

Resolution No. 2020-21-06
of the Local Agency Formation Commission of Mendocino County

Approving the
Electronic Signature Policy

WHEREAS, Local Agency Formation Commissions have been created under the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Sections 56000 et. seq. of the Government Code, as independent agencies, with the power to adopt policies and procedures to carry out their functions, (§56300); and

WHEREAS, the Executive Committee directed the Policies & Procedures Committee to develop an electronic signature policy to facilitate work productivity and particularly for the continued and timely operations of the office and Commission during remote working conditions such as have been in place during the pandemic.

WHEREAS, the Policies & Procedures Committee held a public meeting on the proposed electronic signature policy on April 13, 2021 and at that meeting, the Committee considered the report of the Executive Officer and all oral and written comments with respect to the proposed policy, and recommended the policy to the Commission.

WHEREAS, this Commission held a public meeting on the proposed electronic signature policy and at that meeting this Commission received the recommendation of the Policies & Procedures Committee, the report of the Executive Officer, and all oral and written comments with respect to the proposed policy.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Mendocino DOES HEREBY RESOLVE, DETERMINE and ORDER the adoption of the Electronic Signature Policy as set forth in Exhibit A.

BE IT FURTHER RESOLVED that the Mendocino LAFCo Policies & Procedures Manual be updated accordingly.

PASSED and ADOPTED by the Local Agency Formation Commission of Mendocino County this 3rd day of May 2021 by the following vote:

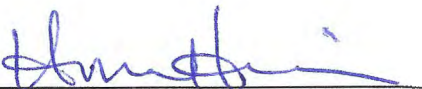
AYES: Mulheren, McGourty, Ward, Ignacio, Froneberger, Gonzalez, Orth

NOES:

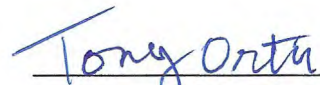
ABSTAIN:

ABSENT:

ATTEST:



UMA HINMAN, Executive Officer



TONY ORTH, Commission Chair

Exhibit A

ELECTRONIC SIGNATURE POLICY

This Policy applies to documents requiring a signature of any person where the signature is intended to show authorship, approval, authorization, or certification, as allowed by law. It is the Policy of the Mendocino LAFCo to allow the use of electronic signatures in all internal and external activities, documents, and transactions where it is operationally feasible to do so, where existing technology permits, and where it is otherwise appropriate. In such situations, affixing an electronic signature to the document in a manner consistent with this Policy shall satisfy Mendocino LAFCo's requirements for signing a document.

While the use of electronic signatures is an option, this Policy does not require any staff or Commissioner to use electronic signatures, nor can LAFCo mandate that any third party signing a document use electronic signature.

1. Types of documents. This Policy is intended to broadly permit the use of electronic signatures. Examples of common types of documents are resolutions of the Commission, contracts, legislative support letters, memorandums, and correspondence. The Executive Officer will confirm with Legal Counsel on a case-by-case basis to determine where applicable laws permit an electronic signature to be used.
2. Requirements of eSignature. The use of electronic signatures is permitted and shall have the same force and effect as the use of a "wet" or manual signature if all the following criteria are met:
 1. The electronic signature is unique to the person using it.
 2. The electronic signature is capable of verification.
 3. The electronic signature is under the sole control of the person using it.
 - a) Email notifications requesting electronic signatures must not be forwarded.
 - b) These requirements prohibit the use of proxy signatures.
 4. The electronic signature is linked to the data in such a manner that if the data is changed after the electronic signature is affixed, the electronic signature is invalidated.
3. Documents involving other parties. In the case of contracts or transactions which must be signed by outside parties, each party to the agreement must agree in advance to the use of an electronic signature. No party to a contract or other document may be forced to accept an electronic signature; they must be permitted to decide either way. Such consent may be withdrawn by the other party at any time such that future documents must be signed in hardcopy format. When a document is electronically signed by all parties, Mendocino LAFCo 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.
4. eSignature Solution Providers. Acceptable technologies and eSignature providers shall be consistent with current state legal requirements and industry best practices to ensure the security and integrity of the data and the signature. The eSignature providers shall be on the *Approved List of Digital Signature Certification Authorities* certified by the California Secretary of State for use by public entities. LAFCo may accept other electronic signature methods provided they comply with all other requirements set forth in this policy.