



BEFORE THE 2015 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC 15-004

RELATIVE TO APPROVING AN INCREASE IN THE MERCHANT BILLING FEES

WHEREAS, in Judicial Council Resolution No. 13-015, the Judiciary of Guam came into compliance with Public Law 30-197 Chapter V section e(11), which required that the fees incurred by the government of Guam in credit card transactions were required to be passed on to the consumer. Judicial Council Resolution Number 13-015 approved a surcharge of 2.85% on all credit card or debit card transactions in order to absorb the existing merchant account agreement of 2.75% with ANZ Bank as outlined in Resolution No. 13-015, and another one tenth of one cent for overhead, totaling 2.85%; and

WHEREAS, in a letter dated January 22, 2015, ANZ Guam Bank notified the Financial Management Division of the Judiciary of Guam that there would be an increase in the Merchant Service Fee from 2.75% to 3.00% starting February 1, 2015; and

WHEREAS, the matter of passing the increase in the merchant service fee from 2.75% to 3.00% was presented to the Judicial Council at its next regularly scheduled meeting of February 18, 2015, to propose to the Judicial Council that cost to the Judiciary customer who pays with a credit card be passed on to the customer at a rate of 3.10%, and

WHEREAS, the Judicial Council agreed that the cost of 3.10% rather than 3.00% would not unduly burden Judiciary customers and would be beneficial to the Financial Management Division of the Judiciary because the additional one-tenth of one cent will cover ancillary costs of all transactions; and

WHEREAS, the Administrator of the Courts noted that the merchant service fee for use of credit and/or debit cards may fluctuate in the future, so in order to not have to return to the Judicial Council for fee-setting authority every time the merchant fee changes, the Judicial Council may wish to approve the percentage rather than the actual set fee for use for credit and/or debit cards;

NOW THEREFORE BE IT RESOLVED that the Judicial hereby APPROVES the motion to allow the Financial Management Division of the Judiciary of Guam to (1) pass through the merchant service fee charged by the Judiciary's financial institution to the consumer (which as of

February 1, 2015 is 3.00%) and also to (2) add a surcharge of one-tenth of one cent to each credit card transaction on which the merchant service fee applies. This merchant service fee and surcharge will be passed on to the Judiciary consumers using credit/debit cards;

IT IS FURTHER RESOLVED that assessment of the 3.10% will be charged on patron obligations starting on February 20, 2015, and notification of this additional assessment will be posted on the Judiciary of Guam website and at the cashier's counter starting February 18, 2015.

DULY ADOPTED this 18th day of February, 2015 at a duly noticed meeting of the Judicial Council of Guam.



ROBERT J. TORRES, Chairman

Dated: 02-25-2015

ATTEST:



JOANNA S. McDONALD, Secretary

Dated: 2-25-2015