

# Kansas

GOVERNMENT JOURNAL

VOLUME 97 NUMBER 5

MAY 2011



**SPECIAL  
EDITION**

**GOVERNMENT AND TECHNOLOGY  
WORKING TOGETHER FOR THE PUBLIC GOOD**



# 2011 CONFERENCE HOTEL ACCOMMODATIONS & RESERVATION PROCEDURES

October 8-10 • Hyatt Regency Wichita & Century II Convention Center • Wichita

## CONFERENCE SCHEDULE CHANGE

Please note there has been a change in the overall conference schedule. The annual conference will now begin on Saturday at noon, and conclude at 3:30 p.m. on Monday afternoon.

### Hyatt Regency Wichita\*\*

400 W. Waterman

Wichita, KS 67202

(316) 293-1234

Single/Double \$116 + tax per night

Cut-off Date: 9/14/11

Connected to Century II

\*\* Hyatt Regency Wichita requires a non-refundable deposit equal to one night's stay in order to secure reservations.



### RESERVATION PROCEDURES:

- LKM has made special arrangements with the hotels listed to provide accommodations during our Annual Conference. Room reservations should be made by contacting the hotels directly.
- Attendees are responsible for making their own reservations.
- Reservations may not be made until after 3/1/11.
- Remember to ask for the special LKM conference rate when making reservations.

### SPECIAL NOTE:

If you are making hotel reservations for someone else, please confirm with each person that they actually need hotel accommodations and intend to use the accommodations before making the reservation.

### ADDITIONAL ACCOMMODATIONS:

Hotel at Old Town

830 East First

Wichita, KS 67202

(877) 265-3869

Single/Double \$122 + tax per night

Cut-off Date: 9/17/11

Courtyard by Marriott - Wichita at Old Town

820 E. Second S. North

Wichita, KS 67202

(316) 264-5300

Queen/King: \$109 + tax per night

Cut-off Date: 9/16/11

Fairfield Inn & Suites at the Water Walk

525 S. Main

Wichita KS 67202

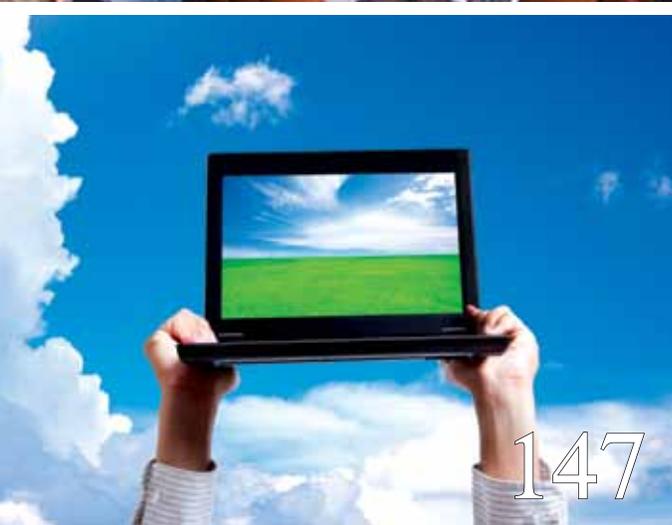
(316) 264-5300 ext. 4924

Queen/King: \$89 + tax per night

Cut-off Date: 9/01/11

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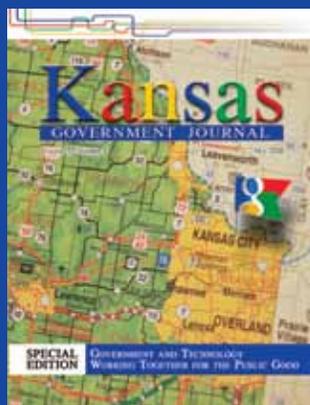


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### About the Cover:

The Google high speed fiber project finally has a home in the Unified Government of Wyandotte County/KCK. The City will be the first in the nation to house Google's Ultra High Speed Fiber Internet. See related article beginning on page 142.

The *Kansas Government Journal* is published monthly by:

League of Kansas Municipalities  
300 S.W. 8th Ave. • Topeka, Kansas 66603-3951  
phone: (785) 354-9565 • fax: (785) 354-4186  
[www.lkm.org](http://www.lkm.org)

General subscriptions are \$30 annually. Subscriptions for League member cities and research subscribers are \$15 annually. Individual issues cost \$5, with an additional \$5 charge for the Tax Rate Book edition.

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*The mission of the League shall be to unify, strengthen, and advocate for the interests of Kansas municipalities to advance the general welfare and promote the quality of life of the people who live within our cities.*



### July

- 4 - Independence Day
  - 20 - MLA: City Clerk Fundamentals, Dighton
  - 21 - MLA: City Clerk Fundamentals, Clay Center
  - 29 - MLA: City Clerk Fundamentals, Iola
- 
- ### August
- 19 - MLA: KOMA/KORA, Newton
  - 20 - MLA: KOMA/KORA, Lawrence
  - 26 - MLA: KOMA/KORA, Oakley
  - 26 - KMIT Board of Trustees Meeting, Goodland



## League Policy Committees Forming Now!

League policy committees help to establish the policies that guide the organization's legislative efforts. Any city official is eligible to serve on a single policy committee.

### THE FOUR COMMITTEES INCLUDE:

#### Finance and Taxation Policy Committee-August 16

This committee reviews and recommends League positions on finance and taxation issues, including local option taxes, property tax lid, tax exemptions, motor vehicle tax, etc.

#### Utilities and Environment Policy Committee-August 18

This committee reviews and recommends League positions on water supply, water quality, water planning, solid waste, air quality, and other environmental quality issues.

#### Public Officers & Employees Policy Committee-August 23

This committee reviews and recommends League positions dealing with a range of employment matters, including wage and hour laws, unions, workers compensation, unemployment insurance, etc. This committee also handles League positions relating to public officials, including ethics, elections, and other requirements of holding public office.

#### Legislative Policy Committee-August 25

This committee reviews and recommends League positions in all other policy areas and provides general oversight of the policy statement.

All meetings will be held at the League office and begin at 10 a.m. and adjourn by 2 p.m. For more information about the League policy committees, contact Anna DeBusk at (785) 354-9565 or [adebusk@lkm.org](mailto:adebusk@lkm.org).

## Obituaries

**Steven L. Davis**, 57, died January 11, 2011. He was a lawyer and served as Assistant Lyon County Attorney in 1978 and 1979. Davis was a member of the Masonic Lodge 12 A.S. and A.M.; Neosho Valley Shrine; Community Corrections Advisory Board; Lyon County, Chase County, and American Bar Associations; Association for Justice; and Delta Beta Phi.

**Eugene H. Denton**, 77, died May 14, 2011. He was County Administrator in Johnson County from 1985-1998, and previously served as the City Manager of Wichita for 9 years, and as an Assistant City Manager in both Fort Worth and Dallas, TX. Denton was a lifetime member of the International City/County Management Association.

## IN REMEMBRANCE:

# *State Representative Rocky Fund*

**K**ansas Governor Sam Brownback ordered flags be lowered on May 9, 2011 to half-staff in remembrance of the late Representative Rocky Fund. Representative Fund passed away on April 28th after a battle with cancer. His funeral was held in Holton on May 2, 2011.

“Rocky was a great man, and Kansans were blessed to be able to call him a friend. Rocky lived, in some ways, the very essence of a Kansas life. The experiences he had and the life he led are an inspiration and it is appropriate that we mark his passing and honor his life by flying the flag at half-staff in the State of Kansas,” said Governor Brownback.

Representative Fund, a Sabetha native joined the Air Force after high school and married his wife, Linda. Fund served in Southeast Asia during the Vietnam War. Upon returning home, Fund earned his Bachelor’s degree at Wichita State University while working at Learjet. He also earned a Farrier’s (horseshoer) license from Oklahoma Farrier’s College.

Fund was a teacher and coach at Royal Valley and Jackson Heights for 21 years and served on the Rural Water District #3 Jackson County Water Board for 16 years before becoming its District Manager for 10 years. Fund was elected State Representative from the 50th District in 2006 and was serving his 3rd term. In addition, Fund was a member of the American Legion and Veterans of Foreign Wars.

Born into a large family, Fund was the fifth of seven children. He leaves behind his wife, two children and spouses, a granddaughter, three brothers, and three sisters.





## State Expands Research Efforts

The International Animal Health and Food Safety Institute on the Kansas State University Olathe Innovation Campus celebrated its formal opening of the new Institute with a ribbon cutting on April 26, 2011.

Governor Sam Brownback and Kansas Department of Commerce Secretary Pat George praised the opening of the International Animal Health and Food Safety Institute as a new chapter in the efforts to make Kansas a global center for research.

The Institute is a \$28-million, 108,000 sq. ft. facility that will serve as a center for research, education, and commercialization.

In addition, K-State Olathe will partner with Kansas City area companies in providing professional development training for

employees. K-State Olathe is part of the Johnson County Education and Research Triangle initiative, a cooperative effort with the University of Kansas that involves KU's Edwards Campus and the KU Medical Center.

"This is a great day for Kansas and K-State," Brownback said. "The opening of this Institute will strengthen the efforts to make our state a worldwide leader in animal health and food safety, which in turn will greatly expand our research and economic activity, and create jobs."

Brownback is hosting a series of Economic Summits focused on different industry sectors important to the state. The Animal Health Summit will run throughout the summer.

## Kansas Honors Former Territorial Capital

About 70 people crowded onto the upper floor of Constitution Hall in the City of Lecompton to honor the State's former territorial capital. Governor Sam Brownback, legislators, and local residents all attended the celebration to remember the site as being crucial in ending slavery.

The event also marks the 150th Anniversary of Kansas's entry into the Union, shortly before the Civil War. Kansas and the pro-slavery constitution, drafted in Lecompton in 1857 (but abandoned before statehood), were central to the bitter political disputes that led up to the war.

"You can sit here solemnly and almost feel the history, and feel the bloodshed that led to the fight that divided this country," Brownback told the audience. "To me, it's a very solemn moment because you think about all the pain that went into that time period and all the pain that led up to it with the institution of slavery. Finally, in Kansas people say, 'No more.'"

To honor Lecompton, Brownback signed a proclamation and House Speaker Mike O'Neal read a resolution that legislators adopted earlier during the legislative session. Brownback and other visitors also took a ride through town on a stagecoach.

The City of Lecompton has been promoting Constitution Hall as a site for education and history-minded tourists. Paul Bahnmaier, president of the Lecompton Historical Society, urged Kansas residents to cherish their history.

"Future tourism in Kansas can be greatly enhanced, as the South accomplished by promoting their Civil War history," he said.

For more information on the Constitution Hall State Historic site, visit <http://www.lecomptonkansas.com/index.php?doc=consthall.php>.

## Kansas Receives Food Grant

Kansas is one of three states awarded a grant from the U.S. Department of Agriculture (USDA) to supplement the traditional Summer Food Service Program (SFSP) by providing food backpacks to low-income children over weekends in the summer months. As part of the Food Backpack Demonstration Project, Kansas will receive \$246,173 to allow seven Kansas SFSP sponsors to begin providing weekend backpacks containing shelf-stable breakfast and lunch foods to low-income children at SFSP sites this summer.

The purpose of the grant is to test innovative alternatives to enable children from low-income households to access healthy food during the summer and to boost participation in the SFSP. The traditional Summer Food Service Program provides nutritious meals and snacks to children

in low-income areas during the summer months through program sponsors that can include schools, government agencies, residential and non-residential camps, and faith-based organizations. In Kansas, 86 SFSP sponsors provided more than 786,000 meals last summer.

The Demonstration Project funded by the grant will address those days when meals are not available at the SFSP sites, typically weekends. Through the Food Backpack program, low-income children served at the SFSP sites can be provided a backpack at the end of the week that will provide them with meals through the weekend. The backpacks will contain foods such as milk, juices, canned fruits and vegetables, tuna, and individual canned entrees. Preparation instructions and menu serving suggestions will also be provided.

## Governor Announces Highway Projects

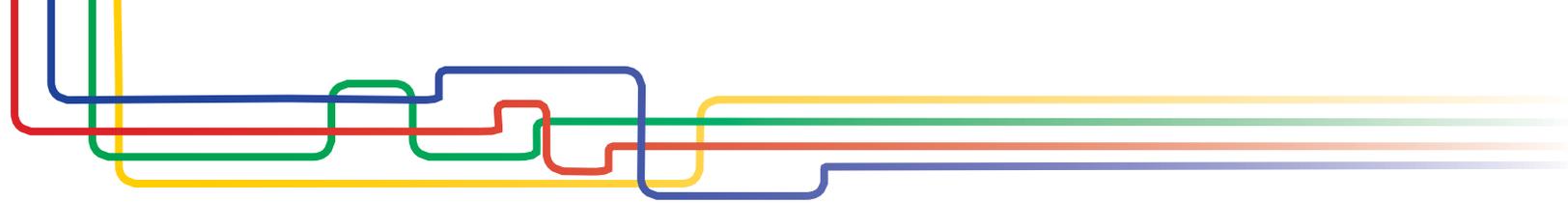
Kansas Governor Sam Brownback announced major highway projects on a four-day, five-city tour that began May 31, 2011. The Governor along with the Kansas Department of Transportation Secretary Deb Miller announced the T-Works funded projects in the cities of Wichita, Fort Scott, McPherson, Dodge City, and Kansas City.

"These projects will create jobs and provide an immediate boost to local businesses during construction. But in the long term, they also will provide the infrastructure needed to create or take advantage of

economic opportunities that will have a lasting impact on the Kansas economy," Governor Brownback said.

The total budget allotted for T-WORKS is \$1.8 billion, with an estimated impact of \$10 billion.

"Implementing T-WORKS is a major component of my Road Map for Kansas. These projects will help move us down the road to growth so I'm anxious to get them under way and start creating jobs," Governor Brownback said.



# DROWNING IN DATA

BY SANDY JACQUOT

**E**lectronic records management is a daunting undertaking and the approach a city takes is dependent upon the city's understanding of the issues raised by creating and maintaining electronic records, and the needs of the city. Some of the considerations raised by such records include whether or not they are public records, whether they are open under the Kansas Open Records Act (KORA), whether the records are stored in-house or in the "cloud," the security of the records, how often they are backed-up and where, who will maintain the records, and the retention schedule of the records. In addition, under certain circumstances, records might be subject to a litigation hold under the electronic discovery rules, despite the city's policy of what should be happening with the record. In some states, government records must be stored within the state, which, while not the law in Kansas, may impact a city's decision about electronic record storage.

If all of the above seems a bit like overkill, consider the amount of information being stored by the city electronically. Even the smallest city will likely have email of various types, word processing documents such as minutes, correspondence and the like, police records, court records, and more. In some of those cities, all of the records might be on one computer that may or may not get backed up. If the computer goes down, some or all of the records will be lost. Thus, electronic data will continue to multiply and become more of a concern, so it is helpful to know what to do with records before it gets to the point of being overwhelming. Larger cities have information technology departments that take care of the decisions regarding how records are handled, but often even the large cities are challenged by the magnitude of the decisions.

Definitions become important in the electronic records environment. One of the best phrases coined has to be "cloud computing." (See related article on page 147) It really refers to the interconnectedness of computers that operate as data centers through the Internet. One example is utilizing cloud computing when using email programs through providers such as Yahoo or

Google. The emails are remotely stored "in the cloud." In essence, the cloud refers to a shared pool of remote Internet resources that may be accessed by the user. It might include data, but could also include computer applications. Another example might be remotely storing photos or music that may be accessed by one or more individuals on any computer with Internet access. If the city's network is set up on a server that is not in-house, the city's data is in the cloud. It probably is an over-simplification to equate the "cloud" with the Internet, but for most of us that concept is probably as detailed an understanding as necessary. The data is out there somewhere, essentially outsourced, able to be accessed in some form, and must be secure to fulfill cities' responsibilities of maintaining their records.

Taking email first, there are several considerations when determining the best method of record storage. As a review, remember that emails may become an open record, but that depends on the content of the email. Emails that are made, maintained by or in the possession of the city, except for personal correspondence, would be considered a public record. The email might be an open record, but would need to be analyzed under the KORA to determine if any exceptions to disclosure apply. Thus, when an open records request for email is made, unless a city has a good email storage policy, it will be difficult to go back and find all of the documents that pertain to a specific matter. Some cities have had to go through the entire file of emails (inbox, trash, sent file, and saved) of employees, which may number in the thousands in order to comply with an open records request. Also, just a reminder, that when governing body members email each other, depending on the facts, the Kansas Open Meetings Act (KOMA) could be violated if the communication becomes "interactive" in nature. The analysis is the same as for any other type of communication. In the end, how cities use email will impact the legal considerations of what kind of retention and destruction policies are appropriate.

Many sources, including the Kansas State Historical Society, recommend that emails be sorted for retention based upon content and duration of storage. For example from a duration perspective,

transitory emails that are only pertinent for a specific time should be deleted when no longer timely. If an email is about a meeting that will happen in the future, once the meeting has occurred, the email is not likely to be pertinent any longer and should be deleted. Then there are emails that should be kept for a specific period of time and those that should be stored on a permanent basis, depending on the content of the email. Most experts recommend using a very descriptive subject line for work emails. One example to illustrate this would be instead of using “today’s meeting,” use the phrase “paving contract meeting.” That allows for better archiving by topic.

The choices for archiving include storage within the email program or outside the email program. If stored outside, that could include in a format that is accessible and on a remote server, or by printing out hard copies and keeping those in a filing system. One example of trying to organize emails by content is to create folders in which emails are moved either immediately or within a few days. That keeps the email inbox clear and allows for effective searching of existing documents. As one can see, simply having a policy that only 100 emails may be kept in the inbox or emails over 30 days old must be purged, does not address the reality of email storage. Of course the other obvious decision is whether to allow storage of emails on individual computers, or on the server, whether remote or in-house.

Some of the issues raised by electronic documents reflect a body of law that has not kept up with technology. One can brainstorm and come up with many scenarios. Under KORA, two rules create confusion. First, K.S.A. 45-221(c) states that in complying with

places to create an entirely new document with the information wanted by the requester, such as a spreadsheet with only the number of nuisance complaints from a specific part of the city. Now, however, much data is electronic and only useable when manipulated to create a specifically populated document. The question is whether that is creating a document under the KORA. From a policy standpoint, it seems contrary to the intent of the Act to have information that escapes release because it is not in document format. The better practice would be to have a policy about the types of documents that are possible to easily create for a requester. Some cities actually have much information online on their websites that can be accessed by the public without going through city hall.

The second KORA issue is the format of the request. Many more requests are asking that data be provided electronically, such as the budget in a spreadsheet format or minutes for the newspaper. The question is whether the information must be provided electronically. Like it or not, the electronic age is here and this is a question that must be considered. There is nothing in the KORA that requires the city to give out information in the form requested by the requester, notwithstanding an old Attorney General Opinion that makes such a statement. Some of the advantages of giving out information electronically are that it is usually quick, accurate, inexpensive, and convenient for the public. The disadvantage is that information may be more easily manipulated and used for nefarious purposes. The same computer programs used by the city to do the budget or draft the minutes are the same programs found on home computers, which did not used to be the case. The question becomes whether the better practice is to print out the budget or other documents and charge the requester for the paper or provide the information electronically. This is a policy decision for the city. Cities should not be lulled into believing that documents can be released in a format that does not allow manipulation by the requester. It is better to assume that all electronic data may be manipulated, regardless of the format in which it is released. Further, paper documents can be scanned and manipulated as well, so protecting the integrity and accuracy of data is no longer an easy task. One caveat is that the city is not required to use a storage device provided by the requester on which to place the data. K.S.A. 45-219(g) The city may require the purchase and use of a storage device provider.

When considering how to address the growing amount of electronic data, cities will have various considerations. First would be the decision of whether data is stored in-house or remotely and whether the storage is for older records or for current ongoing documents and data. If the data is going to be stored remotely, a contract is desirable setting forth the pertinent terms and scope of the service. For example, cities will need to know how the data is available and may be accessed, who owns the data (the city should always own its data), how much the service costs, and that sort of thing. Remember that contracts obligating the city to pay money beyond the current budget year will typically run afoul of the cash basis law. In addition, is the cost of storing data remotely, if greater than storing data in-house, justifiable in relation to the services the city is going to receive?



the KORA records do not have to be created for the requester. In the past, that usually arose when the requester wanted documents that didn’t exist, but information could be compiled from multiple sources to create a new document. This provision in the law allowed public officials to avoid having to do an immense amount of work to pull documents from multiple

Another consideration, is how secure the data will be with either method. Storing the data in-house will have the advantage of local technical support which the city can control. However, having the data stored only in-house subjects it to any natural or other disaster and could result in lost data. If stored in-house, cities should consider backing up data in some fashion where the backup is not kept in-house for security purposes. For data that is stored remotely, cities should have an understanding of the protocol utilized by the company to secure the data, both from the standpoint of unauthorized access and in the event of a malfunction of equipment. Computer servers have a tendency to go down on occasion and the larger the cloud platform is that goes down, the greater the impact, so cities should understand the steps taken by the company to protect its data. As a part of the inquiry, cities should know where the data is being stored. Because of legal issues that could arise, cities should make sure the data is stored in the United States, if not in Kansas.

A couple of other issues should be addressed if cities are considering storing data remotely. What kind of accountability can the city require to know that its data is secure and being handled appropriately? Is the data easily accessed in the event of an open records request or for an electronic discovery litigation hold? As city officials can see, electronic records management is a complex topic, but not one that cities should ignore and avoid. This article

has only scratched the surface on a very basic level. More and more, computing is being done in a more globally connected environment and most cities will face the necessity of making some of the decisions outlined above. The development of “cloud computing,” however, is a relatively recent one that is expanding all of the time, so the state of the law has not really kept pace. Therefore, the city attorney should always be involved before making decisions regarding electronic records management.

 *Sandy Jacquot is the Director of Law/General Counsel for the League of Kansas Municipalities. She can be reached at [sjacquot@lkm.org](mailto:sjacquot@lkm.org) or (785) 354-9565.*

*Resources*

Some of the following organizations and websites have helpful information on electronic records management.

- Kansas Historical Society- [www.kshs.org](http://www.kshs.org). There is an entire electronic records section on its website under the Government section.
- Professional city organizations for managers, city attorneys, information technology officials, and others have publications and websites that contain information.
- Just searching the Internet for electronic records management and for cloud computing yields a wealth of information.



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# Lenexa Blazes Trails With High-Tech Safety Innovations

Like most cities, Lenexa has a well-staffed, highly trained fire and police force dedicated to maintaining the City's reputation as a safe place to live, work, and visit. Yet, there's another force in Lenexa working to protect and serve the community—technological innovation.

One of the City of Lenexa's technological advances for safety include new portable video cameras for the Lenexa Police Department. All photos provided by the City of Lenexa.



by Mary LeCompte

From fiber sharing and crowd sourcing to the iPad and VieVu, and with a mobile safety education classroom and groundbreaking 9-1-1 trail marker system, Lenexa continues to blaze high-tech trails through its 34.3 sq. miles and beyond. And, at a time when city budgets are tight, nearly all Lenexa's safety technology comes with a low-or no-cost price tag.

## A Healthy Dose of Fiber

Some of the tools that help keep Lenexa's community safe are made possible by a healthy fiber infrastructure. This low-cost technology allows law enforcement and fire services to keep watch over its citizenry, whether officers and firefighters are on the streets or at the stations.

Where city safety staff can't be everywhere at all times, video cameras fill in the gaps. Lenexa takes full advantage of its fiber resources that support video monitoring at critical locations such as

schools, financial institutions, public parks, major intersections, and festivals. Any camera situated near in-ground fiber can tap into the technology that allows police and fire to monitor criminal activity, vehicle accidents, assess situations, and dispatch accurate information faster and more effectively. Because businesses pay for the video equipment, the only cost to the City is for fiber network services.

Camera technology of a different kind is helping police save time and improve their focus while on the road. Small cameras mounted on two police cars record information from license plates, including tag numbers, GPS locations, time stamps, and photos. The information collected from the license plate readers (LPRs) is instantly cross checked against data that is downloaded several times each day from national and local sources. The system checks for matches on everything from expired tags and stolen vehicles to outstanding warrants. When a match is made, the officer is alerted via an in-car alarm.

A new LPR application, Tactical Operations Center, allows all vehicles in the police fleet and dispatch to receive the same alarm as received in the LPR-equipped cars, as well as future projected fixed

LPR locations in the City. This tool provides dispatchers and officers with the ability to respond more effectively to the alarms.

LPR technology, which was provided by the New York-based ELSAG North America and paid for entirely by grants, does the same work officers can do but acts as a “force multiplier,” since the LPR can read 15 plates per second. For the calendar year 2010, the system read over 1.1 million tags. The data collected can even be searched for matches to partial tags to aid law enforcement in solving crimes in process like robberies or Amber Alerts.

### The View From a Police Vest

In addition to license plate readers, Lenexa police vehicles are equipped with in-car cameras that record activity at traffic stops. But what happens when an officer is in pursuit on foot or enters a home or business? The answer: VieVu personal portable video cameras. These 100% grant-funded, pager-sized, battery-operated devices attach directly to an officer’s uniform and can record up to 4 hours of high-quality, detailed video, and audio.

“The VieVu cameras enable our officers to capture the most compelling evidential information available,” says Lenexa Police Lt. Dawn Layman, who wrote the grant for the cameras and was instrumental in bringing the technology to the City. “It protects our officers and citizens, and is a great asset for bicycle and motorcycle officers who don’t have in-car video systems. We can also use the technology for training purposes.”

Video from the cameras has already proven useful in municipal court cases. The Police Department has recently purchased additional units so more officers and citizens can benefit from the technology.

### Emergency Data Goes Mobile

Fire and police dispatchers used to rely on phone and radio communication to convey critical emergency information to field safety staff, but that technology limits the amount and type of information sent. Lenexa now uses onboard mobile data terminals—

small computers in fire and police vehicles—to quickly dispatch unlimited, detailed, and confidential information in response to emergencies. The technology also allows for the instant transmission of critical information like maps and special instructions.

Since Lenexa also arms its safety supervisory personnel with iPads, dispatchers can route the same critical and confidential information to fire and police captains and chiefs, who can monitor emergencies in real time and communicate with on-scene personnel and other agencies.

When the worst happens, communication is at its most critical. Lenexa has recently joined forces with Johnson County’s Web Emergency Operations Center (WebEOC), a virtual command post that will enable the City to use its stationary and mobile computer technology to communicate with other agencies in the event of a large-scale crisis. The Internet-based program offers quick and easy information sharing to enable safety and city officials to post updates, chat with outside agencies, obtain necessary documents and forms, and access vital information.

### Safety Education Hits the Road

Lenexa’s newest piece of fire safety equipment isn’t a fire truck—it’s a 35 ft. classroom on wheels.

With a custom-designed interior, the safety education trailer is equipped with state-of-the-art technology to deliver powerful fire and weather safety lessons to the community.

Step inside the trailer and you’ll find all the comforts of home: a fully-equipped kitchen and living room with a fireplace, entertainment center and flat-screen TV, and a furnished bedroom.

At the flip of a switch, the serenity of the living space is interrupted by a TV broadcast warning the viewing area of an approaching tornado. As the mock storm approaches, the trailer’s surround sound system pipes in eerily realistic sounds of high winds, thunder, rain, hail, and weather radio signals. As the trailer shakes and rattles, the lesson on how to react in a severe storm begins.

The kitchen and fireplace are used to teach fire safety, as well as smoke alarms, a heated bedroom door, and a window ladder to demonstrate how to properly respond and find alternative escape routes in the event of a fire. The trailer is even equipped to emit “smoke” to simulate a real fire emergency.

Although the trailer will be primarily used for educating children, Lenexa also plans to use it for the benefit of adults and seniors. “We have a large senior population and the trailer allows us to reach out to seniors in a way we couldn’t before,” says Fire Battalion Chief Eric Ramsey. “We’ve also been looking for better ways to track the effectiveness of our community safety education efforts. This is one way we can do that, and do it more efficiently.”

Firefighters operate the technology and monitor all activity via an on-board control room and video security system, and parents can observe on an exterior TV monitor as their children travel through the trailer.

The Rotary Club of Lenexa provided 10% of the \$66,299 cost of the trailer, which was designed by Pennsylvania-based Mobile Concepts. A U.S. Department of Homeland Security, Federal Emergency Management Agency Fire Prevention, and Safety Grant provided the remaining funding.

The safety education trailer utilized by the Lenexa Fire Department features technology to deliver powerful fire and weather safety lessons to the community.



## 9-1-1 GPS System is a Trail-blazer

What started as a need to make Lenexa's growing trail system safer became a groundbreaking, multi-agency effort by the City—and a model for other cities in Johnson County and neighboring counties in eastern Kansas and western Missouri.

Because many Lenexa trails are located in isolated or remote areas, the police, fire, and parks departments saw the need to make it easier for emergency services to respond more efficiently to on-trail emergencies. Based on a geo-referencing trail system currently being used in Iowa, Lenexa developed its own trail marking system, which utilizes GIS formats and strategically placed signs located



along trails. Currently, there are 122 signs clearly marked as "911 Locations" with each sign bearing a unique, alpha-numeric address designating the position on the trail. This alpha-numeric designation translates to a specific GPS coordinate, which serves as the "address" of the emergency.

Under this system, anyone needing emergency services while on the trail simply uses a cell phone to call 9-1-1, refers to the nearest trail sign and gives the operator the corresponding coordinate information. These coordinates are passed directly to ambulances and police cars through a Computer Aided Dispatch (CAD) system where onboard GIS mapping devices show the exact location and most direct route to gain access to the emergency site. The trail marker system eliminates confusion and streamlines the rescue process, which could result in saving precious time and lives.

Lenexa Police Captain Don Krone, who was part of the team that began planning for the system in 2006, has followed the project's momentum and notoriety throughout the region. "This area has a large, connected trail system, and we quickly saw a need for regional expansion. The Mid-America Regional Council took an interest in the project, and now Johnson County, Riverside, Leavenworth, and Sugar Creek have adopted it. We've recently learned that the Tennessee Valley Authority has shown interest in putting a similar system to use on the Appalachian Trail."

Because the trail marker system uses existing GIS and GPS technologies, the only cost to the City is for sign material, sign maintenance and staff time.

## What's Next for Lenexa

As is the nature of modern technology, Lenexa's safety innovations are ever-evolving and constantly improving. The City is in the process of expanding its services for mobile and web customers with apps

designed explicitly for citizen safety, as well as a crowd-sourcing system that will allow the City to efficiently monitor blogs and social media vehicles to gather citizen information.

The City hopes these new technologies will enable safety staff to respond more quickly to incidents ranging from crimes in progress to safety hazards like potholes and streetlight outages. "Technology continues to enable communities to engage," says Enterprise Systems and Technology Director Andrew Davey. "The mission for us is to deliver technology that enables a trusted relationship and information, while speeding up the response time to as near instant as possible."

The future of Lenexa's fiber technology is more promising now than ever before. The City is currently analyzing crime statistic maps to determine where it needs to invest in fiber to employ new and existing safety technologies. With the recent news that Google chose Kansas City, Kansas as the site for its super high-speed broadband network trial, (see related article on page 142) surrounding cities like Lenexa may eventually benefit by having a faster fiber-based infrastructure if Google opts to expand its trial network.

As Davey explains, data sharing is the way of the future where safety technology is concerned. "Our safety efforts are focused on the need to bring together providers within the community as quickly as possible, and to maximize data flows and information from all sources to accurately and precisely deliver safety-related information. Our safety technology future will include ways to enable a trusted, two-way flow of information for the best and fastest response for the community."

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## ...Visiting Old Friends

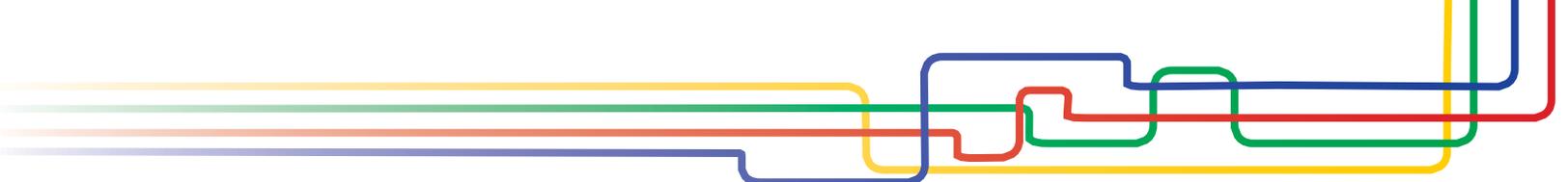
In mid-March, my finance training partner Bret Glendening and I headed west for a gig in Ulysses, and made a planned stop on the way to share lunch with my old grad-school classmate and longtime friend, Dennis McKinney, in Greensburg. Dennis was mid-way through a several-months stint as interim city administrator in his hometown. We met up at city hall and walked across Main Street, past the Sun Chips Business Incubator Center, to have lunch from the deli at Kook's Meat (a fascinating story—the Kookens came to town seeking a new life and opportunity, following the tornado; [www.kiowacountysignal.com/features/x414776912/Kookken-business-is-cookin-a-year-later](http://www.kiowacountysignal.com/features/x414776912/Kookken-business-is-cookin-a-year-later)). Dennis' daughter, Lindy (soon headed off to college, and her own career in ag), was at Kook's for lunch, too, and stopped by long enough to say hi to her dad. Lindy will graduate this May with the first class of the newly-formed Kiowa County High School (the burnt orange and white Mavericks)—Dennis and Jean's eldest daughter, Kelly, was a Greensburg High Ranger (red/blue). Lindy and Dennis were the only ones home the night of the storm, and climbed out of their basement together, to find nothing left...and then they rescued the neighbor and her baby...the story has been shown on the Weather Channel many times. Dennis has been a farmer/stockman in this area (his home is in Greensburg; the farmstead is south, in Comanche County) his entire life, and has also served his community and his state as county commissioner, then state representative, then state treasurer. Now, he is settling in as a full-time ag guy, as soon as this current service to his city ends, and is looking forward to his old/new life very much. (He told us about having recently lost money by not paying as close attention to the grain market price changes on wheat as he would be when not otherwise occupied.) In late April, the City of Greensburg made a decision on its new administrator, and Sheila Magee will start there soon.

In early May, I had the opportunity to share a long lunch and great conversation with another old friend doing an interim city manager stretch, Dick Chesney. Dick has been working in Arkansas City since the first of the year, and hopes to complete his work there in early June, or thereabouts. I first met Dick over a quarter century ago, when he was the city manager in El Dorado, where he served from 1974-1985. Dick is from Michigan, and took his Bachelor's degree at the U of M, before moving on to an MPA from KU. After KU, Dick worked in management positions in communities in Illinois, Ohio, and Michigan before coming to Kansas. Dick became the first Deputy County Administrator of Johnson County in 1985, and "retired" while at that post in 1998. I use the word retired hesitantly because Dick is hardly "retired." He has served as a "Range Rider" for the Kansas City/County Management Association (KACM) all of those "retired" years, and has also done extensive interim work in a number of Kansas cities (Hoisington, Cheney, Seneca, Osage City, Fredonia, and Iola come immediately to mind, although I am sure there were others) during that time. Dick has been a mentor and guru to/for city managers as long as I have known him, and still is. One of his personal specialties has always been personal finance (he made many formal presentations and had many private "consultations" over the years), and many have attributed their own financial comfort

to his sage advice (ask Joe Palacios, for starters...I wish I had paid as much attention as I should have). If you really want to talk to somebody about economic trends (and ACCURATE forecasts), see Dick Chesney. Dick has been a co-resident of Lawrence and Ann Arbor for a number of years now...and his wife is back in Michigan for the "season"...so, Dick now works four days a week in Ark City, drives back through Lawrence on Friday night, and hops a plane to Michigan...and then returns to Arkansas City on Monday night, and starts another week. By the way, his current workday during his weekly Tuesday—Thursday gig is about 6 a.m. to 8 p.m.—normal, given Dick's long history of commitment to his job. Any young or aspiring city manager who does not know Dick should make it a point to do so, and to let him share more of his vast experience and knowledge...which he is always more-than-willing to do.

My book recommendation this time around is *WARNINGS: The True Story of How Science Changed the Weather* (2010), by Mike Smith. Mike was the weather guy par excellence at KSN-TV in Wichita about a decade before and during the time of the "Hesston" (1990) and "Andover" (1991) tornadoes; an era in which weather forecasting got very sophisticated, much of that due to Mike. On May 20, 1967, Mike was a 5-year-old resident of the south KC, MO suburb known as Rustin Heights; [www3.gendisasters.com/kansas/5958/kansas-city-mo-tornado-rips-through-city-may-1957](http://www3.gendisasters.com/kansas/5958/kansas-city-mo-tornado-rips-through-city-may-1957) when a giant (F-5), 71-mile-long tornado ripped through his community (and others), killing a large number of people, and destroying his brand-new school before anyone could use it. Virtually from that moment on, Mike was going to be a weatherman. In junior high school, he formed a "meteorology" club, and was already doing weather-data gathering for the weather bureau. Later, Mike studied where all the great ones do, at OU, and was one of the first ever to chase a tornado. He also captured the first-ever live TV shot of a twister, out of the back door of a station in north Oklahoma City. Mike eventually started a unique private weather-forecasting venture, WeatherData Services, Inc., which was acquired by AccuWeather in 2006—Mike is still a member of that company's management team. One project on Mike's endless list is his work with the railroad, to keep trains from running into storms... and on May 4, 2007, a train was not in Greensburg, but rather stopped a few miles away, because of Mike. The book is full of fascinating stories about weather (such as the incredible similarities between the "Udall" tornado of May 25, 1955 and the "Greensburg" tornado), and about the history of modern severe-weather forecasting, told through the eyes of one of a very small and select group of people who really were there. Find out more about Mike at <http://mikesmithenterprises.com/index.cfm>. To watch an important interview with Mike (taped just six days after the historic April 27-28, 2011 tornado outbreak), go to [www.washingtonpost.com/national/interview\\_with\\_meteorologist\\_mike\\_smith\\_ceo\\_of\\_weather\\_data/2011/05/06/AFAiG18F\\_video.html?wprss=rss\\_health-science](http://www.washingtonpost.com/national/interview_with_meteorologist_mike_smith_ceo_of_weather_data/2011/05/06/AFAiG18F_video.html?wprss=rss_health-science).

☀ Don Osenbaugh is the Director of Finance and Field Services for the League of Kansas Municipalities. He can be reached at [dosenbaugh@lkm.org](mailto:dosenbaugh@lkm.org)



# KCK

## The Fastest City in America

by Mike Taylor

In less than a year, Kansas City, Kansas will be the fastest city in America.

KCK won't be the fastest because it hosts two NASCAR Sprint Cup races every year at Kansas Speedway. It won't be the fastest because it's home to the lightning quick players of the Sporting Kansas City Major League Soccer Team. And KCK won't be the fastest because of its efficient highway system and short commute times.

KCK will be the fastest city in America because Google is building the biggest, quickest super computer highway ever. The Google Ultra-High Speed Fiber Project will deliver 1 gigabit of Internet speed. That's 2,000 times faster than dial-up and more than 100 times faster than a typical broadband connection. KCK will have faster Internet service than any city in the country.

Download a full length feature movie in High Definition in less than five minutes...no more buffering or annoying, jerky delays. Ship huge packages of data in seconds. Just imagine what that kind of computer capacity can create. Art. Architecture. Groundbreaking research. Cutting edge medical treatments. The next great American novel. The next global business empire.

"This project represents the future of how we connect to the web, and we want it to start in Kansas City," said Milo Medin, Vice President for Access Services at Google. "It is a real honor for Google to be here, and we will work hard to deliver a service that will delight and empower this community to lead the nation forward in broadband."

Over the past decade, the jump from dial-up to broadband has led to streaming online video, digital music sales, video conferencing over the web, and countless other innovations that have transformed communication and commerce. Google wants to see what new products and services will emerge as Kansas City moves from traditional broadband to ultra high-speed fiber optic connections. Even Google executives aren't sure where this superfast fiber optics computer highway will take the community or their company. It is a grand experiment.

Fiber represents the next-generation of technology. Google Fiber will transmit light over a fiber-optic cable—a strand of glass as thin



Milo Medlin, Vice President for Access Services at Google visited Kansas City to make the Google Fiber location announcement on March 30, 2011 at Wyandotte High School in Kansas City. All photos provided by the Unified Government of Wyandotte County/KCK.



Google™

as a hair—to send and receive information. Far more information can be sent across fiber than metal wires and researchers continue to make improvements to the technology every day. This means that once a home or business is wired with fiber, there’s no end in sight to the Internet speeds which can be accessed over the connection.

Google plans to offer service to the citizens and businesses of Kansas City beginning in 2012. Pricing isn’t set, but Google promises to make it affordable and competitive. In addition, Google will provide free access to schools and city facilities as the fiber network is deployed.

Google unveiled its plan last year to build and study the use of ultra-high speed broadband networks in a small number of trial locations across the country. As part of the process, the company asked interested communities to submit applications; 1,100 cities across the nation responded.

So why Kansas City, Kansas? Google executives say they were looking for a city where they could build efficiently, make an impact on the community, and develop working partnerships with the local government, utility, and community organizations.

“We felt we could offer a track record of showing how that idea of public-private partnerships can become reality,” says Mayor Joe Reardon. “The wonderful diversity of our community, neighborhoods, and industry make Kansas City, Kansas a microcosm for the rest of the country.”

The selection of KCK is another gold star for consolidation of the city and county governments. Voters approved the restructuring and creation of the Unified Government in 1997. Within a year, Wyandotte County landed the Kansas Speedway. The focused leadership, nimble responses, and rapid decision making allowed by the consolidated form of government played major roles in many other major economic development successes in the past decade. Cooperation between the Unified Government, KCK Chamber of Commerce, Wyandotte Economic Development Council, and community business partners was also critical in Google’s decision.

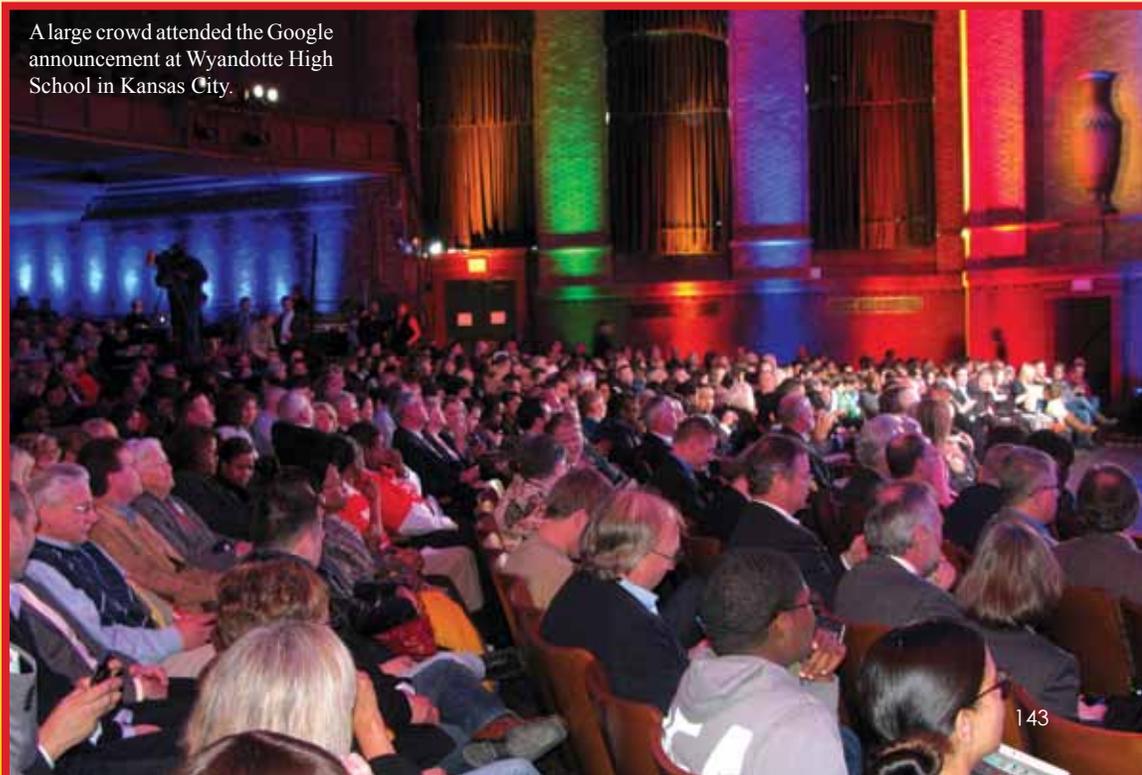
“We showed them we had the ability to do large-scale economic development deals and we brought partners into the room that exemplified that, including the Kansas Speedway and Sporting KC,” explains Wyandotte Economic Development Director Brent Miles.

Perhaps the biggest factor in sealing the Google deal is the municipally-owned Board of Public Utilities. Having all of the poles and underground conduit owned by the BPU, an agency of the Unified Government, simplifies the roll-out of the project and deployment of the fiber. Another big draw is the University of Kansas Medical Center and its quest for National Cancer Institute designation.

The Google project is unlike most economic development deals in that there are no tax abatements, no tax increment financing, or other form of public tax subsidy.



A large crowd attended the Google announcement at Wyandotte High School in Kansas City.





Google bringing ultra-high speed fiber to KCK is already generating lots of interest from lots of companies who see superfast computer speeds as a moneymaker for their businesses. And it is opening doors to recruit business and industry KCK could never before attract.

“We have been unable to respond to any requests by data centers out in the market,” says Miles. “The first check on the list was always access to fiber, and we couldn’t check ‘Yes.’ Now we can say: ‘Yes. Not only do we have it, but it’s the fastest.’”

“This is the equivalent of Kansas City winning the technology golden ticket,” says Greg Kratofil, a technology lawyer with the Polsinelli Shughart law firm. “This is a game-changer for Kansas City and the whole region.”

For now, KCK will be the fastest city in America, but Google executives make it clear their fiber network will expand in the region and to other communities in the country.

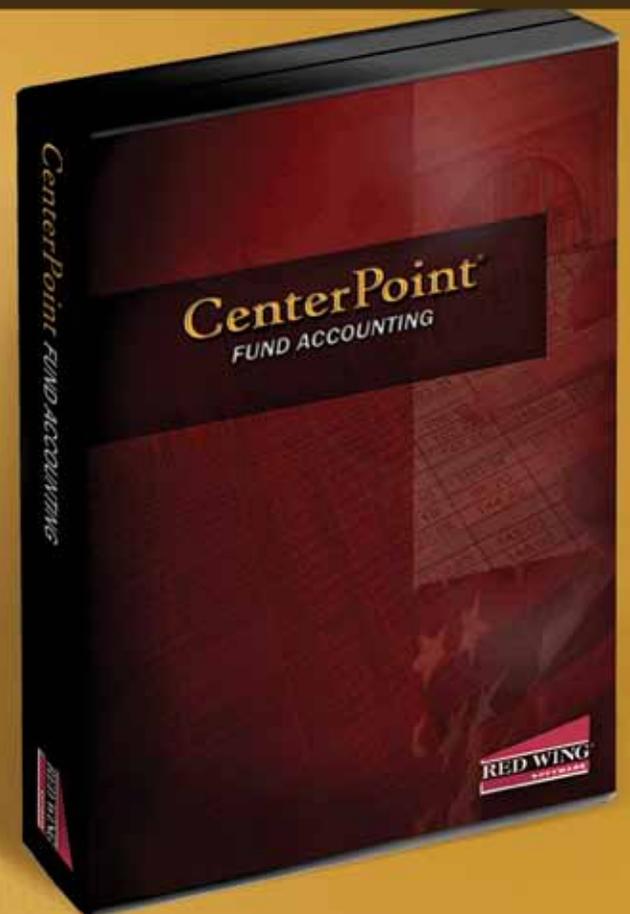
“Today is the start, not the end of the project. And over the coming months, we’ll be talking to other interested cities about the possibility of us bringing ultra high-speed broadband to their communities,” predicts Google executive Milo Medin.

 *Mike Taylor is Public Relations Director for the Unified Government of Wyandotte County/Kansas City. He can be reached at [mtaylor@wycokck.org](mailto:mtaylor@wycokck.org) or (913) 573-5565.*



The Google Fiber House Logo created by Google for the high speed fiber pilot project.

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## Check Your Insurance Proceeds Lien

Every now and then a legal topic arises that warrants a repeat of an article. This is one of those topics. Once again, spring has arrived in Kansas and with it the storms packing wind, hail, and sometimes tornados. Kansas cities are sometimes much like their citizens in believing that a large disaster cannot strike their community. Unfortunately, as the early spring storms in the south and the recent outbreak of storms in Kansas and Missouri have shown, it only takes a few minutes to change the well-being of a city for many years. Greensburg is well on the road to recovery as are the many cities that have experienced such storm damage in recent years. But, this is Kansas and cities will be hit by tornados in the future to a greater or lesser degree. The best tool a city has to address the aftermath is the insurance proceeds lien ordinance.

The concept is simple. The city adopts an ordinance creating a lien against the homeowners' insurance policy proceeds to ensure that damaged property in the city will eventually get cleaned up of all debris. If a structure in the city is damaged by fire, explosion or wind, any city having such a lien ordinance is paid 15% of the property insurance proceeds by the insurance company, provided that the covered claim is in excess of 75% of the face value of the policy. The city must deposit it in an interest bearing account and begin notice and hearing procedures under the dangerous structures statutes or city ordinance within 30 days or return the money to the landowner, with interest.

The intent is that, once receiving notice to repair or remove the structure, the landowner will complete the process and the city will return the insurance money to the landowner. This is what happens in the majority of cases. When the city is required to finish demolition, if there are proceeds remaining after the city covers its costs, such amount is returned to the landowner with interest. Imagine the cost to the city if no insurance proceeds lien is in place. It is somewhat common in these types of widespread disasters for landowners to collect on their insurance policies and move out of the city leaving the debris behind.

The statutory authority for this tool (K.S.A. 40-3901 *et seq.*) was legislatively created in the early 1980s to apply to damage caused by fire or explosion. In 1997, the Legislature added damage by windstorms to the kinds of damage for which the insurance proceeds lien could be applied. One requirement for the ordinance to be effective is that it must be sent to the Kansas Insurance Commissioner. A list of all of the ordinances

by city is posted under the Property/Casualty section of the Insurance Commissioner's website to be available for insurance companies to search when receiving claims for the type of damage covered by the liens. The Insurance Commissioner's office also sends a list to companies doing business in Kansas, so companies are on notice when to withhold a portion of the insurance proceeds.

In doing a search on the Kansas Insurance Department's website, surprisingly, only about 245 out of 627 cities have insurance proceeds ordinances. Of those, a fair number were adopted prior to the 1997 addition of windstorm as a covered occurrence. Thus, those cities will only be able to utilize the benefits of the lien in the limited circumstances of fire and explosion. However, if widespread damage from a tornado occurs, those cities will not be eligible to receive the 15% of withheld insurance proceeds money for clean-up of the damaged properties. The insurance proceeds lien is not a popular one with citizens who think cities should not be adding to their hardship by holding some of their insurance money. On the other hand, the taxpayers-at-large should not be left paying for the cost of clean-up that should have been paid by the landowner.

It would be advisable for cities to check their ordinances, first to determine if they even have an insurance proceeds ordinance and, second, to make sure it was adopted subsequent to the change in law, 1997. Remember, this ordinance is prospective, so when a tornado has already hit, or a fire has already destroyed downtown structures, it is too late to pass an ordinance to cover the damage. The time to act is now, although, if a city is very fortunate, it will never have to invoke the protections in the ordinance.

A copy of the insurance proceeds lien ordinance may be found on the LKM website under the Sample Ordinance section. Instructions for sending the ordinance to the Kansas Insurance Commissioner are at the top of the ordinance. The website to check on the filing of such ordinance is <http://www.ksinsurance.org/industry/company/fireliens.htm>. For more information, LKM has also published Research Information Bulletin No. 653 with more detailed information and it is available by request from LKM.

☀️ *Sandy Jacquot is the Director of Law/General Counsel for the League of Kansas Municipalities. She can be reached at [sjacquot@lkm.org](mailto:sjacquot@lkm.org) or (785) 354-9565.*



## Grant Helps Improve City's Sewer

The City of Burlingame began the first phase of a sanitary sewer system improvement project. Through the Kansas Small Cities Community Development Block Grant Program (CDBG), the City will replace a major portion of the main that carries effluent along Kansas Avenue to the City's sewage treatment facility.

Emcon Construction of Topeka will be conducting the improvements. Others include rock slope protection to prevent

further bank erosion of the City's three lagoon cells and installation of equipment for a sewer lift station. In addition, Kansas Avenue will get a new overlay upon completion of the project.

The CDBG provided \$500,000 for the improvements. Additional funding is being provided through the U.S. Department of Agriculture Rural Development.

## City of Lyons Partners With KDOT

The Kansas Department of Transportation (KDOT) is working with the City of Lyons Highway Comprehensive Transportation Program to complete two highway projects through KLINK. The KLINK program includes resurfacing projects intended to improve roadway surfacing of city connecting links on the State Highway System.

KDOT combined two City of Lyons highway projects into one. This project is for 1 mile of 4-lane highway for milling and overlay

on K-14 North (North Grand) from the Intersection of Main and Grand to City Limits North on North Grand and spot pavement patches on US-56 from Douglas Avenue east to East City Limits.

The project will be completed during the summer of 2011. As part of the KLINK program, KDOT provided \$400,000 worth of funding and the City will share costs of \$120,000 obtained from the City of Lyons Special Highway Funds.

## Four Kansas Communities Awarded Grants

The Cities of Columbus, Kechi, Bel Aire, and South Hutchinson have been awarded Community Capacity Building (CCB) Grants provided by the Kansas Department of Commerce. The grants may be used to develop a plan, market analysis, or feasibility study toward one or more of the following long-term outcomes: growth, diversification, conservation, revitalization, and redevelopment.

The share of \$58,000 will be divided amongst the cities. In addition, 20% must be matched from the approved cities.

Columbus (\$25,000) will create an economic and community development plan in conjunction with a consulting firm and local civic organizations. The plan will be used to attract new business development to the community.

Kechi and Bel Aire (\$25,000) will develop a joint plan to deliver basic city services to residents in both communities. They hope to achieve significant cost savings through the project.

South Hutchinson (\$8,000) will create a comprehensive economic development plan to better position the community to benefit from the region's Siemens wind nacelle production facility.

The CCB program is designed to support collaborative community development planning activities in Kansas cities or counties under 50,000 in population. Collaborative community development planning means that the community has formed both an active partnership among the key community-based organizations dedicated to developing a shared vision for the future and a plan of action to achieve that vision.

"These communities are very deserving of this funding," said Kansas Commerce Secretary Pat George. "Many smaller communities have a vision to expand economic development or improve some facet of their services to residents. The Commerce Department is happy to be a partner in achieving their goals."

## Tourism Project Awards Announced

The Kansas Children's Discovery Center, Inc. in Topeka and the Wamego Community Foundation both received awards from the Kansas Department of Commerce's Travel & Tourism Division. The two projects will receive a combined amount of \$53,920 in Attraction Development Grant funding and will match the Department's investment with a combined \$6,658,886 in leveraged funds.

"The Attraction Development Grant Program serves a great purpose in helping tourism destinations reach their full potential," said the Department's Travel & Tourism Director Becky Blake.

"These are two very deserving projects that will enhance their communities through increased tourism."

Funding for the Attraction Development Grant Program is provided by the Economic Development Initiatives Fund, which is derived from Lottery proceeds. The Grant assists the development of authentic experiences that encourage travelers to visit Kansas. Grants may be used for various activities necessary to expand the tourism product base or develop new attractions. The grant funds up to 40% of a project, with the community or businesses funding the remaining 60%.



# The Cloud Comes Down to Earth

Communities Find New Hosts for Computer-Driven Applications

by Robert Barkin

For years, the 3 million attendees of the 10-day Taste of Chicago festival lugged around a 28-page brochure to find the food and music offered at different times and locations around the City. In May 2009, the City posted the schedule online and built an application that brought the information right to festival-goers' smartphones.

Through the use of "cloud" technology from Redmond, WA-based Microsoft, the application was developed that saved thousands of dollars of printing costs, and more importantly, delivered the information in an interactive format so users could navigate the event. Unlike main IT projects that take months to develop, the project only took weeks. "This was providing folks with information right at their fingertips," said David Kennedy, Chicago's deputy director of special events.

While adoption of efficiency-enhancing, Internet-based computer networks is nothing new in the corporate world, the public sector is only now finding new uses for on-demand networks. According to a May 2010 report from the federal CIO Council, "State of Public Sector Cloud Computing," a report advocating increased use of shared software and hardware, "While the public sector is just at the beginning of the journey to cloud computing, we are already seeing innovative examples at all levels of government."

## GOVERNMENTS TAKE TO CLOUDS

The idea of cloud computing derives from the interconnection of computer data centers via the Internet, so that services are provided somewhere "in the clouds" rather than being located on computers in the operation's own technology center. It is somewhat akin to the difference between owning and maintaining one's own well for drinking water and drawing from a shared public utility that can be turned on or off quickly as needed, paying only for the amount used.

Local governments, from the largest cities to small towns, are moving to "cloud" computing to meet their technology requirements. Examples abound:

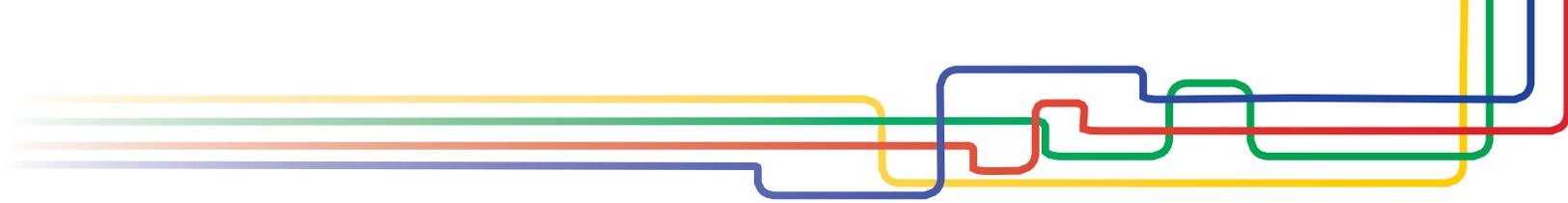
- Canton, GA north of Atlanta, with a population of 21,000 and one of the fastest growing cities in the nation, moved to a Google cloud email system that not only provides sufficient email capacity, but also added a number of features so staff can collaborate more easily on projects. The City estimates that the new system saves \$10,000 per year, says Camille Wehs, the City's director of information technology. She says the decision to move to the cloud was easy because of its cost savings, reliability, and security.

- Located just 17 miles south of Austin, Buda, TX, is home to a year-round calendar of festivals. Although Buda's population is just over 7,000, the City's ambitious festival schedule means its services (including police, fire, library, and utilities) must match those offered in much larger municipalities. As a result, Buda staff turned to a Microsoft cloud system for its email and collaboration services.

- New York Mayor Michael Bloomberg announced an executive order in October 2010 that aims to consolidate its software licenses with Microsoft and start moving toward cloud computing saying that it would save the City more than \$50 million.

- Miami, FL is using a cloud system to record, track, and report nonemergency incidents tied into its 311 call-in system. The City says that it not only provides cost-savings and sophisticated mapping capabilities, but it also creates a disaster recovery back-up.

- In an effort to deliver technology services as efficiently and cost-effectively as possible, Minnesota's Office of Enterprise Technology (OET) is working with Microsoft to become the first U.S. state to move to a large collaboration and communication suite in a private cloud environment.



▪ To address recent budget and human resource challenges, Orlando is using a Google email system for all 3,000 city workers. The City says it is saving \$262,500 per year, centralizing document storage and collaboration, increasing mail storage from 100 MB to 25 GB per user, and enhancing support for mobile devices.

### CLOUD COMPUTING TRAITS

So what is the essence of “cloud” computing? A few traits are:

- On demand self-service – A user can access computing capabilities, such as server time and network storage as needed without interacting with service providers.
- Broad network access – the services required are accessed through network and by standard hardware (e.g. mobile phones, laptops, and PDAs).
- Resource pooling – The provider’s computing resources (e.g. storage, processing, memory, network, bandwidth, and virtual machines) serve multiple consumers and are assigned according to consumer demand. The customer generally has no control or knowledge over the exact location of the resources.
- Rapid elasticity – The amount of service provided from the provider and users’ point of view can be rapidly scaled up and down, so that the amount of service used (e.g., storage, processing, bandwidth, and active user accounts) can be purchased as needed and monitored.

Cloud computing is a pay-as-you-go approach to IT, in which a low initial investment is required, which can be helpful when projects need to get off the ground quickly. It can be expanded as the system’s use increases and can be reduced easily if use decreases. Cloud computing also is energy efficient because resources are only used upon demand rather than running a computer 24/7 for only periodic use. Cloud computing systems provide quick response to emergency situations and free IT departments from maintenance of routine operations like email, enabling staff to spend more time on higher-priority tasks that require knowledge of local government operations.

### SEVERAL TYPES OF CLOUDS

Cloud computing comes in a variety of forms and combinations. The “private cloud” is operated solely for one organization and may be managed by the organization or a third party, on or off premises. The “community cloud” is shared by several organizations and supports a specific community that has shared concerns (e.g., mission, security requirements, policy, and compliance considerations). It also is managed by the organizations or a third party, on or off premises. The “public cloud” is available to the general public or a large industry group and is owned by an organization selling cloud services.

Carlsbad, CA’s IT department wanted to replace its aging email system with a lower-cost, more flexible system. But the City was particularly interested in understanding the security levels of a cloud system as well as its availability for a city that expects around-the-clock-service. “We thought that we could free up IT resources and devote [IT staff] to programs where you have to be an insider to understand how things work,” says Gordon Peterson, the City’s IT director. “You don’t have to know Carlsbad to provide email service to Carlsbad.”

By moving to a cloud system, Peterson says the City saved about 40% of the cost of developing the system on its own through decreased infrastructure and maintenance time. The City did spend more on some aspects of the project than it had anticipated, especially in managing how the City’s 1,100 employees access the system.

Three areas in particular pleased Peterson with the change over to the cloud. First, the City obtained a higher degree of emergency management reliability, through multiple sites and replication. “Trying to replicate the back-up sites would be almost impossible,” he says. “It was highly beneficial and cost effective.”

Second, the email program provides a significant number of enhancements over the system that was previously available. For example, the City has been able to use online meetings to increase productivity, online document sharing systems, and mobile technology. “We think that this technology provides us with a net savings of a full-time employee,” he says.

Finally, Peterson says the system was remarkably easy to implement. Discussion about a new system began in December 2008, and it was ready for use by the following March. “On Friday, we were using one,” he says, “and when we came back on Monday, we were using another. Virtually no shutdown time.”

Vernon Hills, Ill’s police department moved to the cloud to enhance its video camera system installed in its 36 police vehicles as a means of increasing officer safety and productivity. In particular, the City wanted an easy-to-use automated system that enabled remote viewing of live video and was secure for purposes of evidence. The department settled on a wireless cloud system from Microsoft. “We went from a VHS system to a digitized system that was affordable compared to others on the market,” said Bill Price, deputy chief of police. “Cost was a factor.”

Initially, when the video system was deployed, police officers were skeptical. “They were concerned that Big Brother was watching,” Price said. “But today, the majority believes it affords more protection from them for internal investigations.”

Price explains that sometimes residents make a complaint and remember facts differently than the officer. “Quite often, the camera produces a ‘third person’ view of what has taken place,” he said.

The wireless system also has helped maintain data, because the information is easy to store and retrieve. “It provides a secure, stable, and robust storage mechanism for video archival and retrieval that would otherwise have needed to invest significant dollars to build,” he said.

Through experience, the department has found that although not perfect, the system has become a critical part of the City’s police work. “We can now ensure an end-to-end chain of custody for captured digital evidence,” Price said. “We’re confident in the system that we have now.”

☀ *Robert Barkin is a Bethesda, MD-based freelance writer. This article was reprinted with permission from American City & County January 2011 edition. Copyright 2011 Penton Media, New York, NY.*



## Sowing the Seeds of Community

As spring reaches its pinnacle and the Midwest erupts with budding trees, singing birds, and green grass, many Kansans turn their thoughts to planting. Whether it is a farmer planting crops or a suburbanite meticulously cultivating a lush lawn, the spring months tend to inspire the need to cast off the weariness of winter and be a part of the natural growth of spring.

It is with that emotion in mind that one city launched a program that taps into the tug of spring while creating an opportunity for community connectedness. At the corner of Santa Fe and Pine Streets in Olathe, the City will begin a new chapter of a community garden project that began in 2005.

### Nurturing the Program

In the spring of 2004, the Central Core Neighborhood Committee—the committee of citizens representing Olathe’s downtown neighborhood—approached the City in a cooperative effort to bring life to a struggling downtown, and restore neighborhood pride by creating a garden in the heart of the city. Originally, the Downtown Community Garden operated at the intersection of Loula and Water Streets, where the City used its resources to better utilize a vacant lot located within the Central Business District.

After acquiring the land, the City leveled and plowed the lot. City workers installed water lines and a drain, so the area was user-friendly. The City prepared a compost heap to the side of the lot, and from there, the citizens went to work.

The citizens formed a Community Garden Committee that began installing fences and planting bushes to spruce up the previously unattractive lot. With the help of a local Eagle Scout project, the group constructed raised planting beds, so wheelchair-bound gardeners could access and use the land. Local businesses also contributed with discounted and donated goods. As stated within the Garden Agreement, the Committee collects a \$25 plot fee to encourage commitment from each participant and to deter neglected garden plots. The fee also goes towards the purchase of keys for the garden shed, along with tools and supplies that are available for shared use. The Committee permits gardeners to split the fee and share a single plot, and they accommodate special needs upon request.

For those citizens who participate, there are only a few rules to follow: First, the garden is open on a first-come, first-served basis to any Olathe citizens. Aside from that, the garden primarily requires a simple degree of courtesy.

### Olathe’s Community Garden Rules

- Membership limited to Olathe residents
- Keep your plot as weed free as possible
- Respect other gardeners’ plots

- Come to the meetings
- Come to work days
- Don’t offer advice to other gardeners unless they ask for it
- If you can’t say something nice about someone’s garden, just don’t say anything at all

### Fruits of Labor

The garden has been a great success with plot rentals filling up early every year since its inception. The gardeners filled the plots again by March this year, as the City launched its new site off of Santa Fe Avenue. Emily Kukal, Olathe’s Senior Neighborhood Planner, observed that “the purpose of the group wanting to do the garden was to put the vacant lot to use, but they also wanted to use the momentum of the downtown’s revitalization efforts to contribute a new source of community pride.”

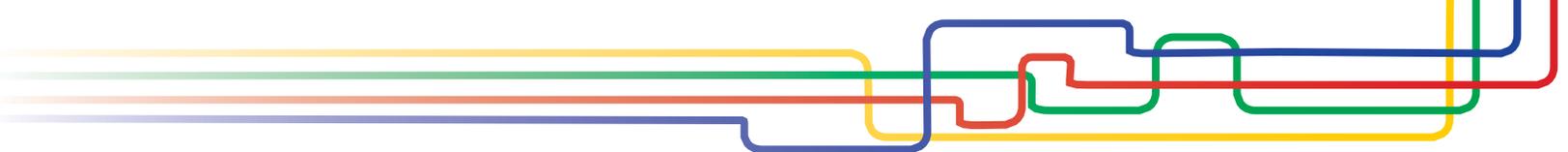
Both the City of Olathe and its citizens have been active in communicating their success. The City provides information about the program through its website at <http://www.olatheks.org/Development/Neighborhoods/NeighborhoodPrograms/Garden>, and the gardeners have also created their own website with additional information about the program at [www.olathecommunitygarden.org](http://www.olathecommunitygarden.org). The program received additional attention this spring after *Redbook* Magazine featured the City’s efforts in its “Go Ahead – Be a Hero!” series as a model community program.

The benefits of the community garden are numerous. First, the City of Olathe found an inexpensive solution to use vacated land in a productive manner. The result eliminated a plot of derelict land and replaced it with an attractive area of which the City and citizens can be proud.

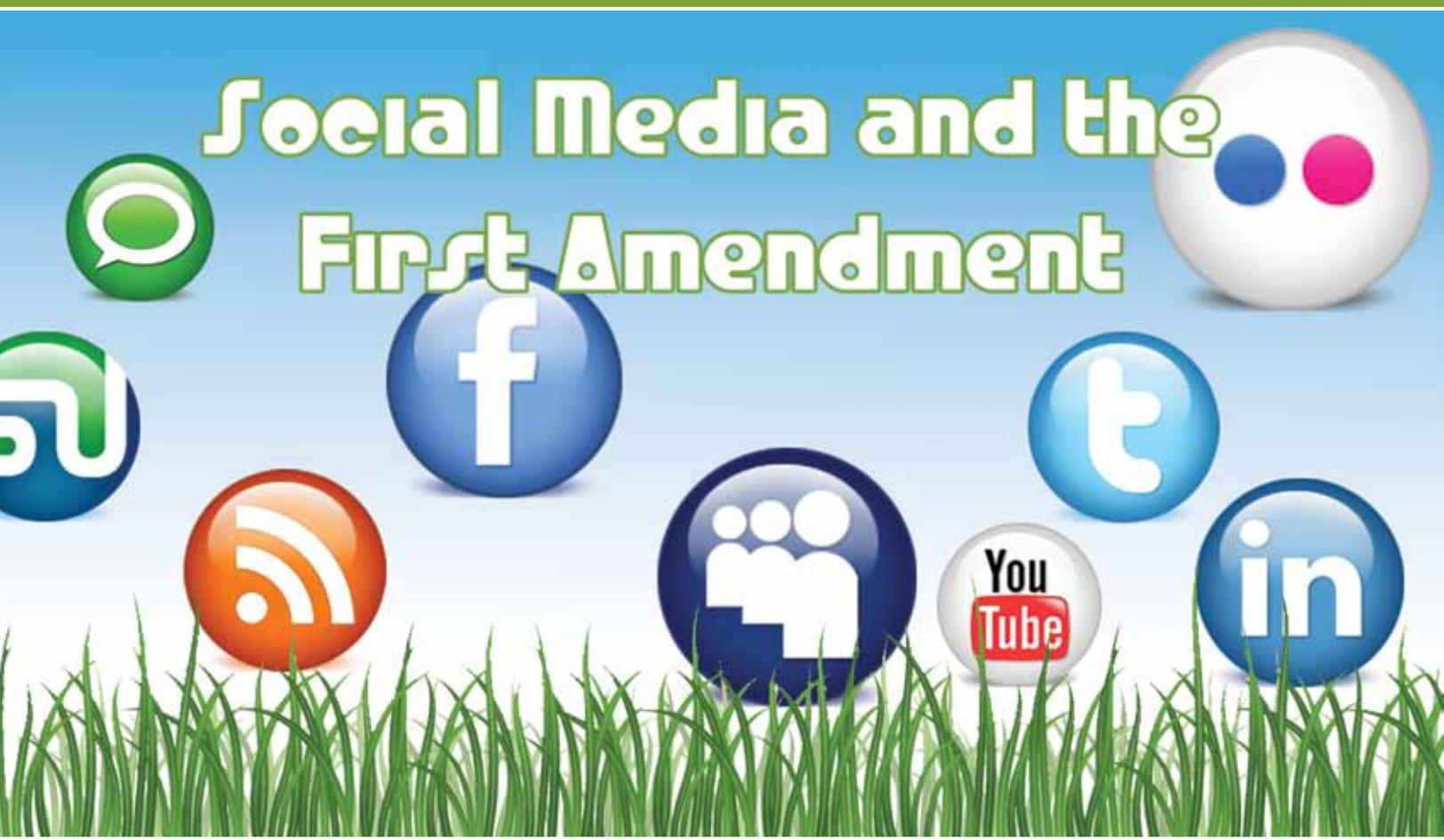
Second, the garden provided an opportunity for the City to enter a public-private venture as an outreach into the community. As with any city project, funding is always an issue. With this project, Olathe recognized a need and used the resources it could easily provide—equipment for clearing land and access to water—to complement the citizens’ desire for a place to plant and their resources to produce a fruitful garden.

Most importantly, the City has been able to literally and figuratively cultivate community. The community garden has provided a prime opportunity for neighbors to gather and meet one another. Cities serve many purposes, but it is the sense of community and togetherness that is central to a city’s success. The Olathe Community Garden achieves this purpose for its citizens by helping the community to flourish.

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# Social Media and the First Amendment



by Nicole Proulx Aiken

Think what you say on Facebook and Twitter stays on Facebook and Twitter? Think again. Countless numbers of people use social media sites such as Facebook, MySpace, Twitter, and blogs to document their daily lives. Facebook surpassed Google as the most visited web site in 2010,<sup>1</sup> and—as of January 2011—had over 600 million active users.<sup>2</sup> At the same time, Twitter recently reported that 177 million tweets were sent out on March 11, 2011, alone.<sup>3</sup> With so many people on social media websites, you might think it would be easy to remain anonymous and under the radar. But, as Sohaib Athar, an IT consultant in Abbottabad, Pakistan recently discovered, even seemingly mundane tweets can lead to overnight international fame.<sup>4</sup>

Around 4 p.m. EDT, on Sunday May 1, 2011, Athar tweeted: “Helicopter hovering above Abbottabad at 1 a.m. (is a rare event [,])” and “A huge window shaking bang here in Abbottabad Cantt. I hope its not the start of something nasty :-S[.]”<sup>5</sup> Little did Athar know that he was actually documenting the United States’ raid on Osama bin Laden’s compound.<sup>6</sup>

Within hours, U.S. news media outlets reported Athar’s tweets along with personal information about him found on his public Facebook page. Anyone reading [Cnn.com](http://Cnn.com) soon knew—thanks to his Facebook profile—that Athar’s religious views were “Myopic” and his political views were “Anarchistic.” Athar’s Twitter followers increased from 751 on Saturday to 32,000 Monday

morning.<sup>7</sup> One week later, he had 104,452 Twitter followers.<sup>8</sup> And what was Athar’s response to all the media attention? Athar tweeted: “Bin Laden is dead. I didn’t kill him. Please let me sleep now.”<sup>9</sup>

While Athar’s story portrays an extreme side of social networking, it serves as a cautionary tale: comments made on social media sites are not private. And, unlike Athar who simply had to deal with extra unwanted attention, some comments, especially those made by public employees, may lead to serious job consequences such as disciplinary action or termination. Reported examples of such actions include:

“In June 2006, a Florida sheriff’s deputy was fired for showing a picture of himself in uniform and bragging about his sexual and alcoholic feats on his MySpace profile.

In November 2008, a North Carolina elementary school teacher was suspended for listing ‘teaching chitlins in the ghetto of Charlotte’ in the ‘About Me’ section of her Facebook page.

In August 2009, a Georgia high school teacher was forced to resign for including an expletive and pictures of herself holding beer mugs and glasses of wine on her Facebook page.

In February 2010, a Nebraska State Penitentiary guard was suspended for posting the following comment on his Facebook page: ‘When you work in a prison, a good day is getting to smash an inmate’s face into the ground...For me today was a VERY good day.’

In February 2010, a sociology professor at a Pennsylvania University was placed on administrative leave for making a joke on her Facebook page about hiring a hitman.”<sup>10</sup>

### Doesn’t the First Amendment Protect Public Employees From Disciplinary Actions?

The First Amendment to the U.S. Constitution states that “Congress shall make no law . . . abridging the freedom of speech.”<sup>11</sup> But, unbeknownst to many public employees, comments they make on social media sites are not always protected by the First Amendment. Courts have established a three-part test to determine if a comment made by a public employee on a social media site is protected under the First Amendment.<sup>12</sup>

First, courts determine if the employee spoke as a citizen on a matter of public concern.<sup>13</sup> This analysis contains two subparts. Courts first analyze whether the employee spoke as a citizen or public official. While comments made by employees as concerned citizens might be protected by the First Amendment, comments made by employees in their official public capacity are not.<sup>14</sup> If the court concludes that the employee spoke as a citizen, it then examines whether the employee’s speech involved a matter of public concern. Speech involves a matter of public concern if it pertains to

a political, social, or community matter.<sup>15</sup> Comments of a personal nature, such as comments complaining about work conditions or a boss, are not matters of public concern.<sup>16</sup>

Second, the court performs a balancing test to determine if the employee’s First Amendment right outweighs the government employer’s reason for restricting such speech. A government employer cannot restrict an employee’s speech unless the speech adversely affects the entity’s operation.<sup>17</sup>

Third, the employee must prove that the protected speech was the motivating factor behind the employer’s adverse employment action.<sup>18</sup>

### Spanierman v. Hughes

Court case, *Spanierman v. Hughes* (576 F.Supp.2d 292 (D. Conn. 2008)) provides a good example of this analysis. During the summer of 2005, Jeffrey Spanierman, a high school English teacher, created a MySpace profile he called “Mr. Spiderman.” That fall, after receiving complaints from a teacher and several students, Elizabeth Michaud, a guidance counselor at the school, viewed Spanierman’s profile. Michaud discovered that Spanierman’s profile not only contained pictures of students, but had several inappropriate pictures of naked men. In addition, Michaud found that Spanierman participated in several “peer like” discussions with students, discussing events at parties, and talking about personal problems. Michaud felt the profile was disruptive to students and spoke to Spanierman. Spanierman deactivated the account, but later created a new MySpace profile under the name “Apollo68,” a profile page nearly identical to “Mr. Spiderman.”<sup>19</sup>

The school, after investigating his interaction with students on MySpace, concluded that Spanierman exercised poor judgment and chose not to renew his contract.<sup>20</sup> Spanierman filed a \$1983 action alleging that the school retaliated against him for exercising his First Amendment rights.<sup>21</sup>

The court, following the analysis described above, concluded that Spanierman’s comments were not made under his official duties as a teacher. Thus, because he was commenting as a citizen, his speech could be protected under the First Amendment if his comments discussed matters of public concern. After reviewing Spanierman’s profile, the court concluded that the First Amendment protected one lone comment, a poem Spanierman wrote opposing the war in Iraq. But, because all of the evidence indicated that the school



did not renew Spanierman’s contract because of his inappropriate interactions with students—interactions that were purely private in nature and did not encompass matters of public concern—the court held in favor of the school.<sup>22</sup>

### Stengle v. Office of Dispute Resolution, et al

*Stengle v. Office of Dispute Resolution*, (631 F.Supp.2d 564 (M.D. Penn 2009)) also provides a good example of the analysis described above. There, Lisa Stengle contracted to work for the Pennsylvania Office of Dispute Resolution (ODR) as a special education due process hearing officer, resolving disputes concerning children’s special education needs. Stengle’s responsibilities, among other things, included remaining impartial.<sup>23</sup>

During the fall of 2005, Stengle was appointed to an advisory panel to implement a settlement agreement brought about by a class action lawsuit. The advisory panel was commissioned to find the best ways to integrate students with disabilities in regular education classrooms. It should be noted that Stengle, a mother of a child eligible for special education services, had been a member of the class action lawsuit. During the panel’s first meeting, Stengle “expressed her belief that the [settlement agreement] should be fully implemented, pointed out perceived deficiencies in previous attempts to do so, and expressed concerns about the meeting process itself.”<sup>24</sup>

A few months later, Stengle started a blog to discuss special education issues. As Stengle explained, the purpose of her blog “was to ‘share information about inclusion and the implementation of the [settlement agreement] from the perspective of one parent of a class member and to provide a means to share information with other class members.’”<sup>25</sup> Stengle used her experience as a special education hearing officer to write her blog.<sup>26</sup>

ODR received several complaints regarding the comments Stengle made on her blog. Countless individuals expressed concerns about Stengle’s impartiality as a hearing officer and at least two attorneys considered requesting her recusal from cases.<sup>27</sup> Consequently, ODR chose not to renew Stengle’s contract citing, among other things, that her blog violated her duty to remain impartial.<sup>28</sup>

Stengle filed a §1983 claim alleging that ODR violated her First Amendment rights.<sup>29</sup> The court, following the analysis described above, noted that while Stengle used many of her experiences as a hearing officer to help write her blog, its main purpose was to provide a viewpoint from a mother with a child eligible for special education services. Consequently, the court determined that Stengle wrote her blog from the perspective of a citizen, not in her official public capacity as a hearing office. The court did not analyze the second subpart of the analysis because ODR conceded Stengle’s blog touched upon a matter of public concern.<sup>30</sup>

Next, the court weighed Stengle’s right to free speech versus the Office of Dispute Resolution’s interest in running an efficient

and effective workplace. Noting the number of complaints the Office of Dispute Resolution received, along with the threats from attorneys to request Stengle’s recusal on cases, the court determined that Stengle’s blog, which could be accessed by anyone in the public, legitimately threatened ODR’s efficient operation. Thus, Stengle’s speech was not protected under the First Amendment.<sup>31</sup>

### What Does This Mean for City Employees?

These court cases do not mean that as a city employee you should run to your computer and deactivate your Facebook account or stop updating your blog. Rather, they should serve as a cautionary reminder to be careful of what you post. Steps you can take to avoid these problems include:

1. Always consider the possible adverse consequences of your post.<sup>32</sup>
2. Do not post anything online that you would not want your supervisor or a member of the governing body to see. Even if your Facebook profile is set to private, you never know who might screen print your post and spread the information around the city.
3. Refrain from posting pictures depicting the city logo, including pictures of you in a city uniform.<sup>33</sup>
4. Do not infer in any way that your views represent the views of the city.<sup>34</sup>
5. Keep information protected by the Open Records Act confidential.
6. Abstain from posting pictures of co-workers unless you receive their permission.<sup>35</sup>
7. Do not use social media sites as a vehicle to harass a co-worker.<sup>36</sup>
8. Refrain from posting any material that could be considered sexist, violent, or racist.<sup>37</sup>

Finally, remember that good judgment and common sense go a long way. If you are uneasy about something, there is probably a good reason. Take a step back, think about the consequences, and if needed, hit the delete button.

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<sup>1</sup>Carr, David. “Facebook v. Time Warner: A Not-So-Rigorous Financial Evaluation.” The New York Times. 4 January. 2011. Web. 11 May. 2011. Available from <<http://mediadecoder.blogs.nytimes.com/2011/01/04/facebook-vs-time-warner-a-not-so-rigorous-financial-evaluation/?scp=1&sq=Facebook%20v.%20Time%20Warner&st=cse>>



<sup>2</sup>Carlson, Nicholas. "Goldman to clients: Facebook has 600 million users." MSNBC. 5 January. 2011. Web. 11 May. 2011. Available from <[http://www.msnbc.msn.com/id/40929239/ns/technology\\_and\\_science-tech\\_and\\_gadgets/](http://www.msnbc.msn.com/id/40929239/ns/technology_and_science-tech_and_gadgets/)>

<sup>3</sup>Yarrow, Jay. "Twitter Getting 460,000 New Accounts Daily." *Business Insider*. 14 March. 2011. Web. 11 May. 2011. Available from <<http://www.businessinsider.com/twitter-stats-2011-3>>

<sup>4</sup>Gross, Doug. "Twitter user unknowingly reported bin Laden attack." *Cnn.com*. 2 May. 2011. Web 11 May. 2011. Available from <[http://articles.cnn.com/2011-05-02/tech/osama.twitter.reports\\_1\\_bin-twitter-profile-twitter-user?\\_s=PM:TECH](http://articles.cnn.com/2011-05-02/tech/osama.twitter.reports_1_bin-twitter-profile-twitter-user?_s=PM:TECH)>

<sup>5</sup>Athar, Sohaib. *Twitter*. 1 May. 2011. Web. 11 May. 2011. Available from <<http://twitter.com/#!/ReallyVirtual>>

<sup>6</sup>Gross, Doug. <[http://articles.cnn.com/2011-05-02/tech/osama.twitter.reports\\_1\\_bin-twitter-profile-twitter-user?\\_s=PM:TECH](http://articles.cnn.com/2011-05-02/tech/osama.twitter.reports_1_bin-twitter-profile-twitter-user?_s=PM:TECH)>

<sup>7</sup>Gross, Doug. <[http://articles.cnn.com/2011-05-02/tech/osama.twitter.reports\\_1\\_bin-twitter-profile-twitter-user?\\_s=PM:TECH](http://articles.cnn.com/2011-05-02/tech/osama.twitter.reports_1_bin-twitter-profile-twitter-user?_s=PM:TECH)>

<sup>8</sup>Athar, Sohaib. <<http://twitter.com/#!/ReallyVirtual>>

<sup>9</sup>Athar, Sohaib. <<http://twitter.com/#!/ReallyVirtual>>

<sup>10</sup>Davis, John J. "Blogs, Social Networks, and the First Amendment: Public Employers Retain Certain Rights to Take Action Based on Online Speech." *Municipal Advocate*. Vol. 25, No. 2 p 18 <[http://docs.google.com/viewer?a=v&q=cache:Tnb8GWHRmsYJ:www.mma.org/resources-mainmenu-182/doc\\_download/552-blogs-social-networks-and-the-1st-amendment-public-employers-retain-certain-rights-to-take-action+Blogs,+Social+Networks,+and+the+First+Amendment&hl=en&gl=us&pid=bl&srcid=ADGEEsGNXFVgppLt-2evAtezfN5iARJQ7Ku247vN8zjs8bLflauxaZTYX\\_ID47SRXjAghoRprsJTufz1Pjvn6cH8o81556qEdJQgTU3nV4Cu6-Uybyfj-UblvzGvKfwm68Qk0vYrDp&sig=AHIEtbRbB6Jf-CyS33-XHHDray6k1egtNw](http://docs.google.com/viewer?a=v&q=cache:Tnb8GWHRmsYJ:www.mma.org/resources-mainmenu-182/doc_download/552-blogs-social-networks-and-the-1st-amendment-public-employers-retain-certain-rights-to-take-action+Blogs,+Social+Networks,+and+the+First+Amendment&hl=en&gl=us&pid=bl&srcid=ADGEEsGNXFVgppLt-2evAtezfN5iARJQ7Ku247vN8zjs8bLflauxaZTYX_ID47SRXjAghoRprsJTufz1Pjvn6cH8o81556qEdJQgTU3nV4Cu6-Uybyfj-UblvzGvKfwm68Qk0vYrDp&sig=AHIEtbRbB6Jf-CyS33-XHHDray6k1egtNw)> (Accessed May 12, 2011)

<sup>11</sup>Cornell University Law School. Web 12 May. 2011 Available from <<http://topics.law.cornell.edu/constitution/billofrights>>

<sup>12</sup>*Stengle v. Office of Dispute Resolution, et al*, 631 F.Supp.2d 564, 574 (M.D. Penn 2009).

<sup>13</sup>*Garcetti et al v. Ceballos*, 547 U.S. 410, 418 (2006).

<sup>14</sup>Id. at 421-22.

<sup>15</sup>*Connick v. Myers*, 461 U.S. 138, 146 (1983).

<sup>16</sup>*Spanierman v. Hughes*, 576 F.Supp.2d 292, 309-10 (D. Conn. 2008)

<sup>17</sup>*Garcetti* at 418.

<sup>18</sup>*Mt. Healthy City School District Board of Education v. Doyle*, 429 U.S. 274, 286-87 (1977).

<sup>19</sup>Id. at 297-98.

<sup>20</sup>Id. at 299.

<sup>21</sup>Id. at 299.

<sup>22</sup>Id. at 309-14.

<sup>23</sup>Id. at 568.

<sup>24</sup>Id. at 569.

<sup>25</sup>Id. at 569-70.

<sup>26</sup>Id. at 570.

<sup>27</sup>Id. at 570-71, 77.

<sup>28</sup>Id. at 573.

<sup>29</sup>Id. at 573.

<sup>30</sup>Id. at 574-75.

<sup>31</sup>Id. at 575-77.

<sup>32</sup>King, Gene. "Social Networking – Employees Can Have Personal Web Pages, But Employers Can Hold Them Accountable for Their Content." *Law Enforcement Action Forum Newsletter*. October 2009 Edition.

<sup>33</sup>Black, Tiffany. "How to Write a Social Media Policy." *Inc.com* 27 May 2010. Web 28 January. 11. Available from <<http://www.inc.com/guides/2010/05/writing-a-social-medial-policy.html>>

<sup>34</sup>Black, Tiffany. <<http://www.inc.com/guides/2010/05/writing-a-social-medial-policy.html>>

<sup>35</sup>King, Gene. "Social Networking – Employees Can Have Personal Web Pages, But Employers Can Hold Them Accountable for Their Content."

<sup>36</sup>King, Gene. "Social Networking – Employees Can Have Personal Web Pages, But Employers Can Hold Them Accountable for Their Content."

<sup>37</sup>King, Gene. "Social Networking – Employees Can Have Personal Web Pages, But Employers Can Hold Them Accountable for Their Content."



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## City Administrator

The City of Lebanon, MO is accepting qualified candidates to fill the position of City Administrator. The City operates under the mayor--council form of government and will oversee approximately 160 full-time employees with an annual operating budget of \$50M. The City provides the following services: fire, police, electric distribution, water/wastewater, parks, code enforcement, and civic attractions for a population of 13,055. Qualifications include a Bachelor's degree in Business Administration or a related field; Master's degree preferred, plus a minimum of three years experience in Business Administration. Any equivalent combination of education and experience will also be considered. The ideal candidate will possess a strong professional and public service ethic, excellent communication, financial, and management skills. Salary is based on experience, education, and training. The City offers an excellent benefit and relocation package. Residency is required within six months of employment. Interested candidates should request a candidate package and submit a letter of interest, resume, list of references, and salary history to the following: Kathy Milliken, Human Resource Director, PO Box 111, Lebanon, MO 65536. Resumes must be postmarked by July 15, 2011. Visit [www.lebanonmissouri.org](http://www.lebanonmissouri.org) for additional information. EOE

## Chief of Police

The City of Butler, MO, (pop. 4,219) is accepting applications for the full-time position of Police Chief. A college education is preferred but not required from an accredited four year college or university. Training and course work in police science, criminal justice, law enforcement, public administration, or a closely related field is preferred. Work experience should include five years in police work, two years of which must have been in a supervisory position. Prior Police Chief experience or experience in an equivalent leadership position is preferred. Possession of, or ability to obtain, a valid Missouri driver's license and appropriate certification as a peace officer in the State of Missouri. Applicant must

pass background check, post offer drug screening and psychological evaluation. City benefit package includes health/dental/life insurance, vacation, holidays, and sick leave. Annual salary range for the position is \$45,900 - \$56,100.

To view the full Job Description and to print out an application please go to [www.butlermo.com](http://www.butlermo.com).

## Fire Chief

City of Winfield, KS is seeking an individual with the knowledge, experience, and ability to plan, organize, direct, and supervise the functions of the department to assure an effective and efficient program of fire prevention and protection, as well as rescue and emergency medical response. Must have strong leadership skills combined with communication, organizational, public relations, management, and administrative skills. Desire education and/or experience equivalent to Bachelors Degree in fire science or a related field with a minimum of five years in a supervisory capacity. Responsible to City Manager for all phases of City Fire Department operations. Salary DOQ with excellent benefits. Apply by July 8, 2011 to Personnel Office, P.O. Box 646, 200 E 9th Ave, Winfield, KS 67156. For additional information, contact Director of Personnel, (620) 221-5509; email [tgray@winfieldks.org](mailto:tgray@winfieldks.org); web site: [www.winfieldks.org](http://www.winfieldks.org). EOE

## Street Superintendent

The City of Clay Center, KS (pop.4,334) is seeking applicants for the full time position of Street Superintendent. Responsible for overseeing all operations, maintenance, repair and construction of all streets, and the solid waste and curbside recycling pickup. The applicant needs to be skilled in curb and gutter placement, construction of concrete streets, patching asphalt streets. CDL, Pre-employment drug screening, and functional capacity test required. Competitive Benefits Package, SALARY-DOQ Position is open until filled. EOE. Submit cover letter and resume to: City of Clay Center, KS Attn: Kerry Rozman, 427 Court, Clay Center, KS 67432

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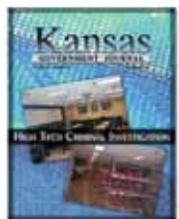
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## The Politician-Public Servant Dichotomy



The Governing Body Institute is a semi-annual event that the League has put on for many years. For those of you who have been around the League for awhile, you know that the Governing Body Institute has in recent years been paired with the annual Kansas Mayors Conference.

This pairing has worked very well indeed. This year, as with past years, the Governing Body Institute was held in Topeka immediately following the conclusion of the 2011 Kansas Legislative Session. We were very pleased that almost 300 city officials attended and participated in the various seminars and general session events that were held over the two days this Institute was held.

This year our keynote speaker was Jeff Kober who does a variety of programs having to do with leadership, performance accountability, customer service/loyalty, and team building for both public and private companies. Many of his stories came from his work with the Disney Institute and were found by most of the participants to be very thought provoking as well as entertaining.

In one of his general session presentations, Mr. Kober asked why the “politicians” in the room chose to run for elective office. At this point, League governing body member and the Mayor of Edwardsville, John “Tiny” McTaggart, raised his hand to offer a comment. When called upon, Mayor McTaggart commented that he felt that city officials were not politicians but rather were public servants. I found this to be an interesting, and very thoughtful comment, which led to some of my thoughts here today.

In a nutshell, I believe Mayor McTaggart is exactly right. The word politician, which has its basis in the Greek word “polis” basically means an individual who works in the realm of public policy and decision-making. So when thinking of it in those terms, the term politician has a very specific meaning with neither positive nor negative overtones. It is simply someone who is involved in public decision-making and the development of public policy.

Unfortunately, the word politician has taken on a decidedly negative connotation in modern times. One only has to go to the Internet to find countless derogatory references to individuals described as politicians. In fact, when I “Googled” the phrase “politician jokes” I came up with 4,090,000 hits in a tenth of a second. This probably tells us all we need to know about the word politician today.

Now don't get me wrong, I enjoy a little good-natured humor as much as the next fellow, but the tone of what we have today has clearly changed. Back in the day, political humor was usually gentle and could even be insightful. Will Rogers once said, probably back in the 1930s: “I don't make jokes. I just watch the government and report the facts.” Today's political humor, and often commentary, is typically harsh and attempts to portray the target in the most negative light possible.

Let me now contrast the word “politician” with the words “public servant.” The contrast could not be any more stark. The words public servant have a very positive connotation and describe an individual who spends time and energy working on behalf of the public, literally serving the public. A public servant is someone who is employed or volunteers to provide a public service and to work on behalf of the public.

I certainly believe this is what city officials, throughout Kansas and elsewhere do on a day-to-day, week-to-week, and year-to-year basis. They are certainly not in it for the glory. They are not in it for the money, and they are not in it for the accolades which some would expect in other lines of work. Rather, public servants, or city officials as we like to call them at the League, are working on behalf of the public so as to build better cities for the citizens of today, and to look towards the future so that our cities can provide places to work, live, and play in future years and for future generations of Kansans.

The work, time, and dedication put in by city officials, many of whom serve with no or limited compensation, truly shows a dedication and a pioneer spirit worthy of our forefathers and mothers. I find that when interacting with new city officials, whether at the Governing Body Institute or elsewhere, that they are uniformly enthusiastic and positive about their communities and the future of their communities. This is true whatever the size or geographic location of their cities. While all will usually agree that their cities face challenges both large and small, they all remain essentially positive and are working on behalf of the public because they think they can help to make things better.

That is why I think the term public servant truly captures what city officials do 24/7, and why we need to continue to support their efforts. We also need to remember that while it is easy to tell jokes and to generalize, even when not appropriate, it is much harder to actually pitch in and help when your city needs some assistance. To all those public servants out there, I say thank you and good luck. I have confidence in you helping to build a better tomorrow for all of us.

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