

**RESOLUTION NO. 2021-005**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY ADOPTING THE ELECTRONIC SIGNATURE USE POLICY**

**WHEREAS**, the use of electronic signatures has become increasingly common in public and private transactions; and

**WHEREAS**, electronic signatures have been incorporated into federal law by the Electronic Signatures in Global and National Commerce Act and into California law by the Uniform Electronic Transactions Act ("UETA") (Civil Code section 1633.1 et seq.) and Government Code section 16.5; and

**WHEREAS**, under California law, the use of electronic signatures is at the option of the parties, including the public agencies, involved in a transaction; and

**WHEREAS**, using electronic signature technology where appropriate and desired by the Western Riverside County Regional Conservation Authority ("RCA") will allow the RCA to collect and preserve signatures on documents quickly, securely, and efficiently; and

**WHEREAS**, the conditions under which the RCA will accept electronic signatures on RCA records or documents are an administrative affair for the RCA to determine and for which the RCA may set policy; and

**WHEREAS**, the RCA has a vital interest in reducing the waste of paper, increasing the efficient use of resources, and ensuring the security and authenticity of electronic records, including electronic signatures; and

**WHEREAS**, the RCA wishes to allow for the electronic transaction of business, when practicable, and to maintain electronically signed records, to the greatest extent practicable; and

**WHEREAS**, the RCA desires to adopt a policy that will mitigate potential risks associated with conducting transactions, transmitting information, and maintaining records that use electronic signatures.

**NOW, THEREFORE**, the Board of Directors of the Western Riverside County Regional Conservation Authority does hereby resolve as follows:

**SECTION 1.** The above recitals are incorporated into this section by reference, as though fully set forth herein.

**SECTION 2.** In addition to the general purposes identified in the above recitals, the RCA desires to adopt the attached Electronic Signature Use Policy to achieve the following objectives: (1) to create and maintain documentation of the systems used to create electronically signed records

and the electronic signatures they contain; (2) to ensure that records that include electronic signatures are created and maintained in a secure environment that protects the records from unauthorized alteration or destruction; (3) to implement standard operating procedures for the creation, use, and management of electronic signatures and electronically signed records, and to maintain adequate written documentation of those procedures; (4) to create and maintain electronic signatures and electronically signed records according to the documented standard operating procedures; and (5) to inform RCA staff as to the standard operating procedures for electronic signatures and electronically signed records.

**SECTION 3.** The Board of Directors of the Western Riverside County Regional Conservation Authority hereby adopts the Electronic Signature Use Policy attached hereto as Exhibit "A" and incorporated herein.

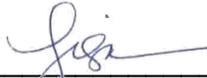
**SECTION 4.** This Resolution shall become effective upon its adoption.



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Natasha Johnson, Chairperson  
Western Riverside County Regional  
Conservation Authority

ATTEST:



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Lisa Mobley, Clerk of the Board  
Western Riverside County  
Regional Conservation Authority

**EXHIBIT "A"**

**ELECTRONIC SIGNATURE USE POLICY**

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION  
AND  
WESTERN RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY  
ELECTRONIC SIGNATURE USE POLICY**

**I. Purpose**

The Riverside County Transportation Commission (“Commission”) and the Western Riverside County Regional Conservation Authority (“Authority”) seek in this Electronic Signature Use Policy (“Policy”) to implement guidelines for the use and acceptance of electronic signatures used to conduct their official business. This Policy allows the use of electronic signatures in lieu of manual signatures, when permitted by law, and establishes when an electronic signature may replace a manual signature.

As used in this Policy, the term “Agency” is intended to refer individually, and interchangeably, to the Commission or the Authority, as applicable. Employees of the Commission conduct the operations of both the Commission and the Authority.

**II. Legal Background**

California has adopted statutes regulating the use of electronic signatures including California Civil Code section 1633.1 et seq., otherwise known as the “Uniform Electronic Transactions Act” (“UETA”) and California Government Code section 16.5. This Policy and the guidelines and procedures included hereunder are intended to comply entirely with all applicable laws and regulations including, without limitation, the aforementioned statutes. To the extent that any procedure, policy, or guideline contained herein conflicts with applicable law, Agency officials and agents, Commission staff, and all other persons subject to this Policy are required and expected to comply with the requirements of the applicable law(s).

**III. Findings and Declarations**

A. The use of electronic signature technology will allow the Agency to collect and preserve signatures on documents quickly, securely, and efficiently.

B. The conditions under which the Agency will accept electronic signatures on Agency records or documents are a local affair for the Agency to determine and for which the Agency may set policy.

C. The Agency has a vital interest in reducing the waste of paper, increasing the efficient use of public resources, and ensuring the security and authenticity of electronic records, including electronic signatures.

D. This Policy seeks to mitigate the risks associated with conducting transactions, transmitting information, and maintaining public records that use electronic signatures.

#### IV. **Definitions.**

A. “Approved List of Digital Signature Certification Authorities” means the list of Certification Authorities approved by the California Secretary of State to issue certification for digital signature transactions involving public entities in California. The current Approved List of Digital Signature Certification Authorities can be found at the following address:

<https://www.sos.ca.gov/administration/regulations/current-regulations/technology/digital-signatures/approved-certification-authorities/>.

B. “Certification Authority” means a person or entity that issues certification for a digital signature transaction.

C. “Digital signature” means 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. A digital signature is a type of “electronic signature.”

D. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

E. “Electronic record” means a record, file, or document 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.

F. “Electronic signature” means an electronic sound, symbol, or process, attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. For purposes of this Policy, a digital signature is a type of electronic signature.

G. “External document” means any document generated by or required to be signed by persons other than the Agency. Examples of external documents include contracts to which the Agency is a party that must be signed by a non-Agency party or applications completed by the members of the public and submitted to the Agency.

H. “Internal document” means a form or document created by the Agency and for use exclusively by the Agency in which a signature is required or used.

I. “Manual signature” means an original wet signature applied to a document.

J. “Transaction” means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

V. **General Policy Rules.**

The Agency encourages the use and acceptance of electronic signatures in internal and external activities, documents, and transactions when it is operationally feasible, where technology permits, and permitted by law.

A. Compliance with Law, Policy. To the extent permitted by law and this Policy, the Agency accepts electronic signatures as legally binding.

B. Use Optional. The use or acceptance of electronic signatures shall be at the option of the non-Agency signatories. Nothing in this Policy shall require the Agency to use or permit the use of electronic signatures.

C. Consent. All parties that wish to use electronic signatures shall provide written or electronic consent as to the use of electronic signatures, which may be evidenced by a statement that the document has been signed electronically.

D. Signature Use. The Executive Director or designee, may require the use of manual, electronic, or digital signatures at his or her discretion.

E. **Internal Agency Business**

1. The Agency requires that various internal documents be approved by an employee, supervisor, department head, or other Commission staff and approvals for internal documents may be signified by electronic means as a replacement for a manual signature.

2. Internal documents that create or impose a legal or fiduciary duty may require a digital signature, as determined by the Executive Director, or designee.

3. The use of electronic records, electronic signatures, and digital signatures by the Agency for internal Agency business and internal documents shall be in accordance with administrative procedures as designated and amended from time to time by the Executive Director or designee.

F. **External Documents and Transactions**

1. If an electronic signature is used for an external document involving a transaction with the Agency which creates or imposes a legal duty, the Executive Director may require a digital signature.

2. Design professionals, such as architects and engineers, who wish to use an electronic signature and whose manual signature is required for submittal of hard copy plans, will be required to obtain and use a digital signature key for electronically submitted plans. Non-design professionals may sign plans via use of any valid electronic signature technology that complies with the requirements of this Policy including, but not limited to, a digital signature.

3. For any Agency business involving a non-Agency party, including without limitation external documents, the use and acceptance of electronic records, electronic signatures, and digital signatures by the Agency shall be in accordance with administrative procedures as designated and amended from time to time by the Executive Director or designee.

G. Documents for Which Electronic Signatures are Prohibited

1. Civil Code section 1633.3 contains a list of transactions for which electronic signatures are unavailable.

2. Signatures that must be made in the presence of a notary public.

3. Unless otherwise allowed, documents that are recorded with the County of Riverside.

H. Valid Electronic Signatures. When a signature is required, the parties may agree that an electronic signature satisfies that requirement if:

1. The signature is in accordance with the requirements of the UETA;

2. The signature is created using an electronic signature technology that has been approved by the Executive Director, or designee, in accordance with the provisions of this Policy; and

3. The signature is in accordance with any and all other applicable laws and regulations.

I. Valid Digital Signatures.

1. Digital signatures used in compliance with this Policy shall have the same force and effect as the use of a manual signature provided that the digital signature has all of the following attributes:

a. It is unique to the person using it;

b. It is capable of verification;

c. It is under the sole control of the person using it;

d. It is linked to data in such a manner that if the data is changed, the digital signature is invalidated; and

e. It conforms to the regulations adopted by the California Secretary of State including, but not limited to, the acceptable technology requirements set forth under the California Code of Regulations, title 2, section 22003.

2. The Certification Authority issuing the certification for the digital signature transaction must appear on the "Approved List of Digital Signature Certification Authorities" authorized by the California Secretary of State.

3. Prior to accepting a digital signature, Commission staff shall ensure that the level of security used to identify the signer of a document is sufficient for the transaction being conducted, that the level of security used to transmit the signature is sufficient for the transaction being conducted, and that the certificate format used by the signer is sufficient for the security and interoperability needs of the Agency.

J. Minimum Standards. These are minimum standards. Any transaction must be analyzed under the facts and circumstances existing at the time a transaction has been executed. Depending upon the circumstances, the Agency may require a higher level of signature verification (i.e. out-of-state signatory). Nothing in this Policy prohibits an Agency official or employee, with the consent from the Executive Director, from requiring a wet signature or higher form of secure electronic signature if he or she believes it is prudent or necessary.

K. Acceptable Electronic Signature Technologies. The Executive Director or designee, shall identify the level of security procedures required for particular documents. The Executive Director or designee, shall also identify vendors and technology to execute those security procedures using industry best practices.

L. Further Acts. Nothing in this Policy shall prevent the Executive Director or designee, from adopting additional guidelines or taking further actions to implement this Policy or to add other permissible forms of electronic signatures to this Policy.

## VI. Sanctions.

A. Any person that makes inappropriate, illegal, or fraudulent use of electronic signatures, digital signatures, or electronic records in violation of this Policy or of any applicable law or regulation is subject to sanctions up to and including dismissal, suspension, and criminal prosecution as specified in published Agency policies, and State and federal law, regardless of whether such sanctions are directly referenced in this Policy. All inappropriate, illegal, or fraudulent uses of any electronic means of transmission shall be prosecuted to the fullest extent permitted by law, including the recovery of attorneys' fees and administrative costs.



Administrative Procedures for Acceptance of External Documents and/or  
Transactions With Electronic Signatures

**I. PURPOSE**

The purpose of these procedures is to document and implement the acceptance of external documents and/or transactions with electronic signatures in compliance with the Agency's Electronic Signature Use Policy.

**II. CLASSES OF DOCUMENTS PERMITTED BY THE EXECUTIVE DIRECTOR FOR ELECTRONIC SIGNATURE**

The security requirements for electronic signatures range from simple to the more complex, depending upon the level of transaction. The following are the classes of documents permitted for electronic signature. It is not intended to be an exhaustive list, nor does it impose electronic signature as a requirement for any particular transaction.

- A. Contracts and Amendments
- B. Grant Documents
- C. Applications
- D. Invoices
- E. Certificates and Permits, as allowed by law
- F. Correspondence



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Approved  
Executive Director