Chapter 2

ADMINISTRATION

Article I. City Council

- **Section 2.1 Mayor Pro Tem or Temporary Chairman.**
- **Section 2.2 Meetings.**
- **Section 2.3 Agenda.**
- **Section 2.4 Order of Business.**
- **Section 2.5 Ordinances, Resolutions to be in Writing.**
- **Section 2.6 Parliamentary Rules.**
- **Section 2.7 Recording Vote.**
- **Section 2.8 Defense of Members Against Civil, Criminal, Or Quasi-criminal Actions.**
- **Section 2.9 Weapons Prohibited at Meetings.**
- **Section 2.10 - 2.15 Reserved.**

Article II. Officers and Employees

Division 1. City Clerk - Treasurer

- **Section 2.16 Oath.**
- **Section 2.17 Bond.**
- **Section 2.18 General Duties.**
- **Section 2.19 Ex-officio Tax Collector of City; Duties.**
- **Section 2.20 Record Retention Schedules.**

Division 2. City Marshal.

- **Section 2.21 City Marshal.**
- **Sections 2.22 - 2.25 Reserved.**

Article III. Finance.

- **Section 2.26 Fiscal Year.**
- **Sections 2.27 - 2.30 Reserved.**

Article IV. Code of Ethics.

- **Section 2.31 Intent.**
- **Section 2.32 Definitions.**
- **Section 2.33 Prohibitions.**
- **Section 2.34 Disclosure of Conflicts of Interest.**
- **Section 2.35 Disqualification.**
- **Section 2.36 Prohibited contracts.**
- **Section 2.37 Restrictions on Contracts with Former Members of the Governing Authority.**
- **Section 2.38 Complaints.**
- **Section 2.39 Board of Ethics.**
- **Section 2.40 Service of Complaint; Hearings and Disposition of Complaints.**
- **Section 2.41 Penalty and Member Rights.**

Section 2.42 Appeals.
Sections 2.43 - 2.45 Reserved.
Article V. Identity Theft Prevention Program.
Division 1. Identity Theft Prevention Program.
Section 2.46 Short Title.
Section 2.47 Purpose.
Section 2.48 Definitions.
Section 2.49 Findings.
Section 2.50 Process of Establishing a Covered Account.
Section 2.51 Access to Covered Account Information.
Section 2.52 Credit Card Payments.
Section 2.53 Sources and Types of Red Flags.
Section 2.54 Prevention and Mitigation of Identity Theft.
Section 2.55 Updating the Program.
Section 2.56 Program Administration.
Section 2.57 Outside Service Providers.
Division 2. Treatment of Address Discrepancies.
Section 2.58 Short Title.
Section 2.59 Purpose.
Section 2.60 Definitions.
Section 2.61 Policy.
Section 2.62 Furnishing Consumer's Address to Consumer Reporting Agency.
Section 2.63 Methods of Confirming Consumer Addresses.
Section 2.64 Non-waiver of Immunity.
Sections 2.65 - 2.70 Reserved.

ARTICLE I. CITY COUNCIL

Section 2.1 Mayor Pro Tem or Temporary Chairman.

In the absence of the mayor, his duties shall be exercised by the mayor pro tempore, elected by the city council, or in the absence of both, by some member of the council chosen by the council for the occasion. The same rules shall apply in case the mayor or mayor pro tempore is disqualified from acting.

Section 2.2 Meetings.

(a) City council meetings shall be held on the first Tuesday of each month at 6:00 p.m.

(b) Special meetings of the city council will be called in the discretion of the mayor or at the request of at least three members of the council, of which special meeting, whether called at

the discretion of the mayor or at the request of al least three members of the council, all the members of the council, unless absent from the city, shall have notice.

(c) For any meeting which is to be held at a time or place other than at the time and place prescribed for regular meetings, the city council shall give due notice thereof as prescribed by O. C. G. A. § 50-14-1(d).

Section 2.3 Agenda.

There shall be a written agenda prepared prior to each city council meeting. Persons who desire to address the city council at a meeting shall notify the clerk-treasurer by noon on the Wednesday prior to the city council meeting on Tuesday.

Section 2.4 Order of Business.

The following shall be the regular order of business of each meeting of the city council, but the same may be varied by a vote from the council:

(1) Call to order, roll call, approval of minutes.

(2) Citizens or delegations.

(3) Committee reports.

(4) City administrator's report.

(5) City attorney's report.

(6) City clerk-treasurer's report.

(7) New items proposed by mayor and members of the city council.

(8) Adjournment.

Section 2.5 Ordinances, Resolutions to Be in Writing.

All ordinances and resolutions, except resolutions adopting written reports, proposed to the city council shall be in writing.

Section 2.6 Parliamentary Rules.

Except as provided in this article, Robert's Rules of Order, Newly Revised, shall be the official authority for rules governing the conduct of meetings of the city council.

Section 2.7 Recording Vote.

In all voting by the city council, the "yeas" and "nays" shall be called and the same shall be entered on the minutes.

Section 2.8 Defense of Members Against Civil, Criminal, or Quasi-Criminal Actions.

(a) The city shall undertake to defend all civil, criminal, or quasi-criminal actions brought or maintained against the mayor and members of the city council arising out of the performance of their duties or in any way connected therewith, whether based upon negligence, violation of contract rights, or violation of civil, constitutional, or statutory rights.

(b) The city shall not be authorized to furnish a defense to the mayor and council if they are charged with a criminal offense involving theft, embezzlement, or other like crimes with respect to the property or money in which the city has an interest.

(c) Notwithstanding the provisions of subsection (b) of this section, the city shall be authorized to reimburse the mayor or members of the city council charged with a criminal offense involving theft, embezzlement, or other like crimes with respect to property or money of or in which the city has an interest for all or a part of the cost of the defense of such person if such person is found not guilty of such crime or if the charges against such person are dismissed or nolle prossed.

(d) The city may expend state, federal, and local funds to effectuate the provisions of this section including, but not limited to, attorney's fees, court costs, deposition costs, witness fees and compensation, and all other costs, expenses, and fees.

(e) The city may pay part of or all of any claim or civil judgment or entered against any person whose defense the city is authorized to undertake pursuant to this section. Any such disbursement shall be deemed to be for a public purpose and may be paid from state, federal, or local funds.

Section 2.9 Weapons Prohibited at Meetings.

As used herein, the term "*Weapon*" shall have the same meaning as set out in section 16-11-125.1 of the Official Code of Georgia Annotated.

As provided in O.C.G.A. §16-11-127, and except as specifically exempted below, all individuals are prohibited from carrying or possessing a weapon at any meeting of the City of Blakely City Council. This policy shall apply to all individuals, including City employees, officers, and Council members. The restrictions contained herein shall also apply to all employees, including those employees that hold a Georgia weapons carry license.

In order to enforce the provisions contained herein, and pursuant to O.C.G.A. § 16-11-

127(e)(1), ingress into any building in which a meeting of the City of Blakely City Council will be held shall be restricted and screened by security personnel for the time period spanning thirty minutes prior to the meeting until fifteen-minutes following the conclusion of the meeting. At least one such of security personnel shall be a certified peace officer pursuant to O.C. G. A. Title 35, Chapter 8.

The restrictions contained herein shall not apply to the City of Blakely Police Department or any City employee who is under the direct supervision of the Blakely Police Chief.

Sections 2.10 - 2.15 **Reserved.**

ARTICLE II. OFFICERS AND EMPLOYEES.

Division 1. City Clerk-Treasurer.

Section 2.16 Oath.

Before entering on the duties of his office, the clerk-treasurer shall take the following oath:

GEORGIA - Early County:

I do solemnly swear that I will faithfully and honestly perform all duties required of me as Clerk -Treasurer of the Council of Blakely, Georgia, and ex officio Treasurer thereof, to the best of my skill, knowledge and ability. So help me God.

Section 2.17 Bond.

The clerk-treasurer shall give bond with good security, approved by the city council, and until otherwise ordered by the council, in the sum of $100,000.00, and the same shall be substantially in the following form:

We, _____ principal and _____ securities, are bound unto the City Council of the City of Blakely, Georgia, in the sum of $_____, on the following conditions: Whereas, said _____ has been elected Clerk-Treasurer of said city, and shall faithfully account for all moneys and other property that shall come into his hands as such officer, then this bond shall be void, otherwise of full force and effect. Provided, that the securities in this bond shall not be liable on account of any loss occasioned by the failure of any bank or depository wherein the funds, moneys and things of value of the City of Blakely are deposited.

Witness our hand and seal, this _____ day of _____.

_____ (L.S.)

Section 2.18 General Duties.

It shall be the duty of the clerk-treasurer to:

(1) Attend all meetings of the city council.

(2) Maintain the records of the municipal court. Record fairly and accurately the minutes of the city council in the books provided for that purpose.

(3) Keep in a book known as an "ordinance book" a full record of all ordinances of the city to issue, and keep a record of the same in a book provided for that purpose.

(4) Issue such licenses and permits as he shall be authorized by the council or the ordinances of the city to issue, and keep a record of the same in a book provided for that purpose.

(5) Keep a police docket.

(6) Keep the seal of the city and all other papers not necessarily appurtenant to some other officer, and take good care of the same.

(7) Keep a docket of all executions issued by him.

(8) Perform all such other services as shall be required of him by the council, this Code or the laws of the state.

Section 2.19 Ex-officio Tax Collector of City; Duties.

The Tax Commissioner of Early County shall be the ex-officio tax collector of the city and shall also have the duty to collect all special taxes.

Section 2.20 Record Retention Schedules.

(a) Those local government records retention schedules as promulgated by the Office of the Secretary of State of the State of Georgia, as amended from time to time and on file with the Clerk of the City of Blakely, are hereby approved and adopted as records retention schedules for the city.

(b) The city clerk is responsible for records management activities and is charged with the responsibility for directing and coordinating all records management matters.

(c) No record shall be destroyed except in accordance with approved retention schedules.

(d) Whenever any records are destroyed, a certificate of destruction shall be prepared and forwarded to the city clerk, which shall show the type of records destroyed, the approved retention schedule number, the dates covered, and the volume destroyed.

Division 2. City Marshal.

Section 2.21 City Marshall.

(a) *Appointment*. There shall be created the position of City Marshal. The City Marshal shall be appointed by the Mayor, with the advice of the City Council. The City Marshal shall at all times during the course of their employment be subject to the Personnel Policies and Procedures of the City of Blakely.

(b) *Qualifications*. The City Marshal shall be a POST certified law enforcement officer.

(c) *Authority*. The City Marshal shall be vested with authority to enforce all provisions of this code of ordinances, including, but not limited to, the power to investigate violations, issue notices, warnings, and citations, and serve all notices, warnings, citations, and orders issued by authority of the City of Blakely and the laws of the State of Georgia. The City Marshal shall be expected to attend, testify, and provide assistance to the City prosecutor in presenting cases to the Municipal Court of the City of Blakely.

(d) *Contracts*. The City Marshal shall not be authorized to enter into any contract for materials or services without the express authorization fo the Mayor and Council.

(e) Compensation. The compensation for the City Marshal shall be established by the Mayor, with the advice of the City Council, on an annual basis.

(f) *Assistant City Marshal*. One or more assistant city marshals may be appointed by the mayor on the recommendation of the city marshal. Assistant city marshals shall serve at the pleasure of the mayor and council under the direction of the city marshal. Compensation for assistant city marshals shall be established by the mayor and council on an annual basis. All other terms of employment for assistant city marshals shall be the same as those for the city marshal.

Sections 2.22 -2.25 Reserved.

ARTICLE III. FINANCE.

Section 2.26 Fiscal Year.

The fiscal year of the city shall begin on January 1 of each year and shall end on the following December 31 of each year; both such dates being inclusive.

Sections 2.27 - 2.30 Reserved.

ARTICLE IV. CODE OF ETHICS.

Section 2.31 Intent.

It is essential to the proper administration and operation of the city that the members of its governing authority be, and give the appearance of being, independent and impartial; that public office not be used for private gain; and that there be public confidence in the integrity of the governing authority. The governing authority finds that the public interest requires that they protect against such conflicts of interest by establishing appropriate ethical standards with respect to the conduct of the members of the governing authority in situations where a conflict may exist.

Section 2.32 Definitions.

As used in this article, the term:

Complaint means a written sworn statement filed with the city manager containing specific allegations of misconduct by a member; provided, however, such allegations must be filed within six months of discovery of the alleged misconduct.

Governing authority or *member of the governing authority* means the mayor or any member of the city council and any member appointed to any board or commission of the city.

Interest means any direct pecuniary benefit, which in not a remote interest held by or accruing to a member of the governing authority as a result of a contract or transaction that is or may be the subject of an official act or action by or with the city. A member of the governing authority shall be deemed to have interest in transactions involving:

(1) Any person in the member's immediate family;

(2) Any person with whom a contractual relationship exists whereby the member may receive any payment or other benefits unless the member is receiving a benefit for goods or services in the normal course of business for which the member has paid a commercially reasonable rate;

(3) Any business in which the member is a director, officer, employee, agent, or share-holder, except as otherwise provided herein; or

(4) Any person of whom the member is a creditor, whether secured or unsecured.

Section 2.33 Prohibitions.

No member of the governing authority shall:

(1) By conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of official acts;

(2) Directly or indirectly request, exact, receive, or agree to receive a gift, loan, favor, promise, or thing of value for himself/herself or another person if it could reasonably be considered to influence the member in the discharge of official duties; provided, however, prohibition under this subsection (2) shall not apply in the case of:

a. An occasional non-pecuniary gift of insignificant value;

b. An award publicly presented in recognition of public service;

c. A commercially reasonable loan or other financial transaction made in the ordinary course of business by an institution or individual authorized by the laws of Georgia to engage in the making of such a loan or financial transaction;

d. Campaign contributions made and reported in accordance with Georgia law;

(3) Disclose or otherwise use confidential information acquired by virtue of his/her official position for his/her or another person's private gain;

(4) Use his/her official position to attempt to secure privileges that are not available to the general public;

(5) Engage in, accept employment with, or render services for any private business or professional activity when such employment or rendering of services is adverse to and incompatible with the proper discharge of official duties; provided, however, prohibition under this subsection (5) shall not apply to a member of the governing authority who is a licensed professional and appears on behalf of any applicant in such professional capacity so long as disclosures required by section 2-34 hereof are made to the board or commission chairperson 30 days prior to any action being taken and the member is associated with the project at the time the initial application is filed;

(6) Engage in any activity or transaction that is prohibited by law now existing or hereafter enacted which is applicable to him/her by virtue of being a member of the governing authority;

(7) Use his/her position to request or require and employee to:

a. Do clerical work on behalf of the member's family, business, social, church, or fraternal interest when such work is not furthering a city interest;

b. Perform any work outside the employee's normal course of municipal employment;

c. Purchase goods or services to be used for personal, business, or political purposes; and

d. Work for the member personally without paying the employee just compensation;

(8) Use government property of any kind for other than officially approved activities, nor shall he/she direct employees to use such property for any purposes other than those officially approved;

(9) Use his/her position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to himself/herself or persons having an interest.

Section 2.34 Disclosure of Conflicts of Interest.

An appointed member of the governing authority who has an interest that he/she has reason to believe may be affected by his/her official acts or actions or by the official acts or actions of the governing authority shall disclose the precise nature of such interest by written or verbal statement 30 days prior to the governing authority's taking official action on a matter affecting such interest and abstain from discussion and voting. An elected member of the governing authority shall disclose the nature of any interest he/she has at the time such matter is presented to the mayor and council for discussion. Such written or verbal statements shall be recorded into the minutes of the meeting of the meeting and thus become part of the public record. Following any disclosure made pursuant to this section, the member shall refrain from all ex-parte communications with other members regarding the application in which he/she has an interest.

Section 2.35 Disqualification.

A member of the governing authority shall disqualify himself/herself from participating in any official act or action of the city which results in a pecuniary benefit to the member or a business or activity in which he/she has an interest, when such benefit is not available to the public at large.

Section 2.36 Prohibited Contracts.

The city shall not enter into any contract involving services or property with a member of the governing authority or with a business in which a member of the governing authority has an interest; provided, however, this section shall not apply in the following case:

(1) The designation of a bank or trust company as a depository for city funds;

(2) The borrowing of funds from any bank or lending institution which offers the lowest available rate of interest in the community for such loan;

(3) Contracts entered into in accordance with O. C. G. A. § 16-10-6;

(4) Contracts entered into under circumstances that constitute an emergency situation, provided that the mayor prepares a written record explaining the emergency;

(5) Contracts entered into with a member of the governing authority, or with a business in which a member of the governing authority has an interest, provided that such contract is the result of a competitive bid, disclosure of the nature of such member's interest is made prior to the time any bid is submitted, and a waiver of the prohibition contemplated by this section is issued by the city manager following disclosure.

Section 2.37 Restrictions on Contracts with Former Members of the Governing Authority.

The city shall not enter into any contract with any person or business represented by such person, who has been within the preceding 12-month period a member of the governing authority, unless the contract is awarded by a competitive bid or a committee selection process.

Section 2.38 Complaints.

Any person having a complaint against any member of the governing authority for an alleged ethics violation shall file in writing a verified complaint setting forth the particular facts and circumstances which constitute the alleged violation against the governing authority. The complaint shall be filed with the mayor. Upon receipt of a complaint, the mayor shall appoint three members of the city council, who along with the city attorney, shall constitute an investigating committee to determine whether the complaint sets forth significant facts and circumstances so as to warrant a hearing before the board of ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous, or patently unfounded, it shall be

dismissed and the complaint notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the board of ethics. In the event the complaint does not set forth sufficient facts to constitute an alleged violation and is found unjustified, frivolous, or patently unfounded, it shall be dismissed and the complainant notified immediately. In the event the complaint is found to state sufficient facts to warrant a hearing before the board of ethics, the board shall be appointed as provided herein.

Section 2.39 Board of Ethics.

(a) Composition of the board of ethics:

(1) The board of ethics of the city shall be composed of five residents of the city to be appointed as provided in subsections (2) and (3) of this subsection (a) Each member of the board of ethics shall have been a resident of the city for at least one year immediately preceding the date of taking office and shall remain a resident of the city while serving as a member of the board of ethics. No person shall serve as a member of the board of ethics if the person has, or has had within the preceding one-year period, any interest in any contract, transaction, or official
action of the city.

(2) The mayor and members of council shall each designate two qualified citizens to provide a pool of ten individuals who have consented to serve as a member of the board of ethics and who will be available for a period of two years to be called upon to serve in the event a board of ethics is appointed.

(3) The city manager shall maintain a listing of these ten qualified citizens. Should the investigations committee determine a complaint warrants a hearing before the board of ethics, the mayor and council, at the first public meeting after such determination, shall draw names randomly from the listing of qualified citizens until the specified five members of the board of ethics have been appointed. The five-member board will elect one of its members to serve as chairman.

(4) The members of the board of ethics shall serve without compensation. The governing authority of the city shall provide meeting space for the board of ethics. Subject to budgetary procedures and requirements of the city, the city shall provide the board with such supplies and equipment as may be reasonably necessary for it to perform its duties and responsibilities.

(b) The constituted board of ethics shall have the following duties and powers:

(1) To establish procedures, rules, and regulations governing its internal

organization and conduct of its affairs;

(2) To hold a hearing within 60 days after the receipt of complaint. Failure to hold a hearing within the specified time shall result in dismissal of the complaint as to the transaction and shall prevent refiling if a complaint arises in the same incident for at least a period of six months;

(3) To prescribe forms, approved by the city attorney, for the disclosure required in this article and to make available to the public the information disclosed as provided in this section;

(4) To receive and hear complaints of violations of the standards required by this article;

(5) To make such investigation and response to a complaint as it deems necessary to determine whether any person has violated any provisions of this article;

(6) To hold such hearings and make such inquiries as deemed necessary to investigate and rule upon complaints;

(7) To report its findings to the governing authority for such action as the governing authority deems appropriate.

Section 2.40 Service of Complaint; Hearings and Disposition of Complaints.

The board of ethics, appointed as herein set forth, shall cause the complaint to be served as soon as practicable on the member of the governing authority charged in such complaint. Service may be by personal service or by certified mail, return receipt requested. A hearing shall be held within 60 days after filing of the complaint. The board shall conduct the hearing in accordance with the procedures and regulations it establishes, but in all circumstances the hearing shall include the taking of testimony and the cross-examination of witnesses. The decision of the board shall be rendered to the mayor and council within five days after completion of the hearing.

Section 2.41 Penalty and Member Rights.

(a) Any member of the governing authority who knowingly violates any provision of the code of ethics provided in this article shall be subject to public reprimand or censure by the governing authority of the city.

(b) At any hearing held by the board of ethics, the member of the governing authority who is the subject of inquiry shall have the right to written notice of the allegations at least ten business days before a hearing, to be represented by legal counsel, to hear and examine the evidence

and witnesses, and to present evidence and witnesses in opposition or in extenuation.

Section 2.42 Appeals.

(a) Any member of the governing authority of the complainant adversely affected by these findings of the board of ethics may obtain a judicial review of such decision as provided in this section.

(b) An action for judicial review may be commenced by filing an application for a writ of certiorari in the Superior Court of Early County within 30 days after the decision of the board of ethics. The filing of such application shall act as supersedes.

Sections 2.43 - 2.45 Reserved.

ARTICLE V. IDENTITY THEFT PREVENTION PROGRAM.

Division 1.

Section 2.46 Short Title.

This division shall be known as the "Identity Theft Prevention Program".

Section 2.47 Purpose.

The purpose of this Article is to comply with the Federal Fair And Accurate Credit Transactions Act and the regulations adopted pursuant thereto (16 CFR § 681.2) in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

Section 2.48 Definitions.

For purposes of this Article, the following definitions apply:

(a) *City* means the City of Blakely.

(b) *Covered account* means (i) An account that the City offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from identity theft, including financial, operational, compliance, reputation, or litigation risks.

(c) *Credit* means the right granted by the City to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

(d) *Customer* means a person who has a covered account with the City.

(e) *Identity theft* means a fraud committed or attempted using identifying information of another person without authority.

(f) *Person* means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

(g) *Personal Identifying Information* means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

(h) *Red flag* means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

(i) *Service provider* means a person that provides a service directly to the city.

(j) *SSN* means the social security number.

Section 2.49 Findings.

It is hereby found and declared by the Mayor and Council that:

(a) The city is a creditor pursuant to 16 CFR § 681.2 due to its provision for maintenance of covered accounts for which payment is made in arrears.

(b) Covered accounts offered to customers for the provision of city services include water, sewer, and solid waste**.**

(c) The city's previous experience with identity theft related to covered accounts is as follows: none.

(d) The processes of opening a new covered account, restoring an existing covered account, and making payments on such accounts have been identified as potential processes in which identity theft could occur.

(e) The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.

(f) The city determines that there is a low risk of identity theft occurring in the following ways *(if any)*:

1. Use by an applicant of another person's personal identifying information to establish a new covered account;
2. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
3. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
4. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

Section 2.50 Process of Establishing a Covered Account.

(a) As a precondition to opening a covered account in the city, each applicant shall provide the city with personal identifying information of the customer, including a valid government

issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account, and any other information or documentation necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.

(b) Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

Section 2.51 Access to Covered Account Information.

(a) Access to customer accounts shall be password protected and shall be limited to authorized city personnel.

(b) Such password(s) shall be changed by the City Clerk on a regular basis, shall be at least 8 characters in length and shall contain letters, numbers and symbols.

(c) Any unauthorized access to or other breach of customer accounts is to be reported immediately to the City Clerk and the password changed immediately.

(d) Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Clerk .

Section 2.52 Credit Card Payments.

(a) In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

(b) All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.

(c) Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

Section 2.53 Sources and Types of Red Flags.

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

(a) Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:

1. A fraud or active duty alert that is included with a consumer report;
2. A notice of credit freeze in response to a request for a consumer report;
3. A notice of address discrepancy provided by a consumer reporting agency;
4. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
    a. A recent and significant increase in the volume of inquiries;
    b. An unusual number of recently established credit relationships;
    c. A material change in the use of credit, especially with respect to recently established credit relationships; or
    d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

(b) Suspicious documents. Examples of suspicious documents include:

1. Documents provided for identification that appear to be altered or forged;
2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
3. Identification on which the information is inconsistent with information provided by the applicant or customer;
4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

(c) Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:

1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
    a. The address does not match any address in the consumer report; or
    b. The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File.
2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
3. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.

5. The SSN provided is the same as that submitted by other applicants or customers.
6. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

(d) Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
   a. The customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
   a. Nonpayment when there is no history of late or missed payments;
   b. A material change in purchasing or spending patterns;
4. An account that has been inactive for a long period of time is used, taking into consideration the type of account, the expected pattern of usage and other relevant factors.
5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
6. The city is notified that the customer is not receiving paper account statements.
7. The city is notified of unauthorized charges or transactions in connection with a customer's account.
8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

(e) Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts

Section 2.54 Prevention and Mitigation of Identity Theft.

(a) In the event that any city employee responsible for or involved in restoring an

existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the City Clerk. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Clerk, who may in his or her discretion determine that no further action is necessary. If the City Clerk in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the City Clerk:

1. Contact the customer;
2. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
    a. change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
    b. close the account;
3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
4. Notify the debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
5. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
6 Take other appropriate action to prevent or mitigate identity theft.

(b) In the event that any city employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the City Clerk his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Clerk, who may in his or her discretion determine that no further action is necessary. If the City Clerk in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the City Clerk:

1. Request additional identifying information from the applicant;

2. Deny the application for the new account;
3. Notify law enforcement of possible identity theft; or
4. Take other appropriate action to prevent or mitigate identity theft.

Section 2.55 Updating the Program.

The Mayor and Council shall annually review and, as deemed necessary by them, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the Mayor and Council shall consider the following factors and exercise its discretion in amending the program:

(a) The city's experiences with identity theft;

(b) Updates in methods of identity theft;

(c) Updates in customary methods used to detect, prevent, and mitigate identity theft;

(d) Updates in the types of accounts that the city offers or maintains; and

(e) Updates in service provider arrangements.

Section 2.56 Program Administration.

The City Clerk shall be responsible for oversight of the program and for program implementation. The City Clerk is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the City Clerk to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the Mayor and Council for consideration by them..

(a) The City Clerk will report to the Mayor and City Council at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
   Service provider arrangements;
2. Significant incidents involving identity theft and management's response; and
3. Recommendations for material changes to the Program.

(b) The City Clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting

payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary.

Section 2.57 Outside Service Providers.

In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the City Clerk shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

Division 2.

Treatment of Address Discrepancies.

Section 2.58 Short Title.

This division shall be known and referred to as "Treatment of Address Discrepancies".

Section 2.59 Purpose.

Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

Section 2.60 Definitions.

For purposes of this article, the following definitions apply:

(a) *Notice of address discrepancy* means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

(b) *City* means City of Blakely.

Section 2.61 Policy.

In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

(a) Compare the information in the consumer report with:

1. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(l);
2. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
3. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or

(b) Verify the information in the consumer report with the consumer.

Section 2.62 Furnishing Consumer's Address to Consumer Reporting Agency.

(a) In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

1. The city is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report;
2. The city establishes a continuing relation with the consumer; and
3. The city regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

(b) Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which the city establishes a relationship with the customer.

Section 2.63 Methods of Confirming Consumer Addresses.

The city employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

(a) Verifying the address with the consumer;

(b) Reviewing the city's records to verify the consumer's address;

(c) Verifying the address through third party sources; or

(d) Using other reasonable processes.

Section 2.64 Non-waiver of Immunity.

This ordinance is not intended to be and shall not be construed to be a waiver of the governmental immunity of the City, or the official immunity or any other immunity of the City or any of its agents or employees.

Sections 2.65 - 2.70 Reserved.