



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

*A Joint Powers Public Agency*

**ITEM NO. 12**

**FINANCIAL MANAGEMENT COMMITTEE AGENDA**

**Wednesday, January 17, 2024**

**8:00 A.M.**

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

**This meeting will be teleconferenced from the following location:  
Hyatt House Lobby, 2719 K Street, Sacramento, CA**

**Teleconference link: <https://us02web.zoom.us/j/81102525303>  
Call-in: 1(669) 900-6833 and enter Meeting ID number: 811 0252 5303**

**Committee Members: Simon (Chair); Andrews**

- FM1. Call to Order**
- FM2. Roll Call**
- FM3. Public Forum**
- FM4. Disbursements for December 2023**  
(The Committee will review the Lists of Disbursements.)
- FM5. Treasurer's Report for December 2023**  
(The Committee will review the Treasurer's Report.)
- FM6. FY 2024/2025 Budget Schedule**  
(The Committee will review the schedule for development of the Authority's annual budget.)
- FM7. Motion Approving Revisions to the Authority's Electronic Signature Policy**  
(The Committee will consider the motion.)
- FM8. 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

Agenda Explanation  
East Bay Dischargers Authority  
Financial Management Committee  
January 17, 2024

alternative format, please contact the Juanita Villasenor at [juanita@ebda.org](mailto: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, February 14, 2024 at 8:00 a.m.**

**ITEM NO. FM4 DISBURSEMENTS FOR DECEMBER 2023**

Disbursements for the month of December totaled \$1,529,173.77.

Reviewed and Approved by:

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Fred Simon, Chair	Date
Financial Management Committee	

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Jacqueline T. Zipkin	Date
Treasurer	

**EAST BAY DISCHARGERS AUTHORITY**

**List of Disbursements**

**December 2023**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26331	12/15/2023	WD-0230198	STATE WATER RESOURCES CONTROL BOARD	ANNUAL PERMIT FEES FOR EBDA COMMON OUTFALL	685,195.00	685,195.00
26342	12/27/2023	041818	PUMP REPAIR SERVICE	HEPS EFFLUENT PUMP REPLACEMENT	373,362.50	373,362.50
26344	12/27/2023	003047	UNION SANITARY DISTRICT	O&M - OCT	52,696.05	104,093.19
26344	12/27/2023	003045	UNION SANITARY DISTRICT	O&M - SEP	51,397.14	
26319	12/15/2023	351859	CITY OF HAYWARD	O&M - QUARTERLY JUL-SEP	91,951.69	91,951.69
26337	12/27/2023	20007	DW NICHOLSON	OLEPS EMERGENCY OUTFALL WEIR	46,034.15	48,532.00
26337	12/27/2023	20018	DW NICHOLSON	OLEPS EMERGENCY OUTFALL WEIR	2,497.85	
26320	12/15/2023	394175	CITY OF SAN LEANDRO	O&M - OCT	22,933.69	22,933.69
26340	12/27/2023	2667	HORSPOOL & ROMINE MFG CO INC	OLEPS WET WELL GATE REPAIR	13,615.88	16,537.51
26340	12/27/2023	2666	HORSPOOL & ROMINE MFG CO INC	OLEPS WET WELL GATE REPAIR	2,921.63	
26323	12/15/2023	191207	ENVIRONMENTAL SCIENCE ASSOCIATES	FIRST MILE PROJECT WORK ORDER NO. 3	15,701.25	15,701.25
26338	12/27/2023	Sep-23	DEBORAH QUINN	ACCOUNTING SERVICES - SEP	12,363.31	12,363.31
26326	12/15/2023	19421	PACIFIC ECORISK	NPDES TOXICITY TESTING	5,523.00	5,523.00
26325	12/15/2023	211229	MEYERS NAVE	LEGAL SERVICES - OCT	4,150.30	4,881.70
26325	12/15/2023	211230	MEYERS NAVE	LEGAL SERVICES - BRINE PROJECT	731.40	
26335	12/27/2023	55429	CALCON	MDF SERVICES	2,772.02	4,166.32
26335	12/27/2023	55430	CALCON	SCADA SERVICES	1,394.30	
26327	12/15/2023	SW240193985	PETERSON POWER SYSTEMS	OLEPS GENERATOR SERVICE	3,937.58	3,937.58
26332	12/15/2023	4246-0445-5568-7627	US BANK	PURCHASING CARD EXPENSES	2,082.64	2,082.64
26334	12/27/2023	1219-23	AFFORDABLE PAINTING SERVICE INC	SKYWEST PAINTING	2,000.00	2,000.00
26322	12/15/2023	2580	CROPPER ACCOUNTANCY	AUDITING SERVICES	1,750.00	1,925.00
26322	12/15/2023	2584	CROPPER ACCOUNTANCY	AUDITING SERVICES	175.00	
26316	12/15/2023	0000332004	BLACKBAUD	ACCOUNTING SOFTWARE SUBSCRIPTION AMENDMENT	1,641.25	1,641.25
26343	12/27/2023	16040	REGIONAL GOVERNMENT SERVICES	MANAGEMENT AND ADMINISTRATIVE SERVICES	1,480.00	1,480.00
26318	12/15/2023	8418	CAYUGA INFORMATION SYSTEMS	IT SERVICES	1,050.00	1,050.00
26317	12/15/2023	714702	CALTEST	LAB TESTING SERVICES	889.70	889.70
26330	12/15/2023	1001649288	STATE COMPENSATION INSURANCE FUND	WORKERS COMPENSATION	878.00	878.00
26341	12/27/2023	00013.11-19	LARRY WALKER ASSOCIATES	PROFESSIONAL SERVICES - WORK ORDER NO. 2	305.00	305.00
26339	12/27/2023	1011000001	EBMUD	WATER & SEWER SERVICE, MDF	247.98	247.98
26329	12/15/2023	CD_000707049	RINGCENTRAL INC	DIGITAL PHONE SERVICE	212.60	212.60
26328	12/15/2023	3106414215	PITNEY BOWES INC	QUARTERLY LEASING CHARGE FOR DIGITAL MAILING SYSTEM	150.55	150.55
26321	12/15/2023	54792	COMPUTER COURAGE	WEBSITE HOSTING	150.00	150.00
26324	12/15/2023	9987	MBC CUSTODIAL SERVICES INC	JANITORIAL SERVICES	130.00	130.00
26333	12/15/2023	9950626562	VERIZON WIRELESS	WIRELESS PHONE SERVICES	88.38	88.38

**EAST BAY DISCHARGERS AUTHORITY**  
**List of Disbursements**  
**December 2023**

Check #	Payment Date	Invoice #	Vendor Name	Description	Invoice Amount	Disbursement Amount
26336	12/27/2023	3954631	CALTRONICS	COPIER USAGE AND MAINTENANCE	73.91	73.91
<b>TOTAL CHECK PAYMENTS</b>					<b>1,402,483.75</b>	<b>1,402,483.75</b>
<b>ELECTRONIC PAYMENTS</b>						
	12/04/2023	5105948980-0	PG&E	GAS & ELECTRIC SERVICE	33,096.14	33,096.14
	12/29/2023	51708649	UNIVAR SOLUTIONS USA, INC	SODIUM BISULFITE	9,899.54	9,899.54
	12/29/2023	51680756	UNIVAR SOLUTIONS USA, INC	SODIUM BISULFITE	9,640.01	9,640.01
	12/06/2023	100000017353970	CALPERS	HEALTH PREMIUMS - DEC	7,630.03	7,630.03
	12/04/2023	100000017320815	CALPERS	PENSION CONTRIBUTION, CLASSIC 11/16 - 30/2023	5,710.87	5,710.87
	12/19/2023	100000017350648	CALPERS	PENSION CONTRIBUTION, CLASSIC 12/01 - 15/2023	5,710.87	5,710.87
	12/04/2023	6243382	MISSION SQUARE	DEFERRED COMPENSATION 11/30/2023	2,134.47	2,134.47
	12/19/2023	6728101	MISSION SQUARE	DEFERRED COMPENSATION 12/15/2023	2,134.47	2,134.47
	12/06/2023	2312223878	INTERMEDIA.NET	EMAIL EXCHANGE HOSTING SERVICE	99.40	99.40
<b>TOTAL ELECTRONIC PAYMENTS</b>					<b>76,055.80</b>	<b>76,055.80</b>
<b>PAYROLL</b>						
			ADP, LLC	PAYROLL PERIOD: 12/01-15/2023	23,802.75	23,802.75
			ADP, LLC	PAYROLL PERIOD: 12/16-31/2023	26,661.55	26,661.55
			ADP, LLC	PAYROLL FEES, 11/16-30/2023	92.06	92.06
			ADP, LLC	PAYROLL FEES, 12/01-15/2023	77.86	77.86
<b>TOTAL PAYROLL</b>					<b>50,634.22</b>	<b>50,634.22</b>
<b>TOTAL DISBURSEMENTS</b>					<b>1,529,173.77</b>	<b>1,529,173.77</b>

**ITEM NO. FM5 TREASURER'S REPORT FOR DECEMBER 2023**

The cash balance as of December 31, 2023 is \$3,461,594.15. EBDA's LAIF balance is \$1,662,936.88, and the average monthly effective yield for December is 3.929%. EBDA's CAMP balance is \$1,526,189.59, and CAMP's 7-day yield is 5.55%.

**Approval is recommended.**

**EAST BAY DISCHARGERS AUTHORITY  
TREASURER'S REPORT  
December 31, 2023**

FUND	DESCRIPTION	BEGINNING CASH BALANCE	DEBITS (INCREASE)	CREDITS (DECREASE)	ENDING CASH BALANCE
12	OPERATIONS & MAINTENANCE	1,371,189.05	-	384,469.81	986,719.24
13	PLANNING & SPECIAL STUDIES	735,506.33	-	700,896.25	34,610.08
14	RECLAMATION O & M (SKYWEST)	66,506.99	-	2,250.00	64,256.99
15	BRINE ACCEPTANCE	99,114.14	66,365.59	1,036.40	164,443.33
31	RENEWAL & REPLACEMENT	2,645,117.54	6,968.28	440,521.31	2,211,564.51
TOTALS		4,917,434.05	73,333.87	1,529,173.77	3,461,594.15

Dec-23

1/2/2024

## SUPPLEMENTAL TREASURER'S REPORT

DATE	TRANSACTION	RECEIPT	DISBURSEMENT CHECKING	DISBURSEMENT PAYROLL	PAYROLL TRANSFER	LAIF	CAMP	WELLS FARGO CHECKING BALANCE	WELLS FARGO PAYROLL BALANCE	LAIF BALANCE	CAMP BALANCE	TOTAL CASH
11/30/23	BALANCE							959,174.76	76,101.10	2,362,936.88	1,519,221.31	4,917,434.05
12/01/23	DIVIDENDS	6,968.28					6,968.28	959,174.76	76,101.10	2,362,936.88	1,526,189.59	4,924,402.33
12/04/23	ELECTRONIC BILL PAY		2,134.47					957,040.29	76,101.10	2,362,936.88	1,526,189.59	4,922,267.86
12/04/23	ELECTRONIC BILL PAY		5,710.87					951,329.42	76,101.10	2,362,936.88	1,526,189.59	4,916,556.99
12/04/23	ELECTRONIC BILL PAY		33,096.14					918,233.28	76,101.10	2,362,936.88	1,526,189.59	4,883,460.85
12/06/23	ELECTRONIC BILL PAY		7,630.03					910,603.25	76,101.10	2,362,936.88	1,526,189.59	4,875,830.82
12/06/23	ELECTRONIC BILL PAY		99.40					910,503.85	76,101.10	2,362,936.88	1,526,189.59	4,875,731.42
12/08/23	PAYROLL FEES			92.06				910,503.85	76,009.04	2,362,936.88	1,526,189.59	4,875,639.36
12/12/23	TRANSFER					(700,000.00)		1,610,503.85	76,009.04	1,662,936.88	1,526,189.59	4,875,639.36
12/12/23	DEPOSIT - CARGILL	66,365.59						1,676,869.44	76,009.04	1,662,936.88	1,526,189.59	4,942,004.95
12/14/23	PAYROLL			23,802.75				1,676,869.44	52,206.29	1,662,936.88	1,526,189.59	4,918,202.20
12/15/23	DISBURSEMENT		839,322.03					837,547.41	52,206.29	1,662,936.88	1,526,189.59	4,078,880.17
12/19/23	ELECTRONIC BILL PAY		5,710.87					831,836.54	52,206.29	1,662,936.88	1,526,189.59	4,073,169.30
12/19/23	ELECTRONIC BILL PAY		2,134.47					829,702.07	52,206.29	1,662,936.88	1,526,189.59	4,071,034.83
12/22/23	PAYROLL FEES			77.86				829,702.07	52,128.43	1,662,936.88	1,526,189.59	4,070,956.97
12/27/23	DISBURSEMENT		563,161.72					266,540.35	52,128.43	1,662,936.88	1,526,189.59	3,507,795.25
12/28/23	PAYROLL			26,661.55				266,540.35	25,466.88	1,662,936.88	1,526,189.59	3,481,133.70
12/29/23	ELECTRONIC BILL PAY		9,899.54					256,640.81	25,466.88	1,662,936.88	1,526,189.59	3,471,234.16
12/29/23	ELECTRONIC BILL PAY		9,640.01					247,000.80	25,466.88	1,662,936.88	1,526,189.59	3,461,594.15
<b>TOTAL CURRENT BALANCE</b>		<b>73,333.87</b>	<b>1,478,539.55</b>	<b>50,634.22</b>	<b>-</b>	<b>(700,000.00)</b>	<b>6,968.28</b>	<b>247,000.80</b>	<b>25,466.88</b>	<b>1,662,936.88</b>	<b>1,526,189.59</b>	<b>3,461,594.15</b>

Reconciliation - 12/31/2023

① Bank Statement Balance	\$ 913,795.46
Less: Outstanding Checks	666,794.66
	\$ 247,000.80
② Payroll Bank Statement	\$ 25,466.88
③ LAIF Statement	\$ 1,662,936.88
④ CAMP Statement	\$ 1,533,386.34
Less: Accrual Income Dividend	7,196.75
	\$ 1,526,189.59

The Supplemental Treasurer's Report is prepared monthly by the General Manager. It also serves as EBDA's cash and investments reconciliation.



**ITEM NO. FM6 FY 2024/2025 BUDGET SCHEDULE**

**Recommendation**

For the Committee’s information only; no action is required.

**Strategic Plan Linkage**

3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers’ resources.
  - b. Proactively manage expenditures to stay within adopted budget.

**Background**

The Authority adopts an annual budget on a July-June Fiscal Year basis. This report provides the Committee with a proposed schedule for development and review of the Authority’s next budget.

**Discussion**

Staff proposes the following schedule for budget development:

<b>Month</b>	<b>Topic</b>	<b>Committee</b>
February	Salary and Benefits Assumptions	Personnel
March	Preliminary Budget Considerations and Options	Financial Management
	OPEB and Pension Fund Status	
April	Draft Budget	Financial Management
May	Budget Approval	Financial Management and Commission
	Draft Renewal & Replacement Fund (RRF) Project List	Operations & Maintenance
June	RRF Project List Approval	Operations & Maintenance and Commission

**ITEM NO. FM7 MOTION APPROVING REVISIONS TO THE AUTHORITY'S ELECTRONIC SIGNATURE POLICY**

**Recommendation**

Approve updates to the Authority's Electronic Signature Policy.

**Strategic Plan Linkage**

3. **Financial:** Develop financial strategies and practice sound fiscal management to ensure wise use of ratepayers' resources.
  - a. Operate EBDA's system efficiently.

**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**

As discussed at the December 2023 Financial Management Committee Meeting, 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. Staff therefore proposed minor modifications to the Policy and Signature Matrix, attached in track changes and clean versions, that allow for greater flexibility in choice of software as tools and preferences change.

The Financial Management Committee reviewed the proposed revisions at its December 2023 meeting and recommended the revised Policy be brought forward for approval.

**POLICY NUMBER:** 3

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**NAME OF POLICY:** Electronic Signature

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**LAST REVISED:** ~~August 20, 2020~~ January 18, 2024

**PREVIOUSLY REVISED:** ~~NA~~ August 20, 2020

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**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.

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**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 system 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/Adobe	Wet Signature Required
Bank Statements	GM			x
Cash Disbursement PrePymnt Rprt	GM	x		
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/Applctns	ALL		x	*
Employee Expense Report	GM/Staff		x	
Employee Reviews/ PAF's	GM/Staff		x	*
GM Expense Report	Finance Chair		x	
GM Timesheet	Finance Chair		x	
Journal Entries	GM/Acct		x	
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		x	
Quotes	O&M/GM		x	
Request for Proposals	GM		x	
Resolutions	Comm Chair/GM			x
Small O&M Contracts	GM/O&M		x	*
Staff Timesheets	GM/Staff		x	
Vendor Maintenance Worksheet (VMW)	Admin/GM/Acct		x	*
Vendor Payment Worksheet (VPW) (checks)	ALL		x	*
<del>VPW (EFT)</del>	<del>ALL</del>			*



**POLICY NUMBER:** 3

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**NAME OF POLICY:** Electronic Signature

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**LAST REVISED:** August 20, 2020

**PREVIOUSLY REVISED:** NA

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**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.

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**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 system 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/Adobe	Wet Signature Required
Bank Statements	GM			x
Cash Disbursement PrePymnt Rprt	GM	x		
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		x	
GM Timesheet	Finance Chair		x	
Journal Entries	GM/Acct		x	
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		x	
Quotes	O&M/GM		x	
Request for Proposals	GM		x	
Resolutions	Comm Chair/GM			x
Small O&M Contracts	GM/O&M		x	
Staff Timesheets	GM/Staff		x	
Vendor Maintenance Worksheet (VMW)	Admin/GM/Acct		x	
Vendor Payment Worksheet (VPW)	ALL		x	

Revised: January 18, 2024