

**CITY OF FARMERSVILLE, TEXAS
ORDINANCE NO. 2009 – 32**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM; PROVIDING DEFINITIONS, POLICIES AND PROCEDURES FOR IMPLEMENTATION OF THE IDENTITY THEFT PREVENTION PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Federal Trade Commission adopted rules pertaining to an Identity Theft Prevention Program pursuant to the Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003, which requires that creditors adopt an Identity Theft Prevention Program on or before November 1, 2009; and

WHEREAS, the Red Flags Rule defines creditor to include all utility companies, and the City owns and provides utility services and/or accepts payments for municipal utility services, and is, therefore, classified as a creditor; and

WHEREAS, the City Manager developed an Identity Theft Prevention Program and recommends the Identity Theft Prevention Program attached hereto and incorporated herein as Exhibit "A" ("Program"); and

WHEREAS, the City Attorney and the City Council have reviewed the Program and believe it fulfills, complies with and implements the Red Flags Rule and other requirements outlined by the Federal Trade Commission; and

WHEREAS, the City Council of the City of Farmersville, Texas, finds and determines that amending its ordinances regarding the City Manager is in the best interest and public health, safety, and welfare of the citizens of the City of Farmersville, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:

SECTION 1. FINDINGS.

1.1 The foregoing recitals are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2. AMENDMENT.

2.1 The Code of Ordinances are hereby amended, by adding a new section, entitled Identity Theft Prevention Program, as is more particularly set out in Exhibit A.

SECTION 3. IMPLEMENTATION.

3.1 All procedures and requirements of The Identity Theft Prevention Program shall be implemented as outlined in Exhibit A.

SECTION 4. SEVERABILITY

- 4.1 It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 5. REPEALER

- 5.1 This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 6. PUBLICATION

- 6.1 The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 7. ENGROSSMENT AND ENROLLMENT

- 7.1 The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 8. SAVINGS

- 8.1 All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. EFFECTIVE DATE

- 9.1 This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

SECTION 10. OPEN MEETINGS.

- 10.1 It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

PASSED THIS 10th DAY OF November, 2009 at a scheduled meeting of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS ____ DAY OF NOVEMBER, 2009.

BY: _____
Donald C. Smith, Mayor

ATTEST:
BY: _____
Eddie Sims, City Secretary

APPROVED AS TO FORM: _____
Alan D. Lathrom, City Attorney