

TITLE:
Electronic Transmission of Documents and Signature Policy
ADOPTED BY BOARD OF HARBOR COMMISSIONERS:
April 27, 2015
EFFECTIVE DATE:
This Administrative Policy is effective upon approval by the Board of Harbor Commissioners.
SUPERSESSION:
This Administrative Policy is new and does not supersede any other policy.
PURPOSE:
To set policy for the use of the electronic transmission of documents and the use of electronic signatures on behalf of the Oxnard Harbor District.
POLICY:
<p>1. BACKGROUND.</p> <p>To increase the efficiency of executing contracts and other legally binding documents requiring authorization, the District shall allow the electronic transmission of documents and affixing of signatures in lieu of manual signatures for mutually agreeable transactions.</p> <p>2. POLICY.</p> <p>A. As permitted by section 16.5 of the California Government Code, the District may accept electronic signatures as legally binding and having the same force and effect as original signatures on agreements and other documents requiring signatures.</p> <p>B. For agreements, where both parties are mutually agreeable, contracts or other legally binding documents requiring authorization may be transmitted and signed by electronic mail, fax or digital signature software, in accordance with applicable laws.</p> <p>C. For transactions in California (not in interstate or foreign commerce), electronic signatures are generally acceptable and enforceable. California Government Code section 16.5 provides that in "any written communication with a public entity ... in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature" so long as the digital signature:</p> <ul style="list-style-type: none"> (1) is unique to the person using it; (2) is capable of verification; (3) is under the sole control of the person using it;

(4) is linked to data in such a manner that if the data are changed, the digital signature is invalidated; and

(5) conforms to regulations adopted by the Secretary of State, which are contained in 2 CCR 22000 through 22005.

D. For transactions in or affecting interstate or foreign commerce, the District must comply with the federal Electronic Records and Signatures in Commerce Act (15 U.S.C. § 7001 et seq.) and its implementing regulations, including 27 CFR 73.11.

E. The District may employ the use of third party vendors, software and other tools to ensure compliance with this Policy in its use of electronic signatures.

F. District staff shall not electronically authorize or sign a District transaction unless he or she has been granted specific authority to do so by the CEO & Port Director.

G. This policy also applies to internal documentation and authorizations required in the conduct of the District’s day-to-day business.

RELATED POLICIES AND PROCEDURES:

Policy # 400.1 – Procurement Policy

DEFINITIONS:

None.