

**RESOLUTION NO. 74640**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ APPROVING THE IDENTITY THEFT PREVENTION PROGRAM AND PROCEDURES RELATED TO NOTICES OF ADDRESS DISCREPANCIES TO COMPLY WITH REGULATIONS ISSUED BY THE FEDERAL TRADE COMMISSION PURSUANT TO THE FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003 AND DESIGNATION OF THE CITY MANAGER’S OFFICE TO PROVIDE OVERSIGHT OF THE IDENTITY THEFT PREVENTION PROGRAM**

**WHEREAS**, the Federal Trade Commission (“FTC”) issued regulations, also known as the “Red Flag Rules”, which require creditors with “covered accounts” to design and implement a written identity theft prevention program by November 1, 2008, and which regulations also require banks and credit unions to implement a written identity theft prevention program by November 1, 2008, which were adopted by federal banking agencies and the National Credit Union Administration; and

**WHEREAS**, the City of San José (“City”) has determined that it is a creditor with “covered accounts” under the FTC Regulations and is required to have an Identity Theft Prevention Program in place since the City provides water, sewer, and solid waste services for which payment is made after the service is consumed or the service has otherwise been provided, and the City also offers, or has outstanding loans, for the purposes of (1) home rehabilitation, (2) home purchase, (3) teacher education, and (4) small business loan programs; and

**WHEREAS**, the FTC has also issued regulations which require users of consumer credit reports to develop policies and procedures relating to address discrepancies between information provided by a consumer and information provided by a consumer reporting agency; and

**WHEREAS**, the City has determined that it uses consumer credit reports in connection with various loan programs, debt collection and the hiring process, and will include procedures

related to notices of address discrepancies sent to the City by a consumer reporting agency to be included in the Identity Theft Prevention Program;

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Identity Theft Prevention Program and Procedures Related to Notices of Address Discrepancies complying with regulations issued by the Federal Trade Commission pursuant to the Fair and Accurate Credit Transactions Act of 2003, which Identity Theft Prevention Program is attached hereto as ATTACHMENT A and incorporated herein by this reference, is hereby approved.
  
2. The City Manager’s Office is designated to provide oversight of the Identity Theft Prevention Program.

ADOPTED this 28th day of October, 2008, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS; REED.

NOES: NONE.

ABSENT: CAMPOS.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk