

Chapter 2

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ARTICLE I. IN GENERAL

Section 2.1 **Mayor–Duties.**

The Mayor shall have the following duties:

- a. Presiding at meetings: To preside at all meetings of the City Council, but the Mayor shall not be allowed to vote at such meetings except in the case of a tie vote by the Council on any question. Provided however, the Mayor may vote when an affirmative or negative vote of the Mayor constitutes a majority of three votes.

- b. Appointment of standing committees: To appoint at the first meeting each year, or as soon thereafter as expedient, standing committees for that year; the Mayor may at any time alter the committees and make such changes as the interest of the City may require;

- c. Appointment and dismissal of officers and employees: to recommend to the city council the appointment of all officers and employees of the city for whom the election or appointment is not otherwise provided, the appointment to be made by the city council. The mayor may also recommend officers and employees for disciplinary proceedings pursuant to the relevant provisions of this code. Disciplining of officers and employees shall be otherwise provided herein.

- d. Preparation of annual report: To prepare and present to the Council an annual report of the City's affairs, including a summary of reports of department heads and such other reports as the Council shall require; and

- e. Executing legal documents: To sign and execute all contracts, deeds, and bonds of the City duly authorized by the Council.

Section 2.2 **Same–Powers.**

The Mayor shall have the following powers:

- a. see that all laws and ordinances of the City are faithfully executed;

- b. exercise supervision over all executive and administrative work of the City and subject to the oversight of the city council, over all employees and departments of the city, and provide for the coordination of administrative activities.

- c. prepare and submit to the City Council a recommended operating budget and capital budget;

d. submit to the City Council at least once a year a statement covering the financial conditions of the City, and from time to time, such other information as the City Council may request;

e. recommend to the City Council such measures relative to the affairs of the City, improvement of the government, and promotion of the welfare of its inhabitants as the Mayor may deem expedient;

f. call special meetings of the City Council as provided for in Section 2.19(b);

g. preside at all meetings of the City Council and vote only in the event of a tie or when an affirmative or negative vote by the Mayor constitutes a majority of three votes;

h. provide for an annual audit of all accounts of the City;

i. require any department or agency of the City to submit written reports whenever the Mayor deems it expedient; and

j. perform such other duties as may be required by law, this Charter, or by ordinance.

Section 2.3 **Candidate Qualification Fees.**

The qualification fee for candidates filing a notice of candidacy for Council shall be \$18.00 and for candidates filing a notice of candidacy for Mayor shall be \$27.00 in any general or special election, which fees shall be paid to the Municipal Superintendent at the time of the filing of such notice of candidacy.

Section 2.4 **Official Bonds.**

Except as otherwise provided by law, the Council may require any City official, department head, or employee, before entering upon the discharge of official duties, to give good and sufficient bond in any amount decided by the Council. Such bond shall be payable to the City for the faithful performance of such duties and to secure against corruption, malfeasance, misappropriations, or unlawful expenditures in office. Such surety bonds shall be obtained from a surety company licensed to do business in the state and approved by the Council. The premiums thereon shall be paid by the City.

Section 2.5 **Code of Ethics.**

a. Prohibited conduct: Public officials and employees of the City shall treat all citizens with courtesy, impartiality, fairness, and equality under the law and shall avoid both actual and potential conflicts between their private self-interest and the public interest. Prohibited conduct of each such official and employee shall include, but not be limited to, the

following:

1. Granting or making available to any person any special consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large;
2. Requesting, using, or permitting the use of any publicly owned or publicly supported property, vehicle, equipment, labor, or service for the personal convenience or the private advantage of such person or any other person, except as otherwise allowed by law;
3. Participating in the deliberation of or voting on any matter involving such person's financial or personal interest;
4. Engaging in private employment with, or rendering services for, any private person who has business transactions with the City, unless such person has made full public disclosure of the nature and extent of such employment or services;
5. Appearing on behalf of any private person, other than such person's self, before any public body in the City;
6. Accepting any gift, whether in the form of money, thing, favor, loan, or promise that would not be offered or given to such person if such person were not an official or employee;
7. Disclosing any confidential information concerning any official or employee, any other person, or any property or governmental affairs of the City, without prior formal authorization of the governing body;
8. Using or permitting the use of confidential information to advance the financial or personal interest of such person or any other person; or
9. Appointing or voting for the appointment of any person related to such person by blood or marriage to fill an office, position, employment, or duty when the salary, wages, pay, or compensation is to be paid out of public funds.

b. Hearings and determinations: Upon the sworn complaint of any person alleging facts which if true would constitute a violation of this section, the Council shall conduct a public hearing in accordance with all of the requirements of due process of law and in written findings of fact and conclusions based thereon and make a determination concerning the propriety of the conduct of the officer or employee in question.

Section 2.6

Grounds for Removal from Office of Mayor or Council Member.

The Mayor or any Council member shall be subject to removal from office for any one or more of the following causes:

1. Incompetence, misfeasance, or malfeasance in office;
2. Conviction of a crime involving moral turpitude;
3. Failure at any time to possess any of the qualifications of office as provided by Charter or by law;
4. Willful violation of any express prohibition of the municipal Charter;
5. Abandonment of office or neglect to perform the duties thereof; or
6. Failure for any other cause to perform the duties of office as required by Charter or by law.

Sections 2.7 -2.19

Reserved.

ARTICLE II. COUNCIL MEETINGS

Section 2.20 **General Rules for the Conduct of Business.**

Except as otherwise provided in this article, Robert's Rules of Order shall govern the conduct of Council meetings.

Section 2.21 **Day and Time of Regular Meetings; Calling Special Meetings.**

a. There shall be a regularly scheduled meeting of the City Council of the City of Barwick at 7 p.m. on the third Tuesday of each month.

b. As provided in the City Charter, the Mayor or three members of the City Council may call a special meeting at any time to transact any business before the Council. Such special meetings may be called at the same time as a work session.

Section 2.22 **Notice of Special Meetings; Duty to Attend.**

a. Notice: Notice of any special or called meeting shall be given to the Mayor and all Council members by the City Clerk.

b. Duty to attend: It shall be the duty of each member of the City Council to attend each meeting of the City Council unless such member is prevented by some unavoidable circumstance.

Section 2.23 **Open Meetings; Call to Order.**

a. All meetings of the Council shall be open to the public.

b. The Mayor, or in the Mayor's absence the Mayor Pro Tempore, shall take the chair at the hour appointed for any regular, adjourned, special, or called meeting and shall immediately call the Council to order.

Section 2.24 **Executive Session.**

The City Council may, at any time, upon call therefor by the presiding officer or upon motion, duly carried, by a Council member, meet in executive session. Attendance at such sessions shall be limited to the Mayor and members of Council and such invitees as shall be invited with the unanimous consent of the Council.

Section 2.25 **Approval of Minutes Without Reading.**

Unless a reading of the minutes of a Council meeting is requested by a Council member, such

minutes may be approved without a reading if the City Clerk has previously furnished each member with a copy thereof.

Section 2.26 **Order of Business.**

The business of the Council shall be taken up for consideration and disposition in the following order:

1. Call to order by presiding officer.
2. Approval of minutes of previous meeting.
3. Persons appearing before Council as stated on the agenda.
4. Reports of standing committees.
5. Reports of special committees.
6. Unfinished business.
7. New business.
8. Adjournment.

Section 2.27 **Reference to Committees; Duties; Reports By.**

a. Any business coming before the City Council concerning the subject matter of which any standing or special committee has jurisdiction may be referred to the proper committee for investigation and report. It shall be the duty of each standing or special committee, whenever required by the Mayor, the City Council, or any member of the City Council, to examine any matter referred to such committee and make a report thereof at the next regular meeting of the City Council or show good cause that no report is made. Such reports shall not be in writing unless so directed by the presiding officer.

b. Each standing committee shall examine the condition of the matters within its jurisdiction and make such reports and recommendations from time to time as may be necessary.

Section 2.28 **Manner of Addressing Council by Member.**

No member, while the City Council is in session, shall speak on any subject unless recognized by the presiding officer. Every speaker shall address the chair, and no member shall interrupt another while speaking, except to call such speaker to order or for explanation.

Section 2.29 **Limitations on Addressing Council by Non-member.**

Any person not a member of City Council who desires to address the Council shall first secure the permission of the presiding officer to do so, and then shall give such person's name and address in an audible tone of voice for the record, and direct such person's remarks to the Council as a body rather than to any particular member, limiting such remarks to 3 minutes unless additional time is granted by Council.

Section 2.30 **Standing Committees.**

The following may be the standing committees of the City Council:

1. Finance.
2. Public Safety.
3. Recreation.
4. Water.
5. Streets.

Section 2.31 **Recording Vote.**

Whenever any member shall request it, the yeas and nays of the members present shall be recorded on the minutes on any question taken.

Section 2.32 **Questions of Order.**

The presiding officer shall decide all questions of order, but any Council member who is dissatisfied with the decision may appeal to the City Council in the manner provided by Robert's Rules of Order for appealing from decisions of presiding officers.

Section 2.33 **Elections.**

All elections by the City Council shall be by a majority vote of the whole Council.

Section 2.34 **Legislation—Authority Generally.**

The City Council shall exercise the legislative functions of the City and may pass any ordinance or resolution that it deems best for the government of the City in the manner set forth in this article, provided that the same is not in conflict with the Charter of the City, the constitution or laws of the state, or the constitution or laws of the United States.

Section 2.35

Same-Adoption of Ordinances, Resolutions, and Contracts.

All ordinances, resolutions, and contracts of the City shall be prepared, approved, introduced, and adopted in the following manner:

a. Preparation: Ordinances may be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Council by any person or agency except the Mayor or a Council member without prior approval of the City Attorney.

b. Introduction and adaption:

1. Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the Mayor or City Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects may be adopted.
2. No ordinance shall be put on its final passage on the same day on which it is introduced, except by unanimous consent of the members present.
3. All ordinances shall have two separate readings; the second reading may be had on the same day as the first reading with the unanimous consent of the members present.
4. No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to this Code.
5. An ordinance, resolution, or contract shall be deemed adopted or approved when it receives the affirmative vote of three members of the City Council.

c. Effective date: Unless otherwise provided all ordinances shall be effective upon adoption.

Sections 2.36 - 2.39

Reserved.

ARTICLE III. OFFICERS

Section 2.40 Administrative Service–Policy and Procedures.

a. Officers: Each officer shall perform all duties required of such person's office by state law, the Charter, and this Code and such other duties not in conflict therewith as may be required by the executive officer.

b. Departments: Each department shall cooperate with every other department and shall furnish, upon the direction of the executive officer and request of the other department, such service, labor, and materials as may be requisitioned by the head of each department, as its own facilities permit.

c. Department heads: All department heads shall:

1. Be immediately responsible to the executive officer for the effective administration of their respective departments and all activities assigned thereto;
2. Keep informed as to the latest practices in their particular field and inaugurate, with the approval of the executive officer, such new practices as appear to be of benefit to the service and to the public;
3. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the executive officer;
4. Have power, when authorized by the executive officer, to appoint and remove, subject to personnel regulations, all subordinates under such department head; and
5. Be responsible for the proper maintenance of all City property and equipment used in their respective departments.

Section 2.41 Same–Operation.

All units in the administrative service shall:

- a. Office hours: Be open between the hours of 9 a.m. and 12:00 noon, Monday, Wednesday and Friday, and between the hours of 9 a.m. and 5:00 p.m. on Tuesday and Thursday.
- b. Make daily deposit: Make a daily deposit with the City Treasurer of any monies

received directly from the public.

c. Payment of monies: Pay out monies belonging to the City only in the manner prescribed herein.

Section 2.42 **Same–Duties of Clerk-Treasurer as Clerk.**

The City Clerk-Treasurer shall have the following duties in the capacity of City Clerk:

1. The Clerk or her designee shall attend all meetings of the Council.
2. To keep correct and full minutes of the proceedings of City Council, together with all ordinances and resolutions passed by it, in a properly indexed book or register kept for that purpose;
3. To receive all applications or petitions made to the City and to place them before the City Council at the meeting next succeeding the receipt thereof;
4. To issue all licenses, and keep a record thereof, and to issue all badges and permits authorized by the Council;
5. To keep an execution docket in which shall be entered the names of all persons tried and fined by the Municipal Court, the nature of the offense, date of trial, amount of fine, and return of the police officer thereon;
6. To issue all summonses, processes, and subpoenas to witnesses that may be necessary in the enforcement of this Code or other rules, resolutions, and ordinances of the City;
7. To be the custodian of the City seal and affix its impression on documents whenever required; and
8. To carefully preserve the records and documents belonging to the City which are not assigned to the custody of some other office and to maintain a proper index to all such records and documents so that ready access thereto and use thereof may be had.

Section 2.43 **Same–Duties of Clerk-Treasurer as Treasurer.**

The City Clerk-Treasurer shall have the following duties in the capacity of City Treasurer:

1. To receive all money due the City, including taxes, and pay out the same only upon orders passed by the City Council and signed by the Mayor, or in the Mayor's absence the Mayor Pro Tempore;
2. To keep a book of accounts showing all money received on behalf of the City and the source and disposition thereof, which book shall be open for inspection by the public, the Mayor, and City Council members;
3. To keep such other records and accounts as may be required by statute or ordinance;
4. To furnish the Council with monthly statements detailing all receipts and payments of funds for the month.

Section 2.44 **City Attorney—Appointment and Qualifications.**

The City Attorney may be appointed by the Mayor, by and with the advice and consent of the City Council, and shall serve until a successor is appointed and has qualified. No person shall be so appointed unless such person is a member in good standing of the State Bar.

Section 2.45 **Same—Oath.**

Before entering upon the duties of office, the City Attorney shall take the oath prescribed by this Code for City officers.

Section 2.46 **Same—Powers and Duties.**

The City Attorney shall be the legal advisor and representative of the City and in such capacity shall:

1. Advise the Mayor, the Council, the Council committees, or any City officer, when requested, upon all legal questions arising in the conduct of City business;
2. Prepare or revise ordinances when so requested by the Mayor or the Council or any Council committee and keep the Code of the City up-to-date and properly indexed;
3. Give an opinion upon any legal matter or question submitted to such attorney by the Mayor, Council, any of the Council committees, or by any City officer;

4. Prepare for execution all contracts and instruments to which the City is a party and approve, as to form, all bonds required to be submitted to the City;
5. Prepare, when required by the Council, all charges and complaints against any person and see to the full enforcement of all judgments or decrees rendered or entered in favor of the City in any court;
6. Defend all suits and actions at law or equity brought against the City, unless otherwise directed by the City Council;
7. Make immediate report to the Mayor and Council of the outcome of any litigation in which the City has an interest;
8. Make an annual report to the Mayor and Council of all pending litigation in which the City has an interest and the status thereof;
9. Have the power to adjust, settle, compromise, or submit to arbitration any action, cause of action, account, debt, claim, demand, dispute, and matter in favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise, subject to specific approval of the Council;
10. Keep complete and accurate records of the following, which records shall forever remain the property of the City:
 - (a) All suits in which the City had or has an interest, giving the names of the parties, the nature of the case, or its status, if pending, and the briefs of counsel; and
 - (b) All written opinions prepared by the City Attorney and all certificates or abstracts of title furnished by the City Attorney to the City; and
11. Render such other legal services as may be required by the Mayor or Council.

Section 2.47

Contracts with the City.

Neither the Mayor, nor any member of the City Council, nor any City officer shall be interested, directly or indirectly, in any contract made with the City or receive any profit or emolument from any purchase or sale of material or other articles paid out of the public revenue, or for which the City becomes responsible.

Section 2.48

Same-Compensation.

The City Attorney may submit to the Council a bill for legal services, itemizing the type of work performed for the City and the number of hours engaged in each type of work during the month.

Sections 2.49 - 2.60

Reserved.

ARTICLE IV. PURCHASING

Section 2.61 **Definition.**

For the purpose of this article, any *emergency* is defined as being a situation where immediate action is absolutely necessary and delay would adversely affect the life, health, or safety of the citizens or the property of the City.

Section 2.62 **Penalty for Violation.**

Any officer or employee of the City who spends or creates financial liability beyond the budgeted amount on behalf of the City shall be in violation and will be personally liable for the expenditure or liability beyond the budgeted amount. Furthermore, a violation of any provision of this article shall be determined a violation of the City personnel policy and shall be deemed sufficient grounds for discharge.

Section 2.63 **General Restriction.**

a. No officer or employee of the City shall purchase for or on behalf of the City or his/her office any materials, supplies, goods, wares, merchandise, or equipment of any kind or character except through the approval of the Mayor, except for emergencies as hereinafter provided. No voucher check or other method of payment shall be honored if this method is not followed.

b. It shall be considered a breach of duty on the part of any officer or employee of the City to make any purchase or aid and abet the making of any purchase by any other manner than through the Mayor, except as provided in emergency purchases.

c. It shall be considered a breach of duty on the part of any officer or employee of the City to make any purchase or donation or to aid and abet the making of any purchase or donation that exceeds the allotted amount set forth in the budget, except as provided in emergency purchases.

Section 2.64 **Approvals Required.**

a. Purchases under this article up to \$500 for any materials, supplies, goods, wares, merchandise, services, or equipment of any kind may be approved by the Mayor without approval from the City Council, provided that same is a budgeted item. Any purchase over \$500 shall require the approval of the City Council, except that in emergency situations as hereinafter provided, the approval of the Chairman of the Finance Committee, the Chairman of the Committee having jurisdiction over the purchase, and the Mayor, or a combination of any two shall authorize the purchase.

b. No officer or employee of the City may make a purchase under this article that

exceeds the amount budgeted. If a purchase or expenditure must be made that will exceed said budgeted amount, the officer or employee shall request of the Mayor and City Council an amendment to the budget to cover such expenditure. No purchase order may be released or liability incurred prior to the approval of the amended budget by the Mayor and City Council.

c. No provision of this Article respecting the authority of any person or persons to make decisions shall in any way eliminate the requirement of approval of the Mayor and City Council.

Section 2.65 **Requisition Form.**

The officer or employee desiring to make a purchase shall first submit to the City Clerk or Mayor a requisition form to be provided by the City Clerk, which form shall identify the officer or employee seeking the purchase, the department for which the purchase is sought, at least three bids on the item to be purchased or explanation as to why bids were not obtained, the quantity of items sought to be purchased, the purchase price of each unit, and the total price and any other information required by the Mayor. Upon approval of the requisition, the Mayor, or the City Clerk at the Mayor's direction, shall issue the purchase order.

Section 2.66 **Handling of Invoices.**

All invoices shall be turned in on a daily basis and shall be attached to the purchase orders. All such invoices shall be submitted to the City Clerk or to his/her designated agent.

Section 2.67 **Purchase Orders Required.**

a. No officer or employee of the City shall request any merchant, dealer, or other vendor to deliver goods to the City or any department or officer or employee thereof, except on a regular purchase order approved by the Mayor, except as provided hereinafter for emergencies.

b. All purchase orders must be executed by the Mayor or the City Clerk.

c. Any purchases made without obtaining a purchase order in advance shall be disallowed and payment refused. No purchase order will be issued after the fact. Vendors, merchants, and dealers will be deemed to have dealt with any employee or officer who does not have a purchase order at their own risk.

Section 2.68 **Emergency Purchases.**

In all cases where there is immediate need for any materials, supplies, goods, wares, or merchandise by any department, such department must advise the Mayor, and if he/she cannot be located, the officer or employee must immediately notify the Mayor or Chairman of the Committee having jurisdiction over that subject matter for action pursuant to § 2.64. In the event none of the above can be reached and an emergency purchase of the item is absolutely

necessary, such purchase must be reported to the Mayor and the City Clerk within 24 hours of such purchase.

Section 2.69 **Discretion on Purchase.**

In all purchases where quality, as well as price and service, is involved, the Mayor shall exercise discretion in making the purchase. In all cases where patented items or special purchase items are requested, the Mayor has the discretionary authority to decide whether similar products of equal quality and at a lower price shall be ordered in lieu of items requested.

Section 2.70 **Competitive Bids and Exceptions.**

a. It shall be the duty of the Mayor to make all purchase in excess of \$500 on competitive bids except as follows:

1. Emergency purchases.
2. Gasoline, fuel, and oil.
3. Routine building and maintenance repairs.
4. Materials and services when available only from one source.
5. Professional services rendered at the direction of Council.
6. Purchases from state or federal agency.

b. All bids for goods and materials purchased by the City shall be kept on file in the office of the City Attorney and shall be subject to inspection at any time.

Section 2.71 **Sale of City Property.**

a. No property belonging to the City shall be sold except after approval of the Mayor and City Council.

b. When any property owned by the City has become surplus, unserviceable, or useless, the Mayor and City Council shall certify that such property is no longer useful and should be disposed of. All sales or other dispositions of City property shall be in compliance with O.C.G.A. § 36-37-6, as amended from time to time, which section shall govern and determine the authority of the City over its property and the procedure to be followed in disposing of same.

Sections 2.72 - 2.75 **Reserved.**

ARTICLE V. IDENTITY THEFT PREVENTION PROGRAM.

Section 2.76 **Short Title.**

This division shall be known as the “Identity Theft Prevention Program”.

Section 2.77 **Purpose.**

The purpose of this Article is to comply with the Federal Fair and Accurate Credit Transactions Act and the regulations adopted pursuant thereto (16 CFR § 681.2) in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

Section 2.78 **Definitions.**

For purposes of this Article, the following definitions apply:

- a. *City* means the City of Barwick.
- b. *Covered account* means (i) An account that the City offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from identity theft, including financial, operational, compliance, reputation, or litigation risks.
- c. *Credit* means the right granted by the City to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.
- d. *Customer* means a person who has a covered account with the City.
- e. *Identity theft* means a fraud committed or attempted using identifying information of another person without authority.
- f. *Person* means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
- g. *Personal Identifying Information* means a person’s credit card account information, debit card information, bank account information and drivers’ license information and for a natural person includes their social security number, mother’s birth name, and date of birth.
- h. *Red flag* means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

- i. *Service provider* means a person that provides a service directly to the City.
- j. *SSN* means the social security number.

Section 2.79 **Findings.**

It is hereby found and declared by the Mayor and Council that:

- a. The City is a creditor pursuant to 16 CFR § 681.2 due to its provision for maintenance of covered accounts for which payment is made in arrears.
- b. Covered accounts offered to customers for the provision of city services include water and solid waste.
- c. The city's previous experience with identity theft related to covered accounts is as follows: none.
- d. The processes of opening a new covered account, restoring an existing covered account, and making payments on such accounts have been identified as potential process in which identity theft could occur.
- e. The city limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
- f. The city determines that there is a low risk of identity theft occurring in the following ways (if any):
 - 1. Use by an applicant of another person's personal identifying information to establish a new covered account;
 - 2. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
 - 3. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
 - 4. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

Section 2.80 **Process of Establishing a Covered Account.**

- a. As a precondition to opening a covered account in the city, each applicant shall

provide the city with personal identifying information of the customer, including a valid government issued identification card containing a photograph of the customer or, for customers who are not natural persons, a photograph of the customer's agent opening the account, and any other information or documentation necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report. Such information shall be entered directly into the city's computer system and shall not otherwise be recorded.

b. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The city may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

Section 2.81 **Access to Covered Account Information.**

a. Access to customer accounts shall be password protected and shall be limited to authorized city personnel.

b. Such password(s) shall be changed by the City Clerk on a regular basis, shall be at least 8 characters in length and shall contain letters, numbers and symbols.

c. Any authorized access to or other breach of customer accounts is to be reported immediately to the City Clerk and the password changed immediately.

d. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the City Clerk.

Section 2.82 **Credit Card Payments.**

a. In the event that credit card payments that are made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

b. All credit card payments made over the telephone or the city's website shall be entered directly into the customer's account information in the computer data base.

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

Section 2.83 **Sources and Types of Red Flags.**

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

a. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:

1. A fraud or active duty alert that is included with a consumer report;
2. A notice of credit freeze in response to a request for a consumer report;
3. A notice of address discrepancy provided by a consumer reporting agency;
4. Indication of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - (a) A recent and significant increase in the volume of inquiries;
 - (b) An unusual number of recently established credit relationships;
 - (c) A material change in the use of credit, especially with respect to recently established credit relationships; or
 - (d) An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

b. Suspicious documents. Examples of suspicious documents include:

1. Documents provided for identification that appear to be altered or forged;
2. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
3. Identification on which the information is inconsistent with information provided by the applicant or customer;
4. Identification on which the information is inconsistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or
5. An application that appears to have been altered or forged, or appears to have been destroyed and reassembled.

c. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include;

1. Personal identifying information that is inconsistent with external information sources used by the financial institution or creditor. For example:
 - (a) The address does not match any address in the consumer report; or
 - (b) The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death master File.
2. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the

customer, such as a lack of correlation between the SSN range and date of birth.

3. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
4. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
5. The SSN provided is the same as that submitted by other applicants or customers.
6. 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 applicants or customers.
7. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
8. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
9. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

d. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:

1. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
2. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
 - (a) The customer fails to make the first payment or makes an initial payment but no subsequent payments.
3. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - (a) Nonpayment when there is no history of late or missed payments.
 - (b) A material change in purchasing or spending patterns;
4. An account that has been inactive for a long period of time is used, taking into consideration the type of account, the expected pattern of usage and other relevant factors.
5. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
6. The city is notified that the customer is not receiving paper account statements.

7. The city is notified of unauthorized charges or transactions in connection with a customer's account.
8. The city is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.

e. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

Section 2.84 **Prevention and Mitigation of Identity Theft.**

a. In the event that any city employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Clerk, who may in his or her discretion determine that no further action is necessary. If the City Clerk in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the City Clerk:

1. Contact the customer;
2. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
 - (a) change any account numbers, passwords, security codes, or other security devices that permit access to an account; or
 - (b) close the account.
3. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
4. Notify the debt collector within 24 hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
5. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
6. Take other appropriate action to prevent or mitigate identity theft.

b. In the event that any city employee responsible for or involved in opening a new

covered account becomes aware of red flags indicating possible identity theft with respect to an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the City Clerk at his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the City Clerk, who may in his or her discretion determine that no further action is necessary. If the City Clerk in his or her discretion determines that further action is necessary, a city employee shall perform one or more of the following responses, as determined to be appropriate by the City Clerk:

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

Section 2.85 **Updating the Program.**

The Mayor and Council shall annually review and, as deemed necessary by them, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the city and its covered accounts from identity theft. In so doing, the Mayor and Council shall consider the following factors and exercise its discretion in amending the program:

- a. The city's experiences with identity theft;
- b. Updates in methods of identity theft;
- c. Updates in customary methods used to detect, prevent, and mitigate identity theft;
- d. Updates in the types of accounts that the city offers or maintains; and
- e. Updates in service provider arrangements.

Section 2.86 **Program Administration.**

The City Clerk shall be responsible for oversight of the program and for program implementation. The City Clerk is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the City Clerk to address changing identity theft risks and to identify new or discontinued type of covered accounts. Any recommended material changes to the program shall be submitted to the Mayor and Council for consideration by them.

- a. The City Clerk will report to the Mayor and City Council at least annually, on

compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:

1. The effectiveness of the policies and procedures of city in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
2. Significant incidents involving identity theft and management's response; and
3. Recommendations for material changes to the Program.

b. The City Clerk is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the identity Theft Prevention program. The City Clerk shall exercise his or her discretion in determining the amount and substance of training necessary.

Section 2.87 **Outside Service Providers.**

In the event that the city engages a service provider to perform an activity in connection with one or more covered accounts the City Clerk shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are described to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

Division 2.

Treatment of Address Discrepancies.

Section 2.88 **Short Title.**

This division shall be known and referred to as "Treatment of Address Discrepancies".

Section 2.89 **Purpose.**

Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which the city will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the city has received a notice of address discrepancy.

Section 2.90 **Definitions.**

For purposes of this article, the following definitions apply:

a. *Notice of address discrepancy* means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.

b. *City* means City of Barwick.

Section 2.91 **Policy.**

In the event that the city receives a notice of address discrepancy, the city employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

- a. Compare the information in the consumer report with:
 - 1. Information the city obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(1);
 - 2. Information the city maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
 - 3. Information the city obtains from third-party sources that are deemed reliable by the relevant city employee; or
- b. Verify the information in the consumer report with the consumer.

Section 2.92 **Furnishing Consumer's Address to Consumer Reporting Agency.**

a. In the event that the city reasonably confirms that an address provided by a consumer to the city is accurate, the city is required to provide such address to the consumer reporting agency from which the city received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

- 1. The City is able to form a reasonable belief that the consumer report relates to the consumer about whom the city requested the report.
- 2. The City establishes a continuing relation with the consumer; and
- 3. The City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

b. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the city to such agency for the reporting period in which

the city establishes a relationship with the customer.

Section 2.93 **Methods of Confirming Consumer Addresses.**

The City employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- a. Verifying the address with the consumer;
- b. Reviewing the city's records to verify the consumer's address;
- c. Verifying the address through third party sources; or
- d. Using other reasonable processes.

Section 2.94 **Non-waiver of Immunity.**

This ordinance is not intended to be and shall not be construed to be a waiver of the governmental immunity of the City, or the official immunity or any other immunity of the City or any of its agents or employees.

Sections 2.95 - 2.100 **Reserved.**

ARTICLE VI. TRAVEL EXPENSES FOR CITY OFFICIALS.

Section 2.101 Travel Expenses for City Officials.

- a. Definition. "City official" shall mean the Mayor, members of the City Council members of Boards, Commissions, and Authorities of the City, and City employees.
- b. The City will pay travel expenses of City officials for attending such meetings, seminars, or other convocations as may be reasonably related to City business. Authorized expenses shall include registration fees, the costs of transportation, lodging, and parking, a per diem as set forth in paragraph (d) below.
1. The City official will be responsible for taking the most cost-effective method of transportation available;
 2. The City will pay only for coach or tourist class accommodations;
 3. Expenses for travel of spouses, children, or other persons accompanying the City official will not be paid by the City;
 4. The purpose for which the expense is incurred must be for the benefit of the City; and
 5. The amount of the expense must be reasonable.
- c. All travel shall be authorized in advance by the Mayor and City Council. The City Clerk or Assistant City Clerk shall provide travel assistance to the City official, including registration, reservations for transportation and lodging, and other assistance that may be applicable.
- The City Clerk or Assistant City Clerk shall issue advances against expenses, including prepayment of registration, transportation (to include airfare and the cost of transport to and from any airport to the place of lodging, whether it be by shuttle service, bus, van, taxi cab, or rental vehicle, lodging, parking, and the per diem, once attendance at the meeting, seminar, or convocation is specifically authorized by a majority of the City Council.
- d. The City shall pay the City official a per diem at the standard City rate where the payment of travel expenses is authorized. Per diem for less than a whole day shall be prorated at one-half of the daily rate. Claims for reimbursement of expenditures exceeding the per diem must be fully documented as provided in paragraph (e). There need be no accounting for the per diem if no reimbursement above the amount of the per diem is requested.
- e. Any City official asserting a claim for reimbursement of expense shall file a report with the City Clerk, not later than 14 days after completion of travel, itemizing all expenditures, with supporting receipts and other documents. The official who incurred the expense must verify the accuracy of the report and documentation submitted. No reimbursement of expenditures shall be made by the City without the approval of a majority of the City Council,

upon a determination that the subject expenses were warranted and reasonable under the circumstances.

f. Reimbursement for mileage shall be issued upon execution of a form verifying the distance traveled and that the trip was taken in conjunction with the performance of official duties.

g. The City Clerk shall maintain records of all expenditures from the expense accounts provided to City officials pursuant to this ordinance.

h. Except in cases of hardship to the official, and City official who causes travel plans or meeting, seminar, or convention registration to be made and subsequently fails to attend meeting, seminar, or convocation shall reimburse the City for any penalty, cancellation charge, or other expense incurred by the City.

Any City official who accepts any travel advance and does not attend the meeting, seminar, or other convocation for which the advance was made shall immediately reimburse the City the amount of the advance together with any penalty, cancellation charge, or other expense incurred by the City. Should the City not be fully reimbursed within five business days, the City Clerk shall deduct the amount owed the City from any salary, wage, or other payment owed to the City official. In the case of a Board or Authority, any such City official failing to reimburse the City shall be required to pay any portion of future mandated travel in the amount of the cancellation expense incurred by the City.

If a Board of Authority member fails to reimburse the City and fails to comply with mandated training, the Mayor and Council may declare the position held by such member vacant pursuant to O.C.G.A. § 45-5-1. Any Board or Authority member who does not reimburse the City as provided for in this ordinance shall not be eligible for appointment to any position on any Board of Authority of the City.

Sections 2.102 - 2.105

Reserved.