

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF
COMMISSIONERS
MONDAY OCTOBER 20, 2008**

The Pamlico County Board of Commissioners met in regular session on October 20, 2008 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present with exception of Commissioner Carl Ollison. Also present were County Attorney Jim Hicks, County Manager Tim Buck, Finance Officer Jim Philyaw and Clerk to the Board Kathy P. Cayton.

Chairman Doug Brinson called the meeting to order.

Chairman Doug Brinson called for corrections and/or additions to the regular and closed session minutes of the October 6, 2008 meeting. There being none on a motion made by Commissioner Christine Mele and seconded by Commissioner Paul Delamar, the following resolution was unanimously approved.

BE IT RESOLVED, the regular and closed session minutes of the October 6, 2008 meeting are hereby approved and the Chairman's signature is authorized thereon.

Chairman Doug Brinson asked if there were any additions and/or deletions to the agenda.

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Paul Delamar and seconded by Commissioner Christine Mele, the following resolution was unanimously approved.

BE IT RESOLVED, the request to add the change to the Interim Recreation Director retroactive salary date is hereby approved.

Commissioner Carl Ollison arrived.

Chairman Doug Brinson recognized Mr. Steve Moler who introduced Mr. Nate Halbuka who gave the presentation of the Pamlico County Parks and Recreation Comprehensive Plan. Mr. Halbuka stated that a plan is not a static document and the longer it goes without revision the less useful it becomes. The last plan Pamlico County had developed was in the early 1980's. The Comprehensive Plan was developed for the following reasons:

- Identify the recreation needs of Pamlico County and Recreation Resources Services opinions.
- Help establish the foundation of departmental operations.
- Help in receiving grant funding.

Board Members thanked Mr. Moler and Mr. Halbuka for their time and presentation.

Chairman Doug Brinson recognized Board of Health Members who were in attendance to discuss an Interim Health Director. Acting Director Diane McDaniel requested that the Board of Health and Board of Commissioners go into closed session in accordance with G.S. 143.318.11(a) 6.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Paul Delamar, the Board went into closed session.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Roy Brinson, the Board went back into open session.

No action was taken in closed session.

The Board then turned their attention to the Consent Agenda.

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain the following resolutions were unanimously approved.

BE IT RESOLVED, the following tax reliefs and releases are hereby approved.

Name	Year	Tax/Ticket	Reason	Amount
Chapman, John	2008	983000/2972	MH Double listed	\$ 3.44
Egan, Timothy	2008	26513/4660	Listing error	72.97
Truelove, Jerry	2008	2630/16316	Value appealed	87.94
Dell Financial	2008	19412/4119	Valued incorrectly	44.44
Bratcher, Charles	2008	562000/1615	Clerical error	1,246.44
River Dunes Corp.	2008	22785/128888	Clerical error	2,707.93
Evans, Durland	2008	23847/4795	Boat value readjusted	604.39

BE IT RESOLVED, the following Senior Citizens Tax Exemption Applications are hereby approved.

- **Wilbert Beasley, Jr.** **TP# 336000**
- **Vernon Leroy Cowell** **TP# 17116**

BE IT RESOLVED, the Tax Collector's Monthly Report for September is hereby approved.

BE IT RESOLVED, the Criminal Justice Partnership contract with Changing Seasons Treatment Services is hereby approved.

BE IT RESOLVED, THE 2006 CDBG Scattered Housing Replacement and moving expenses for Ella and William Respass not to exceed \$85,000 is hereby approved.

BE IT RESOLVED, the Employee Appreciation Luncheon to be held on December 19, 2008 from 11:00 to 2:30 at the Ned Delamar Center is hereby approved.

BE IT RESOLVED, the 2009 – 2011 Work First Plan is hereby approved.

Board Members then turned their attention to the Correspondence Agenda.

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Carl Ollison, the following resolution was unanimously approved.

BE IT RESOLVED, the request to appoint Ms. Suzanne Gwaltney as the Community Business Representative on the Juvenile Crime Prevention Council is hereby approved.

County Manager Tim Buck told Board Members that at the October 8, 2008 EMS Advisory Committee Meeting modifications to the EMS System Plan were made and is being recommended for approval. The changes update the Peer Review and Medical Oversight sections of the plan.

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Jimmy Spain, the following resolution was unanimously approved.

BE IT RESOLVED, the modification to the EMS System Plan updating the Peer Review and Medical Oversight sections are hereby approved.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Roy Brinson, the following resolution was unanimously approved.

BE IT RESOLVED, the following reappointment of the Peer Review Committee Members is hereby approved.

**Jeremy Hill
Dale Holadia
Stanley Koontz
Lena Rice
David Spruill**

**State Office of EMS
Pamlico Community College
Medical Director
Pamlico Rescue
Emergency Management**

Subdivision Administrator Skip Lee came before the Board requesting final approval of River run Subdivision Phases III and IV. The Planning Board has given their approval and the subdivision apparently meets the conditions of the Subdivision Ordinance.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Ann Holton, the following resolution was unanimously approved.

BE IT RESOLVED, the final subdivision plats for River Run Subdivision Phases III and IV are hereby approved.

County Manager Tim Buck told Board Members that the Pamlico County Water Department is required to adopt an Identity Theft Prevention Program by November 1, 2008. The county Attorney has prepared a draft Identity Theft Prevention Ordinance for the Board to consider.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Paul Delamar, the following resolution was unanimously approved.

**ORDINANCE
TO ESTABLISH AN IDENTITY THEFT PREVENTION PROGRAM**

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

WHEREAS, the Federal Trade Commission regulations, adopted as 16 CFR § 681.2 require creditors, as defined by 15 U.S.C. § 168a(r)(5) to adopt red flag policies to prevent and mitigate identity theft with respect to covered accounts;

WHEREAS 15 U.S.C. § 1681a(r)(5) cites 15 U.S.C. § 1691a, which defines a creditor as a person that extends, renews or continues credit, and defines 'credit' in part as the right to purchase property or services and defer payment therefore;

WHEREAS the Federal Trade Commission regulations include utility companies in the definition of creditor;

WHEREAS Pamlico County is a creditor with respect to 16 CFR § 681.2 by virtue of providing utility services or by otherwise accepting payment for municipal services in arrears;

WHEREAS the Federal Trade Commission regulations define “covered account” in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payments or transactions and specifies that a utility account is a covered account;

WHEREAS the Federal Trade Commission regulations require each creditor to adopt an Identity Theft Prevention Program which will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts;

WHEREAS the County provides public utility services for which payment is made after the service has otherwise been provided which by virtue of being utility accounts are covered accounts;

NOW, THEREFORE, BE IT ORDAINED that Pamlico County adopts the following Identity Theft Prevention Program:

ARTICLE 1
Program Adoption

This Identity Theft Prevention Program ("Program") is adopted pursuant to the Federal Trade Commission's Red Flags Rule (“Rule”), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2.

ARTICLE 2
Definitions

2.1 “County” means and refers to Pamlico County.

2.2 “Covered Account” means and refers to (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

2.3 “Customer” means and refers to a person that has a covered account with the County.

2.4 **“Identifying information”** shall be as defined under the Rule, as amended from time to time. As of the effective date of this Ordinance, it means “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” and shall include: name, address, telephone number, social security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

2.5 **“Identity Theft”** means and refers to fraud committed using the identifying information of another person.

2.6 **“Person”** means and refers to a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.

2.7 **“Program Administrator”** shall mean and refer to that person designated by the County Board of Commissioners for the administration and enforcement of this Ordinance, or his designee.

2.8 **“Red Flag”** means and refers to a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

2.9 **“Utility”** shall mean and refer to any board, commission, district, department, provider or other agency or department of County that provides any type of public utility service, or which is otherwise subject to the Rule.

ARTICLE 3 **Identification of Red Flags**

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

1. Report of fraud accompanying a credit report;
2. Notice or report from a credit agency of a credit freeze on a customer or applicant;

3. Notice or report from a credit agency of an active duty alert for an applicant; and
4. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

B. Suspicious Documents

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
3. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
4. Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
8. A person's identifying information is not consistent with the information that is on file for the customer.

D. Suspicious Account Activity or Unusual Use of Account

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;

3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

E. Alerts from Others

1. Notice to the Utility from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

ARTICLE 4
Detecting Red Flags

A. New Accounts

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

1. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, review a driver's license or other photo identification card);
3. Review documentation showing the existence of a business entity; and
4. Independently contact the customer.

B. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, Utility personnel will take the following steps to monitor transactions with an account:

1. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
2. Verify the validity of requests to change billing addresses; and

3. Verify changes in banking information given for billing and payment purposes.

ARTICLE 5
Preventing and Mitigating Identity Theft

In the event Utility personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

A. Prevention and Mitigation

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

B. Protect customer identifying information

In order to further prevent the likelihood of identity theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. If applicable, ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date;
7. Access to customer accounts shall be limited to County personnel only; and
8. Require and keep only the kinds of customer information that are necessary for utility purposes.

ARTICLE 6
Program Updates

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. At least once per year, the Program Administrator will consider the Utility's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Utility maintains and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. Thereafter, he shall update the Board of Commissioners with his recommended changes, if any, and the Board of Commissioners will make a determination of whether to make any changes to the Program.

ARTICLE 7
Program Administration

A. Oversight

Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the Utility. The Committee is headed by a Program Administrator who may be the head of the Utility or his or her appointee. Two or more other individuals appointed by the head of the Utility or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of Utility staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

B. Staff Training and Reports

Utility staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. The Utility should include in its Program how often training is to occur. Staff shall provide reports to the Program

Administrator on incidents of Identity Theft, the Utility's compliance with the Program and the effectiveness of the Program at least annually.

The reports should address material matters related to the Program and evaluate issues such as: the effectiveness of the policies and procedures of the creditor in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts; service provider arrangements; significant incidents involving identity theft and management's response; and recommendations for material changes to the Program.

C. Service Provider Arrangements

In the event the Utility engages a service provider to perform an activity in connection with one or more accounts, the Utility will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft:

1. Require, by contract, that service providers have such policies and procedures in place; and
2. Require, by contract, that service providers review the Utility's Program and report any Red Flags to the Program Administrator.

D. Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Utility's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

ARTICLE 8

Severability; Conflict with Other Laws

A. Severability

If any section, clause or provision of this Ordinance shall be found to be invalid, the validity of the remaining sections, clauses or provisions shall not be affected thereby.

B. Conflict with Other Laws

Whenever the regulations of this ordinance conflict with the requirements of another statute, the more restrictive standard shall apply.

**ARTICLE 9
Effective Date**

This Ordinance shall become effective immediately upon adoption.

ADOPTED this the 20th of October, 2008.

s/s J. Douglas Brinson
Chairman

s/s Kathy P. Cayton
Clerk to the Board

On a motion made by Commissioner Roy Brinson and seconded by Commissioner Jimmy Spain, the following resolution was unanimously approved.

BE IT RESOLVED, the Program Administrator for the Identity Theft Prevention Ordinance will be the Water Department Office Supervisor.

On a motion made by Commissioner Jimmy Spain and seconded by Commissioner Paul Delamar, the following resolution was unanimously approved.

BE IT RESOLVED, the County Attorney is directed to proceed with calling the bond on Carraway cove Subdivision.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Jimmy Spain, the following resolution was unanimously approved.

BE IT RESOLVED, the County Attorney is directed to proceed with calling the bond on Bay Harbor Subdivision.

County Manager Tim Buck informed Board Members of a directive issued by the State that changes the Mobile DMV hours from seven hours of service (9:00 a.m. – 4:00 p.m.) to two hours of service (11:30 a.m.– 1:30 p.m.). This reduction in hours is due to budget cuts issued by the Governor. Commissioner Ann Holton has requested a resolution opposing changing the number of hours that residents are serviced by the Mobile DMV Unit.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Jimmy Spain, the following resolution was unanimously approved.

**RESOLUTION REGARDING THE DEPARTMENT OF MOTOR VEHICLES
DRIVERS LICENSE MOBILE UNIT**

WHEREAS, Pamlico County is a rural county with a large portion of elderly citizens and;

WHEREAS, unemployment rates are rising and a large number of citizens are affected by a struggling economy and;

WHEREAS, the nearest Department of Motor Vehicles Office is approximately thirty-nine (39) miles from certain Pamlico County citizens and;

WHEREAS, the Department of Motor Vehicles was sending a Mobile Unit to the County on the fourth (4th) Thursday of the month from the hours of nine to four (9 a.m. – 4 p.m.) and;

WHEREAS, the Mobile Unit currently serves approximately forty (40) citizens each visit and;

WHEREAS, that number of citizens cannot be served if the hours are changed to 11:30 a.m. to 1:00 p.m. and;

NOW THEREFORE BE IT RESOLVED, the Pamlico County Board of Commissioners are hereby requesting that the Department of Motor Vehicles keep the hours of the Mobile Unit at 9:00 a.m. - 4:00 p.m.

Adopted this the 20th day of October 2008.

s/s J. Douglas Brinson
Chairman

s/s Kathy P. Cayton
Clerk to the Board

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Jimmy Spain, the following resolution was unanimously approved.

BE IT RESOLVED, the pay for Interim Recreation Director Tina Brooks is hereby retroactive back to July 1, 2008.

There being no further business on a motion made by Commissioner Jimmy Spain and seconded by Commissioner Christine Mele, the Board adjourned until Monday November 3, 2008 at 7:00 p.m.

Chairman

Clerk to the Board