

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA

IN THE MATTER OF AUTHORIZING THE COUNTY TREASURER – TAX COLLECTOR TO PROVIDE FOR THE ACCEPTANCE OF CREDIT CARDS, DEBIT CARDS, AND ELECTRONIC FUNDS TRANSFERS AS MEDIUMS OF PAYMENT FOR SERVICES PROVIDED BY COUNTY DEPARTMENTS AND FOR OTHER AMOUNTS AS DESCRIBED IN GOVERNMENT CODE SECTION 6159

RESOLUTION NO. _____

WHEREAS, the County is already authorized to accept credit cards and electronic funds transfers as mediums of payment for property taxes pursuant to Board Resolution No. 94-444 and applicable sections of the Revenue & Taxation Code; and

WHEREAS, pursuant to Government Code Section 6159(b), the County may authorize the acceptance of credit cards, debit cards, and electronic funds transfers for various payments, including but not limited to the payment for services rendered by the County and the payment of any fee, charge or tax due the County; and

WHEREAS, Government Code Section 6159(c) requires Board approval for the County to accept credit cards, debit cards, and electronic funds transfers; and

WHEREAS, Government Code Section 6159(d) provides that after approval is obtained, a contract may be executed with one or more credit card issuers, debit card issuers, or electronic funds transfer processors; and

WHEREAS, when it is in the best interest of the County, some County departments desire to expand the methods available for receiving payments from the public; and

WHEREAS, acceptance of credit card, debit card, and electronic funds transfer payments will provide taxpayers and the public with alternative methods of payment; and

WHEREAS, Government Code Section 6159(f) provides that if any credit card or debit card draft is not paid following due presentment to a card issuer or is charged back to the County for any reason, any record of payment made by the County honoring the credit card or debit card shall be void. If any electronic funds transfer request is not completed with transfer to the agency requesting the transfer or is charged back to the agency for any reason, any record or payment made by the agency processing the

electronic funds transfer shall be void. Any receipt issued in acknowledgment of payment shall also be void. The obligation of the cardholder or accountholder shall continue as an outstanding obligation as if no payment had been attempted; and

WHEREAS, Government Code Sections 6159(g) provides that notwithstanding Title 1.3 (commencing with Section 1747) of Part 4 of Division 3 of the Civil Code, a County or any other public agency may impose a fee for the use of a credit or debit card or electronic funds transfer, not to exceed the costs incurred by the agency in providing for payment by credit or debit card or electronic funds transfer. These costs may include, but shall not be limited to, the payment of fees or discounts as specified in paragraph (3) of subdivision (d), which is the payment to the card issuer, or funds processor, of a reasonable fee or discount. Any fee imposed by a public agency, pursuant to such subdivision for the use of a credit or debit card or electronic funds transfer shall be approved by the governing body responsible for the fiscal decisions of the public agency; and

WHEREAS, Government Code Sections 6159(h) provides that fees or discounts provided for under paragraph (3) of subdivision (d) shall be deducted or accounted for prior to any statutory or other distribution of funds received from the card issuer, funds processor, or draft purchaser to the extent not recovered from the cardholder or accountholder pursuant to subdivision (g); and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors as follows:

1. That the Board of Supervisors authorizes the Treasurer-Tax Collector, when in the opinion of the Treasurer-Tax Collector, it is in the best interest of the County, to provide for the acceptance of credit cards, debit cards, and electronic funds transfers by County departments as mediums of payment for services provided by County departments and for other amounts as described in Government Code Section 6159.

2. That the Board of Supervisors authorizes County departments to recover credit card, debit card, and electronic funds transfer returned item or cancellation fees as described in Resolution 94-444 or as may be amended, and authorizes County departments to recover processing costs from card holders or account holders. When costs are not recovered from card holders or account holders and it is reasonable to do so, the Treasurer shall either account for, or deduct costs from funds received from the card issuer, or funds processor, prior to distribution of funds to the department involved.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, this ____ day of October, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

Joseph Centeno,
Chair of the Board of Supervisors

ATTEST:

MICHAEL F. BROWN,
CLERK OF THE BOARD OF SUPERVISORS

By: _____
Deputy

APPROVED AS TO FORM:

DENNIS A. MARSHALL,
COUNTY COUNSEL

By: _____
Deputy County Counsel

APPROVED AS TO ACCOUNTING
FORM:

ROBERT W. GEIS, C.P.A.,
AUDITOR-CONTROLLER

By: _____
Deputy