

**Board of Supervisors Meeting
October 9, 2008
5:00 P.M.**

NORTHUMBERLAND COUNTY, VA

A regular monthly meeting of the Northumberland County Board of Supervisors was held in the Northumberland Courts Building, on Thursday, October 9, 2008

Present: Ronald L. Jett – Chairman
 Richard F. Haynie – Vice-Chairman
 A. Joseph Self, Sr. – Supervisor
 Thomas H. Tomlin – Supervisor
 James M. Long – Supervisor

 W. Leslie Kilduff, Jr. – County Attorney
 Kenneth D. Eades – County Administrator
 Luttrell Tadlock – Assistant County Administrator

RE: INVOCATION

Supervisor James M. Long held the invocation.

RE: PLEDGE OF ALLEGIANCE

Supervisor Long also led in the Pledge of Allegiance.

RE: APPROVAL OF MINUTES FROM SEPTEMBER 11, 2008.

Upon motion by James M. Long., duly seconded by A. Joseph Self, Sr., the Board voted unanimously to approve the minutes from the previous meetings on September 11, 2008. The vote on the motion was as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: AMENDMENT TO THE BOARD OF SUPERVISORS AUGUST 2008 MINUTES

Mr. Eades explained that a closed session was accidentally left out of the minutes that were approved on September 11, 2008. The amendment applies to the August 14, 2008 minutes.

Upon motion by Richard F. Haynie, duly seconded by A. Joseph Self, Sr., the board voted to amend the August 14, 2008 minutes to include the Closed Session that was held at the end of the meeting. The minutes will be included in the minute book in the appropriate place. The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA

Thomas H. Tomlin – YEA

Amendment to August 14, 2008 Minutes
RE: CLOSED MEETING

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie, the Board voted unanimously to convene into closed meeting to discuss a personnel matter as permitted by Virginia Code Section 2.2-3711 (A) (1). The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

Ronald L. Jett – YEA
James M. Long – YEA

RE: OPEN MEETING

The Board convened back into open session upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted unanimously that in the closed meeting just concluded, nothing was discussed except the matters lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in the motion. The vote on the motion was as follows:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

Ronald L. Jett – YEA
James M. Long – YEA

RE: MOTION AND CERTIFICATION OF CLOSED MEETING

A motion was made by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted unanimously to certify the closed meeting:

WHEREAS, The Northumberland County Board of Supervisors, herein Board, has convened a closed meeting on this date pursuant to the affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and

WHEREAS, 2.1-344.1 of the Code of Virginia requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED that the board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board specifically personnel matter.

The vote on the motion was passed by a roll call vote as follows:

Ronald L. Jett – YEA
James M. Long – YEA
Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA
Richard F. Haynie – YEA

RE: ACTION TAKEN

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long, the Board voted unanimously to hire Trevor Wind as the County's Deputy Zoning Administrator in charge of the Erosion and Sediment Control program. The salary is set for Thirty Four Thousand Dollars (\$34,000) and he will begin on August 18, 2008. The vote on the motion was:

A. Joseph Self, Sr. – YEA
Richard F. Haynie – YEA
Thomas H. Tomlin – YEA

Ronald L. Jett – YEA
James M. Long – YEA

RE: APPROVAL OF AGENDA

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin, the Board voted unanimously to approve the agenda for today's meeting.

Ronald L. Jett – YEA
James M. Long – YEA
Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA
Richard F. Haynie - YEA

RE: MR. SEAN TRAPANI, VDOT RESIDENCY ADMINISTRATOR

Mr. Trapani briefed the Board on shutting down the Ferry in the near future in order to demolish the pilings to make room for the new ferry. The ferry will only be out of service for about a week.

Mr. Trapani stated he should have the figures for the Board at the December meeting for Revenue Sharing request made to add a turn lane at the new Middle/High School.

Mr. Quinton Elliot, District Administrator for VDOT came to meet the Board. He commented that he appreciates the Board taking the time to meet him. He informed the Board that he is there to serve and support. He is coming into the position with a lot of challenges due to budget constraints. People are driving less which in turn means the revenue is not coming in on the gas tax as before. Mr. Elliot explained some things will have to be cut out of the budget in order to keep the most important things on schedule like maintenance.

Supervisor Self commended the paving that was done in the Callao area. The work was completed during the night time hours and Mr. Self stated this went very well.

Supervisor Self stated that there was a lot of grass left on the side of the road during the grass cutting, and he asked if there was any way this could be prevented. Mr. Trapani said he would talk to the contractor.

County Administrator Eades asked if there are any anticipated problems with snow removal this coming winter. Mr. Elliot stated they have a set of standards when it comes to things like removing snow from the highways. If the standards are being exceeded, they will be asked to step back and if they are not meeting the standards, they will be asked to step it up a notch. They will continue to focus on high volume roads first then the secondary roads.

RE: CLINT STABLES, SCHOOL SUPERINTENDENT

Mr. Stables went through the state accreditation rates and the graduation rates for Northumberland County and area schools. He stated that we are at the state average.

Mr. Stables also noted that currently our school system is 30 students above what was budgeted.

The new school is still on track to be opened on March 1, 2009. One injury took place when a worker severed his ear. Mr. Stables noted this is the first major injury in the 2 year construction project.

RE: LISA HULL, DIRECTOR NORTHERN NECK REGIONAL VECTEC OFFICE

Mrs. Lisa Hull presented to the Board a power point presentation introducing their new office in Warsaw at the Planning District Commission. VECTEC will offer internet technology and training as well as e-commerce services to small and medium size rural businesses and organizations in the Northern Neck.

RE: MR. JOE MADEJ, EXECUTIVE DIRECTOR ECONOMIC DEVELOPMENT

Mr. Madej gave his quarterly report on the events going on with the Economic Development which included the following:

- ❖ Web page for the EDC
- ❖ EDC grant for the Farmers Market Pavilion
- ❖ T-Systems trying to secure loan
- ❖ EDC awarded Tonya Creasy for her work
- ❖ Northumberland County Health Center

RE: BUILDING PERMIT REPORT

	2008	2007
Total construction cost for the month	\$ 5,331,085.00	\$ 5,237,835.59
Total Bldg. Permit Cost for Month	\$ 7,425.00	\$ 7,255.04
Total Zoning Permit Cost for the Month	\$ 2,710.00	\$ 2,630.00
Total Levy Fee for the Month	\$ 130.28	\$ 127.34
<i>Total Construction cost year to date</i>	\$48,237,403.60	\$58,499,621.09

RE: VACO VOTING DESIGNATION

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the Board voted to elect Mr. Ronald L. Jett as the voting member representing Northumberland County at the VACO Annual Meeting. The vote on the motion was as follows:

Ronald L. Jett – YEA A. Joseph Self, Sr. - YEA
James M. Long – YEA Richard F. Haynie - YEA
Thomas H. Tomlin – YEA

Upon motion by A. Joseph Self, Sr., duly seconded by Thomas H. Tomlin the board voted to elect Mr. Kenneth D. Eades the voting alternate member representing Northumberland County at VACO Annual Meeting. The vote on the motion was as follows:

Ronald L. Jett – YEA
James M. Long – YEA
Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA
Richard F. Haynie - YEA

RE: THREATENING DOGS

A draft of an amendment pertaining to Threatening Dogs was discussed with members of the Board. The Board made some changes within the draft related to who would be the designated person in the event the animal control officer was not available and use of some wording from the dangerous and vicious dog section of the code. The Board then voted to advertise the draft for public hearing next month.

Upon motion by Thomas H. Tomlin, duly seconded by James M. Long the board voted to advertise a public hearing on Threatening Dogs for the November meeting. The vote on the motion is as follows:

Ronald L. Jett – YEA
James M. Long – YEA
Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA
Richard F. Haynie - YEA

RE: RECEIVED YEARLY RENT FOR WCNV TOWER, DONATED MONEY BACK TO COMMONWEALTH BROADCASTING

Upon motion by James M. Long, duly seconded by Thomas H. Tomlin, the Board voted unanimously to donate the tower rent of \$600.00 back to the Commonwealth Public Broadcasting Corporation. The vote on the motion was as follows:

Ronald L. Jett – YEA
James M. Long – YEA
Thomas H. Tomlin – YEA

A. Joseph Self, Sr. - YEA
Richard F. Haynie - YEA

RE: HUNTING ON COUNTY PROPERTY, MILL CREEK AREA

Mr. Eades stated he had received a request from Mr. Wayne Harding asking for permission to hunt County owned land across from Dameron Marsh in the Mill Creek Area. No action was taken on the request.

RE: LETTER RECEIVED FROM THE TAVERN SPINNERS AND WEAVERS

Mr. Eades informed the Board that he had received a letter from the Tavern Spinners and Weavers asking for some space in the old high school when the space becomes available. Mr. Eades said that the use of the old high school is an issue that will need to be discussed soon.

RE: COMCAST RATE INCREASE

Mr. Eades stated he had received a letter from Comcast Cable saying that the rates will increase in January. We have been in discussions with Comcast for months to improve their service but there is no regulatory board that oversees cable companies and our requests are not taken seriously. Chairman Jett stated that Northern Neck Electric Cooperative will be raising their rates in January also.

RE: WORKFORCE INVESTMENT BOARD, APPOINTMENT NEEDED

Mr. Eades advised the Board he had received a letter from the Workforce Investment Board stating that Northumberland County's current representative to their board, Ms. Linda Morris, does not want to be reappointed. Ms. Morris represented the Bank of Lancaster as a private business.

Mr. Eades asked if any of the Board members had a suggestion on who could replace Ms. Morris. Supervisor Self suggested Mr. Ruben Thrift from the Bank of Essex. Mr. Eades said he would contact Mr. Thrift.

RE: REQUEST FOR FLU SHOTS TO BE GIVEN AT THE COURTHOUSE

Mr. Eades asked the Board if they would authorize him to contact the Northumberland County Health Department about setting up in the Board room to give the county employees flu shots.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the Board voted to allow the Northumberland County Health Department to give flu shots, bill the insurance company and any payments not covered by their insurance will be billed to the county. The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: FAMILY MEDICAL LEAVE DECISION

Mr. Eades stated that he had been informed of an employee that will be going on the Family Medical Leave Act. Under this provision, the employee will need to pay to keep their benefits in order to keep them current. The only benefit that the employee cannot continue under the Family Medical Leave Act is the group life insurance. Mr. Eades asked the Board if the County could continue his group life insurance so that he would not lose the coverage for himself and wife. It would amount to \$18.95 for the entire time he would be out.

Upon motion by A. Joseph Self Sr., duly seconded by Richard F. Haynie, the board voted to approve to carry group life insurance while an employee is on the Family Medical Leave Act in order for him to keep his optional life policy.

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: TAVERN OPERATING AGREEMENT FOR THE PAVILION

Upon motion by A. Joseph Self, Sr., duly seconded by Richard F. Haynie the Board voted to adopt the following agreement:

THIS OPERATING AGREEMENT, made this ___ day of _____, 2008, by and between COUNTY OF NORTHUMBERLAND, VIRGINIA, party of the first part, and RICE'S HOTEL/HUGHLETTS TAVERN FOUNDATION, party of the second part.

WITNESSETH:

WHEREAS, the party of the first part is planning on constructing an Open Air Pavilion ("Pavilion") on the property it owns adjacent to the property owned by the party of the second part.

NOW, THEREFORE, That for and in consideration of the sum of \$20.00 annually paid by the party of the first part to the party of the second part, the party of the second part agrees to operate and manage the Pavilion on behalf of the party of the first part for various functions, including the monthly Farmers Market that the party of the second part now operates on the property upon the following terms and conditions:

1. The party of the second part will handle all bookings for the use of the Pavilion and adjacent site on a basis that is consistent with the purposes specified in USDA grant guidelines and documents submitted to USDA by the party of the first part during 2008. Specifically, bookings will give priority to small businesses, cooperatives, and organizations operating in Northumberland County and surrounding areas.

2. User fees will accrue to the party of the second part in accordance with a schedule developed by the party of the second part and agreed to by the party of the first part. The party of the second part will make all records of receipts and disbursements available to the party of the first part for necessary oversight and preparation of required public reports. The party of the second part will reimburse the party of the first part for expenses specified in paragraphs 3, 6 and 9.

3. The party of the second part will be responsible for the routine maintenance of the Pavilion and the immediate surrounding grounds. It is anticipated that the party of the first part will have no ongoing expense with the utilization of the Pavilion. The party of the second part will set aside a portion of proceeds from paragraph 2 for periodic repairs and other expenses that are not part of the routine maintenance costs. Routine maintenance will be all those repairs and upkeep items that are day-to-day and all structural items will be the responsibility of the County.

4. The party of the second part will carry public liability insurance coverage in an amount of three million dollars covering any and all events that utilize the Pavilion or surrounding county properties so long as it is operating the Pavilion.

5. The party of the second part will be responsible for keeping the Pavilion in a clean and neat manner at all times.

6. The party of the second part will be responsible to pay all power and water charges that are used in the operation of the Pavilion.

7. No alcohol shall be served or consumed on the premises.

8. The party of the second part will assure that all vendors comply with applicable governmental regulations and laws including but not limited to licensing and other public health requirements applying to foods.

9. The party of the first part will provide insurance and bonding as specified in Paragraph 17 of the Letter of Conditions dated June 18, 2008 from Ms. Ellen Davis to Mr. Kenneth Eades and concurred in by the Board of Supervisors.

10. The parties agree that, to the extent necessary, market and other events may extend to the county lawn adjacent to the pavilion. All events in the pavilion and the adjacent lawn are subject to oversight and approval by the County Administrator.

11. The party of the second part will maintain ongoing records for review by the party of the first part and assist in preparation of any reports required by government bodies. Records will include the following information:

Number of Farmers Markets held.

Number of vendors and organizations, by type, at each Market.

Estimated number of attendees at each Market.

Number of other events held and description of each.

Number of applications rejected and the reasons for rejection.

12. The parties of the first part and second parts will jointly review operations for compliance with conditions of the grant for construction and operation of the Northumberland Pavilion and compilation of necessary reports by the party of the first part as primary recipient of the grant.

13. The party of the second part will assure that not funds collected in the operations of the Pavilion and courthouse site are used for lobbying.

14. Either party may terminate this operating agreement for cause at any time or by giving 60 days written notice to the other party of its intention to do so.

WITNESS the following signatures and seals:

The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: GROUND WATER MANAGEMENT AREA DESIGNATION

Mr. Eades stated that he had received notice that the Planning Commission was notified that they will be receiving a grant that will study Ground Water Management in the Northern Neck. The study will take from 6 to 8 months to complete and after the study is completed, a recommendation will be given on whether or not to designate the Northern Neck as a Ground Water Management Area. Mr. Eades asked the Board members if they would like to make a decision on the designation of a Ground Water Management or wait until the study is completed.

Reverend Gayle Fowler spoke up and encouraged the Board not to wait on this issue. Chairman Jett stated that a lot of property and businesses will be affected by this designation and the Board needs to take careful consideration in this decision.

Supervisor Tomlin questioned managing water in other areas. Southern Maryland and West Point are the problem areas and we are caught in the middle.

Mr. Eades was directed to wait until the study was completed before the Board will make a decision on this matter.

RE: ID THEFT POLICY FOR THE SANITARY DISTRICTS

Mr. Eades stated that the Sanitary Districts had met the criteria needed to have an Identity Theft Policy. The policy needs to be adopted by November 1, 2008.

Upon motion by James M. Long, duly seconded by A. Joseph Self, Sr., the board voted to adopt an Identity Theft Policy for Northumberland County Sanitary District. The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

NORTHUMBERLAND COUNTY SANITARY DISTRICTS IDENTITY THEFT PREVENTION PROGRAM

1. PROGRAM ADOPTION

The Northumberland County Sanitary District (the “Utility”) has developed this Identity Theft Prevention Program (the “Program”) pursuant to the Federal Trade Commission’s Red Flags Rule (“Rule”), which implements § 114 of the Fair and Accurate Credit Transactions Act of 2003 (“FACTA”). 16 CFR § 681.2. This Program was developed with oversight and approval of the **Northumberland County Board of Supervisors**. After consideration of the size and complexity of the Utility’s operations and account systems, and the nature and scope of the Utility’s activities, the **Northumberland County Board of Supervisors** has determined that this Program is appropriate for the Utility.

2. PROGRAM PURPOSE AND DEFINITIONS

A. **Fulfilling Requirements of the Red Flags Rule**

Under the Red Flag Rule, every financial institution and creditor is required to establish an “Identity Theft Prevention Program” tailored to its size and complexity and the nature of its operations. Each program must contain reasonable policies and procedures to:

- Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
- Detect Red Flags that have been incorporated into the Program;
- Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

B. **Red Flags Rule Definitions Used in the Program**

The Red Flags Rule defines “*Identity Theft*” as “fraud committed using the identifying information of another person” and a “Red Flag” as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a municipal utility is a “*creditor*” subject to the Rule requirements. The Rule defines creditors “to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors.

All the Utility’s accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a “*covered account*” is:

- Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and

- Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rule as “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,” including: 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 (IP) address, or routing code.

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 experience with Identify Theft. The Utility identifies the following red flags, in each of the listed categories:

A. Notifications and Warnings From Credit Reporting Agencies

- Report of fraud accompanying a credit report;
- Notice or report from a credit agency of a credit freeze on a customer or applicant;
- Notice or report from a credit agency of an active duty alert for an applicant; and
- Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

B. Suspicious Documents

C.

- Identification document or card that appears to be forged, altered or inauthentic;
- Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
- 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
- Application for service that appears to have been altered or forged.

C. Suspicious Personal Identifying Information

- Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on the credit report);
- Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;

- Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- Social Security number presented that is the same as one given by another customer;
- An address or phone number presented that is the same as that of another person;
- 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
- 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

- Change of address for an account followed by a request to change the account holder's name;
- Payments stop on an otherwise consistently up-to-date account;
- Account used in a way that is not consistent with prior use (example: very high activity);
- Mail sent to the account holder is repeatedly returned as undeliverable;
- Notice to the Utility that a customer is not receiving mail sent by the Utility;
- Notice to the Utility that an account has unauthorized activity;
- Breach in the Utility's computer system security; and
- Unauthorized access to or use of customer account information.

E. Alerts from Others

- 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.

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:

- 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;
- Verify the customer's identity (for instance, review a driver's license or other identification card);
- Review documentation showing the existence of a business entity; and

- 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:

- Verify the identification of customers if they request information (in person, via telephone, via facsimile, via e-mail);
- Verify the validity of requests to change billing addresses; and
- Verify changes in banking information given for billing and payment purposes.

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:

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

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:

- Ensure that its website is secure or provide clear notice that the website is not secure;
- Ensure complete and secure destruction of paper documents and computer files containing customer information;
- Ensure that the office computers are password protected and that computer screens lock after a set period of time;
- Keep offices clear of papers containing customer information;
- Request only the last 4 digits of social security numbers (if any);
- Ensure computer virus protection is up to date; and

- Require and keep only the kinds of customer information that are necessary for utility purposes.

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 yearly, 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. If warranted, the Program Administrator will update the Program and present **Northumberland County Board of Supervisors** with his or her recommended changes and the **Northumberland County Board of Supervisors** will make a determination of whether to accept, modify or reject those changes to the Program.

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 is the chief operating officer of the Utility or his or her designee. Two or more other individuals appointed by the chief operating officer of the Utility along with the Program Administrator shall comprise the Committee. The Program Administrator will be responsible for Program administration, ensuring appropriate training of Utility staff with respect to the Program, reviewing any staff reports regarding the detection of Red Flags and 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.

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:

- Require, by contract, that service providers have such policies and procedures in place; and
- 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.

RE: SPAY AND NEUTER FUND

Mr. Eades advised the Board that the Spay and Neuter option on the State Income Tax Form has provided the County with \$23.75.

Upon motion by A. Joseph Self, Sr., duly seconded by James M. Long the board voted to authorize the money in the Spay and Neuter fund in the amount of \$23.75 to be sent to the Animal Welfare League. The vote on the motion is as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: APPROVAL OF CHECK REGISTER

Upon motion by James M. Long duly seconded by Richard F. Haynie the Board voted unanimously approved the check register, as submitted. The vote on the motion was as follows:

Ronald L. Jett – YEA	A. Joseph Self, Sr. - YEA
James M. Long – YEA	Richard F. Haynie - YEA
Thomas H. Tomlin – YEA	

RE: BOARD COMMENT PERIOD

No comments were given.

Public Hearings

RE: REQUEST BY WILLIAM M. LANDRAM FOR AN EXCEPTION TO THE CHESAPEAKE BAY PRESERVATION AREA ORDINANCE TO ALLOW AN ADDITION TO AN EXISTING DWELLING THAT WILL BE LOCATED WITHIN THE 50 FOOT RESOURCE PROTECTION AREA BUFFER. THE PROPERTY IS LOCATED AT 363 PENINSULA DRIVE IN WHITE SAND HARBOR SUBDIVISION

Zoning Administrator, W.H. Shirley, described the request. Mr. Shirley stated that this was an after the fact request.

Mr. Landram stated this was an honest mistake on his behalf and he apologized to the Board for the dilemma this has caused. He explained the therapeutic equipment that is required for his wife to get around and into the house.

Public Hearing Open

Mrs. Wonda Allain asked how many feet has the building gone inside the buffer. Mr. Shirley stated it was 64 total square feet.

There were no further comments from the public.

Public Hearing Closed

Mr. Shirley then described what events took place before this hearing. He said in July, Mr. Landram applied to add onto his deck and the distance was 52 feet from the water. Then he applied for a deck extension. Mr. Shirley said he visited the site and realized when he got there two feet was added to the existing deck. He measured the deck and it was 50 feet from the water. He informed Mr. Landram that he needed a site plan before anything could be approved. When he received the site plan, the first addition was within the 50 foot buffer so he then applied for a variance. Meanwhile he completed the project of the screened in porch and the addition. No permit has been issued at this time.

Mr. Landram explained that he thought the process was in place and he went ahead to complete the project when he thought the permit was in the mail.

Supervisor Haynie stated that the Board has either one or two choices in the matter, either deny or approve. Mr. Shirley stated if this is denied, he will have to comply.

Supervisor Tomlin asked about how much of the area will be mulched. Mr. Shirley responded that it will run from the house to the pond. Supervisor Tomlin then responded that this will make for a better water quality situation than there is now.

Upon motion by Richard F. Haynie, duly seconded by James M. Long, the board voted to approve the request with the following conditions:

1. The applicant must pay after-the-fact building, zoning and electrical permit fees of \$663.26;
2. The applicant will pay a civil penalty of \$1,500.00;
3. The applicant must stabilize the area between the dwelling and Lowes Pond with hardwood mulch. A cash bond in the amount of \$1,000.00 must be posted with the county to insure that the stabilization is installed. Once the area is stabilized, the bond will be released and the amount posted returned to the applicant;
4. The shed in the front yard must be moved six (6) feet closer to the roadway to get it completely out of the 100' Resource Protection Area buffer; and,
5. A revised site plan showing the new location of the shed must be submitted to the Zoning Office for approval.

The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

RE: AMENDMENT TO THE ZONING ORDINANCE TO ADD “PRIVATE PIERS AND SHORELINE STABILIZATION STRUCTURES” AS A PERMITTED USE WITH IN ALL THE ZONING DISTRICTS TO CORRECT WHERE THE WORKDING WAS LEFT OUT DURING OUR ORDINANCE CODIFICATION

Assistant County Administrator Luttrell Tadlock described the request. Mr. Tadlock stated the Planning Commission recommends this amendment.

Public Hearing Open

No one spoke during the public hearing

Public Hearing Closed

Upon motion by Thomas H. Tomlin duly seconded by A. Joseph Self, Sr., the Board voted to approve the amendment. The vote on the motion is as follows:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

PUBLIC COMMENT PERIOD

Ms. Amy Reynolds questioned why these public hearings were not posted in the paper. Mr. Eades stated they were posted in the papers. Ms. Reynolds stated it was not in the paper this week. Mr. Eades stated that it is posted in the paper 2 consecutive weeks prior to the meetings.

RE: ADJOURNMENT

Upon motion by A. Joseph Self, Sr., the Board voted unanimously to adjourn the meeting. The vote on the motion was:

Ronald L. Jett – YEA
A. Joseph Self, Sr. – YEA
James M. Long – YEA

Thomas H. Tomlin – YEA
Richard F. Haynie – YEA

Kenneth D. Eades, Clerk