



**SIERRA COUNTY
RESOLUTION NO. 110-100**

**RESOLUTION ADOPTING PROCEDURES FOR THE ACCEPTANCE OF PAYMENT BY
CREDIT CARD, DEBIT CARD, OR OTHER ELECTRONIC MEANS**

WHEREAS, the Sierra County Board of Commissioners met upon notice of meeting duly published at the Sierra County Administration Building, 1712 North Date Street, Truth or Consequences, New Mexico 87901 on July 19, 2022, at 10:00 a.m. as required by law; and,

WHEREAS, the Board of County Commissioners of the County of Sierra exercises the powers of the County as a body politic and corporate pursuant to NMSA 1978, Section 4-38-1(1884); and,

WHEREAS, the Board of County Commissioners is statutorily charged with examining and settling all accounts of receipts and expenses of the county and all accounts chargeable against the county pursuant to NMSA 1978, Section 4-38-16 (1876); and,

WHEREAS, the Board of County Commissioners is the body that is statutorily charged with making such orders concerning the property belonging to the county as it deems expedient pursuant to NMSA 1978, Section 4-38-13 (1876); and,

WHEREAS, the Board of County Commissioners is the entity empowered to exercise the County's corporate powers; and,

WHEREAS, the Sierra County Board of Commissioners is tasked to represent and address the needs of its residents; and

WHEREAS, the passage of NMSA 1978 6-10-1.2 (2011) allows local governments to accept payment by credit card, debit card, or electronic means of any amount due under any law or program; and,

WHEREAS, the citizens of Sierra County have the option to pay property taxes and other fees and payments by credit card, debit card, e-check and payments online; and,

WHEREAS, convenience fees will be calculated after payment amount has been entered, and customer will accept to pay convenience fee; and,

WHEREAS, Sierra County will ensure compliance with PCI (Payment Card Industry) and NACHA (National Automated Clearing House Association) standards.

NOW, THEREFORE, BE IT RESOLVED that the following procedures and processes will be followed:

ACCEPTANCE OF CREDIT/DEBIT CARDS AND ELECTRONIC CHECK PROCEDURES

- I. **ISSUING AGENCY:** COUNTY OF SIERRA, 1712 North Date Street, Truth or Consequences, New Mexico 87901.

II. **SCOPE:** Sierra County Treasurer's office, County Clerk's office and Misdemeanor Compliance/DWI department to accept credit/debit cards and e-check for payments made to the county.

III. **STATUTORY AUTHORITY:** N.M.S.A. 1978 6-10-1.2 (2011) allows a local governing body to accept payment by credit card or electronic means of any amount due under any law or program administered by a department of the local governing body. The local governing body shall adopt procedures, subject to the approval of the Department of Finance and Administration, on the terms and conditions of accepting payments by credit card or electronic transfer.

IV. **EFFECTIVE DATE:** July 19, 2022

V. **OBJECTIVE:** This procedure provides general guidance regarding the financial and legal requirements for acceptance of credit/debit cards and e-checks.

VI. **DEFINITIONS:**

1. **"Convenience Fee"** A fee charged by a seller when a consumer pays with an electronic payment card rather than by a standard form of payment accepted by the business. Standard payments include- cash, check, or money order.
2. **"Cardholder"** A person who owns a card, such as a cardholder of a credit card or debit card.
3. **"E-Check"** A digital version of a paper check and is also known as an electronic check, online check, internet check, and direct debit.
4. **"Debit Card"** A card issued by a bank allowing the holder to transfer money electronically to another bank account when making a purchase.
5. **"Credit Card"** A small plastic card issued by a bank, business, etc., allowing the holder to purchase goods or services on credit.

VII. **PROCESS FOR RECEIVING PAYMENTS VIA CREDIT/DEBIT CARD AND E-CHECK**

A. **INTERNET PAYMENTS**

1. Acceptance for credit/debit cards and e-checks from the internet shall be done in a secure fashion and on a secure system.
2. The third-party will provide a visually integrated web environment to facilitate web-based payments. Customers that elect to make payments via the web will be able to access the payment page via a link on the County website.
3. Taxpayer will have the option to choose property tax payment type, (1st half, 2nd half, partial payment or full). The property tax owner ID number will need to be entered with the payment amount. Taxpayer will be requested to enter their card information that consist of, first name, last name, address, phone number, and email address. Taxpayer will need to enter their payment information using a credit card, debit card, or routing and account number. Taxpayer will have the option to choose property tax payment type, i.e., 1st half, 2nd half, partial payment or payment in full.
4. Customers will be asked to make a binding and easily auditable acknowledgment of the "convenience fee" which will be calculated after the customer enters the amount they intend to pay. Customers may terminate the transaction at any time prior to processing the transaction. The last step of a transaction will generate a receipt for display and printing.
5. Treasures Office Convenience fees- \$3.95 debit/visa only, 2.4% credit cards or other type of debit cards, and \$1.50 for e-check.
6. County Clerk Convenience fees- \$3.95 debit/visa only, 2.4% credit cards or other type of debit cards, and \$1.50 for e-check 2.4% debit/credit cards and \$1.50 for e-check.

7. Misdemeanor Compliance/DWI Office Convenience fees -\$3.95 debit/visa only, 2.4% credit cards or other type of debit cards, and \$1.50 for e-check.

B. OVER-THE-COUNTER PAYMENTS

1. County employees shall access the web-based application and enter the customer's payment information. Mag-stripe readers (credit card swipe device) shall be used for each over-the-counter transaction.
2. The "convenience fee" shall be calculated after the payment amount has been entered. A receipt shall be generated reflecting the payment and the convenience fee.

C. REPORTS AND FILES

1. Reports shall be generated by each day in the Treasurer's office for daily reconciliations.

PASSED, APPROVED and ADOPTED this 19th day of July, 2022.

BOARD OF COUNTY COMMISSIONERS, SIERRA COUNTY, NEW MEXICO


James Paxon, Chairman


Travis Day, Vice Chair


Hank Hopkins, Member

[SEAL]
Attest:


Shelly Trujillo, Clerk

