



RESOLUTION NUMBER: 2022-40

Approving the
ROOSEVELT COUNTY POLICY

Acceptance of Debit/Credit Cards or Electronic Transfer for Payments Policy

WHEREAS, pursuant to NMSA 1978 Section 4-38-1 (1884) the powers of a county as a body politic and corporate shall be exercised by a board of county commissioners; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt those resolutions and ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the county and its inhabitants; and,

WHEREAS, the Board of County Commissioners wishes to provide safeguards for maintaining a debit and credit card and electronic transfer acceptance policy in order to protect the health safety and welfare of the County's citizens and property and/or to more efficiently perform the functions of County Government.

NOW THEREFORE BE IT RESOLVED THAT, the effective upon the passing of this resolution, the following Policy is hereby adopted.

PURPOSE

The purpose of this Policy is to provide guidance for accepting credit card payments for all Roosevelt County departments. These procedures and accounting controls will be in force to mitigate risk of credit card fraud at Point of Sale (POS) and online, through the implementation of Payment Card Industry (PCI) regulations. These procedures apply to all departments that accept or may accept debit/credit cards or electronic checks (e-check) for payment. These procedures shall follow the Information Technology policy as well.

Section 6-10-1.2 NMSA provides that a local governing body may accept payment by credit card or electronic means and may charge a uniform convenience fee to cover the approximate costs imposed by a financial institution that are directly related to processing a debit/credit card or electronic transfer transaction.



Debit/Credit Card customer information is not subject to Public Records Disclosure, nor will customer information be subject for use for commercial purposes.

The County shall procure a third-party processor to provide electronic payment services and the related equipment for Roosevelt County. The third-party processor must have the capability to offer multiple payment options and follow industry guidance, procedures and rule compliance established by National Automated Clearing House Association (NACHA) for electronic payments and Payment Card Industry (PCI) for credit card payments. County will pay for costs associated with the acceptance of credit card for payment, including but not limited to the purchase or lease of merchant equipment.

A. Accepting Debit/Credit Card or Electronic Transfer Transaction Subject to Convenience Fee

Any convenience fee that is agreed upon in the contract will be charged to the customer and solely handled by the current contracted credit card processor. County will ensure Third party credit card processor compliance with subsection B of NMSA 6-10-1.2 Cash Advances or any cash withdrawals are not authorized at any office at Roosevelt County.

DEFINITIONS

1. **“Automated Clearing House”** or **“ACH”** means an association of depository institutions that process financial transactions electronically through the Federal Reserve Bank.
2. **“Convenience Fee”** means a fee that is charged to a customer for the convenience of making an electronic payment. A convenience fee charged to a customer typically covers all or a portion of a payment vendor’s transaction costs, as well as any other additional fees that are charged by an agency to recover direct costs associated with an electronic payment.
3. **“Credit Card”** means a card indicating that the holder named on the card has obtained a revolving line of credit from the financial institution issuing the card up to a certain dollar amount valid to a specified date shown on the card. A credit card may be used to pay for goods and services from merchants or organizations participating in the corresponding credit card program.
4. **“Debit Card”** means a card indicating that the holder named on the card has an open account in a financial institution shown on the card that the holder named on the card is authorized to pay for purchases of goods and services from participating merchants so long as the account is valid and has adequate funds to cover the cost of either goods or services, or both, at the time of the transaction.
5. **“Customer”** means a person or entity that is making a payment with Roosevelt County with an electronic payment, such as a credit card, debit card or electronic check.



6. **“Electronic Check”** or **“e-check”** means an ACH debit that is initiated by the customer or agency on the internet against an open account in a financial institution that is authorized for use to pay for purchases of goods and services from participating merchants so long as the account is valid and has adequate funds to cover the cost of either goods or services, or both, at the time of the transaction. This is also known as an internet check.

7. **“Electronic Payments”** means any financial transaction by which funds are transferred to CC through any type of electronic payment option or method. The electronic payment options include, but are not limited to; Internet payment processing, point-of-sale payment processing, and interactive voice response (telephone payments). The methods of payment include, but are not limited to: automated clearing house (ACH), credit cards, debit cards, ACH debit processing and wire transfers.

8. **“Electronic Payment Services”** means any service provided by a vendor who acts as an intermediary in processing an electronic payment, including, but not limited to: merchant banking services, credit card payment processing, ACH debit processing, and internet payment gateway services. Depending on how contracts with third party vendors are established, electronic payment services may be coordinated by a single vendor or multiple vendors.

9. **“Electronic Payment Processing Protocol”** means the standard processes used by Roosevelt County when accepting electronic payments from customers, including, but not limited to, contracts with financial service providers and business procedures.

10. **“Interactive Voice Response System”** (IVR) means a system that allows users to pay for services over the telephone or other audio-signal carrier using a credit card.

11. **“Internet Payment Gateway Service”** means a service provided by a vendor that directs an internet payment transaction to the appropriate third-party payment processor who facilitates the transfer of funds from a specific financial institution.

12. **“Merchant Banking Service”** refers to the designated bank or banking service that processes an electronic payment.

13. **“Payment Vendor”** means a service provider who is involved with the electronic payment transaction, including, but not limited to; merchant bank, credit card issuer, credit card association, internet payment gateway, ACH or credit card payment processor.

14. **“Personal Financial Information”** means the information provided by the customer in the course of completing a payment transaction with Roosevelt County through an electronic transfer of funds, including, but not limited to credit card number, debit card number and bank account number.

15. **“Point-of-Sale”** or POS is a payment option that performs a real-time payment authorization of a customer’s account when the customer presents their credit card (or other payment method) in-person at the time of sale.

16. **“Transaction Fee”** means the same as “transaction cost” and refers to the cost incurred by a payment vendor for executing an electronic payment. If an agency passes all or a portion of this transaction cost on to the customer, then the resulting fee to the customer is typically called a “convenience fee” (see definition above).

17. **“Payment Card Industry” “Data Security Standard”** or PCI, DSS. The information security standard for organizations that handle branded credit cards. Both organizations develop standards for safe payments worldwide.

SCOPE OF SERVICES

Roosevelt County may accept electronic payments services pursuant to Section 6-10-1.2 NMSA 1978. Roosevelt County will contract with a third-party processor that will be setup with the proper software to take electronic payments; provide appropriate online reports for tracking of payments; provide a reconciliation process for payment; and a program that would send payment to County’s bank account in a reasonable period of time. Installation and maintenance of all hardware and software associated with these payments shall be provided by the third-party processor. Roosevelt County will follow the terms and conditions for payment card acceptance set forth by the third-party vendors. Roosevelt County will follow industry guidance, procedures, and rule compliance established by National Automated Clearing House Association (NACHA) for electronic payments and Payment Card Industry (PCI) for credit card payments.

Counter Module – The counter module allows customer(s) to make payments to the County in a face-to-face environment. Customer(s) will receive a paper receipt for the credit card payment. The counter module also allows staff to access reports via the web.

Web Module – The web module allows customers to make payments online via a secure website. Customers who elect to make a payment via the internet can follow a link from the Counties website to a third-party hosted web page to submit a payment. The third-party processor will issue a unique confirmation number to customers who have completed a payment transaction using the web module.

Interactive Voice Response (IVR) Module – The IVR module allows customers to make a payment over the phone. Customers call a toll-free phone number provided and managed by the current third-party processor. The IVR system provides customers instruction through making a payment: the phone keypad is used to enter payment device numbers. A unique confirmation number will be given to the customer.

Roosevelt County shall not store a customer’s personal financial information. Roosevelt County shall print a transaction report monthly via a system provided by the third-party processor to have record of posting of IVR and Web payments. This sheet shall not contain any personal credit card information.



The Roosevelt County Treasurer's office shall work with the current third-party processor to provide Elected Official with an office logon. Employees shall be solely responsible for maintaining the confidentiality and security of the logons and passwords provided. Employees will follow procedures in the "Personnel Policy".

The county shall establish and administer contracts with vendors for the acceptance and processing of electronic payments, including, but not necessarily limited to: merchant banking services, internet payment gateway services, and third-party electronic payment processors.

Convenience and Transaction Fees

An agreed upon convenience fee will be set up by the third-party processor to be collected when completing a transaction. The fee shall be collected directly by the third-party processor. Convenience fees may be calculated to recover all of third-party processors' transaction costs, as well as any additional direct costs borne by Roosevelt County. Roosevelt County further attests that convenience fees and transaction fees will comply with Subsection B of NMSA 6-10-1.2

Use of a convenience fee and the methodology used in calculating it must be in accordance with the contracts Roosevelt County has established with its third-party processor.

PROCEDURES

Point of Sale (POS)

In person payment via counter Point of Sale (POS) payments are acceptance of Debit/Credit Card for a face-to-face, in person transactions at the counter between the customer and a county employee. After being told the charges and fee, the person at the counter will give verbal or signed authorization to charge the consumer's card.

No County employee shall have written access to the customer's card number. In the event of scanner failure or for phone-in payments to any county office, card numbers may be manually entered into the third-party processor's interface for approval without recording the number for future use.

Two receipts will be printed per transaction, one for the customer and the other for the department that is signed and kept with the daily checkout. The receipt kept by the department shall only have the last few digits of the credit card number.

The (POS) solution allows the County to accept different payment types and will be listed by the current Credit Card Company.

Each County department that processes credit cards is responsible for creating a report with a full line-item fund number for the ACH deposit. Depending on the credit card company it may take 2 to 3 days for the ACH to download into the bank. Paper work from other offices should match the deposit to be processed.



Charge-backs and Returns:

Currently the third-party processor will notify the Treasurer's office by email and the return will show on the daily report in red at the bottom of the report. This email will provide the Treasurer's Office with the information on the charge back or return and deduct that amount from County bank account. It is up to the department to contact the person with the return. Any fees associated with charge-backs will be the responsibility of the customer.

Double Payments:

At times, double payments are inadvertently made by customers and are included on the next day posting report. The Treasurer's offices will need to have the ability to go into that transaction to void the extra payment.

Each County department that accepts credit cards payments are responsible for creating a report with the full line-item fund number for the ACH deposit in to the bank. The Treasurer's office will take this information and process it accordingly. These reports shall be emailed or delivered in person to the Treasurer's office the next day.

Yearly Compliance:

In order to ensure compliance with PCI DSS requirements an annual PCI Self-Assessment Questionnaire must be completed and submitted to DFA with the interim budget by June 1st of each year.

FEE SCHEDULE

CONVEIENCE FEES: PAID BY THE CUSTOMER/CARDHOLDER

CLERKS: \$1.50 per transaction

TREASURER: All Point Of Sale transactions are 2.5% of the total charge or a minimum of \$2. E-Statements through Forte are 2.4% of total with a minimum of \$1.95 Web payments are 2.5% of the total or e-checks are \$1.50.



PASSED, APPROVED, and ADOPTED on this 20th day of September, 2022 by the Board of Roosevelt County Commissioners in an open meeting in Portales, New Mexico.

**BODY OF COUNTY COMMISSIONERS
ROOSEVELT COUNTY, NEW MEXICO**

ATTEST:

Mandi M. Park
Mandi Park, Roosevelt County Clerk

absent
Lewis (Shane) Lee, *Chair* – District III
Voted: Yes No Abstained

Rodney Savage
Rodney Savage, *Vice Chair* – District II
Voted: Yes No Abstained

[Signature]
Dennis Lopez – District I
Voted: Yes No Abstained

[Signature]
Tina Dixon – District IV
Voted: Yes No Abstained

Paul Grider
Paul Grider – District V
Voted: Yes No Abstained



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