

EAST BAY DISCHARGERS AUTHORITY

2651 Grant Avenue San Lorenzo, CA 94580-1841 (510) 278-5910 FAX (510) 278-6547

A Joint Powers Public Agency

<u>ITEM NO. 11</u>

FINANCIAL MANAGEMENT COMMITTEE AGENDA

Wednesday, December 20, 2023

8:00 A.M.

East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA

Committee Members: Simon (Chair); Andrews

FM1. Call to Order

FM2. Roll Call

FM3. Public Forum

FM4. Disbursements for November 2023

(The Committee will review the Lists of Disbursements.)

FM5. Treasurer's Report for November 2023

(The Committee will review the Treasurer's Report.)

FM6. First Quarter Expense Summary, Fiscal Year 2023/2024

(The Committee will review the first quarter expenses for FY 2023/2024.)

FM7. Electronic Signature Policy Review

(The Committee will review the Electronic Signature Policy.)

FM8. 50th Anniversary Recognition

(The Committee will discuss options for recognizing EBDA's upcoming anniversary.)

FM9. Adjournment

Any member of the public may address the Committee at the commencement of the meeting on any matter within the jurisdiction of the Committee. This should not relate to any item on the agenda. Each person addressing the Committee should limit their presentation to three minutes. Non-English speakers using a translator will have a time limit of six minutes. Any member of the public desiring to provide comments to the Committee on any agenda item should do so at the time the item is considered. Oral comments should be limited to three minutes per individual or ten minutes for an organization. Speaker's cards will be available and are to be completed prior to speaking.

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in an Authority meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the Juanita Villasenor at juanita@ebda.org or (510) 278-5910. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Authority staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

In compliance with SB 343, related writings of open session items are available for public inspection at East Bay Dischargers Authority, 2651 Grant Avenue, San Lorenzo, CA 94580. For your convenience, agenda items are also posted on the East Bay Dischargers Authority website located at http://www.ebda.org.

Next Scheduled Financial Management Committee is Wednesday, January 17, 2024 at 8:00 a.m.

ITEM NO. $\underline{\mathsf{FM4}}$ DISBURSEMENTS FOR NOVEMBER 2023

Disbursements for the month of November totaled \$350,841.93.								
Reviewed and Approved by:								
Fred Simon, Chair Financial Management Committee	Date							
Jacqueline T. Zipkin Treasurer	Date							

EAST BAY DISCHARGERS AUTHORITY List of Disbursements November 2023

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26303	11/30/2023	1128-23	AFFORDABLE PAINTING SERVICE INC	MDF PAINTING PROJECT	38,900.00	38,900.00
26297	11/15/2023	190147	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 3	36,434.40	36,434.40
26313	11/30/2023	6852	ORO LOMA SANITARY DISTRICT	O&M - SEP	25,411.80	25,411.80
26288	11/15/2023	SW240192896	PETERSON POWER SYSTEMS	OLEPS DIESEL PUMP SERVICE	25,389.10	25,389.10
26285	11/15/2023	394006	CITY OF SAN LEANDRO	O&M - SEP	23,229.97	23,229.97
26315	11/30/2023	51613155	UNIVAR	SODIUM BISULFITE - DELIVERED 11/06/2023	9,825.40	19,473.65
	11/30/2023	51649479	UNIVAR	SODIUM BISULFITE - DELIVERED 11/17/2023	9,648.25	
26307	11/30/2023	55120	CALCON	OPS CENTER: OFFICE HEALTH AND SAFETY	8,168.58	14,310.09
	11/30/2023	55117	CALCON	MDF SERVICES	4,047.91	
	11/30/2023	55118	CALCON	OPS CENTER SERVICES	1,783.60	
	11/30/2023	55119	CALCON	OLEPS SERVICES	310.00	
26305	11/30/2023	11/19/2023	AZYURA	WATERBITS LICENSING AND SMR/EDMR REPORT SERVICES	9,000.00	9,000.00
26299	11/15/2023	2568	CROPPER ACCOUNTANCY	AUDITING SERVICES	8,000.00	8,000.00
26310	11/30/2023	Aug-23	DEBORAH QUINN	ACCOUNTING SERVICES - AUG	6,239.00	6,239.00
26295	11/15/2023	210287	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	3,656.50	3,656.50
26302	11/15/2023	FM 2A	NATE KAUFFMAN	FIRST MILE PROJECT	3,500.00	3,500.00
26296	11/15/2023	EA06-0923	EOA, INC	NPDES PERMIT REISSUANCE ASSISTANCE	3,131.75	3,131.75
26295	11/15/2023	210286	MEYERS NAVE	LEGAL SERVICES - SEP	2,812.60	2,812.60
26314	11/30/2023	003044	UNION SANITARY DISTRICT	ENERGY RESILIENCE STUDY	2,264.42	2,264.42
26308	11/30/2023	713951	CALTEST	LAB TESTING SERVICES	2,216.70	2,216.70
26306	11/30/2023	11501405	BROWN & CALDWELL	ENGINEERING SERVICES - BRINE ASSESSMENT	1,544.95	1,544.95
26286	11/15/2023	52205705	CITY OF HAYWARD	BENEFIT PREMIUMS - NOV	1,370.05	1,370.05
26293	11/15/2023	8416	CAYUGA INFORMATION SYSTEMS	IT SERVICES	1,365.00	1,365.00
26294	11/15/2023	4246-0445-5568-7627	US BANK	PURCHASING CARD EXPENSES	1,239.02	1,239.02
26290	11/15/2023	FB43121	CAROLLO ENGINEERS	ENGINEERING SERVICES - WORK ORDER NO. 2	927.00	927.00
26287	11/15/2023	1001649287	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	878.00	878.00
26304	11/30/2023	5104830439	AT&T	TELEPHONE SERVICE - MDF	279.95	279.95
26291	11/15/2023	2472441	ALLIANT INSURANCE	ALLIANT MOBILE VEHICLE PROGRAM RENEWAL	213.00	213.00
26300	11/15/2023	CD_000686631	RINGCENTRAL INC	DIGITAL PHONE SERVICE	212.60	212.60
26312	11/30/2023	Oct-23	JACQUELINE ZIPKIN	REIMBURSABLE EXPENSES	199.46	199.46
26298	11/15/2023	54573	COMPUTER COURAGE	WEBSITE HOSTING	150.00	150.00
26309	11/30/2023	3932227	CALTRONICS	COPIER USAGE AND MAINTENANCE	140.25	140.25
26301	11/15/2023	9948	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES	130.00	130.00
26289	11/15/2023	9948185184	VERIZON WIRELESS	WIRELESS PHONE SERVICES	103.04	103.04

EAST BAY DISCHARGERS AUTHORITY List of Disbursements November 2023

Check #	Payment Date	Invoice #	Vendor Name	Description		Disbursement Amount
26292	11/15/2023	0142	ALAMEDA COUNTY EMA	MEMBERSHIP DUES FY 2023/2024	100.00	100.00
26311	11/30/2023	44777800001	EBMUD	WATER SERVICE - ADMIN	86.46	86.46
				TOTAL CHECK PAYMENTS	232,908.76	232,908.76
				ELECTRONIC PAYMENTS		
	11/02/2023	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	43,840.74	43,840.74
	11/06/2023	100000017324105	CALPERS	HEALTH PREMIUMS - NOV	7,630.03	7,630.03
	11/02/2023	100000017289213	CALPERS	PENSION CONTRIBUTION, CLASSIC 10/16 - 31/2023	5,710.87	5,710.87
	11/17/2023	100000017320794	CALPERS	PENSION CONTRIBUTION, CLASSIC 11/01 - 15/2023	5,710.87	5,710.87
	11/03/2023		MISSION SQUARE	DEFERRED COMPENSATION 10/31/2023	2,134.47	2,134.47
	11/20/2023		MISSION SQUARE	DEFERRED COMPENSATION 11/15/2023	2,134.47	2,134.47
	11/06/2023		INTERMEDIA.NET	EMAIL EXCHANGE HOSTING SERVICE	99.40	99.40
				TOTAL ELECTRONIC PAYMENTS	67,260.85	67,260.85
				PAYROLL		
	11/29/2023		ADP, LLC	PAYROLL PERIOD: 11/16-30/2023	26,661.63	26,661.63
	11/14/2023		ADP, LLC	PAYROLL PERIOD: 11/01-15/2023	23,843.61	23,843.61
	11/03/2023		ADP, LLC	PAYROLL FEES, 10/16-31/2023	89.22	89.22
	11/24/2023		ADP, LLC	PAYROLL FEES, 11/01-15/2023	77.86	77.86
				TOTAL PAYROLL	50,672.32	50,672.32
				TOTAL DISBURSEMENTS	350,841.93	350,841.93

ITEM NO. <u>FM5</u> TREASURER'S REPORT FOR NOVEMBER 2023

The cash balance as of November 30, 2023 is \$4,917,434.05. EBDA's LAIF balance is \$2,362,936.88, and the average monthly effective yield for November is 3.843%. EBDA's CAMP balance is \$1,519,221.31, and CAMP's 7-day yield is 5.55%.

Approval is recommended.

EAST BAY DISCHARGERS AUTHORITY TREASURER'S REPORT November 30, 2023

FUND	DESCRIPTION	BEGINNNG CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,527,237.47	64,020.57	220,068.99	1,371,189.05
13	PLANNING & SPECIAL STUDIES	737,614.95	40,090.20	42,198.82	735,506.33
14	RECLAMATION O & M (SKYWEST)	69,029.52		2,522.53	66,506.99
15	BRINE ACCEPTANCE	(57,995.26)	162,310.85	5,201.45	99,114.14
31	RENEWAL & REPLACEMENT	2,714,854.94	7,136.30	76,873.70	2,645,117.54
	TOTALS	4,990,741.62	273,557.92	346,865.49	4,917,434.05

Nov-23 12/13/2023

SUPPLEMENTAL TREASURER'S REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF	САМР	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	CAMP BALANCE	TOTAL CASH
10/31/23	BALANCE							988,946.31	126,773.42	2,362,936.88	1,512,085.01	4,990,741.62
11/01/23	DIVIDENDS	7,136.30					7,136.30	988,946.31	126,773.42	2,362,936.88	1,519,221.31	4,997,877.92
11/02/23	ELECTRONIC BILL PAY		5,710.87					983,235.44	126,773.42	2,362,936.88	1,519,221.31	4,992,167.05
11/02/23	ELECTRONIC BILL PAY		43,840.74					939,394.70	126,773.42	2,362,936.88	1,519,221.31	4,948,326.31
11/02/23	DEPOSIT - CARGILL	162,310.85						1,101,705.55	126,773.42	2,362,936.88	1,519,221.31	5,110,637.16
11/03/23	ELECTRONIC BILL PAY		2,134.47					1,099,571.08	126,773.42	2,362,936.88	1,519,221.31	5,108,502.69
11/03/23	PAYROLL FEES			89.22				1,099,571.08	126,684.20	2,362,936.88	1,519,221.31	5,108,413.47
11/06/23	ELECTRONIC BILL PAY		7,630.03					1,091,941.05	126,684.20	2,362,936.88	1,519,221.31	5,100,783.44
11/06/23	ELECTRONIC BILL PAY		99.40					1,091,841.65	126,684.20	2,362,936.88	1,519,221.31	5,100,684.04
11/13/23	DEPOSIT - CVSAN	64,681.77						1,156,523.42	126,684.20	2,362,936.88	1,519,221.31	5,165,365.81
11/14/23	PAYROLL			23,843.61				1,156,523.42	102,840.59	2,362,936.88	1,519,221.31	5,141,522.20
11/15/23	DISBURSEMENT		112,842.03					1,043,681.39	102,840.59	2,362,936.88	1,519,221.31	5,028,680.17
11/17/23	ELECTRONIC BILL PAY		5,710.87					1,037,970.52	102,840.59	2,362,936.88	1,519,221.31	5,022,969.30
11/20/23	ELECTRONIC BILL PAY		2,134.47					1,035,836.05	102,840.59	2,362,936.88	1,519,221.31	5,020,834.83
11/24/23	PAYROLL FEES			77.86				1,035,836.05	102,762.73	2,362,936.88	1,519,221.31	5,020,756.97
11/28/23	VOID CHECK 26247		(3,976.44)					1,039,812.49	102,762.73	2,362,936.88	1,519,221.31	5,024,733.41
11/29/23	PAYROLL			26,661.63				1,039,812.49	76,101.10	2,362,936.88	1,519,221.31	4,998,071.78
11/30/23	DEPOSIT - ABAG	39,429.00						1,079,241.49	76,101.10	2,362,936.88	1,519,221.31	5,037,500.78
11/30/23	DISBURSEMENT		120,066.73					959,174.76	76,101.10	2,362,936.88	1,519,221.31	4,917,434.05

T CURRENT BAL	OTAL 273,557.92 ANCE	296,193.17	50,672.32	-	-	7,136.30	959,174.76 ①	76,101.10 ②	2,362,936.88 ③	1,519,221.31 ④	4,917,434.05
Reconciliation - 11/30/202											
(1) Bank Statement Balance	\$ 1,079,471.49										
Less: Outstanding Checks	120,296.73										_
	\$ 959,174.76						The Supp	olemental Tr	easurer's Rep	ort is prepare	d
② Payroll Bank Statement	\$ 76,101.10							=	eral Manager.	It also serves	as

\$ 1,526,189.59 Less: Accrual Income Dividend 6,968.28 \$ 1,519,221.31

\$ 2,362,936.88

3 LAIF Statement

CAMP Statement

EBDA's cash and investments reconciliation.

ITEM NO. FM6 FIRST QUARTER EXPENSE SUMMARY, FISCAL YEAR 2023/2024

Recommendation

Approve the First Quarter Expense Summary for Fiscal Year 2023/2024.

Background

The First Quarter Expense Summary for FY 2023/2024 is attached for the Committee's review. Expenses are presented by Program and by Account Code. These categories have been grouped to provide an overview of Authority expenses. The tables include discussion of particular items that varied significantly (>10%) from the budget.

Discussion

At the end of the first quarter, EBDA's spending is just slightly under budget, with 24% spent at 25% through the year. Staff notes that certain annual fees (i.e., BACWA dues and Water Research Foundation) were paid in the first quarter, while others (i.e., NPDES Permit Fee, Regional Monitoring Program) had yet to be billed. This led to certain line items appearing over or under budget, but balances out overall for the quarter.

East Bay Dischargers Authority

EXPENSE SUMMARY BY PROGRAM

FY 2023/2024 THROUGH SEPTEMBER 30, 2023 (25% of YEAR)

			Revenues Cargill, Grant, &			
	YTD Expenses	Budget	Skywest	Variance	% of Budget	Explanations for Variance Over 10%
O&M EFFLUENT DISPOSAL						
General Administration	\$331,749	\$1,487,812		(\$1,156,063)	22%	
Outfall & Forcemains	\$20,146	\$269,800		(\$249,654)	7%	Spending was lower due to staffing constraints.
Marina Dechlor Facility	\$127,150	\$614,100		(\$486,950)	21%	
Oro Loma Pump Station	\$138,234	\$613,000		(\$474,766)	23%	
Hayward Pump Station	\$41,584	\$186,000		(\$144,416)	22%	
Union Pump Station	\$121,944	\$466,000		(\$344,056)	26%	
Bay & Effluent Monitoring	\$385,498	\$729,867		(\$344,369)	53%	BACWA dues were paid for FY.
TOTAL O&M EFFLUENT DISPOSAL	\$1,166,305	\$4,366,579	\$0	(\$3,200,274)	27%	
SPECIAL PROJECTS	**	#000 000		(\$000.000)	00/	Deld in OO
NPDES Permit Fees	\$0	\$693,023		(\$693,023)	0%	Paid in Q2.
Regional Monitoring Program	\$0	\$293,760		(\$293,760)	0%	Fees will be paid later this year.
Alternative Monitoring and Reporting	\$0	\$32,314		(\$32,314)	0%	Fees will be paid later this year.
Nutrient Surcharge	\$240,143	\$240,143		\$0	100%	Fees paid for FY.
Water Research Foundation	\$27,553	\$27,665		(\$112)	100%	Fees paid for FY.
Strategic Planning	\$363	\$0	*** ***	\$363	-	
Nature-Based Solutions Study	\$39,429	\$200,000	\$39,429	(\$200,000)	20%	
Solar Feasibility Study	\$0	\$5,000		(\$5,000)	0%	Final expenses will be billed in Q2.
Bruce Wolfe Memorial	\$0	\$1,000	400 100	(\$1,000)	0%	Contribution will be made later this year.
TOTAL SPECIAL PROJECTS	\$307,487	\$1,492,905	\$39,429	(\$1,224,847)	18%	
TOTAL AGENCY-FUNDED PROGRAMS	\$1,473,792	\$5,859,484	\$39,429	(\$4,425,121)	24%	
WATER RECYCLING						
Skywest Golf Course	\$10,280	\$36,000	\$7,637		29%	
TOTAL WATER RECYCLING	\$10,280	\$36,000	\$7,637		29%	
	,	, ,	, ,			
BRINE ACCEPTANCE						
Brine Acceptance	\$32,917		\$29,122			All work performed is reimbursed by Cargill.
TOTAL BRINE ACCEPTANCE	\$32,917		\$29,122			
	\$1,516,989	\$5,895,484	\$76,188	(\$4,454,684)	24%	

East Bay Dischargers Authority

PRELIMINARY EXPENSE SUMMARY BY ACCOUNT

FY 2023/2024 THROUGH SEPTEMBER 30, 2023 (25% OF YEAR)

			Revenues		0/ ~ £	
	YTD Expenses	Budget	Cargill, Grant, & Skywest	Variance	% of Budget	Explanations for Variance Over 10%
4010 - Salary	\$158,897	\$663,595	\$0	(\$504,699)	24%	
4020 - Benefits	\$63,178	\$257,217		(\$194,039)	25%	
4030 - Commissioner Compensation	\$5,520	\$45,000		(\$39,480)	12%	Budget assumes maximum number of meetings.
4070 - Insurance	\$38,152	\$75,900	\$0	(\$37,748)	50%	Property and auto policy premiums paid for the FY.
4080 - Memberships & Subscriptions	\$148,429	\$166,472		(\$18,043)	89%	BACWA & WRF dues paid for the FY.
4100 - Supplies, Variable	\$190,633	\$670,000		(\$479,367)	28%	
4100 - Supplies, Fixed	\$5,526	\$23,000		(\$17,474)	24%	
4110 - Contract Services	\$12,042	\$60,841		(\$48,799)	20%	
4120 - Professional Services	\$209,267	\$598,831	\$68,551	(\$458,115)	23%	
4140 - Rents & Fees	\$250,248	\$939,446		(\$689,198)	27%	
4141 - NPDES Fines	\$0	\$9,000		(\$9,000)	0%	Reserve funds in case of enforcement.
4150 - Maintenance & Repair	\$157,067	\$937,100	\$6,567	(\$786,600)	16%	
4160 - Monitoring	\$54,385	\$558,282	\$1,070	(\$504,967)	10%	RMP fees not billed yet
4170 - Travel	\$2,300	\$18,000		(\$15,700)	13%	Reduced travel due to many meetings transitioning to video conference.
4191 - Utility, Variable	\$220,970	\$864,800	\$0	(\$643,830)	26%	
4200 - Acquisitions & Other	\$14	\$8,000	\$0	(\$7,987)	0%	Allowance for Skywest capital projects.
TOTAL ALL ACCOUNTS	\$1,516,625	\$5,895,484	\$76,188	(\$4,455,047)	24%	

ITEM NO. <u>FM7</u> ELECTRONIC SIGNATURE POLICY REVIEW

Recommendation

Review and provide direction to staff.

Background

The COVID-19 pandemic necessitated new ways of working and accelerated trends that had already begun, with more people working remotely and conducting business digitally. In order for the Authority to conduct business efficiently in a remote-work environment while still ensuring legal requirements are consistently met, the Authority adopted an Electronic Signature Policy in August 2020.

Staff reviewed legal requirements as well as best practices for issuance and acceptance of electronic signatures. The attached Policy outlines the approach, including a summary of situations where an electronic signature is acceptable, and those where, by code, it is not.

The Financial Management Committee recommended at the time that the Policy reflect the Authority's currently selected electronic signature certification service, to avoid confusion. After reviewing several options, staff recommended implementation of DocuSign eSignature.

Discussion

EBDA has successfully been implementing the Policy as electronic signatures have become increasingly preferred. While implementation of DocuSign has been smooth, staff recommends that the Policy be modified to avoid specifying a particular software package. While staff is still employing DocuSign for formal documents initiated by the Authority that require external signatures, e.g. contracts, staff is occasionally asked to sign documents initiated by others on other approved digital platforms. In addition, for signatures on internal documents such as accounting-related approvals, staff finds Adobe Acrobat to be an easier tool.

Staff is therefore proposing minor modifications to the Policy and Signature Matrix, shown attached in track changes, that allow for greater flexibility in choice of software as tools and preferences change.

POLICY NUMBER: 3

NAME OF POLICY: Electronic Signature

LAST REVISED: August 20, 2020

PREVIOUSLY REVISED: NA

PURPOSE: This Policy establishes the acceptable technologies and procedures for the use of electronic signatures in EBDA-related business.

EBDA recognizes the need to increase efficiency, reduce waste, and provide members of the public with convenient access to EBDA services. Advances in technology can assist EBDA in achieving these goals while providing security for document management. This policy balances the need for efficient services against the risks of unauthorized activities by providing the approved electronic signature method and guidelines for certain documents and transactions.

This Policy applies to EBDA's acceptance of electronic signatures from parties outside of EBDA, and the use of electronic signatures on documents executed on behalf of EBDA. It does not increase the scope of authority of EBDA's authorized signatories, rather it provides an alternative means to execute EBDA-related documents. These are minimum standards. Nothing in this policy prohibits an EBDA official or employee, with the consent of the EBDA General Manager, from requiring a wet signature or higher form of secure electronic signature if he or she believes it is prudent or necessary. The General Manager may accept or authorize the acceptance of an electronic signature when the circumstances surrounding the transaction address authentication and security concerns. This Policy does not apply to electronic signatures accepted or utilized before the original effective date, and is intended to provide guidance for electronic signatures accepted thereafter. Any transaction must be analyzed under the facts and circumstances existing at the time a transaction was executed.

DEFINITIONS:

An "electronic record" is defined by California's Uniform Electronic Transactions Act ("UETA") (Civil Code section 1633.1, et seq.), as "a record created, generated, sent, communicated, received, or stored by electronic means." An electronic record generally contains information or a data file that was created and stored in digitized form through the use of computers, machines, and software applications. The format of an electronic

record does not change the fact that it is a record subject to applicable public records law, but its electronic form and its dependence on machines for creation and reference do change the way these records must be stored and managed.

An "electronic signature" is defined both in the federal Electronic Signatures in Global and National Commerce Act and the UETA. It is defined as "any sound, symbol, or process attached to or associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record." (Civil Code section 1633.2(h).) It is the electronic equivalent of a handwritten, wet, or manual signature on paper, and therefore must have certain characteristics for evidentiary purposes. EBDA divides this broad scope of electronic signatures into categories of documents based upon the level of security needed both to ensure the proper person is conducting the transaction and that the technology for transmission of the signature is adequate.

Under California law, a "digital signature" is defined as "an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature." Government Code section 16.5 states a digital signature shall have the same force and effect as a manual signature if and only if:

- 1. It is unique to the person using it.
- 2. It is capable of verification.
- 3. It is under the sole control of the person using it.
- 4. It is linked to data in such a manner that if the data are changed, the digital signature is invalidated, and
- 5. It conforms to regulations adopted by the Secretary of State.

Government Code section 16.5 also states that the use or acceptance of a digital signature is at the option of the parties to the transaction and nothing in the law requires a public entity to use or accept the submission of a document containing a digital signature.

For the purpose of this policy, "digital signature" and "electronic signature" shall have the same meaning.

An "electronically signed record" is a record, file, or document that has been electronically signed by means of an electronic signature and that is related to the conduct of the EBDA's official business.

POLICY:

Requirements for Electronic Signatures

EBDA staff shall establish and maintain a software systems to be used by EBDA staff for the purposes of requesting, collecting, and executing digital signatures and electronic records, consistent with the encryption standards established by, and selected from the "Approved List" of digital signature providers, authorized by the State of California. Staff

has selected DocuSign eSignature as EBDA's current Digital Signature System. EBDA may change Digital Signature System vendors in the future via Commission approval of changes to this Policy.

For electronic signatures and records created and executed using EBDA's Digital Signature System, the criteria below shall be considered met:

1. Intent to Sign

Electronic signatures, i.e. not traditional wet ink signatures, are only valid and legally binding if both parties intend to sign and execute the agreement electronically.

2. Consent of the Signing Party

EBDA will accept electronic signatures when the parties:

- consent to the transaction,
- consent that the transaction be completed electronically, and
- consent to receive disclosures electronically.

3. **Documentation of Effect of Signature**

The Administrative Assistant will maintain the security procedure and audit trails for various electronic signature technologies.

Routing of Electronically Signed Documents

Use of electronic signatures will not change who within EBDA must approve or execute a transaction, nor will it change the routing process for the transaction. Agreements and contracts will continue to require the attestation of the General Manager.

Signed Copies Provided to All Parties

When a document is electronically signed by all parties, EBDA will provide a copy of the electronically signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.

Storage and Archiving of Electronically Signed Documents

EBDA staff primarily responsible for execution of a transaction shall ensure that a fixed version of the final electronic document, and any supporting documentation, is executed and collected in a manner determined by the General Manager. EBDA staff is responsible for filing and maintaining electronic records in a manner that complies with EBDA's document retention schedule and policies.

For example, the following methods of electronically securing the final version of a document are acceptable, starting with the more secure methods: creating a final PDF that includes an encrypted signature which "breaks" if the document is modified; or saving

a native file (Word Document) that is locked to prevent future changes. Storage and archive locations may include EBDA's electronic filing system, a networked drive, or other electronic system, as may be determined by the General Manager.

Classes of Documents Permitted by the General Manager

The security requirements for electronic signatures range from simple to complex, depending on the transaction. A list of the documents for which electronic signatures are approved by the General Manager is available below. This list is not intended to be an exhaustive list, nor does it impose electronic signature as a requirement for any particular transaction.

EBDA staff should work with the General Manager to determine if EBDA's Digital Signature System can be used for specific documents and with EBDA Legal Counsel to determine where applicable law permits an electronic signature be used. Any other document that, by law, requires a wet signature shall not be signed electronically.

A digital signature may be used or accepted on the following documents:

- i. Requests for proposals
- ii. Certificates and Permits (if permitted by law)
- iii. HR-related items, such as Employee Reviews and Personnel Action Forms
- iv. Commission/committee applications
- v. Legal filings such as Declarations
- vi. Service Agreements for Consulting & Professional Services
- vii. Financial Documents (if allowed by law)
- viii. Non-Professional Services Agreements
- ix. Internal and External Memoranda
- x. Letters and other correspondence

EBDA may accept an electronic signature form, and utilize the electronic signature software for the execution of documents for any other public entity, regulatory body, or non-profit public benefit corporation that has adopted electronic signature protocols acceptable to EBDA. Further, EBDA may accept any signature and execute any document using the digital signature technology with a certificate authority as approved by the California Secretary of State.

Classes of Documents for which Electronic Signatures are Prohibited

Civil Code section 1633.3 contains a list of transactions for which electronic signatures are not available. Any other document that, by law, requires a wet signature shall not be signed electronically.

A digital signature may not be used or accepted on the following documents:

- i. Documents or transactions that require a handwritten signature, including but not limited to transfers of interest in real property
- ii. Documents or transactions requiring a signature to be notarized or acknowledged
- iii. Unless the County Recorder issues an order or directive that otherwise permits electronic signatures, documents that are to be recorded with the County Recorder (including but not limited to Deeds, Conditional Use Permits, and Regulatory Agreements)
- iv. Initiative petitions
- v. Authority Resolutions
- vi. Authority Minutes

Electronic Signature Policy

Document	Signer	Email Approval	DocuSign <mark>/Adobe</mark>	Wet Signature Required
Bank Statements	GM			
				Х
Cash Disbursement PrePymnt Rprt	GM	Х		
Cash Receipts	ALL		X	×
Certificates/Permits if allowable	O&M/GM		X	
Checks	O&M/GM			X
Commissioner Timesheets	Commissioners	X		
Contracts	GM/Contrctr/Legal		X	×
Employee Benefit Forms/Applictns	ALL		X	*
Employee Expense Report	GM/Staff		X	
Employee Reviews/ PAF's	GM/Staff		X	×
GM Expense Report	Finance Chair		Х	
GM Timesheet	Finance Chair		Х	
Journal Entries	GM/Acct		Х	
Legal Filings/Forms Excluding Recorder	ALL		X	×
Letters & Memos	ALL	x	X	×
List of Disbursements	Finance Chair/GM		X	
Minutes	GM			x
Misc Financial Documents	GM/Staff		X	×
Purchase Orders	Staff/GM		Х	
Quotes	O&M/GM		Х	
Request for Proposals	GM		X	
Resolutions	Comm Chair/GM			Х
Small O&M Contracts	GM/O&M		Х	×
Staff Timesheets	GM/Staff		Х	
Vendor Maintenance Worksheet (VMW)	Admin/GM/Acct		X	*
Vendor Payment Worksheet (VPW) (checks)	ALL		X	×
VPW (EFT)	ALL			*

ITEM NO. FM8 50TH ANNIVERSARY RECOGNITION

Recommendation

Review and provide direction to staff.

Discussion

EBDA was created with the initial adoption of a Joint Exercise of Powers Agreement on February 15, 1974. As such, in 2024, EBDA will be celebrating its 50th anniversary. Staff is seeking Committee input on how to mark this milestone. Options include, but are not limited to:

- Celebration in conjunction with a regular Commission meeting
- Celebration at a separate designated time, to be held at a member agency's facility or another offsite location
- Creation of commemorative items (e.g. apparel, mugs, etc.)

EBDA's FY 2023/2024 budget does not include any specific allocation for this topic. Depending on the scale of proposed activities, expenditures may be accommodated within the existing budget, or if desired, activities could be deferred until after July 1, 2024, and an allocation included in the FY 2024/2025 budget. Staff also notes that the Livermore-Amador Valley Water Management Agency (LAVWMA) also turns 50 next year, and LAVWMA's General Manager has expressed interest in exploring a joint celebration.