

RESOLUTION NO. R-2010-15

A RESOLUTION OF THE CITY OF TYLER, TEXAS RATIFYING THE CITY MANAGER'S ADOPTION OF THE IDENTITY THEFT PREVENTION PROGRAM ("PROGRAM") FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE CODE OF FEDERAL REGULATIONS [16 CFR 681.2(E)(1)] MANDATED BY THE RED FLAGS RULE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the City of Tyler's intent to establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a "covered account" or an existing "covered account" and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations [16 CFR Part 681] implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act of 2003 (FACT Act); and

WHEREAS, this Program was first developed primarily for the City of Tyler Water Utilities, with the approval and future oversight of the City Manager, on October 31, 2008, in anticipation of the Red Flags Rule going into effect on January 1, 2008; and

WHEREAS, in an effort to provide guidance for compliance with the Rule to entities under its jurisdiction, the Federal Trade Commission (FTC) has worked to publish materials and delayed enforcement of the Rule on several occasions; and

WHEREAS, the FTC previously delayed the enforcement of the Rule for entities under its jurisdiction until November 1, 2009;

WHEREAS, at the request of Members of Congress, the FTC delayed enforcement of the Rule once again until June 1, 2010, for financial institutions and creditors; and

WHEREAS, after further consideration of the size and complexity of the City's operations and account systems, and to ensure all City departments are in compliance with the Rule, as determined by the Rule and using guidance from the FTC, it has been determined that this Program shall also be applicable to any City department falling under the Rule.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS;

PART 1. To ensure compliance with 16 CFR 681.2(e)(1) the City Council hereby ratifies the City Manager's adoption of an Identity Theft Prevention Program for the purpose of ensuring compliance with the Code of Federal Regulations [16 CFR 681.2(e)(1)] mandated by the Red Flags Rule.

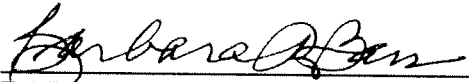
PART 2. That Council approval shall not be needed for future changes to the program.

PART 3. That the Red Flag Committee, under the direction of the Program Administrator shall, at least, annually review this Program.

PART 4. That, if warranted, the Program Administrator will present the City Manager with his or her recommended changes and the City Manager will make a determination of whether to accept, modify or reject those changes to this Program.

PART 5. That this resolution shall take effect immediately from and after its passage, as indicated below.

PASSED AND APPROVED this 26th day of May, A. D. 2010.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



GARY C. LANDERS, CITY ATTORNEY