

=====

**VILLAGE OF MELROSE PARK
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 1272

**AN ORDINANCE CREATING SECTION 2.104.080, IDENTITY
THEFT PREVENTION PROGRAM ADMINISTRATOR, OF THE
VILLAGE OF MELROSE PARK MUNICIPAL CODE, FOR THE
VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF
ILLINOIS.**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF MELROSE PARK**

THIS 27TH DAY OF APRIL 2009

**RONALD M. SERPICO, Village President
MARY ANN PAOLANTONIO SALEMI, Village Clerk**

Board Of Trustees

**JOHN S. CONTEDEUCA
CATHLEEN COSSIDENT ITALIA
ARTURO J. MOTA
ANTHONY J. PRIGNANO
MARY RAMIREZ TACONI
JAIME ANGUIANO**

=====

**Published by authority of the
President and Board of Trustees
Of the Village of Melrose Park,
Cook County, Illinois on
This 28TH day of APRIL 2009**

ORDINANCE NO. 1272

AN ORDINANCE CREATING SECTION 2.104.080, IDENTITY THEFT PREVENTION PROGRAM ADMINISTRATOR, OF THE VILLAGE OF MELROSE PARK MUNICIPAL CODE, FOR THE VILLAGE OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS.

* * * * *

WHEREAS, the Village of Melrose Park, County of Cook, State of Illinois (the “Village”) is a duly organized and existing municipality and unit of local government created under the provisions of the laws of the State of Illinois, and is operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances and adopt resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village President (the “President”), the Honorable Ronald M. Serpico, the Village Clerk, the Honorable Mary Ann Paolantonio Salemi, having taken office on May 2, 2005, and the Board of Trustees of the Village (the “Village Board”), the Honorable John S. Conteduca, Cathleen Cossident Italia, Arturo J. Mota, Anthony J. Prignano, and Mary Ramirez Taconi, having taken office on May 14, 2007, and the Honorable Jaime Anguiano, having taken office on March 10, 2008, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, pursuant to the Fair and Accurate Credit Transactions Act of 2003, certain financial institutions and creditors are required to promulgate and adopt policies aimed at preventing and mitigating identity theft; and

WHEREAS, the Federal Trade Commission includes utility companies and government entities that defer payment for goods or services in its definition of creditors; and

WHEREAS, the Village provides water, sewer and refuse collection services to residents

of the Village, and payment for the foregoing services is often made after the service is rendered;
and

WHEREAS, to ensure that Village residents are protected from identity theft and to ensure compliance with federal laws, the President and Village Board (collectively, the “Corporate Authorities”) determined that it was in the best interests of the Village to establish and adopt the Village Identity Theft Prevention Program (the “Program”); and

WHEREAS, the Program calls for an Identity Theft Prevention Program Administrator (the “Program Administrator”) to assist the Village in carrying out the Program; and

WHEREAS, based on the foregoing, the Corporate Authorities have determined that the Village of Melrose Park Municipal Code (the “Village Code”) should be amended to establish the position and duties of the Program Administrator; and

WHEREAS, to ensure that the Village complies with federal mandates and deadlines, the Village Board hereby authorizes and delegates the authority to the President to appoint the Program Administrator on a later date (the “Appointment”); and

WHEREAS, the Program Administrator shall be appointed until such time as the President deems necessary, or upon the earlier termination, resignation, replacement or removal of the Program Administrator from his or her position; and

WHEREAS, the Corporate Authorities find that it is necessary for conducting Village business and for the effective administration of government to make the Appointment; and

WHEREAS, based upon the above findings of fact and recommendations, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend the Village Code by adding new Section 2.104.080, “Identity Theft Prevention Program Administrator,” as described herein; and

NOW, THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Melrose Park, County of Cook, State of Illinois, as follows:

**ARTICLE I.
IN GENERAL**

Section 01. Incorporation Clause.

All of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct, and the Village Board does hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section 02. Purpose.

The purpose of this Ordinance is to amend the Village Code by adding Section 2.104.080, "Identity Theft Prevention Program Administrator," and to authorize the Appointment.

Section 03. Invocation of Authority.

This Ordinance is adopted pursuant to the authority granted to the Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Sections 05 - 09. Reserved.

**ARTICLE II.
IDENTITY THEFT PROGRAM ADMINISTRATOR**

Section 10.00 New Section 2.104.080, Identity Theft Prevention Program Administrator.

That Chapter 2.104 of the Village Code is hereby amended, notwithstanding any

provision, ordinance, resolution, or Village Code section to the contrary, by adding new Section 2.104.080, "Identity Theft Prevention Program Administrator," by inserting the following language:

"2.104.080 Identity Theft Prevention Program Administrator.

A. Created. There is hereby created the position of Identity Theft Prevention Program Administrator who shall be appointed by the President.

B. Powers and Duties of the Identity Theft Prevention Program Administrator. It shall be the duty of the Identity Theft Program Administrator to:

1. Administer the Village Identity Theft Prevention Program and ensure the appropriate training of staff regarding the implementation and performance of the Village of Melrose Park Identity Theft Prevention Program;

2. Determine what steps the Village should take to prevent and mitigate identity theft in connection with the Village's covered accounts, as the term is defined in the Village Identity Theft Prevention Program;

3. On at least an annual basis, consider the Village's experiences with identity theft situations, changes in identity theft methods, changes in identity theft detection and prevention methods, changes in types of covered accounts maintained by the Village and changes in business arrangements with other entities;

4. Determine whether changes to the Village Identity Theft Prevention Program are warranted and present the Village Board of Trustees with recommended changes;

5. Review staff reports regarding potential identity theft and the steps taken to prevent and mitigate identity theft, and determine which steps of prevention and mitigation should be taken in particular circumstances;

6. Act as a liaison to outside entities providing services to the Village, and ensure that the entities review and comply with the Village Identity Theft Prevention Program;

7. Train Village staff as necessary regarding the implementation and performance of the Village Identity Theft Prevention Program;

8. Review and suggest revisions to the Village Identity Theft Prevention Program;

9. Report to the Village Board of Trustees, at least annually, on the Village's compliance with the Village Identity Theft Prevention Program; and

10. Perform such other duties as may be provided for in this Code or in the Village Identity Theft Prevention Program or by the Village President and/or the Village Board of Trustees."

Section 11.00 Other Actions Authorized.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated

by this Ordinance and shall take all action necessary in conformity therewith including, without limitation, the making of the Appointment, and the execution and delivery of any and all documents required to be delivered in connection with this Ordinance.

Sections 12.00 – 15.00. Reserved.

**ARTICLE III.
HEADINGS, SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 16.00 Headings.

The headings for the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of this Ordinance.

Section 17.00 Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, subparagraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision, clause, sentence, paragraph, subparagraph, section, or part shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Village Board that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, subparagraph, section, or part thereof been included.

Section 18.00 Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

Section 19.00 Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

Section 20.00 Effective Date.

This Ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

On The Individual Poll And Voice Vote Of The Board of Trustees:

AYE VOTES: Trustee Italia, Trustee Mota, Trustee Prignano,
Trustee Taconi, Trustee Anguiano

NAY VOTES:

ABSTAIN:

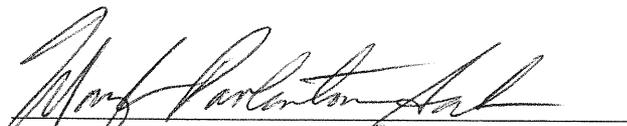
ABSENT: Trustee Conteduca

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE
OF MELROSE PARK, COUNTY OF COOK, STATE OF ILLINOIS, THIS TWENTY-
SEVENTH DAY OF APRIL, 2009.

APPROVED:


RONALD M. SERPICO
VILLAGE PRESIDENT

ATTEST:


Mary Ann Paolantonio Salemi
Village Clerk

(SEAL)

Recorded in the Municipal Records: April 27, 2009
Published in Pamphlet Form: April 28, 2009