AGENDA
CITY OF VALLEY CENTER
7:00 pm
April 21, 2009
CITY HALL - 121 S. Meridian

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **INVOCATION – CHUCK TERRILL**
4. **PLEDGE OF ALLEGIANCE**
5. **APPROVAL OF AGENDA** p 2
6. **CLERK'S AGENDA** p 3
   - A. Minutes p 3
   - B. Appropriation Ordinance p 8
   - C. March Treasurer's Report p 13
   - D. Arbor Day Proclamation p 15
7. **PUBLIC FORUM** (*Citizen input and requests)* p 16
8. **COMMITTEES AND COMMISSIONS – REPORTS** p 16
9. **OLD BUSINESS** p 17
   - A. Charter Ordinance #24; 2nd Reading p 17
   - B. Consideration of P.C.A. Waterline Bids p 21
   - C. Consideration of Arrowhead Park Sidewalk Bids p 23
10. **NEW BUSINESS** p 25
    - A. Identity Theft Prevention Program- Policy p 25
    - B. Identity Theft Prevention Program- Resolution p 30
11. **COMMUNICATIONS** p 32
    - A. Financial Summary of Revenues and Expenses- Major Funds p 32
12. **SWEARING IN OF NEW COUNCIL** p 66
13. **ELECTION OF COUNCIL PRESIDENT** p 66
14. **STAFF REPORTS** p 67
15. **GOVERNING BODY REPORTS** p 75
16. **ADJOURN**

APPROVAL OF AGENDA

RECOMMENDED ACTION:

TO APPROVE THE AGENDA AS PRESENTED / AMENDED.

CLERK'S AGENDA

A. MINUTES:

Attached are the minutes from the meeting of April 7, 2009 as prepared by the City Clerk.

RECOMMENDED ACTION:

TO APPROVE THE APRIL 07, 2009 COUNCIL MEETING MINUTES AS PRESENTED / AMENDED.

REGULAR COUNCIL MEETING
APRIL 7, 2009
CITY HALL
121 S. MERDIAN

Mayor **McNown** called the meeting to order at 7:00 p.m. with the following members present:
Jo Ann **Gerling**, **Kate Jackson**, Marci **Maschino**, Cheryl Nordstedt, Bruce Campbell, Lou Cicirello, **Lionel Jackson**, and Jack **Townsley**.

Members absent:

Staff Present: Joel Pile, City Administrator
Kristine Polian, City Clerk
Richard Dunn, City Superintendent
Lonnie Tormey, Fire Chief
Mark Hephner, Police Chief
Eldon Miller, Community Development Officer
Neal Owings, Parks Superintendent
Mike Kelsey, City Engineer

Press present: The Ark Valley News

APPROVAL OF THE AGENDA

Mayor McNown added a discussion regarding the new storm water utility under old business.

Maschino moved, second by K. Jackson, to approve the Agenda as amended. Vote yea: unanimous. Motion carried.

CLERK'S AGENDA

MINUTES- MARCH 17, 2009

Gerling moved, second by L. Jackson, to approve the minutes of March 17, 2009 as presented. Vote yea: unanimous. Motion carried.

APPROPRIATION ORDINANCE- 04/07/09

L. Jackson moved, second by Cicirello, to approve Appropriation Ordinance No. 04/07/09 as presented. Vote yea: unanimous. Motion carried.

OLD BUSINESS

PLANNING COMMISSION- PROPOSED BY-LAWS

Council agreed to have the by-laws read that further notice will be given when an open meeting is adjourned to another date.

K. Jackson moved, second by Campbell, to approve the Planning Commission by-laws as amended. Vote yea: unanimous. Motion carried.

STORM WATER UTILITY PRESENTATION

City Administrator Pile presented information regarding the Storm Water Fee, including the background of specific mandates the Environmental Protection Agency set which ultimately resulted in the fee.

Citizens that spoke:

R. Williams
Charles Leikart- 4925 W. 77th
Donna Leikart- 4925 W. 77th
Dan Blair

Issues brought up by citizens included the lack of notification of the fee, flooding and how that issue should be addressed before anything else. Citizens also mentioned that the people annexed into the City have not seen increased services; the fee is another circumstance where they are paying for a service they are not seeing.

NEW BUSINESS

PARK/TREE BOARD APPOINTMENT

Gerling moved, second by Maschino, to approve the Mayor's appointment of Amy Edwards to Valley Center Park/Tree Board for a term of 2 years effective April, 2009. Vote yea: unanimous. Motion carried.

REQUEST FOR PROPOSALS FOR WATER AND SANITARY SEWER COSTS OF SERVICE AND RATE STUDY

Maschino moved, second by Cicirello, to approve the Request for Proposals for a water and sewer costs of service and rate study and authorize the City Administrator to distribute said proposal to qualified vendors. Vote yea: unanimous. Motion carried.

RESOLUTION 533-09

Nordstedt moved, second by K. Jackson to adopt Resolution No. 553-09 and authorize the necessary signatures to dissolve the Public Wholesale Water Supply District No. 10. Vote yea: unanimous. Motion carried.

CHARTER ORDINANCE NO. 24-09

Gerling moved, second by K. Jackson, to adopt Charter Ordinance No. 24-09 and approve the Ordinance to be on the April 21, 2009 Agenda for second reading. Vote yea: unanimous. Motion carried.

ORDINANCE 1173-09

Cicirello moved, second by Nordstedt, to approve and authorize the necessary signatures and further authorize the City Administrator to execute the State Deferred Compensation Plan Joinder Agreement. Vote yea: unanimous. Motion carried.

APPROVAL OF KDOT FORM 1032 AUTHORIZING CONSTRUCTION PROJECT

L. Jackson moved, second by Gerling, to approve and authorize the necessary signatures to submit KDOT Form 1302. Vote yea: unanimous. Motion carried.

COMMUNICATIONS

ARBOR DAY

Mayor McNown presented the Arbor Day Foundation's award for the City being named Tree City USA for the 15th year in a row. He congratulated Parks Superintendent Owings and the Council for supporting the program.

POST OFFICE

Pile indicated that though the letter from the Post Office stated they would be unable to assist the City in readdressing the homes on Steele Street, a conversation had taken place since the agenda went out and the Post Office is now willing to assist. Said there was a miscommunication initially and the Post Office was confused as to what the City was asking. Said the address issue should be resolved in the very near future.

STAFF REPORTS

COMMUNITY DEVELOPMENT OFFICER

Said the Downtown Neighborhood Planning meeting would be May 4; the 93rd and Meridian Neighborhood Planning meeting would be May 7; and the South Meridian Neighborhood Planning meeting would be May 11. All meetings will take place at 7:00 p.m. Also stated the City would be hosting a regional training for Civic Plus (web designers) on May 13th and 14th.

PARKS SUPERINTENDENT OWINGS

Stated there is a tentative Ice Cream Social in McLaughlin Park on May 17th to help recruit new Board members for the Park/Tree Board.

CITY ENGINEER KELSEY

Indicated the P.C.A. waterline bids, pre-construction meeting for Prairie Lakes 4th Addition Phase 4 and the Arrowhead project bids are April 15th.

CITY POLICY COMMITTEE

Pile stated the Committee met for the first time recently and was able to ascertain where the City was with policies. Said there is a lot the Committee has to cover.

EXECUTIVE SESSION- NON-ELECTED PERSONNEL

Cicirello moved, second by Gerling, to move into Executive Session for 30 minutes to discuss non-elected personnel with Marla Flentje from Austin Peters Group at 8:12 p.m. Vote yea: unanimous. Motion carried.

Cicirello reported that no action was taken during the Executive Session.

GOVERNING BODY REPORTS

COUNCILMEMBER CICIRELLO

Asked if all the vacant police officer positions had been filled.

City Clerk Polian stated they had been filled completely.

L. Jackson moved, second by Cicirello, to adjourn the meeting. Vote yea: unanimous. Motion carried.

Meeting adjourned at 8:46 p.m.

_____

Kristine Polian, City Clerk

CLERK'S AGENDA

B. APPROPRIATION ORDINANCE:

Below is the proposed appropriation ordinance for April 21, 2009 as prepared by City Staff.

April 21 Appropriation	$ 44,553.12
Total	**$ 44,553.12**

RECOMMENDED ACTION:

TO APPROVE THE 04/17/09 APPROPRIATION ORDINANCE AS PRESENTED / AMENDED.

TREASURER'S REPORT

RECOMMENDED ACTION:

STAFF RECOMMENDS MOTION TO RECEIVE AND FILE THE MARCH TREASURER'S REPORT.

ARBOR DAY PROCLAMATION

ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community, and

WHEREAS, trees, wherever they are planted are a source of joy and spiritual renewal,

NOW THEREFORE, I, Michael D. McNown, Mayor of Valley Center, Kansas, do hereby proclaim

April 24, 2009 as ARBOR DAY in the City of Valley Center,

And I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well being of this and future generations.

Dated this 24th day of April, 2009

_____

Michael D. McNown, Mayor

PUBLIC FORUM

COMMITTEES AND COMMISSIONS – REPORTS

OLD BUSINESS

A. CHARTER ORDINANCE NO. 24-09 - 2nd Reading:

Establishing a Special Parks and Recreation Fund and a Special Alcohol and Drug Programs Fund.

RECOMMENDED ACTION:

STAFF RECOMMENDS MOTION ADOPTING CHARTER ORDINANCE NO. 24-09, ESTABLISHING A SPECIAL PARKS AND RECREATION FUND AND A SPECIAL ALCOHOL AND DRUG PROGRAMS FUND FOR SECOND READING.

CHARTER ORDINANCE NO. 24-09

A CHARTER ORDINANCE OF THE CITY OF VALLEY CENTER CREATING A SPECIAL PARKS AND RECREATION FUND AND SPECIAL ALCOHOL AND DRUG PROGRAMS FUND, AND EXEMPTING THE CITY FROM PROVISIONS OF K.S.A. 79-41a04(d), AND PROVIDING SUBSTITUTE PROVISIONS CONCERNING THE EXPENDITURES AND USE OF LOCAL ALCOHOLIC LIQUOR FUNDS

Whereas, the City of Valley Center, Kansas receives funds from the State of Kansas local alcoholic liquor fund pursuant to K.S.A. 79-41a04; and

Whereas, the use and expenditure of the funds deposited in the City's special alcohol and drug program fund is governed by the provisions of K.S.A. 79-41a04(d); and

Whereas, the provisions of K.S.A. 79-41a04(d) governing alcohol and drug program funds has been the subject of differing interpretations, including interpretations limiting the appropriate use of such funds; and

Whereas, the governing body desires to clarify and amend the possible uses for funds in the special alcohol and drug program fund to better reflect the priorities and needs of the community as the governing body determines;

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of Valley Center, Kansas:

Section 1. There is hereby created, in the city treasury, the special parks and recreation fund. Moneys credited to such fund pursuant to this ordinance or any other law shall be expended only for the purpose and in the manner provided by this ordinance.

Section 2. There is hereby created, in the city treasury, the special alcohol and drug programs fund. Moneys credited to such fund pursuant to this ordinance or any other law shall be expended only for the purpose and in the manner provided by this ordinance.

Section 3. The City of Valley Center, Kansas by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas hereby elects to exempt itself and make inapplicable to it K.S.A. 79-41a04(d) concerning the expenditure and use of local alcoholic liquor funds. K.S.A. 79-41a04(d) applies to the City of Valley Center, Kansas but does not apply uniformly to all cities in the State of Kansas.

Section 4. Pursuant to Article 12, Section 5 of the Constitution of the State of Kansas, the governing body hereby adopts the following language as substitute provisions for K.S.A. 78-41a04(d):

Except as otherwise provided, the City Treasurer, upon receipt of any moneys distributed by the State of Kansas pursuant to K.S.A. 79-41a04, and amendments thereto, shall deposit the full amount in the city treasury and shall credit 1/3 of the deposit to the general fund of the city, 1/3 to a special parks and recreation fund in the city treasury and 1/3 to a special alcohol and drug programs fund in the city treasury. Moneys in such special funds shall be under direction and control of the governing body of the city. Moneys in the special parks and recreation fund may be expended only for the purchase, establishment, maintenance or expansion of park and recreational services, programs and facilities. Moneys in the special alcohol and drugs programs fund shall be expended on such programs, services, equipment, personnel, and capital expenditures as the governing body may from time to time determine is in the best interest of the public to address one or more of the following:

a. Prevention of alcoholism and drug abuse, including but not limited to education, counseling, public informational efforts and related activities; or

b. Alcohol and drug detoxification efforts and related activities; or

c. Intervention in alcohol and drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers; or

d. Law enforcement, prosecution, court activities and programs, or portions thereof, related to apprehending, prosecuting, adjudicating or monitoring individuals who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers, including individuals who are or may be charged with violating laws related to alcohol or drug use; or

e. Education, counseling, public information efforts, and related and associated activities related to preventing drug abuse and alcohol abuse, including but not limited to efforts to encourage healthy youth and family development and related efforts which include as a partial element drug abuse and alcohol abuse education, counseling, or public information efforts; or

f. Programs, activities, or efforts related to preventing or intervening in drug abuse and alcohol abuse, including programs, activities, or efforts for which drug abuse and alcohol abuse prevention or intervention comprises a partial element of the complete program, activity or effort; or

g. Any program, activity, or effort, or a portion thereof, that the governing body determines seeks to discourage, prevent, intervene, or address issues related to alcohol or drug abuse. The appropriation of funds by the governing body for such a program, activity, or effort shall be conclusive of compliance with provisions of this ordinance, and separate findings shall not be required.

In determining compliance with the provisions of this ordinance, the appropriation of funds by the governing body for personnel, services, programs, facilities or capital

expenditures shall be conclusive of compliance with provisions of this ordinance and separate findings shall not be required.

Section 5. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 6. This is a charter ordinance and shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed and a referendum is held on the ordinance as provided in Article 12 Section 5, Subsection (c)(3) of the Constitution of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors voting thereon.

PASSED by the Governing Body of the City of Valley Center, Kansas, not less than two-thirds of the members-elect voting in favor thereof, this _21st_day of April_ 2009.

First Reading April 7, 2009

Second Reading April 21, 2009

{SEAL}

_____
Michael McNown, Mayor

ATTEST:

_____
Kristine A. Polian, City Clerk

OLD BUSINESS

B. CONSIDERATION OF P.C.A WATERLINE BIDS:

Bids for the P.C.A. waterline were provided to the City Engineer on April 15th and need to be considered and approved by Council before moving forward on the project.

RECOMMENDED ACTION:

STAFF RECOMMENDS MOTION TO ACCEPT THE BID FROM MCCULLOUGH EXCAVATING, INC. IN THE AMOUNT OF $23,300 FOR THE P.C.A. WATER MAIN IMPROVEMENTS.

OLD BUSINESS

C. CONSIDERATION OF ARROWHEAD PARK SIDEWALK BIDS:

Bids for the Arrowhead Park Sidewalk were provided to the City Engineer on April 15th and need to be considered and approved by Council before moving forward on the project.

RECOMMENDED ACTION:

STAFF RECOMMENDS MOTION TO ACCEPT THE BID FROM BARKLEY CONSTRUCTION IN THE AMOUNT OF $32,000 FOR THE ARROWHEAD PARK SIDEWALK IMPROVEMENTS.

NEW BUSINESS

A. IDENTITY THEFT PREVENTION PROGRAM- POLICY:

The Federal Trade Commission implemented “Red Flag Rules” in 2007 to better protect consumers from identity theft. Municipal Utilities are now required to develop and maintain an Identity Theft Prevention Program. The following is the ITPP policy created for the City of Valley Center.

RECOMMENDED ACTION:

REVIEW ONLY

TITLE:	POLICY NO.
Identity Theft Prevention Policy	
POLICY CUSTODIAN City Clerk	**EFFECTIVE DATE**

ADOPTING RESOLUTION(S): V.C. Resolution No. 554-09
REFERENCES (STATUTES/RESOS/POLICIES): 16 C. F. R. § 681.2
BACKGROUND: The City of Valley Center developed this Identity Theft Prevention Program pursuant to the Federal Trade Commission's ("FTC") Red Flag Rule, which implements Section 113 of the Fair and Accurate Credit Transaction Act of 2003. 16 C. F. R. § 681.2.

PURPOSE: This Program is designed to detect, prevent and mitigate Identity Theft in connection with the opening and maintenance of certain utility accounts. For purposes of this Program, "Identity Theft" is considered to be "fraud committed using the identifying information of another person." The accounts addressed by the Program, (the "Accounts"), are defined as:

1. An account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

This Program was developed with approval of the Valley Center City Council. After consideration of the size and complexity of the Utility's operations and Account systems, and the nature and scope of the Utility's activities, the City Council determined this Program was appropriate for City of Valley Center's Utilities, and adopted this Program by resolution.
POLICY: Identity theft is fraud committed or attempted by using the identifying information of another person without his/her authority. Identifying information may include such things as a **Social Security number, account number, date of birth, driver's license number, passport number, and other unique electronic identification numbers or codes**. As more business dealings are transacted remotely, and as more sensitive information is stored electronically, the opportunities for identity theft increase. This policy statement describes the characteristics of identity theft and emphasizes the City's expectations that activities under its supervision should detect, prevent and mitigate the effects of identity theft in order to protect its citizens and help ensure safe and sound operations of the municipality.

Characteristics of Identity Theft
At this time, the majority of identity theft is committed using hard-copy identification or other documents obtained from the victim without his/her knowledge or permission. However, a small but significant amount of identity theft is committed electronically. While utilities in general and

municipalities specifically, have not been a major target of identity thieves, because they may store sensitive information about their customers and their accounts, it is in the best interest of the City and its customers that the City executes an Identity Theft Policy.

Response to Identity Theft

This policy includes steps to address identity theft by declaring standards, which employees will adhere in order to protect sensitive information. The City will reinforce these standards by educating affected staff members about its policy. It will also make efforts to educate its customers about ways they can reduce the probability of becoming a victim of identity theft.

Supervisory Action

As a result of guidelines issued by the Fair and Accurate Credit Transactions Act of 2003, (FACT act) and the Fair Credit Reporting Act (FCRA) of 2007 the City, along with other utilities, federal agencies, financial institutions, etc. have been required to develop and implement a written plan to safeguard customer information, including the proper disposal of consumer information by May 1, 2009. The City considers this requirement to be important to identity theft prevention. Compliance with the expectations in FACT and FCRA will help prevent and mitigate the effects of identity theft.

FACT and FCRA also direct the promulgation of regulations and guidelines that focus on identity theft "Red Flags". A “Red Flag” is defined as patterns, practices, and specific activities that can identify the possible existence of or attempted identity theft. These regulations require the establishment of a written program that includes reasonable policies and procedures designed to detect, prevent, and mitigate identity theft in connection with existing accounts as well as the opening of a new account.

1. Four (4) basic elements must be included in the program:
    a. Identifying relevant Red Flags for covered accounts;
    b. Establishment of a process to detect Red Flags;
    c. An appropriate response to detected events;
    d. Periodic updates to policies and procedures to reflect changes in risk exposure.
2. Five categories of “Red Flags” are:
    a. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers such as fraud detection services;
    b. The presentation of suspicious documents;
    c. The presentation of suspicious personal identifying information, such as a suspicious address change;
    d. The unusual use of, or other suspicious activity related to, a covered account; and,
    e. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.
3. Items to consider in detecting Red Flags include:
    a. Obtaining identifying information and verifying the identity of those wanting to open a new account;
    b. Authenticating transactions for existing and new customers should include current and future technological identification methods.
    c. Monitoring customer transaction activity with special emphasis on a change of address closely followed by a new service request or a material change in a

customer's credit use. There are rules-based database scanning technologies that look for patterns and anomalies and issue an alert.

d. Verify the validity of customer change of address on existing accounts in order to monitor the diversion of statements as a prelude to possible account manipulation.

Consumer Education

The City believes consumers have an important role to play in protecting themselves from identity theft. As identity thieves become more sophisticated, consumers can benefit from accurate, up-to-date information designed to educate them concerning steps they should take to reduce their vulnerability to this type of fraud. The City will make efforts to raise consumer awareness of this type of fraud and what they can do to protect themselves.

Implementation

This policy shall be approved by the Governing Body and oversight of program shall be the responsibility of the City Clerk or designee.

New Accounts

In order to detect any of the Red Flags with the opening of a new account, Utility personnel will take the following steps to obtain and verify the identity of the person opening the accounts:

a. Require certain identifying information such as name, social security number, date of birth, residential or business address, driver's license or other identification;
b. Verify the customer's identity by reviewing a driver's license or other identification card.

Existing Accounts

In order to detect any of the Red Flags with existing accounts, Utility personnel will take the following steps to obtain and verify the identity of the person opening the accounts:

a. Verify the identification of customers if they request information in person, via phone, via facsimile, or via email by distinguishing account information such as account number, date of birth, or name on account;
b. Attempt to verify changes in banking information given for billing and payment purposes.

Credit/Debit Card Payments

In the event that a payment is made by a credit or debit card, payment will be processed as follows:

a. All credit/debit card payments made over the telephone or in person shall be entered into the Utility system by trained Utility employees.

b. Utility employees are required to ask for the Card Verification Value code (VCC code) with all credit/debit card payments made over the telephone.

c. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card.

Training

Appropriate personnel shall be trained to fully execute the program.

a. Employees with direct access to customer information will be looked to as a primary source of information that can help identify "Red Flags".
b. During implementation, employees with direct and indirect access to customer information will receive proper training and annual training thereafter.
c. The City IT Administrator will provide technical expertise and guidance to ensure electronic information stored by the City will be adequately secure and will take action if an electronic security breach occurs.
d. The City will use the Government Access Channel, to alert customers of the need to protect them from identity theft.
e. In the event that any City employee becomes aware of red flags indicating possible identity theft, such employee shall immediately report such red flags to the City Clerk. If determined that further action is necessary, the City Clerk shall perform one or more of the following responses:

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

Conclusion

The City realizes that despite generally strong controls and practices currently in place by the city, methods for stealing personal data and committing fraud with such data will continue to evolve. The City will therefore, treat the theft of personal information as a significant risk area due to its potential impact on the safety and soundness of the local government and the damage it poses to its consumers. The City believes collaborative efforts with the public, other levels of government and the business community can significantly minimize threats to consumers and data security.

NEW BUSINESS

B. IDENTITY THEFT PREVENTION PROGRAM RESOLUTION

The following Resolution will put into affect the Identity Theft Prevention Policy for the City of Valley Center.

RECOMMENDED ACTION:

STAFF RECOMMENDS MOTION TO ADOPT RESOLUTION NO. 554-09 IMPLEMENTING THE VALLEY CENTER IDENTITY THEFT PREVENTION POLICY.

RESOLUTION NO. 554-09

A RESOLUTION TO ADOPT THE CITY OF VALLEY CENTER IDENTITY THEFT PREVENTION PROGRAM PURSUANT TO THE FEDERAL TRADE COMMISSION (FTC) RED FLAG RULE.

Whereas, pursuant to federal law the Federal Trade Commission adopted Identity Theft Rules requiring the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft;

Whereas, the City of Valley Center ("the City") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's ("FTC") Red Flag Rule, which implements Section 114 of the Fair and Accurate Credit Transaction Act of 2003. 16 C. F. R. § 681.2. This Program is designed to detect, prevent and mitigate Identity Theft in connection with the opening and maintenance of certain city accounts. For purposes of this Program, "Identity Theft" is considered to be "fraud committed using the identifying information of another person;" and

Whereas, this Program was developed with oversight and approval of the Valley Center City Council; and after consideration of the City's operations and account systems, and the nature and scope of the City's activities, the Governing Body of the City desires to approve and adopt this Identity Theft Prevention Program.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF VALLEY CENTER, KANSAS THAT:

Section 1. The City of Valley Center shall implement this Identity Theft Prevention Program, which will be overseen by the City Clerk who shall be the Program Administrator.

Section 2. This resolution shall be in full force and effect from and after its adoption.

ADOPTED **by the Governing Body of the City of Valley Center, Sedgwick County, Kansas, on April 21, 2009.**

_____
Michael D. McNown, Mayor

(Seal)

Attest:

_____
Kristine A. Polian, City Clerk

COMMUNICATIONS

A. REVENUE AND EXPENSE SUMMARIES OF MAJOR FUNDS FOR **JANUARY**, **FEBRUARY** AND **MARCH**.

- ***GENERAL FUND***
- ***EMPLOYEE BENEFITS FUND***
- ***LIBRARY***
- ***SPECIAL HIGHWAY***
- ***EMERGENCY EQUIPMENT RESERVE***
- ***BOND AND INTEREST***
- ***WATER OPERATING***
- ***STORMWATER OPERATING***
- ***SEWER OPERATING***

RECOMMENDED ACTION:

REVIEW ONLY

SWEARING IN OF NEW COUNCIL

The newly Elected Officials will be sworn in by the City Clerk and will take Office.

ELECTION OF COUNCIL PRESIDENT

Council will need to elect a Council President.

STAFF REPORTS

A. City Clerk

B. Chief of Police

- *March 2009 Activity Report*
- *Crisis Intervention Team History*
- *Municipal Court March 2009 Report*

C. Fire Chief

D. Community Development

- *Compliance March 2009 Report*

E. City Superintendent

- *Public Works March 2009 Report*

F. Parks Superintendent

G. City Engineer

H. City Attorney

I. City Administrator

j. City Policy Committee

GOVERNING BODY REPORTS

A. Mayor McNown
B. Councilmember Gerling
C. Councilmember K. Jackson
D. Councilmember Maschino
E. Councilmember Nordstedt
F. Councilmember Campbell
G. Councilmember Cicirello
H. Councilmember L. Jackson
I. Councilmember Townsley

ADJOURN