



June 23, 2021  
Agenda Item B-7

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Governing Board Communication

**TO: MERA Governing Board**  
**FROM: Mary Morris-Mayorga, Interim Executive Officer**  
**SUBJECT: PROPOSED DOCUMENT SIGNATURE POLICY**

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Recommended Action

Review, discuss, and approve the proposed new *Document Signature Policy*.

Background

While MERA currently has a variety of policies guiding proper authorization of contracting, purchasing, etc., there is no specific language on how those documents can or should be signed. In the past, most documents were in paper form signed with “wet” (physical) signature. The challenges presented by orders and mandates of COVID-19 daylighted the need for operating policy flexibility in agencies across the Country. Modern technology allows agencies to continue operating in any emergency situation; electronic signatures is one area that would be advantageous for MERA to utilize whenever possible.

Staff inquired with legal counsel on the ability of MERA to sign documents electronically via DocuSign, “Under California law, DocuSign has the same effect as an original signature. It can be used for any document that does not need to be notarized or recorded.” Further, California Government Code section 16.5. states:

*(a) In any written communication with a public entity, as defined in Section 811.2, in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. If a public entity elects to use a digital signature, that digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:*

- (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.*
- (5) It conforms to regulations adopted by the Secretary of State. Initial regulations shall be adopted no later than January 1, 1997. In developing these regulations, the secretary shall seek the advice of public and private entities, including, but not limited to, the Department of Information Technology, the California Environmental Protection Agency, and the Department of General Services. Before the secretary adopts the regulations, he or she shall hold at least one public hearing to receive comments.*

DocuSign and other electronic means will be utilized as allowable and appropriate; therefore, this *Document Signature Policy* has been developed to convey that internally and externally.

Fiscal Impact

The annual subscription fee for DocuSign which will be funded within the existing budget.

Attachment Document Signature Policy