

PORT OF SKAMANIA COUNTY

ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES POLICY

(Approved on June 15, 2021)

RESOLUTION 7-2021

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Section 1. Authorization

The Uniform Electronic Transactions Act (UETA) RCW Ch 1.80 governs electronic records and electronic signatures created, generated, sent, communicated, received, or stored on or after June 16, 2021, to the extent permitted in RCW Ch 1.80.

The UETA requires government agencies to determine whether, and the extent to which, agencies will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

Pursuant to the UETA, the Port of Skamania County Commission adopted Resolution No. 7-2021 on June 15, 2021, authorizing the use, creation, and acceptance of electronic records and electronic signatures to the fullest extent allowed by state and/or federal law and these rules and regulations.

Resolution No. 7-2021 also authorized the Executive Director or his/her designee to establish administrative policies and create reasonable rules and regulations regarding electronic records and electronic signatures. These policies, rules, and regulations, giving due consideration to security, govern:

- (1) the manner and format in which electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes;
- (2) if electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which an electronic signature must be affixed to an electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;
- (3) control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and

(4) any other required attributes for electronic records which are specified for corresponding non-electronic records or which are reasonably necessary under the circumstances.

Section 2. Scope.

This policy applies to Port of Skamania County personnel when using any type of Electronic Signature or Electronic Record. Port of Skamania County staff, as well as elected and appointed officials, shall comply with all provisions of these rules and regulations as well as applicable state and/or federal law. If individuals are uncertain with how to comply with these rules and regulations, as well as applicable state and/or federal law, they shall consult with the Port Attorney and/or the Executive Director before creating, generating, communicating, storing, accepting, processing, using, and/or relying on electronic records and/or electronic signatures.

Section 3. Publication.

In accordance with Port of Skamania County, these rules and regulations shall be posted on the Port of Skamania County's website and available for inspection in the Port office upon request.

Section 4. Compliance with State and/or Federal Law.

These rules and regulations are subject to the governance and limitations expressed in state and/or federal law, including but not limited to the Uniform Electronic Transactions Act (UETA) RCW Ch 1.80. All electronic records and electronic signatures used, created, and/or accepted by the Port shall comply with applicable federal and/or state law.

Section 5. Definitions.

The definitions set forth in RCW 1.80.010 are hereby incorporated by reference.

Section 6. General Practices/Policies.

- A. Electronic Signatures.
 - 1. Authorized User(s) only may use, create, or accept records with Electronic Signatures.
 - 2. All Port of Skamania County personnel, staff as well as elected and appointed officials may use, create, or accept a Record with Electronic Signatures, if the individual would otherwise be authorized to use, create, or accept the Record with a Physical Signature.
- B. The Port of Skamania County recognizes that Electronic Signatures are valid, to the same extent a Physical Signature would be valid, if Electronic Signatures with all applicable state and/or federal laws as well as these rules and regulations.
- C. Electronic Signatures may be used on Port Records requiring execution by a third party.
- D. This policy may be modified, rescinded, or replaced at any time by the Executive Director or his/her designee.

- E. Electronic Signatures cannot be applied using another Authorized User's name and/or signature. Records signed on behalf of another individual by a designee shall use their own Electronic Signature.
- F. This policy in no way affects the Port's ability to conduct a transaction using a physical medium or using Physical Signatures. The Port of Skamania County may also require Records to be physically signed on a case-by-case basis.
- G. If an Electronic Signature is used for interstate transactions or for documents required by the US Federal government, the Electronic Signature shall comply with the requirements of the Electronic Signatures in Global and Electronic Commerce (ESIGN) Act.

Section 7. Electronic Agent Software.

All Electronic Signatures used, created, and/or accepted by the Port shall comply with RCW 1.80.010(10).

The Port may purchase software and/or contract with a software provider ("Electronic Agent") to provide software capable of affixing Electronic Signatures compliant with applicable state and federal law. The Electronic Agent must be capable of ensuring adequate preservation, disposition, integrity, security, confidentiality, and auditability of Electronic Records and Electronic Signatures.

The purchase of Electronic Agent Software shall be made pursuant to the Port's Purchasing Policies, with a selection process based on compliance with state and federal law; adequate preservation, disposition, integrity, security, confidentiality, and auditability of Electronic Records and Electronic Signatures; and interoperability and functionality with current Port software systems.

Section 8. Records Allowed to Use Electronic Signatures.

- A. Only records identified in these policies and procedures as an Approved Record Type may use, bear, be created, or be accepted with a Electronic Signature.
- B. Approved Record Type(s) include:
 - 1. Contracts, agreements, ordinances, resolutions, and other documents that state some contractual relationship or grant some right, with the Port Attorney's approval.
 - 2. Port Attorney's approval of documents as to form.
 - 3. Engineering and building plans, approvals, permits, and other construction records.
 - 4. Any other document specifically approved by the Executive Director to be acknowledged by Electronic Signature.

- C. While the Port of Skamania County may authorize additional records to be used, created, or accepted with Electronic Signatures upon request, staff members should first analyze whether the type of record they wish to electronically sign requires a verifiable Digital Signature or if another type of signature/approval could be used.
- D. The Port Attorney or designee in consultation with Information Technology, Finance Director, and Department Directors, or their designees will evaluate request(s) to use Electronic Signatures.

Section 9. Records Allowed to Use Electronic Signatures.

- A. Only Port personnel, elected officials, and/or appointed officials identified in these policies and procedures as an Authorized User may use, create, or accept records with Electronic Signatures.
- B. Authorized User(s) include:
 - 1. Executive Director.
 - 2. Port Attorney.
 - 3. Finance Director.
 - 4. Information Technology Manager.
 - 5. All Port Commissioners.

Approved by Executive Director Pat Albaugh

Date