

Electronic Real Estate Recording Task Force
Minutes: 10 October 2002

Present: (Members) David Arbeit, Jeanine Barker, Carmen Bramante, Jeff Carlson, Michael Cunniff, Larry Dalien, Bob Horton, Secretary of State Mary Kiffmeyer, Cindy Koosman, Gail Miller, Leonard Peterson, Dennis Unger. (Guests) Angela Burrs, Joel Beckman, Bert Black, Luci Botzek, Lowell Hagenson, Greg Hubinger, Fritz Knaak, Scott Loomer, Beth McInerny, Bill Mori, John Richards, Molly Terry.

1. Call to order

Secretary Kiffmeyer called the meeting to order at 9.30.

2. Approval of minutes

The minutes of the meeting of 26 September 2002 were approved as submitted.

3. Report of executive committee

Secretary Kiffmeyer reported on the executive committee meeting of Monday 7 October. The main subject was the question of conflict of interests raised at the 26 September meeting. The recommendations of the executive committee were emailed to Task Force members. They were to terminate the BenNevis contract and to develop an RFP for technical consulting to the task force for the rest of the project. XML and business analysis expertise would be the optimum skill sets of the new consultant. BenNevis would complete certain tasks related to the completion of project plans and version 2.0 of the standards, subject to the availability of information from the national bodies, MISMO and PRIA. The counties would assume a number of management and reporting tasks related to the conduct and analysis of the pilots.

Mike Cunniff asked about the counties' ability to contact and work with the new consultants. Beth McInerny said the concern was not to micromanage the counties. The consultants would certainly be available for consultation, but would not have the responsibility to develop and oversee plans. Bert Black added that there will be problems with timing (the pilots are already starting) and there will be limitations on how much time the contract will buy.

This raised the question of how to deal with the modifications of the schema. The process to review these questions has to be established in order to ensure that the Task Force has a means to assess, review and approve changes as questions arise. The mechanism would likely to be a subcommittee that can report to the Task Force as a whole. Any immediate questions should be forwarded to BenNevis now, so that version 2.0 of the standards can be established before the pilots take place.

Cunniff asked if BenNevis was asked to withdraw from the contract. McInerny said they had not, but they do feel that the conflict can't easily be rectified and the issue will come up again. Carmen Bramante asked if there were any restrictions on BenNevis's involvement with US Recordings. Bert Black said there was no discussion on that, but BenNevis will not be eligible

for any further work with the Task Force or any effort using Task Force funds. Cunniff said the current contract says that BenNevis is free to work with any private sector groups.

Cindy Koosman moved to approve the termination of the BenNevis contract. Jeanine Barker seconded. Leonard Peterson asked if this would have an impact on the project's timeline and Mike Cunniff said there would likely be delays for this and other reasons. The motion passed. Jeff Carlson and Dennis Unger abstained from the vote.

Bert Black discussed a draft of a termination agreement that detailed the tasks BenNevis would have to complete before the end of the project. The draft has been reviewed by the LCC and BenNevis, and was acceptable to both. Joel Beckman asked if it is the counties' responsibility to determine that no task force money goes to BenNevis through a vendor. Black recommended making sure similar language is in any contracts with vendors and BenNevis. Bramante asked about the Task Force's auditor. Greg Hubinger said the LCC manages the Task Force's accounts and hires an outside auditor.

Fritz Knaak suggested editing item 6 to delete "electronic real estate recording." Dennis Unger asked to delete the term "any county pilot project to." Larry Dalien said we might not want to eliminate any possibility of working with BenNevis, so David Arbeit suggested adding to #6 the term "unless specifically approved by the Task Force." Secretary Kiffmeyer said we should add to item 5 "for the duration of the pilot projects" or the date "30 June 2004." At David Arbeit's suggestion, this was amended to "unless specifically invited by the Task Force."

Bob Horton moved to approve the draft with the amendments. Leonard Peterson seconded. The motion prevailed. Jeff Carlson and Dennis Unger abstained from the vote.

4. Report on Project Status

Beth McNerny relayed the request from the LCC that reimbursements must be submitted within 90 days. She brings expense forms to each meeting, please ask for one or take one from the red binder. They are also available on the web site. McNerny reviewed the work she has done since the last task force meeting and went over the budget.

Molly Terry asked if the new version of the standards was available. Black said the work was well underway, but that everyone should wait to act on it until the product was approved by the Task Force. The new standard should be the basis of the pilot tests. Secretary Kiffmeyer asked Bramante for a report on the use of the PRIA standards. He has drafted a letter to PRIA, but has not sent it. His supposition is that PRIA would ask for notice of publication of the Minnesota standard and a copy of it, as well as attribution for any elements derived from the PRIA standard. Black said that Minnesota's standard version 1.0 was not derived from any PRIA materials and that MISMO is asking only for attribution.

5. Pilot County Contract Review Report

Larry Dalien reviewed the report of the committee and the proposed budget for the pilot counties. The recommendations are that: the Task Force accept the pilot county proposals,

subject to contract negotiations; the Task Force allow the executive committee to approve additional allocations from the contingency fund; the funding of pilot county initiatives be based on milestones identified in the pilot contracts; and the Task Force accept the draft Joint Powers Agreement, with allowance for modifications necessary for each county's specific circumstances.

Dalien moved and Cindy Koosman seconded approval of the recommendations. Secretary Kiffmeyer suggested that the pilot framework committee should review requests for additional funding up to \$5000 and forward its recommendation to the executive committee. Requests over \$5000 should also be referred to the Task Force. To manage this, the pilot framework committee has to formalize its membership and make sure that pilot counties abstain from any votes where a conflict of interest is apparent.

Koosman asked about portals. Black noted that there are questions about ownership in the Roseau proposal that have to be negotiated before the Roseau pilot is approved. Cunniff asked if the Roseau proposal actually tested the standard. Does this test a paper system? Joel Beckman asked if this would be a viable and sustainable economic model. AMC should have business plans that address this issue. Bramante asked if Roseau's process was legal. Black responded that the enabling law says anything done in the pilot is legal. Dalien added that we need to pay attention to the negotiation process.

Barker asked why this proposal was entirely funded. Dalien said the software is being funded because it has the potential to benefit other small counties like Roseau, unlike any other pilot proposals. Bramante asked if this tested XML. McNerny said yes, on the submission and transmission side.

Larry Dalien moved to accept the non-Roseau recommendations subject to negotiations for contracts. David Arbeit seconded. All pilot counties present abstained from the vote. The motion passed.

Roseau's proposal was set aside so that the questions raised about the portal and XML could be reviewed. Gail Miller said we need a time limit on the review. Secretary Kiffmeyer asked for volunteers to review this proposal in the context of what the Task Force can do for smaller counties. Koosman, Dalien, Bramante, Carlson, Miller, Arbeit, Unger, Peterson and Cunniff volunteered. The Task Force should also ask for representation from Roseau and AMC and invite others to be involved. Beth McNerny will send a notice to the entire Task Force. The pilot framework committee will host the meeting. To be sure that all concerns are addressed, participants should submit them in writing prior to the committee meeting. Fannie Mae will facilitate the conference call. Koosman moved and Bramante seconded. The motion carried.

6. Joint Powers Agreement

Bert Black distributed the draft of the joint powers agreement and reviewed its content. Bramante said there are some risks to negotiating intellectual rights from county to county. Black noted the situations are different from county to county and each raises unique issues. There were also some concerns that the current language is too sweeping. The Task Force agreed

without objection that Black take the lead on revising this, with input from the legal affairs subcommittee and others as needed.

7. Adjournment

The meeting adjourned at 12.15.