of the way things are, moving into a situation where it is just another vendor. That's the existential question the Board has to answer. And, if not, then what is INK's role? INK is supposed to help and advise and cooperate with OITS.

Allen continued that one of the other things that is in his mind on this is, because they are across multiple vendors in a lot of this, he feels a responsibility that a citizen should have a common look and feel across all of this, so how does he do that in a multi-vendor platform? Does he need to develop a set of standards around those types of things through ITEC or otherwise? He doesn't have a good response for the Board at present about whether INK is a vendor or something else. As to the statute around OITS having to provide resources as requested - he is not sure what the means as he barely has resources to cover the things he is already doing. So, a lot of things need to be looked at there.

Kite closed this agenda item by noting that this should be addressed in strategic planning.

4) INK Grant Policy / Process and Recommendations

Friend introduced this section by using a short presentation on the grant process (*attached*). He stated that, overall, the way the Board should be thinking about getting its work done is through the annual INK Business Plan. That's the Board's plan for how they are going to use the main resources that are produced by the portal. There are other resources in the form of cash that can fund a grant pool, depending on how big it is. So, there are multiple legs – one, where INK fits with OITS, another is through the business plan, the third is the grant pool.

Friend noted that Secretary Schwab had made a motion at the last meeting for him to review the grant policy and application and come back and make recommendations. So, this was what he was doing today. He then went over the presentation covering the origin of the grant program – there is nothing in the statute about it, the statutes that outlined relevant parts of its mission, and then summarized the policy and walked through the grant criteria and the grants provided so far. He emphasized that the current grant criteria are taken from the statute. The criteria about strategic direction came from the INK Strategic Plan. He indicated he could likely get takes on the grant program, but there was the issue of priorities and of usurping the legislative approval / funding process as had been discussed at the last meeting. Friend then handed out a list of the grants awarded to-date (attached) along with a copy of an updated policy with edits (attached) and discussed their content.

Friend then offered some recommendations for investment of idle funds that didn't require use of the grant process, including: Outreach by seeking advice from the public (as per statute); investing in a Transparency Agenda, assessing the current status against a maturity model to set goals; Considering leading information policy in emerging areas of technology, like voice assistants; AI/chatbot; and then consider helping the State by investing in inventorying and classifying State data. There is also a federal program, that looks at data as a strategic asset that could provide a model.

He recommended that the Board consider using the money to invest in the state Strategic Information Management Plan - the more the state makes progress in planning, the more it helps INK. And, the same for the INK Strategic plan. Regardless of next steps, he felt the policy should be run by Board Counsel to address some questions he had identified (about the applicability of the Kansas Open Records Act, adding the requirement for agencies to follow their own procurement law, and review the Conflict of Interest provisions). Friend indicated he wasn't sure how the Board wanted to address his proposed changes to the policy. He had sent edits out in the past to members of the grant committee and hadn't gotten a response. However, he thought Counsel could also validate those proposed changes.

Kite asked Friend if he felt they could not rely on the legal opinion about the grant program from 2002. Friend responded that he didn't know that the current Counsel was as solid on it as the previous one, but they have relied on it for 16 years – he could ask him. Friend thinks that granting, especially in this environment, is important due to the opportunities it provides, but that they should make sure it lines up correctly and is being done the right way – for example, with procurement. Kite asked if there was a standing grant committee – Friend noted that it was the CITOs that were convened when there are grants. Allen asked if they were very involved. Friend said whenever there was a grant to review – Yancey agreed. It was on an as-needed basis.

Action Taken: Kite moved to refer the current Granting Policy and Procedures to Board Counsel, have them review it to make sure it complies with the INK statutes and make sure there are no

other issues with it and then return it to Friend for correction of minor edits/corrections, with Friend to bring any significant policy issues back to the board along with the corrected copy.

There was no second, but the discussion of the topic / motion continued. Yancey talked about the problems the grant committee had with the most recent request and its alignment with the board's intent. Friend noted that there had been similar inconsistencies in application of the criteria in the past based on the list that was distributed. Yancey continued that the grant committee wanted to reaffirm with the Board that their charge was to approve only grants understanding that they support the mission and ongoing activity of the INK portal (they were inclined to think that that they should). Kite asked if the committee was concerned that the procedures they had were not admirable. Yancey said it was just that one point (as he had just stated) they wanted clarification on. Friend added that he had reviewed it a couple years ago and it did need some "dusting up" regardless. Kite thought the question might be whether there needed to be a committee of the Board to look through it. Friend indicated he understood no one had had a chance to look at it.

Friend said he would go to Counsel, see if they had any issues, get those back. Then add in any changes he had that were around the periphery, and then bring it back that way and get them to the Board prior to the next meeting for an informed discussion.

Kite moved that Friend should convey the Granting Policy and Procedures containing his updates and questions to Board Counsel for review of his proposed changes as well as the Policy and Procedures in general to determine whether there are any issues the Board needs to take up at their next meeting. Seconded by Yancey. No further discussion. Motion approved unanimously.

5) **INK Finance Committee – Idle Funds / Investment Policy**

Friend recapped the history and situation. There was a problem with securitization of accounts at Kaw Valley, that issue was addressed, there was a committee meeting in December – a couple of members are in attendance – he understood them to say something like "we're not an investment board" but instead a spending board. So, the main thing was to get the grant procedures in order and go out and get the money spent. That's how it was reported in the minutes, Gaumer did not attend, so it came up again at the next meeting – he asked how it was going. Then the issue was re-opened and it was "maybe we do need an investment policy." So, Friend has gotten bids – INK already has two bids - everyone had those in the committee. So, he wasn't sure how they wanted to proceed. He understood today they were meeting to decide whether they needed the committee and who should be on it. He asked the members of the committee what their take was. Goff stated that he felt like didn't have foundational answers as to what the goal was. They have $3M they may want to invest, but the question was what their goal was. Once there was a goal set about how much to issue in grants, then everything outside of that and expenses could be locked down. Kite then restated that the Board needs to know how much they want to grant per year. Goff suggested that maybe the grant policy should begin to incorporate ROI in the criteria so they could project investments based on that.

Friend then answered Board member questions about the amount of funds coming into INK annually and the annual budget, then the members discussed the appropriate approach to investing it. Goff asked about what type of accounting the board used and said GFOA recommended a reserve of 15%.

Goff stated that he would prefer that the committee go out and reissue the bids as things may have changed during that time. Friend recapped how the bidding had worked. They asked for three bids, but Gaumer wanted his bank to bid and recused himself. So, he just got four bids that were the largest Kansas-based banks, so he would go back to those four, then evaluate how to do the cut based on cash flow. Friend reemphasized that May is going to start with the new criterion from the Secretary – "tell us if you went to the Legislature or not" and that will be what's in place for the upcoming grant round. He noted that they already have two banks – both those banks will be bidding – so that will be important to consider. Goff asked the chair if he would add someone to the subcommittee as they are missing a person. The new lineup for the committee was reflected in the following motion.

Action Taken: Goff moved to add Jennifer Cook, representing the Kansas Secretary of State, to the Finance Committee along with Goff and Wamsley. Seconded by Kite. No further discussion. Approved unanimously.

Goff discussed the next steps for the finance committee, that while they were unlikely to be able to get bids before the next board meeting, they could get together and identify what the committee's goal is, then hopefully go back out for bids. Yancey said that the committee should work the numbers, work up a recommendation and they are likely to approve. Kite noted it would be a matter of how conservative they wanted to be.

6) Overview – Potential Cloud / Backup Contract Amendments

Jones recapped the two topics that amendments were being considered for: 1) A code escrow process versus the nightly copy of a backup being provided now, and 2) Changing the language in the contract to allow KIC to use the cloud in certain situations – something that is not allowed at present. Yancey then explained to Allen what the current process was and that the overall attempt here was to modernize INK's ability to protect its intellectual property. Kite asked about what was in the contract right now as it relates to escrow and Jones confirmed there is nothing at present. He then asked who the right person would be to propose the new language. Jones said the attorney could recommend it – Yancey asked him to make a recommendation. Friend noted that there is a whole INK DR piece in the contract that is related to that, so it seems like something that should also be looked at. Friend will do this. Jones would like to do the same thing regarding Cloud. It is nothing they have intent to do immediately, but they are considering some, like Amber Alert.

Action Taken: None.

New Business

Friend is getting closer on the INK office move, they are still working on carpet. The address is Rm 114 in Landon State Office Building, 901 Jackson.

Adjournment

Motion to adjourn at 12:05 pm by Wamsley. Seconded by Yancey. Approved unanimously.

Minutes submitted by: Duncan Friend