

ACCEPTING PAYMENTS BY CREDIT CARD POLICY:

SECTION I : PURPOSE:

The purpose of this Policy is to authorize the Town of Windham's Treasurer or other appropriate municipal official to accept payment by credit cards of taxes, charges generated by the sale of utility service, or other fees.

SECTION II : AUTHORITY:

This Policy has been adopted by the Board of Selectmen in accordance with RSA 31:39 as it relates to their management of the Town's prudential affairs and with RSA 80:52-c, as amended.

SECTION III : DEFINITIONS:

- A) "Town" – Town of Windham, New Hampshire
- B) "Board" – Means the Board of Selectmen for the Town of Windham
- C) "Credit Card" – Means any instrument, whether known as a credit card, credit plate, charge plate or by any other name, which purports to evidence an undertaking to pay for goods/services rendered or furnished to or upon the order of a designated person or bearer.
- D) "Issuer" – The Bank or other financial institution which has issued the credit card and, under applicable law, is obligated to pay to the Town upon the order of a person using a credit card.
- E) "Credit Card Processor" – The company or companies engaged by the Board of Selectmen to provide credit card processing services, including but not limited to, authorization and settlement of various types of credit card payments, as well as daily processing and settlement of transactions with the Town.
- F) "Processing Agreement" – Agreement between the Town and Credit Card Processor governing collection of credit card payments, including but not limited to, any terms relating to the applicability of transaction processing fees, their amount, and the terms and method of remittance of funds to the Town.

SECTION IV: PAYMENT AUTHORIZED:

Pursuant to statutory authority, the Town does hereby authorize its Treasurer or other appropriate municipal officials to accept payment by credit cards for taxes, charges generated by the sale of utility service or other fees, subject to and governed by the terms of this ordinance.

SECTION V : TYPES OF FEES ELIGIBLE FOR PAYMENT BY CREDIT CARD:

The Board of Selectmen shall determine:

- i) The types of payments that may be accepted by credit card.
- ii) The maximum amount of any individual credit card transaction which shall be allowable for any particular transaction.
- iii) Whether (to the extent allowable by the Processing Agreement) service charges shall be charged and the amount thereof. See, Section VII below.

SECTION VI: PROCESSING AGREEMENT:

The Board or its agent is authorized to negotiate and execute a Processing Agreement with a Credit Card Processor or Processors. Said agreement(s) shall specify the scope of services to be provided and the terms of the agreement. The Board shall periodically review, and as needed, revise said agreement, and where deemed in the best interest of the Town, terminate any such agreement.

SECTION VII : SERVICE CHARGES:

The Town shall not impose service charges (processing fees) on any transaction where the Processing Agreement prohibits the separate imposition of such fees over and above the amount otherwise due to the Town. In the case of property or utility tax payments, there may be added to each amount due, a service charge to cover processing fees required under the Processing Agreement and any other actual costs for the use of the credit card services. The Board shall establish/amend service charges in accordance with RSA 80:52-c, as amended.

SECTION VIII : HANDLING OF PAYMENTS:

In accordance with RSA 41:9, as amended, the Board of Selectmen shall include in its internal control policies, procedures governing the collection, handling, and retention of receipts, statements and any other documentation generated from each credit card payment, whether the transaction is conducted over the counter or via the internet, to ensure all information collected from customers is safeguarded.

SECTION IX : WAIVERS:

The Board of Selectmen may vote to waive any portion of this policy if the Board deems it to be in the best interest of the Town of Windham.

SECTION X : AMENDMENTS:

This policy may from time to time be amended by the vote of the Board of Selectmen at a regularly scheduled Selectmen's Meeting. Notice of proposed changes shall be posted in at least two (2) public places, one of which must be the Town Hall, at least 14 days from the date of the meeting.

SECTION XI : EFFECTIVE DATE/ENACTMENT:

The provisions of this ordinance shall take effect upon a vote by the Board of Selectmen.

Adopted By Board of Selectmen – Date: April 21, 2014

Ross McLeod, Chairman
Al Letizio, Jr.
Roger Hohenberger
Bruce Breton
Joel Desilets
Board of Selectmen