

AN ORDINANCE

AUTHORIZING THE ACCEPTANCE OF ELECTRONIC MEDIA FOR PAYMENT OF TAXES, FEES AND OTHER PAYMENTS TO THE COUNTY, AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to Section 12-45-90 (the "Section") of the South Carolina Code of Laws, 1976, as amended (the "Code"), counties are authorized to collect taxes through the use of electronic media in addition to traditional means of payment, and

WHEREAS, Charleston County Council (the "County Council") acknowledges that the use of charge cards, debit cards and other electronic forms of payment for the payment of taxes, fees and other payments collected by the County benefits the public and the County by providing an efficient and convenient service to taxpayers, and

WHEREAS, the County Council acknowledges that the collection of taxes, fees and other payments collected by the County or a third party administrator through the use of charge cards, debit cards and other electronic media increases overall collection rates and also results in the funds being collected sooner than without the acceptance of these media for payment, and

WHEREAS, the County Council finds that it is in the best interests of the public to adopt and approve these alternative media of payment for taxes, fees and other payments collected by the County along with the option of imposing a uniform surcharge for the use thereof where a third party administrator is not used for such collections,

NOW, THEREFORE, pursuant to the authority granted to the County Council for Charleston County under the Constitution, statutes, and laws of the State of South Carolina, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled, the following:

SECTION I. FINDINGS INCORPORATED

The findings above are hereby incorporated by reference a made a part of this ordinance.

SECTION II. AUTHORIZATION FOR USE OF THIRD PARTY ADMINISTRATOR FOR COLLECTION OF TAXES AND OTHER CHARGES BY ELECTRONIC MEDIA

The County Treasurer and County Administrator are authorized to contract

with a third-party administrator for the collection of taxes, fees and other payments through electronic media. No cost may be borne by the County for the use of a third party administrator to collect taxes through electronic media.

### SECTION III. APPROVAL OF ELECTRONIC MEDIA OF PAYMENT AND THE IMPOSITION OF A UNIFORM SURCHARGE FOR THE USE THEREOF

1. As an alternative to the use of a third-party administrator, County Council approves and authorizes the County Administrator and County Treasurer to permit the collection of taxes through electronic media, including but not limited to the acceptance of charge cards and debit cards via the Internet (collectively, and along with all other forms of electronic payment "Electronic Media"). Authority for the acceptance of charge cards is effective immediately. Implementation of the acceptance of Electronic Media other than charge cards shall be as soon as is practical given the logistical needs and operational impacts of each type of media. Implementation of other forms shall be as approved by the County Administrator and County Treasurer.
2. County Council also approves and authorizes the collection of fees and other payments collected by the County through Electronic Media, including but not limited to the acceptance of charge cards and debit cards via the Internet and/or through a third-party administrator. Acceptance of charge cards is approved effective immediately. Implementation of the acceptance of Electronic Media other than charge cards shall be as soon as is practical given the logistical needs and operational impacts of each type of media. Implementation of other forms shall be as approved by the County Administrator and County Treasurer.
3. Where electronic media are accepted for payment not using a third-party administrator, a uniform surcharge shall be collected in addition to taxes collected in an amount not to exceed the actual cost of accepting each type of Electronic Media for payment of taxes, including discount or merchant fees. Such uniform surcharge may be changed from year to year by the Charleston County Treasurer, with input from the County Administrator, as the actual costs of such fees to the County for use of the media may change from year to year. The surcharge shall be uniform for each class or type of payment medium accepted hereunder, depending upon contractual, operational and other relevant factors.
4. Where electronic media are accepted for payment not using a third-party administrator, a uniform surcharge shall be collected in addition to fees or other payments collected in an amount not to exceed the actual cost of accepting each type of Electronic Media for payment, including discount or merchant fees. Such uniform surcharge may be changed from year to year by the Charleston County Treasurer, with input from the County Administrator, as the actual costs of such

fees to the County for use of the media may change from year to year. The surcharge shall be uniform for each class or type of payment medium accepted hereunder, depending upon contractual, operational and other relevant factors. Where the County Administrator determines that the addition of a surcharge to collections of a particular fee or other non-tax payment are burdensome to the payer or to the County, or where another payment source exists for the costs of accepting such payments which would better serve the operational needs of the County, the Administrator may approve acceptance of payments through Electronic Media for fees or other non-tax payments without a surcharge. The County Administrator shall report such determinations to the County Council, and may change any such determination as circumstances warrant.

5. The surcharge for tax collections through charge cards shall be implemented as at the same time as the receipt of such payments is undertaken without the use of a third-party administrator. Surcharge(s) for other electronic media of payment shall be implemented as soon as practicable, as determined by the County Treasurer and County Administrator.
6. The Charleston County Treasurer shall record all direct costs of such collection and surcharge fee revenues collected to defray such costs so as to adjust the uniform surcharge(s) from year to year.
7. There shall be selected a vendor or vendors to process payments through Electronic Media to comply with the terms and provisions of this section. The selection and contracting for such vendor(s) shall be accomplished in accordance with the Charleston County Procurement Code.

#### SECTION IV. AUTHORITY TO EXECUTE DOCUMENTS

The County Administrator and/or County Treasurer, as the case may be, are authorized to execute and deliver all documents and instruments necessary for the approval of Electronic Media for payment of taxes, fees and other payments collected by the County and the imposition of a uniform surcharge for the use thereof.

#### SECTION V. SEVERABILITY

If, for any reason, any part of this ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this ordinance shall remain in full force and effect.

#### SECTION VI. EFFECTIVE DATE

This ordinance shall become effective immediately upon approval following third

reading.

ADOPTED and APPROVED in meeting duly assembled this 3<sup>rd</sup> day of April, 2007.

CHARLESTON COUNTY COUNCIL

By: Timothy E. Scott  
Chairman

ATTEST:

By: Beverly T. Craven  
Clerk of Council