

ORDINANCE NUMBER 09- 07

**ORDINANCE ADOPTING IDENTITY THEFT  
PREVENTION PROGRAM FOR THE VILLAGE OF EAST  
DUNDEE, KANE AND COOK COUNTIES, ILLINOIS**

**WHEREAS**, the Federal Fair and Accurate Credit Transactions Act of 2003 (FACT Act), which was signed into law on December 4, 2003, required the Federal Trade Commission and a number of federal banking agencies to issue joint rules and guidelines regarding the detection, prevention, and mitigation of identity theft by financial institutions and other creditors; and

**WHEREAS**, the Federal Trade Commission issued its final rules and guidelines implementing the pertinent portions of the FACT Act in late 2007 with an effective date of January 1, 2008 and a mandatory compliance date of May 1, 2009; and

**WHEREAS**, the FTC rules require utilities and all other creditors to develop and implement a written Identity Theft Prevention Program that is designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or any existing covered account, and the rules require the Program to include reasonable policies and procedures designed to accomplish the following:

- Identify relevant Red Flags for covered accounts and incorporate those Red Flags into the Program;
- Detect Red Flags that have been incorporated into the Program;
- Respond appropriately to any Red Flags that are detected to prevent and mitigate identity theft; and
- Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the utility from identity theft.

**WHEREAS**, the Village of East Dundee is subject to the FTC rules referenced above because it owns and operates municipal utilities for the provision of water and waste water services and bills its customers in arrears for such services; and

WHEREAS, the Board of Trustees of the Village of East Dundee, having considered its existing practices and past experiences regarding the opening of or access to utility accounts in light of the requirements of the FTC rules, has determined that the Identity Theft Prevention Program that is attached hereto and incorporated herein by this reference is appropriate and should be adopted and approved.

**NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** The findings and determinations set forth in the preamble to this Ordinance are hereby made. findings and determinations of the Board of Trustees of the Village of East Dundee and incorporated into the text of this Ordinance by this reference.

**Section Two.** The Identity Theft Prevention Program attached to this Ordinance is hereby adopted and approved by the Board of Trustees of the Village of East Dundee, Kane and Cook Counties, Illinois.

**Section Three.** The Identity Theft Prevention Program shall be implemented and administered by Finance Manager as the Program Administrator.

**Section Four.** Changes to the Identity Theft Prevention Program of a day-to-day operational character and decisions relating to the interpretation and implementation of the Program may be made by the Program Administrator, however, major changes or shifts of policy positions under the Program shall only be made by the Village Board of Trustees.

**Section Five.** This Ordinance shall be in full force and effect from and after its passage.

Adopted this 20<sup>th</sup> day of April, 2009, pursuant to a roll call vote as follows:

AYES:

Ayes: Ruffalo, Gorman, Carlina Lynam,  
Cichowski, Mahony, Pres. O'Leary

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Approved by me this 20<sup>th</sup> day of April, 2009.

Daniel O'Leary  
DANIEL O'LEARY, President

Published in pamphlet form this 21<sup>st</sup> day of April, 2009, under the authority of the  
President and Board of Trustees.

ATTEST:

Susan Norton  
SUSAN NORTON, Village Clerk

