

Notice of Special Meeting of the Wilmer City Council

1-844-992-4726 (Toll Free) or 408-418.9388
Access code: 146 179 9336

Monday, June 15, 2020 at 7:00 pm



Important Notice Regarding Public Participation and City Council Attendance:

Due to the COVID-19 (coronavirus) public health emergency, and in an effort to reduce face-to-face contact, Governor Greg Abbott has granted a temporary suspension of certain provisions of the Texas Open Meetings Act. While preserving government transparency and maintaining government operations, the Meeting of the City Council will be conducted by teleconference. The meeting will be broadcast live via telephone conference by dialing any of the following phone numbers:

- 1-844-992-4726 (Toll Free) or 408-418-9388
- Access code: 146 179 9336

CALL TO ORDER

CITIZENS' COMMENTS:

In an effort to continue to allow members of the public to address the City Council may do so at one of the following temporary alternate options:

- **Electronic Mail (E-mail)**: Submit your name, address, and subject and/or agenda item(s) to City Secretary at mortiz@cityofwilmer.net by 5:00 p.m. on Monday, June 15, 2020.
- **By phone**. Please call 1-844-992-4726 (Toll Free) or 408-418-9388; Access code: 146 179 9336 before the Call to Order and provide your name, address, and subject and/or agenda item(s).

At this time, citizens who have pre-registered before the call to order from one of the above options will be allowed to provide comments on any matter other than personnel matters or matters under litigation, for a length of time not to exceed three (3) minutes. No Council action or discussion may take place on a matter until such matter has been placed on an agenda and posted in accordance with law. You will be called by the Mayor during the meeting in the order received.

ACTION:

1. Discuss and consider approving a resolution related to House Bill 3834 for the requirement selecting a cybersecurity training program and requiring related verification, reporting, and auditing by the Department of Information Resources ("DIR").

ADJOURNMENT

EXECUTIVE SESSION: The City Council reserve the right to convene into executive session on any posted agenda item pursuant to Section 551.071(2) of the Texas Government Code to seek legal advice concerning such subject.

ACCESSIBILITY STATEMENT: Meetings of the City Council are held in municipal facilities are wheelchair accessible. For sign interpretive services, call the City Secretary's office, 972-441-6373, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

CERTIFICATE

I hereby certify the above Notice of Meeting was posted at the Wilmer City Hall on June 12, 2020 @ 5:00 p.m. and copies thereof were provided to the Mayor, Mayor Pro-Tempore, and City Council members.



Mayra A. Ortiz, City Secretary

Confirmation of Agenda Removal on _____, 2020.

CITY OF WILMER

City Council Special Meeting

1.

Meeting Date: 06/15/2020

Policy Statement:

Submitted by: Mayra Ortiz, City Secretary

Agenda Caption:

Discuss and consider approving a resolution related to House Bill 3834 for the requirement selecting a cybersecurity training program and requiring related verification, reporting, and auditing by the Department of Information Resources ("DIR").

Background:

The 86th Legislature of the State of Texas enacted House Bill 3834 requiring local governments, at least once each year, to identify employees who have access to a local government computer system or database and require those employees and elected officials of the local government to complete a cybersecurity training program certified under Chapter 2054.

Operational Considerations:

The City must complete training by June 14, 2020 and must certify their training compliance by June 15, 2020, using the Cybersecurity Training Certification for Local Governments form.

As of posting of this item, the City has completed the training requirement and will submit the appropriate forms by June 15, 2020.

On Thursday, June 11, 2020, the City Council was unable to take action as 2/3 of the governing body was not present for the Special Meeting.

Legal:

Pursuant to Local Government Code, Sec. 2054.5191, Cybersecurity training is required at least once each year. The resolution has been reviewed and approved as to form by the City Attorney.

Public Information Considerations:

This item is being considered at a meeting of the City Council noticed in accordance with the Texas Open Meetings Act.

Options/Alternatives:

1. City Council may approve the resolution, as presented.
2. City Council may deny the resolution and direct staff.

Recommendation:

Staff recommends approval, as presented.

Attachments

Resolution

House Bill 3834

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS, SELECTING A CYBERSECURITY TRAINING PROGRAM AND REQUIRING RELATED VERIFICATION, REPORTING AND AUDITING.

WHEREAS, this year the 86th Legislature of the State of Texas enacted House Bill 3834 amending Subchapter N-1 of Chapter 2054 of the Texas Government Code ("Chapter 2054") requiring local governments, at least once each year, to identify employees who have access to a local government computer system or database and require those employees and elected officials of the local government to complete a cybersecurity training program certified under Chapter 2054; and

WHEREAS, House Bill 3834 further requires governing bodies of local governments to (1) select the most appropriate cybersecurity training program for elected officials and employees of local governments to complete, (2) verify and report on completion of such training, and (3) require periodic audits to ensure compliance with this mandate; and

WHEREAS, the Texas Department of Information Resources ("DIR") is authorized to certify cybersecurity training programs meeting statutory requirements for state and local government employees and to publish the list of certified cybersecurity training programs; and

WHEREAS, the Director of Information Technology for the City of Wilmer, Texas ("City"), having reviewed the DIR list of certified cybersecurity training programs and evaluated said programs, determined and recommends to the City Council the following programs as most appropriate for City elected officials and employees: Cyber Security Awareness Training Program, provided by TML Intergovernmental Risk Pool and certified as of June 11, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS:

SECTION 1. The City Council hereby selects the following DIR certified cybersecurity training program as the most appropriate for elected officials and employees of the City: Cyber Security Awareness Training Program provided by TML Intergovernmental Risk Pool and certified as of June 11, 2020.

SECTION 2. The City Council hereby directs and authorizes the Director of Information Technology for the City to:

- (a) At least once each year, identify City employees who have access to a City computer system or database and require those employees and elected officials to complete the DIR certified cybersecurity training program;
- (b) Verify and report on the completion of the cybersecurity training program by City elected officials and employees; and
- (c) Require periodic audits to ensure compliance with such training requirements and Chapter 2054.

SECTION 3. The sections, paragraphs, sentences, clauses and phrases of this resolution are severable and if any phrase, clause, sentence, paragraph or section of this resolution should be declared invalid, illegal or unenforceable by the final judgment or decree of any court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of any of the remaining phrases, clauses, sentences, paragraphs and sections of this resolution and such remaining provisions shall remain in full force and effect and shall be construed and enforced as if the invalid, illegal or unenforceable provision had never been included in this resolution.

SECTION 4. This resolution shall become effective from and after its passage.

SECTION 5. The Recitals to this Resolution are incorporated herein for all purposes as if fully recited.

DULY PASSED and approved by the City Council of the City of Wilmer, Texas, on this the 15th day of June, 2020.

ATTEST:

APPROVED:

Mayra Ortiz, City Secretary

Emmanuel Wealthy, Mayor

APPROVED AS TO FORM:

Michael B. Halla, City Attorney

AN ACT

relating to the requirement that certain state and local government employees and state contractors complete a cybersecurity training program certified by the Department of Information Resources.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter N-1, Chapter 2054, Government Code, is amended to read as follows:

SUBCHAPTER N-1. ~~[STATE]~~ CYBERSECURITY

SECTION 2. Section 2054.518(a), Government Code, is amended to read as follows:

(a) The department shall develop a plan to address cybersecurity risks and incidents in this state. The department may enter into an agreement with a national organization, including the National Cybersecurity Preparedness Consortium, to support the department's efforts in implementing the components of the plan for which the department lacks resources to address internally. The agreement may include provisions for:

(1) ~~[providing fee reimbursement for appropriate industry-recognized certification examinations for and training to state agencies preparing for and responding to cybersecurity risks and incidents,~~

~~[(2) developing and maintaining a cybersecurity risks and incidents curriculum using existing programs and models for training state agencies,~~

1 ~~[(3) delivering to state agency personnel with access~~
2 ~~to state agency networks routine training related to appropriately~~
3 ~~protecting and maintaining information technology systems and~~
4 ~~devices, implementing cybersecurity best practices, and mitigating~~
5 ~~cybersecurity risks and vulnerabilities,~~

6 ~~[(4)]~~ providing technical assistance services to
7 support preparedness for and response to cybersecurity risks and
8 incidents;

9 (2) ~~[(5)]~~ conducting cybersecurity ~~[training and]~~
10 simulation exercises for state agencies to encourage coordination
11 in defending against and responding to cybersecurity risks and
12 incidents;

13 (3) ~~[(6)]~~ assisting state agencies in developing
14 cybersecurity information-sharing programs to disseminate
15 information related to cybersecurity risks and incidents; and

16 (4) ~~[(7)]~~ incorporating cybersecurity risk and
17 incident prevention and response methods into existing state
18 emergency plans, including continuity of operation plans and
19 incident response plans.

20 SECTION 3. Subchapter N-1, Chapter 2054, Government Code,
21 is amended by adding Sections 2054.519, 2054.5191, and 2054.5192 to
22 read as follows:

23 Sec. 2054.519. STATE CERTIFIED CYBERSECURITY TRAINING
24 PROGRAMS. (a) The department, in consultation with the
25 cybersecurity council established under Section 2054.512 and
26 industry stakeholders, shall annually:

27 (1) certify at least five cybersecurity training

1 programs for state and local government employees; and

2 (2) update standards for maintenance of certification
3 by the cybersecurity training programs under this section.

4 (b) To be certified under Subsection (a), a cybersecurity
5 training program must:

6 (1) focus on forming information security habits and
7 procedures that protect information resources; and

8 (2) teach best practices for detecting, assessing,
9 reporting, and addressing information security threats.

10 (c) The department may identify and certify under
11 Subsection (a) training programs provided by state agencies and
12 local governments that satisfy the training requirements described
13 by Subsection (b).

14 (d) The department may contract with an independent third
15 party to certify cybersecurity training programs under this
16 section.

17 (e) The department shall annually publish on the
18 department's Internet website the list of cybersecurity training
19 programs certified under this section.

20 (f) Notwithstanding Subsection (a), a local government that
21 employs a dedicated information resources cybersecurity officer
22 may offer to its employees a cybersecurity training program that
23 satisfies the requirements described by Subsection (b).

24 Sec. 2054.5191. CYBERSECURITY TRAINING REQUIRED: CERTAIN
25 EMPLOYEES. (a) Each state agency shall identify state employees
26 who use a computer to complete at least 25 percent of the employee's
27 required duties. At least once each year, an employee identified by

1 the state agency and each elected or appointed officer of the agency
2 shall complete a cybersecurity training program certified under
3 Section 2054.519.

4 (a-1) At least once each year, a local government shall
5 identify local government employees who have access to a local
6 government computer system or database and require those employees
7 and elected officials of the local government to complete a
8 cybersecurity training program certified under Section 2054.519 or
9 offered under Section 2054.519(f).

10 (b) The governing body of a local government may select the
11 most appropriate cybersecurity training program certified under
12 Section 2054.519 or offered under Section 2054.519(f) for employees
13 of the local government to complete. The governing body shall:

14 (1) verify and report on the completion of a
15 cybersecurity training program by employees of the local government
16 to the department; and

17 (2) require periodic audits to ensure compliance with
18 this section.

19 (c) A state agency may select the most appropriate
20 cybersecurity training program certified under Section 2054.519
21 for employees of the state agency. The executive head of each state
22 agency shall verify completion of a cybersecurity training program
23 by employees of the state agency in a manner specified by the
24 department.

25 (d) The executive head of each state agency shall
26 periodically require an internal review of the agency to ensure
27 compliance with this section.

1 Sec. 2054.5192. CYBERSECURITY TRAINING REQUIRED: CERTAIN
2 STATE CONTRACTORS. (a) In this section, "contractor" includes a
3 subcontractor, officer, or employee of the contractor.

4 (b) A state agency shall require any contractor who has
5 access to a state computer system or database to complete a
6 cybersecurity training program certified under Section 2054.519 as
7 selected by the agency.

8 (c) The cybersecurity training program must be completed by
9 a contractor during the term of the contract and during any renewal
10 period.

11 (d) Required completion of a cybersecurity training program
12 must be included in the terms of a contract awarded by a state
13 agency to a contractor.

14 (e) A contractor required to complete a cybersecurity
15 training program under this section shall verify completion of the
16 program to the contracting state agency. The person who oversees
17 contract management for the agency shall:

18 (1) report the contractor's completion to the
19 department; and

20 (2) periodically review agency contracts to ensure
21 compliance with this section.

22 SECTION 4. Section 2054.518(c), Government Code, is
23 repealed.

24 SECTION 5. The changes in law made by this Act apply to a
25 contract entered into or renewed on or after the effective date of
26 this Act. A contract entered into or renewed before the effective
27 date of this Act is governed by the law in effect on the date the

1 contract was entered into or renewed, and the former law is
2 continued in effect for that purpose.

3 SECTION 6. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 3834 was passed by the House on April 25, 2019, by the following vote: Yeas 130, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3834 on May 24, 2019, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3834 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor