

Kansas

GOVERNMENT JOURNAL

VOLUME 104 - NUMBER 9

NOVEMBER 2018

Cybersecurity and Cities

League Elects New Leaders

E.A. Mosher Award Winner

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Creating Change Through Advocacy

Wednesday, December 12, 2018
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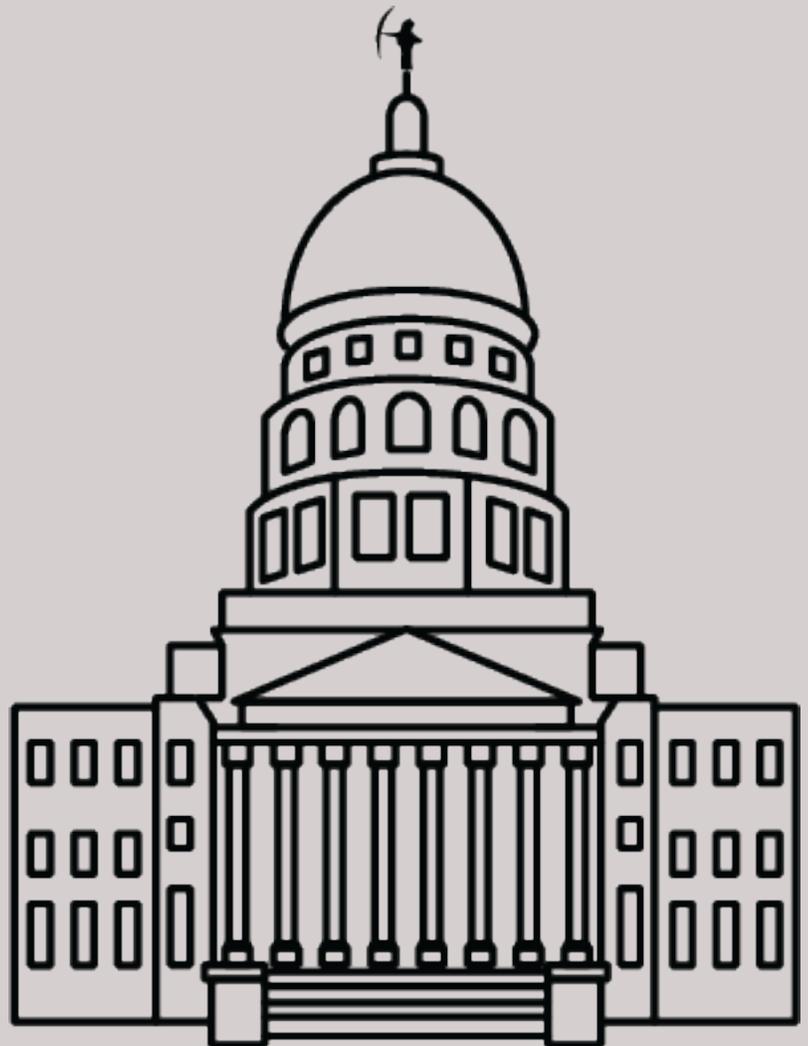
Participants will learn how they can be effective advocates of issues that matter to their residents whether they are in the statehouse or City Hall. Leave this course with an invaluable experience that empowers you to take the next step in your legislative efforts!

This elective MTI class will be held from 10 a.m. to 2 p.m. Cost to attend this course is \$75 for members, \$100 for nonmembers. Lunch and materials provided. Register online at www.lkm.org/events.



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Kansas

GOVERNMENT JOURNAL

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The mission of the League shall be to 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.

Connect with the League on Social Media



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2018 League Events Calendar

NOVEMBER

November 12-16 CCMFOA Conference (Wichita)
 November 14-16 KACM Conference (Pittsburg)
 November 22-23 League Office Closed

DECEMBER

December 7 League Governing Body Meeting (Topeka)
 December 12 MTI: The Legislative Experience (Topeka)
 December 24 -25 League Office Closed
 December 31 League Office Closes Early

Visit www.lkm.org/events for event registration.

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Director's Foreword

by Erik Sartorius

Wow, what a great conference! On behalf of myself and the staff, thank you for the opportunity to continue to serve you, your cities, and citizens. You energize us! For those of you unable to attend the League conference this year, I want to share with you some of the comments I made at our annual Awards Luncheon.



I don't know about you, but the tenor in our political system has really taken a toll on me this year. There are days where I wonder if there is still a will to come together and address problems in our country. I wonder if we have reached a point of no return on political discourse – and if that's going to permanently spill over to how we treat each other on a daily basis.

I'm appalled by what I see coming from all players in the political/media circus. I think of icons of Kansas politics: President Eisenhower, Senator Dole, and my former boss Nancy Kassebaum, and wonder where "disagreeing without being disagreeable" went?

Then, I think of local government. And, with a great deal of relief I tell myself: WE'VE GOT THIS!

A chart I shared at conference showed data about what level of government Americans have the greatest amount of trust. You will not be surprised to learn cities led the pack by a wide margin! (Cities 37.6%, state 23.2%, counties 20%, federal 19.2%.)

Another poll showed that 72% of respondents had "a great deal" or "fair amount" of trust in local government, compared to 63% for state government. (Curiously, they didn't ask the question about the federal government!)

City government works because of YOU: your time, your dedication, your ingenuity. You don't get to wait, delay, or try to run out the clock and leave a problem for the next person.

You don't treat the "other side" like the enemy – mostly because frequently everyone is on the same side – the side of solving the problem!

You don't hide from your constituents! City hall is open for all residents. Phones are answered, council meetings are held. People know they can find you in the grocery store. (And in some cities, they probably even know when you usually shop!) They see, work with, and live with you.

I implore you to continue to be these leaders, whether elected or appointed. Don't be followers, devolving your discourse and settling for politicizing issues that do not deserve politics.

Be the ones who show people what government can and should be – institutions that assess needs and information and then balance what should and can be done with limited resources available. It is easy to fall into the trap of political expediency. What takes effort and courage is to rise above that and show that government can be personal without having to be corrosive.

If we go the other direction, should we really be surprised if finding the next generation of city leaders becomes an impossible task?

Leading up to this month's elections, we met with the Republican, Democrat, and Independent gubernatorial candidates and spoke to them about Home Rule and the issues important to cities. What we stressed to each of these candidates is that we want to be their first-choice source for local government information. We also want to be part of their initial conversations on policies affecting cities, so that there is a partnership with the state in moving cities and Kansas forward. This message extends to all state and federal officials, not just the governor.

As this election cycle ends, I hope you made sure to get out and vote. As a t-shirt I saw earlier this year said: The mayor in *Jaws 2* is the same mayor from the original *Jaws*. It seems to me that folks were a little apathetic in that city. Elections have consequences!

Regional Suppers occurred while this magazine was being built. We always enjoy not only the formal meetings, but our informal stops at cities along the way. I appreciate the input cities share with us concerning their successes, challenges, and what they would tell the next governor. Attendees got to attend an early, one-hour briefing on Home Rule. While we will continue to share with cities, it is crucial we all understand the underpinnings of Home Rule and the power the citizens of Kansas conferred on cities.

If you attended the conference, we hope you had an enjoyable and valuable time. If you did, tell your colleagues! If you didn't attend, ask people in your area about the value they got from coming to Topeka. We look forward to continuing to work together with you for the citizens of Kansas.

Please share any questions, concerns, or comments with me at esartorius@lkm.org or (785) 354-9565.

You don't treat the "other side" like the enemy – mostly because frequently everyone is on the same side – the side of solving the problem!



A Threat Unknown:

Cybercrime and cyber attacks are an ever-increasing threat to cities and public entities. Elected officials and staff should take specific steps to both prevent and protect your city from cyber threats.

By Chardae Caine, Research Associate, League of Kansas Municipalities

The mayor of Bedrock wakes up to several missed phone calls from the city manager. A returned call informs the mayor that there are disgruntled city employees because direct deposit transactions were not released. The City of Bedrock is under cyber attack and has been locked out of its financial system. A year before the security event commenced, the mayor collaborated with the city manager and director of information technology (IT) to establish a cybersecurity plan. A cybersecurity planning committee was established by the governing body and consisted of three residents, the mayor, two councilmembers, the city manager, the assistant city manager, and the five-person information technology department. The committee decided to recommend the use of the National Institute of Standards and Technology (NIST) Cybersecurity Framework to combat security incidents. Although the community had limited resources and a short implementation time before this incident occurred, the city managed to utilize their plan to regain access to its system.

What is the NIST Cybersecurity Framework?



The National Institute of Standards and Technology (NIST) is an organization within the United States Department of Commerce. The Cybersecurity Framework was ordered in a 2013 presidential executive order for NIST to prepare a voluntary tool that organizations can use to maintain security within technology advancements. The executive order required NIST to collaborate with industry, academia, and government leaders to establish a plan for federal departments and agencies to implement. However, the framework is now also used by several businesses and organizations throughout the country. This year, NIST collaborated with leaders again to update the framework to address the growing risk of cyber attacks. The framework includes five functions: identify, protect, detect, respond, and recover, to address the continuous steps (through identifying gaps, growth, and areas of further improvement) all organizations can, and should, take to prevent an incident.

SCENARIO I:

Identify

After initial discussion to determine how to use the NIST framework, the Bedrock cybersecurity planning committee identified the critical infrastructure within the organization and developed policies to recommend to the governing body. This identification process included the IT department completing the Nationwide Cybersecurity Review (NCSR) and a full analysis of the results by the committee, staff, and the governing body.

Protect

Upon approval from the Bedrock councilmembers to utilize the recommended plan and policies, the committee began implementation. Internally, the organization used staff meetings to discuss each section of the cybersecurity policy including password standards, remote access, and authorization procedures. Each week, the staff had meaningful conversations on the purpose and importance of protection. The committee also hosted awareness meetings throughout the community for residents to attend and learn about the dangers to cybersecurity, the steps the city was taking to protect both internal and residential data, and establish a basic understanding of how to protect themselves from hackers. In addition, the IT department began executing continuous vulnerability monitoring to assist in improving the cybersecurity posture of the organization and purchased a cybersecurity insurance policy to cover any major incidents.

Detect

The efforts of the committee paid off when the incident occurred. The sooner a city can detect a hacker, the better it will be able to address the issue. The dormant hacker had been in the system for three days preceding the event; however, the IT department identified a vulnerable access point within the network two weeks prior and were continuously monitoring it. The IT department's ability to determine when and how the hacker accessed the system assisted in the response and recovery.

Respond

The City of Bedrock also established an incident response plan during their planning sessions. While developing a plan, an incident response team was established. This team included the mayor, city manager, assistant city manager, police chief, and director of information technology. The mayor and city manager worked collaboratively to address all media inquiries. The assistant city manager was responsible for internal communications, ensuring that all staff members were given clear directives of next steps and assessing the issue to report to the manager and governing body members. The director of information technology and police chief were responsible for developing a report.

In addition, the information technology department team members divided themselves into departments to disconnect, inspect, and reconnect all technology. A workforce continuity plan assisted in providing all staff members with their roles and responsibilities within the incident.

Cybersecurity Terms You Should Know



Cybersecurity: The body of information technologies, processes, and practices designed to protect networks, computers, programs, and data from attack, damage, or unauthorized access.



Breach: The moment a hacker successfully exploits a vulnerability in a computer or device, and gains access to its files and network.



Cloud: A technology that allows users to access files through the Internet from anywhere in the world.



Critical Infrastructure: This term includes systems and assets, whether physical or virtual, so vital that the incapacity or destruction of such systems and assets would have a debilitating impact.



Internet of Things: Devices around the world connected to the Internet, collecting and sharing data.



Malware: An umbrella term that describes all forms of malicious software designed to wreak havoc on a computer. Common forms include viruses, trojans, worms, and ransomware.



Phishing: A technique used by hackers to obtain sensitive information, including passwords, bank accounts or credit cards.



Ransomware: A form of malware that deliberately prevents users from accessing files on a computer. Typically, files are encrypted, and a ransom is requested to be paid to have them decrypted.



Software: A set of instructions that tell a computer to perform a task. An example of system software is Microsoft Windows and an example of application software is Microsoft Office.



Vulnerability Scan: A scan for weakness in computer software.

Source:
<https://www.businessinsider.com/29-cybersecurity-buzz-words-you-need-to-know-2017-6>

Recover

Months later, the City of Bedrock will continue to recover from this incident. They will use what they experienced to determine the strengths and weaknesses of the established plan. Through adjustments to the plan, and by continuing internal, external, and stakeholder trainings, the community will recover with the future in mind.

Resolution

The City of Bedrock was fortunate to have a plan in place that assisted them in recommencing services and returning employee pay to staff members. The plan allowed the governing body and staff to know the steps to take, remain transparent with residents, and use the experience to improve efficiency of detection. For example, the director of IT designated a department team member to receive notice from the system if an access point is disturbed.

SCENARIO II:

In contrast, the City of Bikini Bottom was not as fortunate. Last week, the director of information technology for the City of Bikini Bottom detected a virus attacking the utility payment system, accessing residential information and credit card data from the department.

Identify

The City of Bikini Bottom did not have a list of critical hardware and software for the organization. They also had never completed a benchmarking tool to determine steps to protect the data.

Protect

Although the city took time to compose a specific password policy that incorporated both the requirements of each password and how often the passwords should be updated, the hacker gained access through a weak password and the city had no next steps for solving the problem. The governing body was told that although the password policy was adopted, there had been no staff training or implementation of the procedures.

Detect

Bikini Bottom had not conducted penetration or vulnerability tests in over three years. When the incident was recognized, they were uncertain how or when the computer became infected. They also had no capabilities to determine if any other data or hardware had been infected.

Response

In addition, a response plan for cyber attacks was not established. When councilmembers were finally informed of the incident at the following council meeting, they were enraged. Residents also expressed concern due to law enforcement not being informed about the breach. Although all staff members have updated passwords, it is unknown if the hacker has been locked out of the system.

Recover

Months later, the City of Bikini Bottom finally shared new information regarding the attack. The hacker entered the system through a default password belonging to the newest employee of

the utility department. The hacker had been in the system for at least six months before we recognized the issue. The city paid the ransom fee but did not regain access to the data. Bikini Bottom staff members are unsure of the next steps the governing body will take.

Resolution

The City of Bikini Bottom was unprepared for the attack it experienced. They did not have a plan in place which led to reluctant transparency and angry residents. Eventually, adjustments were made and they used the incident to grow as an organization; however, residential money was never recovered and trust of the government leaders was destroyed.

Why Should Cities Be Concerned?

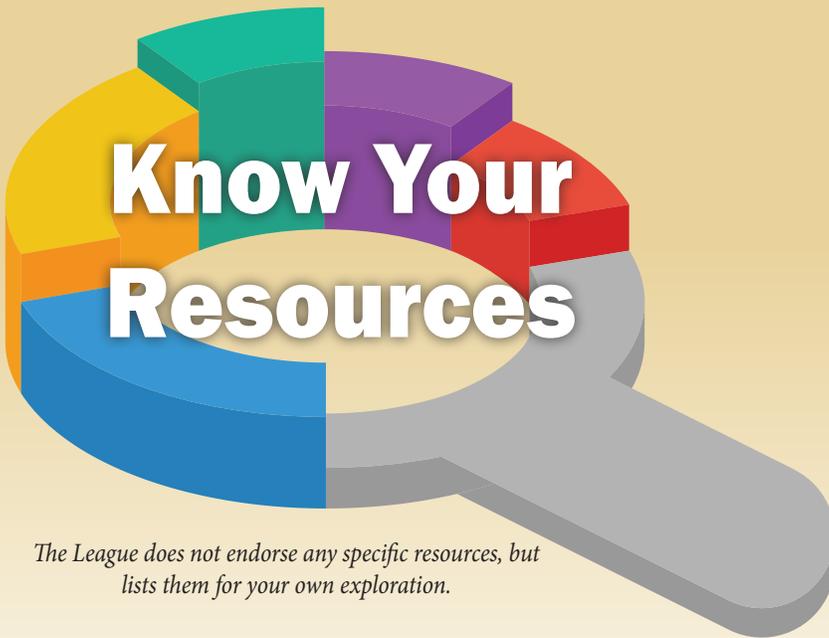
Cities across the nation encounter increasingly critical threats through the rise of cybersecurity incidents. As large businesses, the federal government, and state governments identify and implement solutions to protect the data they hold, professional hackers have taken notice and attempt to crack smaller businesses and organizations. Likewise, novice hackers target smaller communities that do not have policies and procedures in place. Every community across the nation is at risk and susceptible to a security incident happening at any moment.

One purpose of city administration is to provide services to residents. Services such as providing the public with police and fire personnel, opening the pool during summer vacation, and providing electric or water utilities are a few ways that local government employees meet their municipal mission statement. However, cybersecurity threatens the ability of employees and volunteers to fulfill necessary responsibilities. Hackers are actively working to find ways to shut down the police officer radio systems, hack the cloud-based chemical monitoring system in the city pool, and steal residential data of all electric or water utility users. For cities, establishing a clear plan of action is only the first step. Practicing the plan and continuously monitoring electronic systems are necessary to prevent an incident from affecting a community.

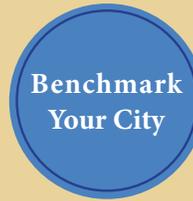
Leaders, will you serve your community as Bedrock or Bikini Bottom? Will you join other cities across the nation in fighting against cybersecurity criminals? Our residents deserve our best; local governments throughout Kansas strive each day to provide services to residents. Identifying the assets, protecting the data, detecting an event, responding effectively, and recovering with grace are imperative to supporting and protecting our residents.

 **Editor's Note:** Obviously the cities cited in this piece are fictional; however, the scenarios outlined are drawn from real events which are prevalent in today's tech-based and data-heavy work environment. See page 271 for a printable graphic on the NIST framework.

 **Chardae Caine** is the Research Associate for the League of Kansas Municipalities. She can be reached by email at ccaine@lkm.org.



The League does not endorse any specific resources, but lists them for your own exploration.



Nationwide Cybersecurity Review

<https://www.cisecurity.org/ms-isac/services/ncsr>

The NCSR is a no-cost, anonymous, annual self-assessment designed to measure gaps and capabilities of state, local, tribal and territorial governments' cybersecurity programs. It is open annually from October to December.



Multi-State Information Sharing & Analysis Center

<https://www.cisecurity.org/ms-isac/>

The mission of MS-ISAC is to improve the overall cybersecurity posture of the nation's state, local, tribal and territorial governments through focused cyber threat prevention, protection, response, and recovery.



Center for Internet Security

<https://www.cisecurity.org>

CIS Controls are a "prioritized set of actions to protect your organization and data from known cyber attack vectors."



TED Talks

<https://www.ted.com/talks>

Search the TED Talk database for short videos on password protection, cybercrime, internet security, and everyday actions to take to protect our organizations from cyber attack.



Cybrary

<https://www.cybrary.it/>

Cybrary offers free, online cybersecurity training courses including an awareness training that would be informative to every municipal employee.





2018 League Annual Conference

Education, Networking & a Little Bit of Fun, Too!

The League's 2018 Annual Conference in Topeka was a great event! Over 500 attendees came from cities across the state to learn from experts and discuss topics related to local government. Attendees selected topics to attend based on their interest and how the information could be taken back to their city for consideration and implementation.

On Saturday, October 6, League staff presented three Municipal Training Institute classes on valuing diversity, ethics and civility, and advanced municipal finance.

Sessions ranging from emergency management to strategic planning and social media were well-attended during the three-day conference. The keynote speaker, Manley Feinberg, gave a riveting talk about challenging yourself to climb higher to reach your personal goals.

The annual Trade Show was filled with 97 vendors showcasing products and services applicable to local government. Thirteen vendors were first-time participants.

The 2019 League Annual Conference will be October 12-14 in Overland Park. We look forward to seeing you there!

"I went home inspired and excited. Networking allows for meeting so many colleagues. Content was very helpful, the keynote was exceptional, entertainment was mind-boggling. Thanks for the great work in planning."

-Conference Attendee



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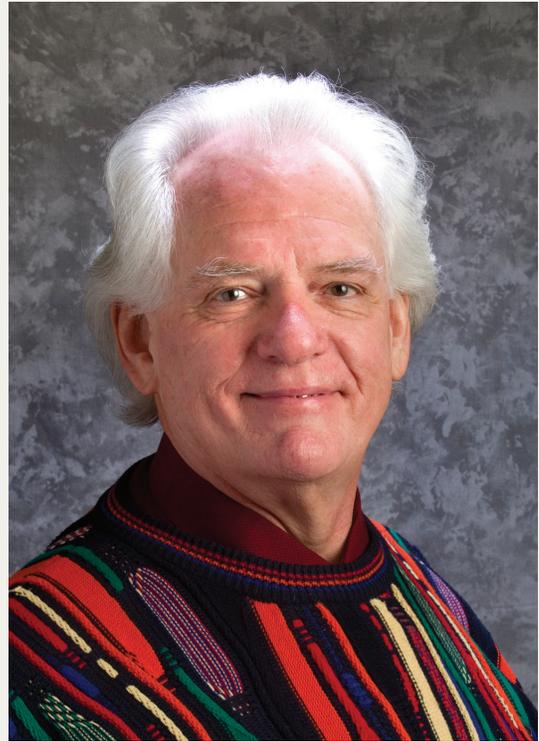


THE
LEAGUE
OF KANSAS MUNICIPALITIES

League Selects New Governing Body Leaders



Daron Hall, President
Pittsburg



John McTaggart, Vice President
Edwardsville

On Monday, October 8, the Convention of Voting Delegates for the League of Kansas Municipalities elected new officers and directors for the Governing Body. The delegates elected Pittsburg City Manager Daron Hall as President and Edwardsville Mayor John “Tiny” McTaggart as Vice President.

“I consider it an honor to serve as President for the upcoming year,” said Hall. “We will continue to educate, lobby, and partner to bring forward our policy agenda to the forefront of the upcoming legislative session. We need to continue to work on establishing key contacts and positive relationships on both sides of the aisle as we move our communities forward.”

Hall has served as City Manager for Pittsburg for six years and has served in public administration for 27 years. He has an undergraduate degree from Washburn University and a Master of Public Administration from Texas A&M University.

“It has been a great honor to serve on the League Governing Body for eight years,” said McTaggart. “I have enjoyed being a part of the really great changes at the League. I look forward to playing a role in the review of the League’s Strategic Plan and setting priorities for the future. I welcome questions from members; do not hesitate to contact me.”

Convention Delegates also elected Brooke Carroll, City Administrator from the City of Cherryvale, as a new Governing Body member with a three-year term.* Three existing Governing Body members were elected to continue their director positions for an additional three-year term: Mark Govea, Mayor of the City of Osawatometie; Sara Caylor, City Commissioner from the City of Ottawa; and Gary Adrian, Mayor of the City of Colby. The League is proud to welcome these city officials to the 2018-2019 Governing Body. ***Editor’s Note:** Ms. Carroll had to resign her position in November due to a professional career change. 



Brooke Carroll*
Cherryvale



Mark Govea
Osawatomie



Sara Caylor
Ottawa



Gary Adrian
Colby

Are you interested in serving on the League's Governing Body? The League invites nominations from any city official with an interest in serving as a director for a three-year term. The Governing Body consists of 12 appointed directors, a president, vice president, and past presidents who meet six times each year across the state. Members of the Governing Body are expected to make a commitment to attend all meetings and participate on subcommittees. Any travel expenses are paid by each member's city. Nominees typically have some prior service on a League policy committee or task force. If you are interested in submitting a nomination, e-mail Erik Sartorius, Executive Director at esartorius@lkm.org.

2018-2019 League Governing Body

PRESIDENT

Daron Hall, City Manager, Pittsburg

VICE PRESIDENT

John McTaggart, Mayor, Edwardsville

IMMEDIATE PAST PRESIDENT

Jeff Longwell, City of Wichita

PAST PRESIDENTS

Kim Thomas, Mayor, Stockton

Mike Boehm, Mayor, Lenexa

John Deardoff, City Manager, Hutchinson

Carl Gerlach, Mayor, Overland Park

Terry Somers, Mayor, Mount Hope

DIRECTORS

Gary Adrian, Mayor, Colby

David Alvey, Mayor, Unified Government of Wyandotte County/Kansas City

Brooke Carroll, City Administrator, Cherryvale

Sara Caylor, Commissioner, Ottawa

Michelle De La Isla, Mayor, Topeka

Darrell Dupree, Councilmember, Cimarron

Mark Govea, Mayor, Osawatomie

Jason Jones, Councilmember, Hesston

David McDaniel, Mayor, Ellis

John McTaggart, Mayor, Edwardsville

Scott Moore, City Administrator, Ellsworth

James Toews, Mayor, Inman

Joyce Warshaw, Commissioner, Dodge City

Toni Wheeler, City Attorney, Lawrence

J. Michael Wilkes, City Manager, Olathe

What Do You Think is the Primary Role of Municipal Government?

The primary role is to work with the tax-paying citizens to provide a quality of living for all levels of life, at a balanced cost for progressive growth and opportunity.

What is Your Position and What are Your Typical Duties?

As a Councilmember for the residents of Cimarron for over 18 years, the duties I enjoy the most are conveying their needs to those that can make a difference. One of the most simple things I have learned is that everyone, big or small, is important. Our residents and tax payers want to have their voice heard. Taking the time to listen can be a challenge for some. Or, it can be a great reward. However, it is incredible when a whole community comes together for a positive change.

What is Your Favorite Thing About Kansas?

Kansas has been referred to as a flyover state in the past. I am okay with this statement because we have a great secret they don't know – the people of Kansas! The work ethic and entrepreneurship of Kansans is our greatest asset.

Please Share a Little Personal Information About Yourself.

Being married for 32 years, with three great kids and our family dog, we reside in Cimarron and have roots to this community from its inception. I have enjoyed being a part of the Dodge City/Cimarron Chapter of the Sante Fe Trail Association as a chapter representative along with being a board member of the Boothill Museum in Dodge City! I have enjoyed serving on the Executive Committee of our local extension office also. Being involved in our community has provided many great memories.

What is Your Favorite Thing About Your Community?

My favorite thing of our community is the willingness to succeed. We have been fortunate to have schools that are positive and produce good students. We have churches to assist those in need, and we are actively involved in raising our children and families. This provides a balance for everyone and offers an opportunity to get involved in making a great community.



Darrell Dupree
Councilmember
City of Cimarron

What Made You Want to Join City Government?

I had a gentlemen mention to me that everyone should do one of two things throughout their life. One is to provide work so others can provide for the community and their families. The second is to serve others in a capacity that gives back to their community. I felt this was good advice and followed it.

Is This Your First Time on a Statewide Board?

Yes, and strongly looking forward to it.

NIST Cybersecurity Framework



The NIST Framework provides a common language for understanding, managing, and expressing cybersecurity risk both internally and externally. It can be used to help identify and prioritize actions for reducing cybersecurity risk, and it is a tool for aligning policy, business, and technological approaches to managing that risk. It can be used to manage cybersecurity risk across entire organizations or it can be focused on the delivery of critical services within an organization.

Identify – Determine your current cybersecurity posture and determine the critical infrastructure that needs to be secured.

Protect – Develop, educate staff, and implement a cybersecurity policy that provides a clear plan for your organization to use daily.

Detect – Recognize an attack as soon as possible. The faster the incident is recognized, the sooner your organization can begin implementing your response plan.

Respond – The first 72 hours following an incident are critical. Cooperating with the FBI, collaborating with the local media, and continuous decision making allow cities to proceed in providing services to residents.

Recover – Recovery after an event could take months. However, using the experience and adjusting the cybersecurity policy and plan allow cities to prepare for the next incident.

MAKE YOUR WATER TANK LAST...

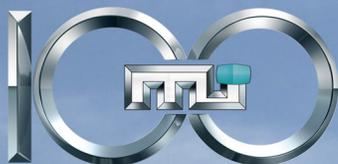
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can last as long as we have!*



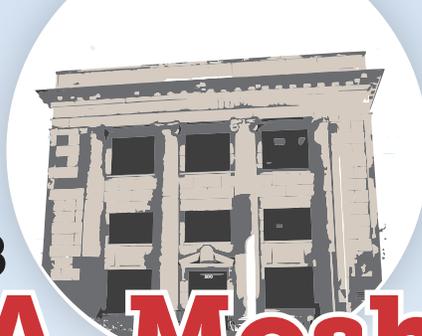


The Center for Internet Security identified 20 actions to defend against the most common cyber attacks. They also determined, by completing and consistently reviewing the first six steps, an organization can protect themselves from 85% of security incidents. The six steps are listed here with one action you can take today to protect your organization.

- 1. Inventory and Control of Hardware Assets**
 - a. Establish a method of identifying devices that are connected to your network
 - b. Maintain an accurate list of all hardware
- 2. Inventory and Control of Software Assets**
 - a. Maintain a list of all authorized software
- 3. Continuous Vulnerability Management**
 - a. Arrange automated software updates
 - b. Run a vulnerability scan on all systems on the network
- 4. Controlled Use of Administrative Privileges**
 - a. Update passwords at least every three months
- 5. Secure Configuration for Hardware and Software (on Mobile Devices, Laptops, Workstations, Servers)**
 - a. Use the NIST National Checklist Program to set secure configuration
- 6. Maintenance, Monitoring, and Analysis of Audit Logs**
 - a. Initiate audit logging for all systems

To review the full listing of actions identified by the Center for Internet Security, visit <https://learn.cisecurity.org/20-controls-download>.





2018 E.A. Mosher Excellence in Local Government Award

By Megan Gilliland, Communications and Education Manager,
League of Kansas Municipalities

At the League of Kansas Municipalities Annual Conference in Topeka, Tom Brown, Mayor of McPherson, was named as the 2018 recipient of the E.A. Mosher Excellence in Local Government Award. The E.A. Mosher Award is the preeminent award presented to an elected city official who has demonstrated outstanding service to their city, promoted positive intergovernmental relationships, and had an active commitment to the League.

Mayor Brown was nominated for the award because he is a consummate champion for local government and because of the passion he puts into everything he does for the McPherson community. Brown has served as the Mayor of McPherson since 2009. He has been involved in numerous initiatives to provide quality infrastructure in the community and develop economic opportunities, including two, successful ½-cent sales tax issues for streets, sidewalks, and trails, and the community building. Mayor Brown was a strong advocate for the establishment of a citywide stormwater utility and facilitated community conversations on expanding day care and mental health challenges in the city.

His nomination included the following comment about his commitment to his community: “His leadership is driven by his strong faith in God which can be witnessed by his many volunteer efforts with both small groups and entire church congregations, both in and outside of his city. With a background in the insurance industry and strategic planning, he has used his skill set to participate in various planning efforts with the county, a local retirement community, and area colleges.”

Mayor Brown has immersed himself in the mayoral role in a way that goes beyond that of many mayors. He has promoted and successfully negotiated intergovernmental partnerships. He realizes that government alone does not make for a successful city; he works to build partnerships among businesses, industry, citizens, and all levels of government.

“I appreciate the award, but it’s really a recognition of a very unique and successful community,” said Brown. “Many of the things we have done – the sales tax renewal, fixing roads, establishing a stormwater utility – all those things have been embraced by the community.”

Brown also noted the importance of youth in the community, “I hope that we are working for the next generation.”

Brown’s role as a statesman includes listening to student concerns while visiting elementary schools, McPherson Middle School, and high school government classes.



Mayor Thomas Brown from McPherson accepts the E.A. Mosher Award for Excellence in Local Government at the League’s Annual Conference in October.

Mayor Brown is also involved with the League in numerous ways including policy development and advocacy.

“I have personally worked with the Mayor and experienced the passion he has for his community and taking the municipal message of local control to the statehouse,” said League Executive Director Erik Sartorius.

The E.A. Mosher Excellence in Local Government Award is named in honor of Ernie Mosher, League Executive Director from 1960 to 1991, and one of the most respected individuals in the profession. Mosher’s heart and soul was local government, and he was a strong advocate of cities’ constitutional Home Rule Authority. He played a key role in the constitutional amendment adopted by Kansas voters in 1960. 🌟

🌟 **Megan Gilliland** is the Communications & Education Manager for the League of Kansas Municipalities. She can be reached at mgilliand@lkm.org.

Excellence in Local Government Award Past Recipients

- 2001 • Mayor Bob Knight • Wichita
- 2002 • Mayor Carol Marinovich • Kansas City
- 2003 • Mayor Warren Hixson • Colby
- 2004 • Mayor Ed Eilert • Overland Park
- 2005 • Commissioner John Zutavern • Abilene
- 2006 • Commissioner Richard Jackson • Ottawa
- 2007 • Commissioner Pat Pettey • Kansas City
- 2008 • Mayor Don DeHaven • Sedgwick
- 2009 • Councilmember Diane Linver • Lenexa
- 2010 • Mayor Bruce Snead • Manhattan
- 2011 • Mayor Clausie Smith • Bonner Springs
- 2012 • Mayor Kenneth Bernard • Lansing
- 2013 • Mayor Brad Smiley • Canton
- 2014 • Mayor Carl Brewer • Wichita
- 2015 • Mayor Joe Denoyer • Liberal
- 2016 • Councilmember Andy Huckaba • Lenexa
- 2017 • Mayor Kim Thomas • Stockton

Best Practices

Got Cybercrime?

Cybercrime is a \$1.5 Trillion Criminal Industry. Here's Why Cities Should Be Concerned.

By Sylvia Sarofim, Network Infrastructure Consultant, Sophicity



In April 2018, the technology firm Bromium released a report, *Into the Web of Profit*, that noted cybercrime is now a \$1.5 trillion criminal industry. By comparison, the GDP of Russia is just slightly higher than \$1.5 trillion. *Security Intelligence* quotes Bromium CEO Gregory Webb who says:

“The platform criminality model is productizing malware and making cybercrime as easy as shopping online. Not only is it easy to access cybercriminal tools, services, and expertise: it means enterprises and governments alike are going to see more sophisticated, costly and disruptive attacks as the web of profit continues to gain momentum.”

Why should cities care? This massive amount of money made at the expense of victims around the world is a wake-up call to cities in five key ways.

1. Hackers are Not Adolescents in a Basement.

People hacking cities are often part of highly sophisticated organized crime rings. Quoted in *Information Age*, Dr. Michael McGuire (the lead researcher of the Bromium report) says that cybercrime is “a hyper-connected range of economic agents, economic relationships, and other factors now capable of generating, supporting, and maintaining criminal revenues at an unprecedented scale.”

These criminals are targeting your cities with tactics ranging from spear phishing (imitating key decision makers at your city) to ransomware.

2. Usernames, Passwords, and Other Sensitive Information is Regularly Sold on the Dark Web.

A recent report noted “a 135% year-over-year increase in financial data for sale on dark web black markets between the first half of 2017 and the first half of 2018, and it saw a 149% spike in the amount of credit card information for sale on black markets over the past 18 months...” A McAfee report (summarized in *Digital Trends*) says, “When [...] login credentials are weak, hackers can use brute force attacks to gain the username and password for each [Microsoft Remote Desktop Protocol (RDP)] connection. McAfee found connections up for sale across various RDP shops on the dark web ranging between a mere 15 to a staggering 40,000 connections.”

These are just two examples of many reports that indicate how usernames, passwords, financial data, and other information sells on the dark web — often cheaply. Criminals use this information to help steal your money or weaponize for further attacks. An entire economy exists on the dark web that facilitates the buying and selling of such information.

3. Criminals Exploit Your Security Vulnerabilities.

Criminals know that most organizations don’t patch and update their software. *Computer Weekly* said, “Only 16% of companies investigated are clear of software vulnerabilities that external cyber attackers could use to gain access to their IT systems, a study by security firm Rapid 7 has found.”

Cities lag behind most businesses when it comes to “cyber hygiene” such as patching and updating software. Some cities use software that can be over 10 years old, an eternity in technology time, that is no longer supported by the original vendor. That means security patches and fixes often aren’t occurring, leaving your software incredibly vulnerable to hackers.

4. Criminals Take Advantage of Your Employees.

If your employees aren’t cyber-savvy, then hackers will easily take advantage of them. Some examples include:

- Your employee gets tricked by a fake PDF attachment that actually downloads ransomware and infects all of your systems.
- Your employee gets an email saying that they need to change their banking password. They click on the website link and end up downloading malware to your systems.
- Your employee gets tricked by a fake Word document that seems to come from the city manager and ends up downloading a virus that infects your servers.
- Your employee gives away your city’s banking information over email to a phisher posing as the city manager.
- Your employee gives away their username and password over the phone to a hacker posing as an IT vendor.

Without training and constant reminders about cyber awareness, your employees can, and will, become the weak link in your security — even if you’re doing well with your technical security. Training will help your employees spot email scams (such as phishing, spear phishing, and whaling), phone scams (vishing), and in-person scams.

5. Criminals Take Advantage of Weak Passwords.

Every year, SplashData publishes a list of the worst passwords actually used by organizations mostly in North America and Western Europe. In 2017, the top five worst passwords were:

- 123456
- password
- 12345678
- qwerty
- 12345

Other commonly used passwords include “admin,” “starwars,” and “trustno1.”

Think about it. Sophisticated criminals aren’t hacking into your servers and computers and then spending time guessing your password. They are using automated software that helps them crack passwords.

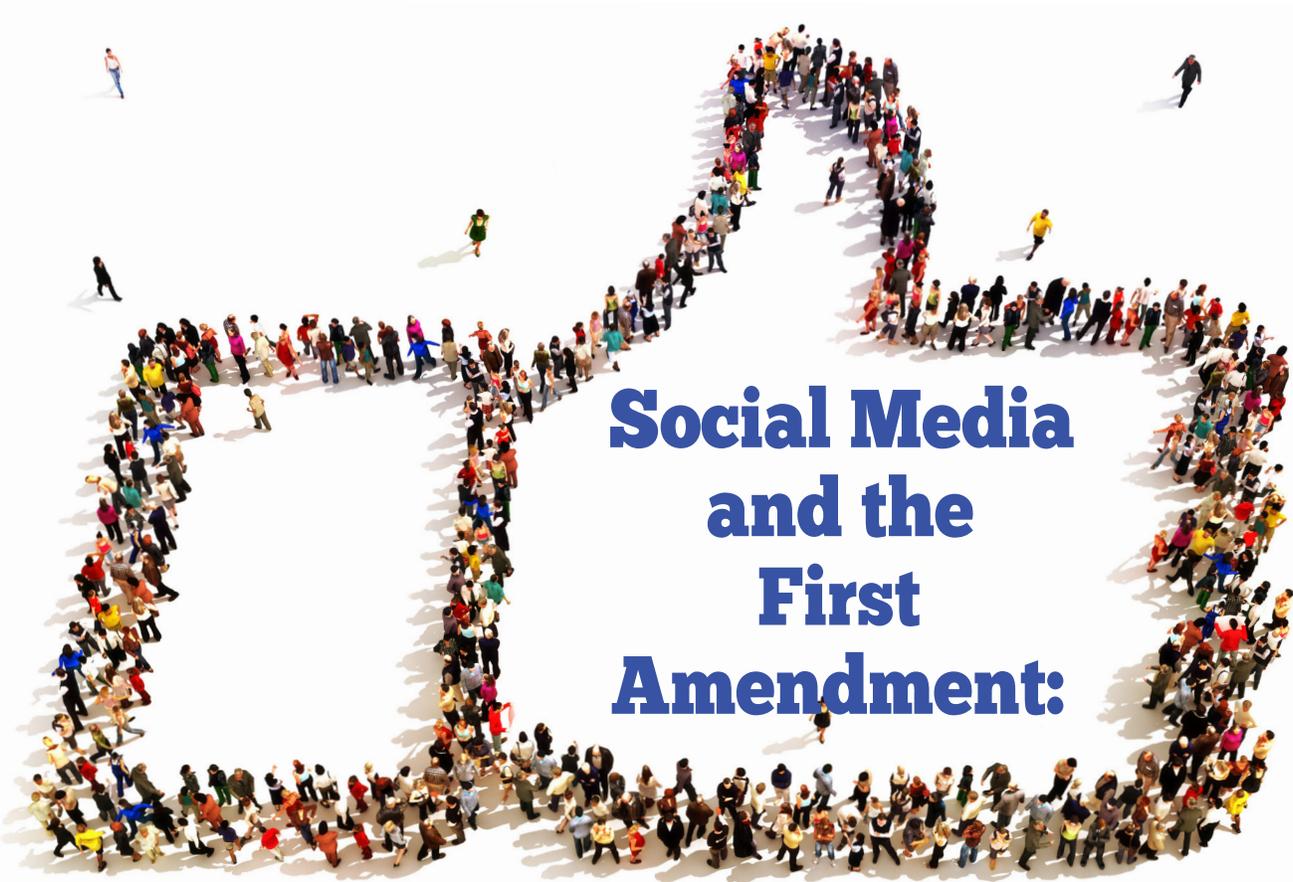
Easy passwords will crack so quickly that getting into your systems will seem like a joke. Passphrases, complex passwords, two factor authentication, and other password best practices can help prevent criminals from easily gaining access to your sensitive and confidential information.

Cybercriminals are not playing games. Over a trillion dollars is the reward. They are after your money and data. The question is: Are you going to support their efforts with your weak security? Or will you invest in the right security to encourage them to pass you over? 🌞

🌞 **Sylvia Sarofim**, is a Network Infrastructure Consultant with *Sophicity*, a municipal-specific IT security company based in Georgia. She can be reached at sylviasarofim@sophicity.com.

The League has Municipal Business Alliance members who can provide consultation on cybersecurity. See local vendors at <https://www.lkm.org/BusinessLinks>.





Social Media and the First Amendment:

Considerations for Managing a City Social Media Account

By John Goodyear, Legal Extern, The League of Kansas Municipalities

Did you know that the smart phone resting in your pocket right now possesses more computing power than all of NASA did when they put a man on the moon?¹ It's strange to think that the relatively small device we use to watch funny cat videos or reach out to loved ones is capable of more, technologically speaking, than a spaceship that safely carried astronauts to the moon and back; but it's true. If that doesn't show the kind of technological advances we are dealing with today, what will?

Perhaps the biggest change that has taken place over the last fifteen to twenty years is the rapid rise of social media. Almost 70% of American adults use at least one social media site and the average American uses three.² The power of modern technology paired with the growing use of social media has made the world seem smaller and more connected than ever. Through these sites, we are able to disperse information faster than ever before to a bigger crowd than ever before. Not only that, but we are able to see who our content has reached and those that wish to respond to it are able to do so in an instant. Used as intended, social media is an incredibly efficient and effective means of communicating and is a tool that all cities should use to better interact with their citizens; but there are some factors that a city should consider before throwing all their chips down in the social media pot.

Social media platforms have truly become the modern public square.³ For a lot of people, social media is their primary resource for checking on current events, looking for employment ads, and most importantly, speaking and engaging with government entities.⁴ We see examples of this every single day as our friends

and neighbors share articles in support of or against the current administrations at the state and federal level and as politicians have engaged voters over the various platforms to make their causes known for the current election cycle. An active and well-voiced social media account is a great vehicle for easy, efficient, and low-cost communication with residents. Social media also has the potential to reach residents where other mediums have failed to do so. These accounts can help to increase government transparency, publicize city events or projects, quickly distribute information to an increased number of people, encourage civic participation by soliciting feedback, and foster a culture of information sharing.

In order to accomplish these goals, cities should make efforts to speak with one voice and have a consistent tone and message. Regardless of who manages the city account, it is important to remember that they are speaking for the city when they post. This means that they need to take care and make sure that their message is both accurate and consistent with the city's stance or message. Cities should craft their messages in clear, plain language so that all citizens are able to understand and truly engage with the public account. Some common pitfalls that a city's public page should avoid are the endorsement of political candidates or a particular business, personal commentary on an official policy, profanity, and the spread of personal or non-public information.

Before starting their platforms, cities should consider drafting a social media policy for themselves. This policy could determine when or if it is ok to "like" a comment or share a post from another source. This is important to consider when crafting a

message because this kind of activity can easily be construed as an endorsement for that person, business, or particular stance. Cities should also consider which employees or personnel will have access as administrators to the account. Administrators should be limited in order to ensure a uniform message, but there probably needs to be more than one to avoid the appearance that the viewpoint belongs to a singular individual rather than the city. Others should have access to the information before content is shared so as to properly vet that content before sharing it with the public.

Another item the policy should address is when and how the city will respond to comments made by the general public. In a perfect world, all comments made by citizens would be on point and helpful to the city creating a useful dialogue, but this is not a perfect world. It will not be uncommon for citizens to use the page as an outlet for anger, and cities will have the opportunity to respond. The tricky question that page administrators and the city must answer is when are responses necessary or appropriate. This is going to vary by circumstance and city to city, but it is something that should be considered before it happens so administrators are prepared when it does. For this reason, it is recommended that cities draft and publish guidelines for citizens posting comments to public pages.

Social media pages administered by local governments are most often characterized as limited public forums. A limited public forum is one created by the government for expressive activity that may be limited by the public entity as to subject matter or kind of speaker.⁵ Because the public entity has itself intentionally created the forum, or in this case the social media page, for a specified use, they may define what expressive activity is allowed in the forum.⁶ Government establishment and application of restrictions in the limited public forum must be reasonable based on the forum as well as viewpoint neutral.⁷ This is where First Amendment free speech concerns begin to emerge. We know that governments cannot restrict expression because of its message, ideas, subject matter, viewpoint, or content.⁸ Regulations are considered content or viewpoint based when they target speech because of the ideas or messages expressed in the speech.⁹ So, any regulations that the city may draft for their page should have nothing to do with the viewpoint or message conveyed in the content of the post. As a general rule, if the site administrator has to ask what the post says or is meant to accomplish in order to enforce the

rule or guideline, then the rule is a content based regulation and it is presumptively unconstitutional. What then, constitutes a reasonable restriction?

Some common things that public pages include in their guidelines are prohibitions on sexually explicit materials, illegal content, or content that contains a threat. These are going to be reasonable so long as they are applied uniformly. The reason for these kinds of restrictions seem obvious or intuitive, and some cities may fall into the trap of thinking their citizens don't need to be told to refrain from these kinds of things. That being said, it is best practice to include any restrictions the city may wish to enforce in the guidelines. If you wait until it actually happens to set the standard, it is probably too late. It is best to draft the restrictions as soon as possible to establish the parameters of participation in the limited public forum. Without restrictions, the limited forum starts to look more like a public forum where any and all restrictions must survive a presumption of unconstitutionality.

To conclude, the advent of social media sites and their increased popularity have created an incredible opportunity for municipalities to connect with their citizenry more effectively and efficiently than ever before. A well-crafted social media message and well organized site provide an easily accessible forum for cities looking to better engage with the public. To keep the message on point, cities should develop a policy to ensure they speak with a uniform voice and establish a set of rules to regulate comments from the public as soon as possible. A well-established policy and set of reasonable regulations on comments will make all the difference in the establishment of a social media platform. 

 **John Goodyear** is a Legal Extern at the League of Kansas Municipalities and is a 3L Law Student at Washburn University School of Law. He can be reached at (785) 354-9565.

Sources:

¹ Matt Rosoff, Your Phone is More Powerful than the Computer In the Spaceship NASA Launched this Week, *Business Insider*, (Dec. 6, 2014), <https://www.businessinsider.com/your-phone-is-more-powerful-than-the-orion-computer-2014-12>.

² Aaron Smith and Monica Anderson, Social Media Use in 2018, Pew Research Center, (March 1, 2018), <http://www.pewinternet.org/2018/03/01/social-media-use-in-2018/>.

³ See *Packingham v. North Carolina*, 137 S. Ct. 1730 (2017).

⁴ *Id.*

⁵ Limited Public Forum, FindLaw Legal Dictionary, (Last Visited Aug. 12, 2018) <https://dictionary.findlaw.com/definition/limited-public-forum.html>.

⁶ Frayda Bluestein, Limited Public Forum Analysis Revisited, UNC School of Government, (Aug. 5, 2009) <https://canons.sog.unc.edu/limited-public-forum-analysis-revisited/>.

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⁸ *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 95 (1972).

⁹ *Id.*

Legal Forum

Got Cybersecurity?

Keeping data protected is challenging for both law firms and municipal clients. Here's an overview of areas to be aware of when designing your strategy.

By Deborah Barnes, Law Clerk, League of Kansas Municipalities

Attorneys have the duty to protect their clients' confidential information instilled in them from day one at law school. Reputation management is crucial for law firms, therefore, they need to have technology in place to protect data they possess. Attorneys have every reason to embrace the body of information technologies, processes and practices designed to protect data from attack, damage or unauthorized access, designated as "cybersecurity." Have attorneys got a handle on it? Are attorneys educating themselves and their staff about how to maintain proper cybersecurity?

There's room for improvement. According to a 2016 American Bar Association (ABA) technology survey, only 17.1% of all law firms had an incident response plan in place to address a security breach.¹ That broke down to 50% of firms of 500 or more employees, 20.5% of firms with 10-to-49 attorneys and only 5% of solo practices.

Cybersecurity Needs a Place at the Top Table

Cybersecurity includes a multitude of issues. Keeping a cybersecurity policy relevant is a continuous process. Information Technology (IT) professionals can provide expertise and helpful solutions to maintain an organization's cybersecurity, but experts such as Thomas Smedinghoff, an ABA Cyberspace Law Committee member, tell us that this type of security is only reliable when it is everybody's responsibility, and not confined to an IT silo.² Policies need to be shaped by an organization's risk management approach and by attorneys' sound understanding of the assets that they are required to protect in an environment where municipal clients seek to balance accessibility to the citizens they serve against cyber threats and other liabilities.

Two Invaluable Resources

The choice of resources available to assist attorneys in different practice settings to manage cybersecurity vulnerabilities can be bewildering. Another article in this issue provides information about the National Institute of Standards and Technology's Framework for Improving Critical Infrastructure Cybersecurity (NIST framework).³ Take a look at it!

Look also at ABA's "Cybersecurity Handbook."⁴ The 2018 edition of the handbook gives a thoughtful and comprehensive overview of the changing risk landscape, attorneys' legal and ethical obligations, what to do to protect assets and how to react when, inevitably, security is breached.

Statutory, Contractual, Jurisdictional and Ethical Drivers for Attorneys' Cybersecurity Planning

Attorneys have legal and ethical obligations to keep their clients' information safe as well as practical considerations that every business shares to keep their systems up and running.

There is no "one size fits all" when it comes to designing a policy for a law firm or for a client. There is no single law that lays out the obligation to provide security for information in possession or under the control of a business or law firm (or municipality).⁵ Requirements can be industry specific, data specific or jurisdiction specific. At the federal level, examples of the most far reaching legislation in terms of cybersecurity regulations mandating protection of computer systems and electronically stored information are the 1996 Health Insurance Portability and Accountability Act (HIPAA),⁶ the 1999 *Gramm-Leach-Bliley Act* (Financial Services Modernization)⁷ and the

2002 Homeland Security Act (includes the *Federal Information Security Management Act*).⁸ The common denominator is the requirement of careful attention to safeguards to ensure the security and confidentiality of government systems and of customer information.

States are increasingly introducing cybersecurity related legislation. Kansas already has a “computer crime” statute on the books,⁹ and the 2017 legislative session added the *Kansas Cybersecurity Act*.¹⁰ Neither of these layout the fine detail of data protection, but some states, for instance Massachusetts,¹¹ get down into the weeds with detailed sets of requirements restricting public disclosure of sensitive personal or security information. The Massachusetts statute authorizes the Department of Consumer and Business Regulation to adopt regulations that must be followed by any business that “owns or licenses personal information about a resident of the commonwealth.” Further detailed regulations give instructions on setting passwords for state actors.¹² It follows that attorneys need to pay attention not only to federal requirements, but to which agencies within a state regulate the activity their client is involved in, and to take these into account when engaged in cybersecurity planning.

Don't Be the Weakest Link

Attorneys have a professional responsibility to safeguard client information and to be up to date on the use of technology to meet this responsibility. In addition, attorneys need to know what their clients' data security obligations are, and to help the client meet those obligations. Bottom line: if your client has security obligations, so do you, the attorney. Law firms must guard against being the weakest link in the cybersecurity chain. Corporate clients typically demand that a firm has detailed cybersecurity plans and prevention tools (62.8 per cent of firms of 500 lawyers or more surveyed by ABA have them).¹³ If your municipal client does not yet require some level of data protection guarantee from partners and vendors with which the client shares information, then as City Attorney, you should be assisting your client to do so.

Attorneys must ensure that any service provider they use to deliver law-related services has itself got effective safeguards in place to protect confidential client information and the integrity of the attorney and the client systems. Small firms (and municipalities) that do not have in-house IT expertise are partnering with private sector entities to buy not only IT products and processes that contribute to cybersecurity but also the expertise to run them as a managed service and to educate staff in their use of the platform. This sort of hand-holding makes sense, when the proper safeguards are in place, since it allows small operations to have the agility needed to stay ahead in the race to eliminate vulnerabilities.

Rules of Professional Conduct: Duty of Technological Competence

Kansas Rules of Professional Conduct have been shaped by ABA model rules and formal opinions. Formal Opinion 99-413 for many years represented the standard for attorneys' confidentiality obligations for e-mail communications with clients.¹⁴ At that time, the Standing Committee on Ethics and Professional Responsibility concluded that, on balance, “lawyers

have a reasonable expectation of privacy in communications made by all forms of e-mail” and that using e-mail was “consistent with the duty under Rule 1.6 to use reasonable means to maintain the confidentiality of information relating to a client's representation.”

Required Reading: ABA Formal Opinion 17-477

The ABA's model rules were modified in 2012 to require a lawyer to keep up-to-date with technology relevant to the law and its practice (Rule 1.1) and added a new duty for lawyers under 1.6(c) to “make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.”

In May 2017, Formal Opinion 477 updated the 1999 guidance on best practice for securing communication of protected client information.¹⁵ This opinion requires a more nuanced assessment by law firms on securing information sent over the Internet. “Cybersecurity recognizes a post-Opinion 99-413 world where law enforcement discusses hacking and data loss in terms of when, and not if.” 17-477 underlines that law firms are attractive targets for those seeking highly sensitive client information that law firms may safeguard less well than the client does. This opinion is required reading when attorneys are creating their cybersecurity road map. Elements of the opinion may well be reflected in future amendments of professional responsibility rules and requirements for Continuing Legal Education (CLE).

A majority of states, Kansas among them, now include a requirement for technological competence in their rules of professional conduct. Some jurisdictions have gone further. For instance, the Florida Supreme Court, since 2016, has required regular CLE in approved technology programs.¹⁶ Many of the Kansas Rules of Professional Conduct have implications for technological competence. For a detailed discussion, see “*A Lawyer's Duty of Technical Competence*.”¹⁷ In particular, Rules 1.1, 1.6 and 5.3 need to be taken into account in cybersecurity planning.

1.1 covers competence.¹⁸ Comment 7 requires lawyers have the knowledge and skills needed to keep up with “changes in the law and its practice, including the benefits and risks associated with relevant technology.”

1.6 covers the client-lawyer relationship and confidentiality of information.¹⁹ It mirrors the ABA model rule and requires (1.6(c)) that a lawyer make “reasonable efforts” to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” Comments 26 and 27 provide factors that a lawyer needs to take into account to competently safeguard information in a way that meets the “reasonable efforts” standard.

5.3 covers the responsibilities of law firms “with respect to a non-lawyer employed or retained by or associated with a lawyer.”²⁰ Examples (in the comments section) of services covered by the rule include “using an Internet-based service to store client information” and outsourcing other tasks including printing, scanning, data base creation and document management.

KANSAS GOVERNMENT

Cheyenne ★



We are always seeking content ideas for stories and briefs. Please send your ideas and thoughts for content or story ideas to Megan Gilliland at mgilliland@lkm.org.

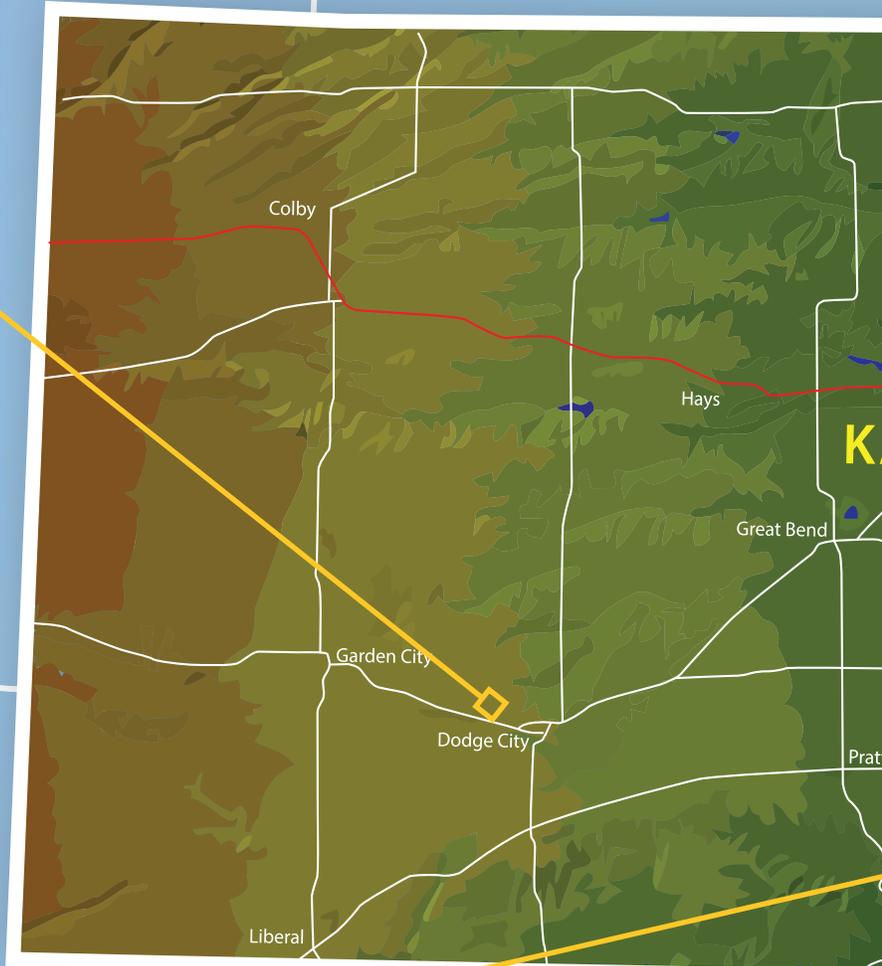
Dodge City

Amtrak Keeps Southwest Chief

Amtrak will keep its historic Southwest Chief train route rolling — as is — through Colorado, Kansas, and New Mexico for at least another year following pressure from Congress.

The national rail carrier was considering suspending rail service between Dodge City, Kan., and Albuquerque, and replacing it with charter buses as early as the start of 2019.

A bipartisan group of U.S. senators from states along the route fought Amtrak and were vocal about their opposition to implementing the busing option.



★ Santa Fe

Wellington

Wellington Celebrates Extended Runway

After years of planning and a year worth of construction, Wellington now has a 5,250-foot runway to accommodate larger private jets. The runway, which was previously 4,000-feet, will put Wellington's airport on a level playing field with various area airports in providing services for those with larger private jets.

GOVERNMENT NEWS



Topeka

City Receives Grant to Help Low-Income Homeowners with Property Maintenance Violations

The City of Topeka was awarded a \$750,000 grant from the Federal Home Loan Bank for a program that works with low-income homeowners with housing violations. Funds for the Property Maintenance Violation Rehabilitation Program will be available in January 2019.

Qualifying repairs will include collapsed or badly deteriorated sewer lines, roof replacement, guttering, replacement of windows, weatherization, siding, and other items as determined on a case-by-case basis by the city's Department of Neighborhood Relations.

Requirements to be eligible for the property maintenance rehabilitation program include, among other things, having a property maintenance code violation, residence at the property for more than a year, and income not exceeding 50% of the current median household income as determined by HUD.

Fort Scott

Community Organizations Rally to Find Health Care Solutions After Hospital Announces Closure

City and county officials in Fort Scott are joining together to address the future of local health care in the southeast Kansas community. Mercy Hospital in Fort Scott announced plans to close as of December 31. A task force of local officials was quickly convened to research and identify potential alternative solutions for the community after the hospital's closure. The task force is comprised of representatives of the city, county, Fort Scott Area Chamber of Commerce, USD 234, USD 235, Fort Scott Community College, area businesses, Bourbon County Economic Development Council, Inc., and the financial community.

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City Superintendent, Columbus

The City of Columbus (pop. 3,200) has an opening for a City Superintendent. Responsible for operations of Public Works Department including water plant management/distribution, wastewater, garbage collection, public properties (street, alleys, parks), cemetery, equipment repair/maintenance. Administrative duties include budget oversight, record keeping, preparing bid specifications, overseeing equipment use & maintenance, reporting, communicating with contracted firms and agencies. Reports to City Administrator, Mayor, and City Council.

Four-to-six years of similar or related experience is required. Employee is expected to have acquired the necessary information and skill to perform the job reasonably well within one year of employment. Knowledge of computers and mathematical skills is necessary. A High School diploma or GED is required, and a technical degree or some college credit in a related field is preferred. This position requires a State of Kansas Class II Water certification and a Class I Sewer certification within 18 months of employment or conversion of certifications from another state within 3 months of employment. Position requires residency in Cherokee County within 6 months and Class B CDL with air brake endorsement within 12 months of hire.

This is a salaried exempt position with an annual range of \$42,016 – \$59,361 DOQ/E. Benefit package includes health, dental and life insurance, KPERs, sick and vacation leave.

How to Apply:

Submit cover letter and resume to Office of the City Clerk, City of Columbus, 300 East Maple, Columbus, Kansas, 66725. EOE. Position open until filled.

Emergency Preparedness Battalion Chief, Lenexa

The City of Lenexa is searching for an experienced emergency management professional to create and build the City's emergency response function. This newly created position resides in our Fire Department and will have additional reporting

responsibilities to our City Administrator. This position will plan, organize, and implement all phases of the City's emergency management program. If you know how to lead emergency management and love working with other talented professionals to build a program from scratch, this is the job for you.

The City of Lenexa is a rapidly growing city of 55,000 located in the Kansas City, Missouri metro area. We are a leader in local government initiatives in public safety, community development, employee health and wellness, stormwater management, communication and the use of technology. We were recently named the Best Place to Live in Kansas by *Money Magazine*, one of the healthiest employers in the Kansas City area by the *Kansas City Business Journal* and were ranked by ETC Institute in 2018 as the Kansas City metro leader in overall citizen satisfaction with city services for nearly every major service area. You can check out all of the cool stuff we're doing at www.lenexa.com. We are very proud of our culture. It's one of the main reasons folks like working for us.

Here is a brief list of the things you'll do in this role: Prepare, review and update emergency management plans and procedures; manage the City's Emergency Operations Center; coordinate mutual aid responses and requests; plan and coordinate training programs and emergency operations drills; assist departments with emergency preparedness and disaster mitigation; develop and conduct educational and community outreach programs; and manage and prepare documentation related to emergency operations.

The minimum requirements to be considered for this position (the "Must Haves"):

- Five years of progressively responsible emergency management leadership experience.
- Bachelor's Degree in Emergency Management, Fire Administration, Criminal Justice, or a related field of study;
- Valid Driver's License and insurable driving record;
- Incident Command System (ICS) 100, 200, 300, 400, 700 and 800 certifications, and Kansas Certified Emergency Manager certification (or ability to obtain within one year of employment);

- Fire Department Safety Officers Association Incident Safety Officer certification.

The following are the desired qualifications for this position (the "Nice to Haves"):

- Master's Degree in Emergency Management, Fire Administration, Criminal Justice, or a directly-related field;
- FEMA Homeland Security Exercise and Evaluation Program (HSEEP) certification
- International Certified Emergency Manager (CEM) certification
- Public Sector management experience

The hiring salary range for this position is \$80,000 to \$97,500 annually. We offer a highly competitive compensation and benefit package including health, dental, vision, life, and short-term disability insurance; an excellent retirement plan; up to \$25,000 in tuition reimbursement; access to an on-site health clinic; and much more. This position resides in the Lenexa Fire Department and the incumbent will participate in the KP&F retirement plan. Offers of employment are conditional upon successful completion of a pre-employment physical, drug screen and background investigation.

How to Apply:

To apply for this opportunity please complete an on-line application or visit our website at www.lenexa.com/jobs. EOE

Electrical Superintendent, Eudora

The City of Eudora, population 6300, seeks responsible applicants to perform difficult skilled technical work supervising the construction, maintenance and repair of electric transmission and distribution lines and related installations, responding to emergency or after hour requests, and related work as apparent or assigned. Associates/ Technical degree and extensive experience working with electrical distribution systems with considerable supervisory experience, or equivalent combination of education and experience is necessary. A valid Kansas

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commercial driver's license is required. All offers of employment are conditional upon the successful completion of a post offer drug screening and background check including driving record. Applications accepted until position is filled.

How to Apply:

Application and full job description are available online at www.cityofeudoraks.gov and at Eudora City Hall, 4 E. 7th Street, Eudora, KS 66025. Submit application/resume on the website or by email to pschmeck@cityofeudoraks.gov.

Engineering Technician II, Gardner

The Public Works Engineering Technician II performs responsible work in the Engineering Division performing all inspections of public improvement projects under construction to determine and secure compliance with the construction plans and construction design standards and assists the City Engineer with design, drafting, research, reports, record keeping, and all other aspects of the City Engineer's functions. High school diploma or G.E.D. and a Certified Engineering Technician designation with a minimum of 3 year's experience in the application of design and construction of public improvements or any equivalent combination of training and experience that provides the required

knowledge, ability, and skill. Preferred previous experience in Auto CAD Civil 3D. KDOT LPA Certification and/or APWA Certified Public Infrastructure Inspector (CPII) preferred. Requires the possession of a valid driver's license and a good driving record. Hiring Range: \$20.395 - \$25.492/hr. Application Deadline: Open Until Filled.

How to Apply:

Application and job description available at City Hall or on-line at www.gardnerkansas.gov Submit completed application to City of Gardner, HR Department 120 E Main, Gardner, KS 66030. All offers of employment are conditional upon the successful completion of a post offer physical exam, drug screen, and background check including driving record. EOE



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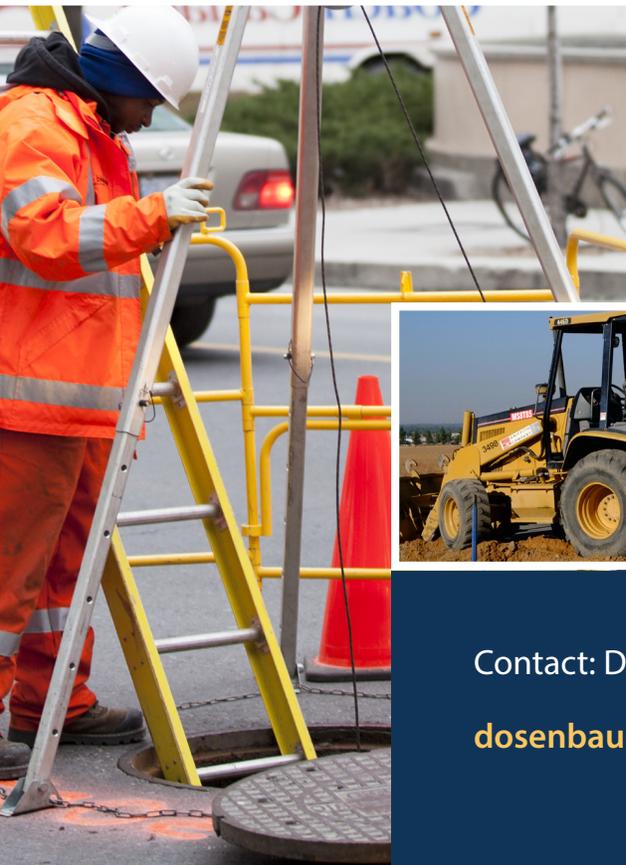
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Understand the Nature of the Threat

Whether attorneys use the NIST framework, the Opinion 17-477 approach, or another of the many available resources to generate a cybersecurity risk management program, they must put effort into understanding; the nature of the threat to each client's activities and information; possible avenues of cybersecurity risk to the way they themselves do business; the adequacy of safeguards that partners and vendors have in place. 

 **Editor's Note:** Since this article went to print, the ABA's Formal Opinion 483, dated October 17, 2018, was issued on lawyers' obligations after an electronic data breach on cyber attack.

 **Deborah Barnes is the Law Clerk for the League of Kansas Municipalities.**

Sources:

¹ Julie Sobowale, Law Firms Must Manage Cybersecurity Risks, ABA J., (Mar. 2017), available at www.abajournal.com/magazine/article/managing_cybersecurity_risk

² See Tomas J. Smedinghoff, Addressing Director Responsibilities for Data Security, American Bar Association, https://www.americanbar.org/content/dam/aba/administrative/law_national_security/Smedinghoff%20Paper%20-%20Addressing%20Director%20Responsibilities%20for%20Data%20Security.authcheckdam.pdf

³ Cybersecurity Framework, National Institute of Standards and Technology, <https://www.nist.gov/cyberframework>

⁴ Jill D. Rhodes and Robert S. Litt, *ABA Cybersecurity Handbook: A Resource for Attorneys, Law Firms and Business Professionals*, ABA Cybersecurity Legal Task Force et al. eds., 2d ed. 2018.

⁵ Id. et al. 61-98.

⁶ Health Insurance Portability and Accountability Act, Pub.L. 104-191, 110 Stat. 1936 (1996).

⁷ Gramm-Leach-Bliley Act, Pub.L. 106-102, 113 Stat. 1338 (1999).

⁸ Homeland Security Act, Pub.L. 107-296, 116 Stat. 2135 (2002).

⁹ Kan. Stat. Ann. § 21-5839 (2013).

¹⁰ Kan. Stat. Ann. §§ 75-7236-43 (2018).

¹¹ Mass. Gen. Laws ch. 93H, § 2(a) (2007).

¹² 940 Mass. Code Regs. 27.04 (2018).

¹³ Sobowale, *supra*.

¹⁴ ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 99-413 (1999).

¹⁵ ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 17-477 (2017).

¹⁶ Fla. Bar Reg. R. 6-10.3(b) (2017).

¹⁷ Stephen Puiszis, *A Lawyer's Duty of Technological Competence*, (2017) available at https://www.americanbar.org/content/dam/aba/events/professional_responsibility/2017%20Meetings/Conference/conference_materials/session4_information_governance/puiszis_lawyers_duty_technological_competence_authcheckdam.pdf

¹⁸ Kan. Rules of Prof'l Conduct R. 1.1.

¹⁹ Kan. Rules of Prof'l Conduct R. 1.6.

²⁰ Kan. Rules of Prof'l Conduct R. 5.3.

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