

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Rita Baker
Charlie Mattern
Kevin Groth
Corby Valentine
Steve Smith
Tony Miller

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Stephen R. Wigginton

Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)
Wednesday, November 5, 2008 at 5:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:13 p.m. by Chairman Kevin Groth on Wednesday, November 5, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Mayor Ray Danford, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of October 1, 2008 Minutes: Trustee Rita Baker motioned to approve the October 1, 2008 minutes and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Julie reported she is in the process of setting up a meeting to be held shortly.
3. Status of Public Hazard Homes: Dennis advised he and Ron looked at the Compton house (1968 E. State Route 15) and provided the information to Brian to proceed with the Notice of Demolition. Brian issued the 15-day notice. If Sheets decides the fight, then we will hire the structural engineer to provide a more detailed report. Brian advised he has not heard anything with regard to the appeal.
4. TIF litigation:

EXECUTIVE SESSION 5:17 P.M.

Trustee Rita Baker motioned to enter into Executive Session at 5:25 p.m. citing litigation, 5 ILCS, 120/2-(c)(11) and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

EXECUTIVE SESSION ENDED 5:25 P.M.

Trustee Rita Baker motioned to reconvene the regular session of the Legal/Ordinance Committee meeting at 5:26 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

Legal and Ordinance Committee Meeting
Wednesday, November 5, 2008
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5. Stumpf lawnmower repair: Dennis advised Mr. Stumpf's attorney has withdrawn from the case. Dennis did meet with him and Ken Stumpf and gave them the special use permit application. He was left with the impression they were going to file but has not heard anything from them. He will talk to Brian Manion to move forward with the citation and also get more details from Brian on what our options area.

6. Ordinance for recording meetings: A copy of this ordinance was provided and the committee agreed to move forward with it.

Trustee Rita Baker motioned to recommend the ordinance regarding recording closed sessions to the full Board and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.

7. Ordinance for drainage easement grades: Dennis talked to Scott Saeger, Smithton's Village Engineer, and he said they basically handle it the same way we do. He goes out to review the situation and provide advice. They do not have anything in their ordinance to address this situation. Dennis also contacted Wayne Kaufman of the Illinois EPA and he told Dennis he has been gathering ordinances from other towns with regard to this problem. He will get copies of them to Dennis.

8. Bill's Autobody: Dennis advised Brian Manion is still working on this.

9. Identity Theft Program: Dennis advised he received a comment that this program should be in ordinance form. After discussion, Dennis will find out how to put this in ordinance form and have available at the next committee meeting.

B. NEW BUSINESS:

1. Fireworks: Ray advised the committee the Chamber of Commerce intends to ask the Park Board to sponsor the fireworks. Item can be taken off the agenda.

2. Kuklinski/Wilkerson Annexations: Dennis advised the Gary Kuklinski, Verna Kuklinski and Wilerson properties on State Route 15 are in the process of voluntarily annexing into the Village as SR-1. Gary's property was questioned as he is operating a business and Dennis said since that business is already operating, it is grandfathered in. Dennis did advise Gary that he could not operate a different business in a SR-1 district.

Kevin asked about moving down Old Freeburg Road and annexing those properties, and Dennis advised he had talked to Zimmerman and Heberer who are not interested. Zimmerman said if he ever had to, he would annex into Freeburg. He is not sure we can offer them much in the way of an enticement.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 5:47 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*

A handwritten signature in black ink that reads "Julie Polson". The signature is written in a cursive, flowing style.

Julie Polson
Office Manager

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Groth/Baker/Mattern)
Wednesday, October 1, 2008 at 7:00 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 7:21 p.m. by Chairman Kevin Groth on Wednesday, October 1, 2008, in the Freeburg Municipal Center. Members attending were Chairman Kevin Groth, Trustee Charlie Mattern, Trustee Rita Baker, Trustee Corby Valentine, Mayor Ray Danford, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson.

A. OLD BUSINESS:

1. Approval of September 8, 2008 Minutes: Trustee Rita Baker motioned to approve the August 6, 2008 minutes as amended to correct the Motion to Adjourn and Trustee Charlie Mattern seconded the motion. All voting aye, motion carried.
2. Community Improvement Board/Material Requirements on Commercial Buildings/Nuisance Abatement Code: Ray advised he has nothing new to report but hopes to get to it soon.
3. Status of Public Hazard Homes: Dennis advised Sheets has filed an appeal and Brian Manion has asked if we wish to proceed with the appeal process or take a different approach. The committee agreed to continue with the appeal process. We will be setting a precedent for future value to the Village in similar situations.
4. TIF litigation: Dennis and Ray had a meeting with Attorney Wigginton this morning. It will be discussed at the October 6th board meeting. Attorney Wigginton will be present.
5. Stumpf lawnmower repair: Dennis advised Mr. Stumpf has hired an attorney who has requested a meeting with Dennis to review the special use permit process. Brian Manion has advised he has no problem with that meeting. Dennis wanted confirmation from the committee that our primary goal is to get Mr. Stumpf to stop his business and disrupting the neighborhood. Rita said it has been business as usual. Brian Manion told Dennis we should document and monitor the situation.
6. Ordinance for recording meetings: A copy of this ordinance was provided at last month's meeting. Dennis advised it was prepared according to state statute. The committee will review it and discuss at the next meeting.
7. Ordinance for drainage easement grades: Dennis looked into the ordinance regarding special assessments for nuisances and it does not apply to this. It is very

Legal and Ordinance Committee Meeting
Wednesday, October 1, 2008
Page 1 of 3

specific to nuisances, i.e. weeds, vermin, debris. Dennis said he does not feel we should get involved in correcting a problem on private property. Corby asked how other municipalities have handled this situation. Dennis stated the plat does contain the statement where drainage easements are maintained by the property owners. This information is also contained in our ordinance. We needed to add the sentence in you can't change the drainage on your lot. The committee agreed we could enforce the ordinance by going out to the resident with the concern, explain someone caused the problem, it's on your property, we don't maintain it, you need to address the issue with the person causing the problem. Dennis will start talking to some other towns to see how they deal with this issue.

8. Bill's Autobody: Dennis advised Brian Manion will try to find something out on this and have it for next meeting. Kevin said the most complaints he receives is with regard to this property. Kevin asked if we have other properties and the money to start looking at the Ernst homestead and the Compton home. Dennis believes the Compton house is empty and also believes that is the trigger. It is much easier to get the judge to move on a case when the home is vacant. Corby said if a building is structurally unsafe, it should be addressed too. The committee agreed to have Dennis contact Steve Wigginton to start the process. He will discuss both properties with Steve.

Corby asked about the status of the Railroad Street property and if any work had been done on it. Dennis advised it is moving forward. There had been a question about sprinkling the building and he agreed to do it.

Dennis brought up the impact fees stating the ordinance was written with the intent to receive impact fees from new subdivisions. We realized we had to find a way to deal with the multi-family lots in the new subdivision. We did that by charging \$1,500 for the lot when the plat is filed. When a building permit is issued, they are charged \$1,500 for additional dwelling units if you build a multi-family dwelling. On an existing building where it is being rehabbed, should an impact fee be charged? Dennis and Phil both believe the impact fee should not apply to that situation and also not to the subdivisions that were already platted when the ordinance was created. We did not charge the lots behind the shopping center, nor the duplex in Vollmer's subdivision. Dennis does not think a change to the ordinance is required. He said we don't have too many more empty duplex lots to be built on. The committee agreed it should only be on subdivisions platted after the creation of the ordinance.

B. NEW BUSINESS:

Dennis provided a resolution to institute an Identity Theft Program. Troy Fodor presented the program and advised it will be mandatory as of November 1, 2008. He indicates we are required to establish the program because our utility accounts fall under the definition of a covered account that could be at risk. Dennis advised we have already started asking customers signing up for utilities to provide their driver's license for review. The committee will review the resolution and vote on it at the next meeting.

C. GENERAL CONCERNS: Corby asked if there is a multi-family lot and they build a duplex, do they pay the impact fee? Charlie said it should go by the plat date and Dennis agreed.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 8:30 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager



WEILMUNSTER & WIGGINTON, P.C.
ATTORNEYS AT LAW
wwlaw1.com

RECEIVED
OCT 27 2008

STEPHEN R. WIGGINTON*
E-Mail: srw@wwlaw1.com

*Licensed in Illinois and Missouri

October 23, 2008

Sent Certified Mail
Return Receipt Requested
And Regular U.S. Mail

Mr. Phil Sheets
Phillip L. Sheets, Ltd. f/k/a Alice D. Classen, Ltd.
Sheets Enterprises, Ltd.
C and S, Ltd.
7632 Jefferson Road
Belleville, Illinois 62221

NOTICE OF DEMOLITION
1968 E. State Route 15, Freeburg, Illinois 62243

Dear Mr. Sheets:

Pursuant to 65 ILCS 5/11-31-1(a) Notice is hereby given that you have fifteen (15) days to put the building located on the above-referenced property in a safe condition, present a complete rehabilitation plan to the Village Administrator, or demolish it. You are further hereby notified that the Village of Freeburg intends to apply to the Circuit Court of St. Clair County, Illinois, for an Order authorizing demolition of said building because it is unsafe and dangerous due to the many Building Code and ordinance violations found both inside and outside the building.

The following unsafe and dangerous conditions have been noted with regard to the property:

1. Numerous rotted and/or missing window frames.
2. Exterior wood siding that has almost no paint remaining and has begun to rot and fall off.

3. Exterior siding missing in a number of areas exposing the inner wall to the weather.
4. A second floor porch/balcony that has structurally failed and is currently precariously supported by a temporary "prop". This particular item is an immediate threat to the safety of any individuals who may enter the property.
5. Most of the brick foundation is missing mortar and is structurally unsound.
6. In several areas the gutters have fallen off and the soffit and roof deck is rotting.
7. There is an open exterior cellar entrance and the back door had been pried open and is unsecured. There are also several unsecured windows.
8. The electrical panels in the cellar are open and have exposed, deteriorated and unsafe wiring with a propane gas line routed directly through the exposed wiring immediately above the electrical panels. There is currently no electricity to the building and the Village Electric Department will not reconnect it due to the unsafe condition of the panels and wiring.
9. The drilled well which is connected to the water system in the house is not properly sealed and is potentially contaminated.
10. There is an abandoned bored well on the property that is open to the surface in violation of the Illinois Water Well Construction Code (77 IL Admin. Code Part 920 Section 920.120). In addition to being in violation by not being properly abandoned and sealed, this well represents an attractive nuisance and immediate safety concern as it is readily accessible to children or others who may wander onto the property. It is at least three feet in diameter and more than thirty feet deep.

In addition, the structure is vacant and not secure, animals and vermin may enter and reside in the vacant structure.

In the event that you have failed to put the building in a safe condition or present a complete rehabilitation plan to the Village Administrator or demolish it within fifteen (15) days of this Notice, the Village of Freeburg shall file a Complaint for Demolition of the building in the Circuit Court of St. Clair County, Illinois. You are hereby advised that in addition to an Order of Demolition of the building, the Village of Freeburg shall also seek any and all costs associated with demolition, court costs, attorneys' fees and any and all other costs related to the enforcement of its ordinances. All such costs and fees are recoverable from the owner or owners of the property and constitute a lien on the property which is superior to all prior existing liens except taxes.

The Village of Freeburg is taking this action because the building is unsafe and poses a threat to the health, safety and welfare of the public. The walls of this building pose a significant risk of collapse and you have failed to rehabilitate or repair the structure to bring it into conformance with the Building Code and ordinances of the Village of Freeburg.

In order to assure your receipt of this Notice, it will be forwarded to you via certified mail, regular U.S. mail and posted on the building located at 1968 E. State Route 15, Freeburg, Illinois. You must act promptly and within fifteen (15) days to avoid the consequences of a demolition action.

Sincerely,

WEILMUNSTER & WIGGINTON, P.C.

BY:



Stephen R. Wigginton
Village Attorney
Village of Freeburg, Illinois

SRW/jbm

cc: Dennis Herzing

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE III CHAPTER 30 OF THE REVISED
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR
COUNTY, ILLINOIS (FORM OF GOVERNMENT; ORDINANCES)

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF
TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:

TITLE III, CHAPTER 30, Section 30.48 Rules of Board, is hereby amended to add Paragraph
(CC) as follows:

(CC) Recording Closed Sessions. The Village shall keep a verbatim record of all closed or executive session meetings of the corporate authorities of the Village or any subsidiary “public body” as defined by the Illinois Open Meetings Act, 5 ILCS 120/1. The verbatim record shall be in the form of an audio or video recording as determined by the corporate authorities. (See 5 ILCS 120/2)

- (1) **Responsibility for Recording Closed Sessions and Maintaining Recordings.** The Village Clerk or his or her designee shall be responsible for arranging for the recording of such closed or executive sessions. In the absence of the Village Clerk or his or her designee, the meeting chair will arrange for the audio or video recording of the closed or executive session of the Village Board. Each subsidiary public body of the Village shall designate an individual who will be responsible for the recording of any and all closed or executive sessions of the subsidiary body and for providing the Village Clerk with a copy of such recording. The Village Clerk, or his or her designee, shall securely maintain the verbatim recordings of all closed sessions of the corporate authorities of the Village and all subsidiary public bodies of the Village.
- (2) **Closed Session Minutes.** In addition to the recordings of the closed and executive session as addressed in this Division, the Village will keep minutes of all closed meetings in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/2.06.
- (3) **Procedure for Recording.** At the beginning of each closed session, those present shall identify themselves by voice for the audio recording. If the meeting is videotaped, those present shall individually appear on camera and identify themselves by voice at the beginning of the closed session. The meeting Chair shall also announce the times the closed session commences and ends at the appropriate points on the recording.
- (4) **Back-up Equipment/Procedure for Equipment Malfunction.** The Village shall maintain sufficient tapes, batteries and equipment for the Village to comply with this Division. The Village Clerk or his/her designee shall periodically check the equipment to confirm that it is functioning. In the event that anyone present at a closed session determines that the equipment is not functioning properly, the closed session will be temporarily suspended to attempt to correct any malfunction. In the event that an equipment malfunction cannot be corrected immediately, the closed session will

terminate until such time as the closed session may proceed with a functioning recording device.

- (5) **Procedure for Review of Closed Session Minutes and Recordings.** At one meeting at least every six (6) months, the agenda shall include the item: "Review of the minutes and recordings of all closed sessions that have not yet been released for public review, and determination of which minutes, if any, may be released." Minutes shall be reviewed in closed session and shall not be released unless the corporate authorities of the Village find that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. As to any minutes not released, the corporate authorities shall find that the "need for confidentiality still exists" as to those minutes. Minutes of closed sessions shall be kept indefinitely.
- (6) **Maintenance and Public Release of Recordings and Access to Tapes.** The audio or video tape recordings of closed sessions shall be maintained for **eighteen (18)** months after the closed session and shall not be released to the public unless such release is required by a court order or specifically authorized for release by a vote of the Village Board. Members of the corporate authorities may listen to the closed session recordings in the presence of the Village clerk or his or her designee. Copies of such tapes will not be made or provided to anyone unless specifically authorized by vote of the Village Board.
- (7) **Procedure for Destruction of Recordings.** The Village Clerk or his or her designee is hereby authorized to destroy the audio and video recordings of those closed sessions for which:
- a. The corporate authorities of the Village have approved the minutes of the closed sessions as to accurate content, regardless of whether the minutes have been released for public review;
 - b. More than **eighteen (18) months** have elapsed since the date of the closed session;
 - c. There is no court order requiring the preservation of such recording; and
 - d. The corporate authorities of the Village have not passed a motion requiring the preservation of the verbatim recording of that meeting.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS

_____ DAY OF _____, 2008.

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

Jerry Menard, Village Clerk

Approved this _____ day of _____, 2008

Raymond S. Danford, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form:

Stephen R. Wigginton, Village Attorney

MARK-UP COPY

RESOLUTION NO. ____

A RESOLUTION ADOPTING AN IDENTITY THEFT PREVENTION POLICY

WHEREAS, The Fair and Accurate Credit Transactions Act of 2003, an amendment to the Fair Credit Reporting Act, required rules regarding identity theft protection to be promulgated; and

WHEREAS, Those rules become effective November 1, 2008, and require municipal utilities and other departments to implement an identity theft prevention program and policy, and

WHEREAS, The Village of Freeburg has determined that the following policy is in the best interest of the municipality and its citizens. NOW, THEREFORE,

BE IT RESOLVED by the Village of Freeburg, County of St. Clair, State of Illinois that the following policy is hereby adopted and approved:

SENSITIVE INFORMATION POLICY

BACKGROUND

The risk to the municipality, its employees and customers from data loss and identity theft is of significant concern to the municipality and can be reduced only through the combined efforts of every employee and contractor.

PURPOSE

The Village of Freeburg adopts this sensitive information policy to help protect employees, customers, contractors and the municipality from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information;
2. Describe the physical security of data when it is printed on paper;
3. Describe the electronic security of data when stored and distributed; and
4. Place the municipality in compliance with state and federal law regarding identity theft protection.

This policy enables the municipality to protect existing customers, reducing risk from identity fraud, and minimize potential damage to the municipality from fraudulent new accounts. The program will help the municipality:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts;
2. Detect risks when they occur in covered accounts;
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed; and
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SCOPE

This policy and protection program applies to employees, contractors, consultants, temporary workers, and other workers at the municipality, including all personnel affiliated with third parties.

Definition of Sensitive Information

Sensitive information includes the following items whether stored in electronic or printed format:

Credit card information, including any of the following:

1. Credit card number (in part or whole)
2. Credit card expiration date
3. Cardholder name
4. Cardholder address

Tax identification numbers, including:

1. Social Security number
2. Business identification number
3. Employer identification numbers

Payroll information, including, among other information:

1. Paychecks
2. Pay stubs

Medical information for any employee or customer, including but not limited to:

1. Doctor names and claims
2. Insurance claims
3. Prescriptions
4. Any related personal medical information

Other personal information belonging to any customer, employee or contractor, examples of which include:

1. Date of birth
2. Address
3. Phone numbers
4. Maiden name
5. Names
6. Customer number

Municipal personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their supervisor.

Hard Copy Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded using a mechanical ~~cross cut~~ shredding device.

Electronic Distribution

Each employee and contractor performing work for the municipality will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved municipal e-mail. All sensitive information must be encrypted when stored in an electronic format.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

"This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited."

IDENTITY THEFT PREVENTION PROGRAM

This Identity Theft Prevention Program is hereby adopted pursuant to and in compliance with the Identity Theft Rules of the Federal Trade Commission (FTC), Part 681 of Title 16 of the Code of Federal Regulations (16CFRPart681).

PURPOSE

The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the Village of Freeburg's utility services from identity theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new Covered Accounts and activity on existing Covered Accounts.

SCOPE

This Program applies to the creation, modification and access to Identifying Information of a customer of one or more of the utilities operated by the Village of Freeburg (electric, water and waste water) by any and all personnel of the Village of Freeburg, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

DEFINITIONS

When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning.

Covered Account: The term "covered account" means an account that the Village of Freeburg offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments of transactions, (16 CFR 681.2(b)(3)(i)). A utility account is a "covered account." The term "covered account" also includes other accounts offered or maintained by the Village of Freeburg for which there is a reasonably foreseeable risk to customers the Village of Freeburg or its customers from identity theft. (16 CFR 681.2(b)(3)(ii)).

Identity Theft: The term "identity theft" means a fraud committed or attempted using the identifying information of another person without authority. (16 CFR §681.2(b)(8) and 16 CFR §603.2(a)).

Identifying Information: The term “identifying information” means any name or number that can be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official State or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of “identifying information” are set forth in 16 CFR §603.2(a).

IT: The term “IT” means Information Technology.

Red Flag: The term “Red Flag” means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Certain terms used but not otherwise defined herein shall have the meanings given to them in the FTC’s Identity Theft Rules (16 CFR Part 681) or the Fair Credit Reporting Act of 1970 (15 U.S.C. §1681 *et seq.*), as amended by the Fair and Accurate Credit Transaction Act of 2003 into law on December 4, 2003. (Public Law 108-159).

The Village of Freeburg has considered the guidelines and the illustrative examples of possible Red Flags from the FTC’s Identity Theft Rules and has reviewed the Village of Freeburg’s past history with instances of identity theft, if any. The Village of Freeburg hereby determines that the following are the relevant Red Flags for purposes of this Program given the relative size of the Village of Freeburg and the limited nature and scope of the services that the Village of Freeburg provides to its citizens:

- A. The presentation of suspicious documents.
 1. Documents provided for identification appear to have been altered or forged.
 2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
 3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
 4. Other information on the identification is not consistent with readily accessible information that is on file with the Village of Freeburg, such as a signature card or a recent check.
 5. An application appears to have been altered or forged or gives the appearance of having been destroyed and reassembled.
 6. The presentation of suspicious personal identifying information, such as a suspicious address change.
 7. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.
 8. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third party sources used by the Village of Freeburg. For example:
 - a) The address on an application is the same as the address provided on a fraudulent application; or
 - b) The phone number on an application is the same as the number provided on a fraudulent application.
 9. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third party sources used by the Village of Freeburg. For example:
 - a) The billing address on an application is fictitious, a mail drop or a prison; or

- b) The phone number is invalid, or is associated with a pager or answering service.
10. The SSN provided is the same as that submitted by other persons opening an account or other customers.
11. 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 other persons opening accounts or other customers.
12. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
13. Personal identifying information provided is not consistent with personal identifying information that is on file with the Village of Freeburg.
14. If the Village of Freeburg uses challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
15. The unusual use of, or other suspicious activity related to a Covered Account.
16. Shortly following the notice of a change of address for a covered account, the Village of Freeburg receives a request for the addition of authorized users on the account.
17. A new utility account is used in a manner commonly associated with known patterns of fraud. For example: the customer fails to make the first payment or makes an initial payment but no subsequent payments.
18. A covered account with a stable history shows irregularities.
19. A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
20. Mail sent to the customer is returned repeatedly as undeliverable although usage of utility products or services continues in connection with the customer's covered account.
21. The Village of Freeburg is notified that the customer is not receiving paper account statements.
22. The Village of Freeburg is notified of unauthorized usage of utility products or services in connection with a customer's covered account.
23. Notice of Possible Identity Theft.
24. The Village of Freeburg is notified by a customer, a victim of identity theft, a law enforcement authority or any other person that is has opened a fraudulent account for a person engaged in identity theft.

The employees of the Municipality that interact directly with customers on a day-to-day basis shall have the initial responsibility for monitoring the information and documentation provided by the customer and any third-party service provider in connection with the opening of new accounts and the modification of or access to existing accounts and the detection of any Red Flags that might arise. Management shall see to it that all employees who might be called upon to assist a customer with the opening of a new account or with modifying or otherwise accessing an existing account are properly trained such that they have a working familiarity with the relevant Red Flags identified in this Program so as to be able to recognize any Red Flags that might surface in connection with the transaction. An Employee who is not sufficiently trained to recognize the Red Flags identified in this Program shall not open a new account for any customer, modify any existing account or otherwise provide any customer with access to information in an existing account without the direct supervision and specific approval of a management employee. Management employees shall be properly trained such that they can recognize the relevant Red Flags identified in this Program and exercise sound judgment in connection with the response to any unresolved Red Flags that may present themselves in connection with the opening of a

new account or with modifying or access of an existing account. Management employees shall be responsible for making the final decision on any such unresolved Red Flags.

The Program Administrator shall establish from time to time a written policy setting forth the manner in which a prospective new customer may apply for service, the information and documentation to be provided by the prospective customer in connection with an application for a new utility service account, the steps to be taken by the employee assisting the customer with the application in verifying the customer's identity and the manner in which the information and documentation provided by the customer and any third-party service provider shall be maintained. Such policy shall be generally consistent with the spirit of the Customer Identification Program rules (31 CFR 103.121) implementing Section 326(a) of the USA PATRIOT Act but need not be as detailed. The Program Administrator may maintain a relationship with a credit reporting agency (CRA) to perform Identity Verification services. The Program Administrator shall establish from time to time a written policy setting forth the manner in which customers with existing accounts shall establish their identity before being allowed to make modifications to or otherwise gain access to existing accounts.

If the responsible employees of the Village of Freeburg as set forth in the previous sections are unable, after making a good faith effort, to form a reasonable belief that they know the true identity of a customer attempting to open a new account or modify or otherwise access an existing account based on the information and documentation provided by the customer and any third-party service provider, the Village of Freeburg shall not open the new account or modify or otherwise provide access to the existing account as the case may be. Discrimination in respect to the opening of new accounts or the modification or access to existing accounts will not be tolerated by employees of the Village of Freeburg and shall be grounds for immediate dismissal.

The Program Administrator shall establish from time to time a written policy setting forth the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in authorized access to a customer's account, or a notice that a customer has provided account information to a fraudulent individual or website. Appropriate responses to prevent or mitigate Identity Theft when a Red Flag is detected include:

1. Monitoring a Covered Account for evidence of Identity Theft;
2. Contacting the customer
3. Changing any passwords, security codes or other security devices that permit access to a Covered Account;
4. Reopening a Covered Account with a new account number
5. Not opening a new Covered Account;
6. Closing an existing Covered Account
7. Not attempting to collect on a Covered Account or not selling a Covered Account to a debt collector;
8. Notifying law enforcement;
9. Determining that no response is warranted under the particular circumstances.

Utility accounts for personal, family and household purposes are specifically included within the definition of "covered account" in the FTC's Identity Theft Rules. Therefore, the Village of Freeburg determines that with respect to its residential utility accounts it offers and/or maintains covered accounts. The Village of Freeburg also performed an initial risk assessment to determine whether the utility offers or maintains any other accounts for which there are reasonably foreseeable risks to customers or the utility from identity theft. In making this determination the Village of Freeburg considered (1) the methods it uses to open its accounts, (2) the methods it uses to access its accounts, and (3) its previous

experience with identity theft and it concluded that it does not offer or maintain any such other covered accounts.

This Resolution shall be in full force and effect after its passage and approval as provided by law.

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ILLINOIS, THIS _____ DAY OF OCTOBER, 2008.

Vote Recorded:

AYES: _____	NAYS: _____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

ABSENT: _____

Jerry Menard, Village Clerk

Raymond Danford, Village President

ATTEST:

Jerry Menard, Village Clerk

Approval as to Legal Form: _____
Stephen R. Wigginton, Village Attorney

Julie Polson

From: Julia Reynolds [jreynolds@cmsi.com]
Sent: Wednesday, September 10, 2008 11:25 AM
To: Julie Polson
Subject: RE: question

Hi Julie,

If the Chamber of Commerce wants to have fireworks, then they should be the ones to hire the fireworks contractor and provide the park district as property owner with the proper certificates, etc.

If the Village becomes the organization responsible for managing and organizing the fireworks, the IMLRMA will provide liability coverage to the Village with no need to purchase anything additional. We would expect the Village to hire a fireworks contractor who can provide proof of workers compensation and liability coverage in an amount not less than \$1m naming the Village and the park district as property owner as additional insured. I expect that the park district would also request a certificate from the Village naming them additional insured, which we can provide as well.

Just let me know if you have any other questions or need anything else! Thanks!

Julia