

IDENTITY THEFT PREVENTION

1.40 Identity Theft Prevention Program

MUNICIPAL COURT

1.45 Municipal Court

1.40 IDENTITY THEFT PREVENTION PROGRAM

- (1) Intent. This program is established in order to comply with Wisconsin Statutes Chapter 19, subchapter IV, and to the extent applicable the Federal Fair and Accurate Credit Transactions Act of 2003. This program is intended to establish reasonable policies and procedures to:
- (a) Develop rules of conduct for Town employees who are involved in collecting, maintaining, using, providing access to, sharing or archiving personally identifiable information;
 - (b) Ensure that Town employees know their duties and responsibilities relating to protecting personal privacy, including applicable state and federal laws;
 - (c) Identify relevant indications that an identity theft is being perpetrated ("red flags") for new and existing covered accounts, and incorporate those red flags into the Program;
 - (d) Detect red flags that have been incorporated into the Program;
 - (e) Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
 - (f) Update the Program periodically to reflect changes in risks to customers or to the safety and soundness of the Town from identity theft.
- (2) Rules of Conduct. Employees at the Town shall observe the following rule of conduct concerning personally identifiable information. These rules shall apply to any information that identifies a specific person by address, telephone number, Social Security Number, date of birth, government passport number, employer or taxpayer identification number or unique electronic identification number. Personally identifiable information does not include a person's name for purposes of this rule.
- (a) *Agendas and Minutes*. Except when deemed reasonably necessary to apprise the public of the subject of a meeting or actions taken, personally identifiable information shall not be shown on meeting agendas or in meeting minutes.
 - (b) *Internal Distribution*. Except when deemed reasonably necessary to advise public officials, Town staff, employees or agents, personally identifiable information shall not be distributed internally.
 - (c) *External Disclosures*. Except as required by the Wisconsin public records laws or other applicable laws, personally identifiable information shall not be released in response to public records requests.

- (d) *Public Information.* Except when deemed reasonably necessary to properly advise the public, personally identifiable information shall not be disclosed on the Town's website, in the Town's newsletter, or in other public information materials prepared and provided by the Town.
- (3) Identification of Red Flags. Town employees shall check for red flags as indicators of possible identity theft. Such red flags may include:
- (a) Alerts from consumer reporting agencies, fraud detection agencies or service providers.
 - (b) Documents provided for identification that appear to be altered or forged.
 - (c) Applications that appear to have been altered or forged, or appear to have been destroyed and reassembled.
 - (d) Applications that appear to include a fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, page numbers or answering
 - (e) A Social Security Number provided that is the same as one submitted by other applicants or customers.
 - (f) An applicant or customer that fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - (g) Personal identifying information is not consistent with personal identifying information that is on file.
 - (h) Mail sent to person is returned repeatedly as undeliverable although transactions continued to be conducted in connection with such person's account.
 - (i) The Town is notified of unauthorized charges or transactions in connection with a customer's account.
- (4) Detecting Red Flags. In order to detect any of the red flags identified above, Town personnel will take the following steps when it is reasonably possible to do so:
- (a) Require submittal of complete applications.
 - (b) Verify identity when necessary,
- (5) Preventing and Mitigating Identity Theft. In the event any Town employee becomes aware of red flags indicating possible identity theft, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a theft of identity. If, in his or her discretion, such employee

- (6) determines that identity theft or attempted identity theft is likely or probable, such employee shall convey this information to the Town Clerk. If, in his or her discretion, the Town Clerk deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the Town Clerk may in his or her discretion determine that no further action is necessary. If the Town Clerk determines that further action is necessary, the Town Clerk or his or her designee shall perform one or more of the following responses:
- (a) Contact the affected person;
 - (b) Cease attempts to collect funds owed by the customer or affected person;
 - (c) Notify the Town's debt collector of the matter;
 - (d) Notify law enforcement; or
 - (e) Take other appropriate action to prevent or mitigate identity theft.
- (6) Program Administration. The Town Clerk is responsible for oversight of the Program and for Program implementation. Any recommended material changes to the Program shall be submitted to the Town Board for consideration, and shall be subject to the Town Board's approval.
- (7) Program Updates. The Town Board reserves the right to periodically review this program and modify and update the program from time to time as necessary, by amendment to this ordinance. In doing so, the Town Board shall consider the following factors and exercise its discretion in amending the Program:
- (a) The Town's experience 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 Town offers and maintains; and
 - (e) Updates in service provider arrangements.

1.45 MUNICIPAL COURT

(1) MUNICIPAL COURT CREATED

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes designated as "Municipal Court for the City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of

Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek (Contract Member), Town of Ixonia (Contract Member) and Town of Ottawa (Contract Member)" or so many of those municipalities which enact an ordinance identical to this ordinance pursuant to §755.01(4).

(2) MUNICIPAL JUDGE

Such court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following Municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia or Town of Ottawa or those municipalities which enact an ordinance identical to this ordinance and enter into an agreement pursuant to §66.0301 Wis. Stats. for the joint exercise of the power granted under §755.01 Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of four (4) years commencing May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10 Wis. Stats., and selection at a primary election if such is held as provided in §8.11 Wis. Stats. The Town Board of the Town of Delafield shall provide for a primary election whenever three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in §8.11(1)(a) Wis. Stats., and such primary election shall be held on the third Tuesday of February as provided in §5.02(22) Wis. Stats.

(3) ELECTIONS

The Municipal Clerk of each municipality shall see to the compliance with §5.58(1c), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(bm) to provide for the election of a Municipal Judge under §755.01(4).

(4) OATH AND BOND

The Judge shall, after his election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000.00. The Judge shall not act until his oath and bond have been filed as required by §190.1(4)(c) Wis. Stats. and the requirements of §755.03(2) have been complied with.

(5) SALARY

The salary of the Municipal Judge shall be fixed by the governing bodies of the municipalities that created and established this Municipal Court, which shall be in lieu of fees and costs. No salary shall be paid for any time during his/her term during which such Judge has not executed his official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinances, resolutions, or through the budget process, allocate funds for the administration of the Municipal Court pursuant to Wis. Stats. §66.0301.

(6) JURISDICTION

The municipal Judge of the Municipal Court shall have such jurisdiction as provided by §755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under §66.0119 Wis. Stats.

(7) LOCATION AND HOURS

The Municipal Court shall be held in the Council Chambers of the City of Oconomowoc City Hall at 174 E. Wisconsin Avenue, Oconomowoc, Wisconsin. The Municipal Court shall be open at such times as determined by the Municipal Judge.

(8) FINES AND FORFEITURES

The Municipal Judge may impose punishment and sentences as provided by §800.09, Wis. Stats., and as provided in the ordinances of the following municipalities: City of Oconomowoc, Village of Oconomowoc Lake, Village of Dousman, Town of Delafield, Village of Nashotah, Town of Lisbon, Town of Merton, Village of Sussex, Village of Hartland, Village of Lac LaBelle, Town of Oconomowoc, Village of Summit, Village of Chenequa, Town of Erin, Village of Merton, Village of Sullivan, Village of Johnson Creek, Town of Ixonia or Town of Ottawa. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any.

(9) STIPULATIONS AND DEPOSITS IN MUNICIPAL COURT

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 Wis. Stats., and, where applicable, other provisions of the Wis. Stats. as referred to in subsection (10) below. The Municipal Judge shall

establish in accordance with §800.037 Wis. Stats., a schedule of deposits for violations of City, Village and Town ordinances, resolutions and by-laws, except traffic regulations which are and shall be governed by §345.26 Wis. Stats., and boating violations which are, and shall be governed by §23.66 and 23.67 Wis. Stats. Such deposit schedule shall be approved by the respective governing bodies of the municipalities creating and establishing this Court and shall be posted in the office of the Municipal Court Clerk and the police departments of the respective communities.

(10) PROCEDURE IN MUNICIPAL COURT

The procedure in Municipal Court shall be as provided by this Ordinance and State Law including, but not excluding because of enumeration Chapters 66, 345, 751, 755, 757 and 800 of Wis. Stats.

(11) CONTEMPT PROCEDURES

- (a) The Municipal Judge may impose a sanction authorized under §800.12(2) for contempt of court, as defined in §785.01(1) Wis. Stats., in accordance with the procedures under §785.03 Wis. Stats.
 - (b) The Municipal Judge may impose a forfeiture for contempt under §800.12(1) Wis. Stats., in an amount not to exceed \$50.00 or, upon nonpayment of the forfeiture and the penalty assessment under §757.05 Wis. Stats., a jail sentence not to exceed 7 days.
- (12) The Municipal Court hereby established shall not be abolished while the 755.01(4) agreement is in effect.