



State of New Mexico  
County of Torrance  
Resolution # 2022- 30

**PROCEDURE FOR THE ACCEPTANCE OF PAYMENTS  
BY CREDIT/DEBIT CARD AND ELECTRONIC TRANSFER**

**WHEREAS**, the Governing Body in and for the County of Torrance, State of New Mexico met in regular session on Wednesday, May 25, 2022; and

**WHEREAS**, N.M.S.A. 6-10-1.2 allows local governments to accept payment by credit/debit card and electronic means; and

**WHEREAS**, the need to accept payments by credit/debit card and electronic transfer does exist throughout the County Departments to facilitate work-flow and address the needs of customers; and

**WHEREAS**, N.M.S.A. 6-10-1.2 requires the local governing body to adopt procedures, subject to the Department of Finance and Administration's approval, on the terms and conditions of accepting payments by credit/debit card or electronic transfer; and


**NOW THEREFORE, BE IT HEREBY RESOLVED** that the Board of County Commissioners, Torrance County, State of New Mexico hereby authorizes payment acceptance by credit/debit card or electronic means or transfers and these procedures, attached and incorporated herein as Exhibit A.

**RESOLVED:** In Regular Board Session this 25<sup>th</sup> day of May, 2022.



**TORRANCE COUNTY COMMISSION**

  
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Ryan Schwebach, Chair, District 2

  
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LeRoy M. Candelaria, Vice Chair, District 3

  
\_\_\_\_\_  
County Clerk

  
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Kevin McCall, Member, District 1

## EXHIBIT A

### ACCEPTANCE OF PAYMENTS BY CREDIT/DEBIT CARDS, ELECTRONIC CHECKS AND OTHER ELECTRONIC FUND TRANSFERS PROCEDURES

#### SECTION I: GENERAL PROVISIONS

- 1.1 **User Applicability.** This policy and its procedures apply to Elected Officials, all departments, agencies, personnel, individuals, volunteers, or other users authorized to accept credit/debit cards, electronic checks and other electronic fund transfers for, or otherwise under the supervision of, Torrance County Government.
- 1.2 **Administration.** The County Treasurer or the County Treasurer's designee shall be responsible for the administration of this Policy to ensure that all provisions of this policy are followed. Supplements of this policy issued by the County Treasurer shall be approved by the County Commission and copies of all Supplements shall be attached to and made a part of this policy.

#### SECTION II: CREDIT/DEBIT CARDS & ELECTRONIC CHECKS

- 2.1 **Credit/Debit Cards.** Credit/debit card and electronic check services will be provided through the County's fiscal agent subject to the terms and conditions as set out in the fiscal agent agreement and/or with a third-party payment processor.
- The fiscal agent and/or the third-party payment processor must provide their Payment Card Industry (PCI) compliance documentation to the County Treasurer as requested.
- 2.2 **Service and/or Convenience Fees.** Any service and/or convenience fee in connection with usage of credit/debit cards and electronic checks will be directly paid to the fiscal agent and/or third-party payment processor by the customer. All fees will be charged at the time of payment through a separate transaction.
- 2.3 **Online/Web Payments.** Acceptance of credit/debit cards and electronic checks from the Internet shall be done in a secure fashion and on a secure system provided by the fiscal agent and/or third-party processor.
- A. **Service and/or Convenience Fees.** All service and/or convenience fees will be made clear to the customers at the time of the transaction. The customer will be asked to make a binding and easily auditable acknowledgement of the service and/or convenience fee which will be calculated after the customer enters the amount the customer intends to pay. Customers may terminate the transaction at any time prior to processing the payment.
- B. **Information.** No credit/debit card, electronic check, or personal information related to the customer's credit/debit card or electronic check will be kept on the County's network, servers, or any County computer in conjunction with an online/web payment.
- 2.4 **Point of Sale Machines.** Each department taking credit/debit card payments over the counter are responsible to purchase the initial point of sale machine(s) or any machine upgrades from their respective department budget.
- 2.5 **Over-the-Counter Payments.** All over-the-counter payments will be accepted using the most current point of sale machine to ensure compliance with Payment Card Industry (PCI) standards.
- A. **Service and/or Convenience Fees.** All service and/or convenience fees will be made clear to the customer at the time of the transaction. The customer will be notified by the employee or other user accepting the payment of the following: the amount of the service and/or convenience fee, that the service and/or convenience fee will appear as a separate transaction

on the customer's card and/or bank statement, and that these fees are not refundable once the transaction is processed. Customers may terminate the transaction or change payment methods at any time prior to processing the transaction.

- B. **Information.** No credit/debit card, electronic check, or personal information related to the customer's credit/debit card or electronic check will be kept on the County's network, servers, or any County computer in conjunction with an over-the-counter payment.

2.6 **Department Responsibilities.** Departments requesting the ability to accept payments via credit/debit cards and electronic checks must submit to the County Treasurer a written request for the ability to accept payments by these methods.

- A. **Compliance.** All departments accepting payments via credit/debit cards and electronic checks must comply with these procedures to ensure the safety and protection of the customer and the County.

- B. **Tracking and Daily Balancing.** Each department is responsible for tracking, researching, and recording all credit/debit card and electronic check transactions.

These transactions must be balanced daily and included in the daily deposit to the County Treasurer's Office.

The original, signed credit/debit card receipt for each transaction must be included with the daily deposit. If the original is damaged or lost, a written explanation must accompany a copy of the receipt as to how the original receipt was damaged or lost.

- C. **Failure to Comply or Misuse.** The County Treasurer may deny or revoke a department's ability to accept credit/debit and electronic check payments for not adhering to these procedures or for misuse of electronic information.

### **SECTION III: Electronic Fund Transfer (EFT) Payments**

3.1 **Department Responsibilities.** Departments that receive payments for services and grant reimbursements sent by EFT to the County's financial institution, must notify the County Treasurer in writing prior to the commencement of the EFT payments.

- A. **Forms and Authorization.** Only the County Treasurer or the County Treasurer's designee can initiate forms for EFT payments. At no time should any employee or other user fill out forms containing the County's banking information without the written approval of the County Treasurer. This is to ensure the safety and protection of County funds and to prevent fraud.
- B. **Compliance.** All departments receiving EFT payments must comply with these procedures to ensure the safety and protection of the County from fraud.
- C. **Tracking and Deposit Slips.** Each department is responsible for tracking, researching, and providing a deposit slip to the County Treasurer prior to the EFT payment arriving at the County's financial institution.

If a payment arrives at the County's financial institution and a deposit slip is not on file with the County Treasurer, the funds will be deposited in the "Unidentified ACH" line item until claimed by the respective department.

In addition, if the EFT is for a grant or contract, a copy of the deposit slip must also be provided to the Grants Manager or the Grant Manager's designee.

- D. NACHA Compliance.** All EFTs must be compliant with the National Automated Clearing House Association (NACHA). All financial institutions, fiscal agents and third-party payment processors are required follow the NACHA standards.