




air pollution control district
SANTA BARBARA COUNTY

Agenda Item: D-13
Agenda Date: August 20, 2020
Agenda Placement: Admin
Estimated Time: N/A
Continued Item: No

Board Agenda Item

TO: Air Pollution Control District Board

FROM: Aeron Arlin Genet, Air Pollution Control Officer 

CONTACT: Molly Pearson, Planning Division Manager, (805) 961-8838

SUBJECT: Agreements to Use Electronic Signatures

RECOMMENDATION:

Adopt the attached resolution authorizing the Air Pollution Control Officer to enter into agreements to use electronic signatures, subject to review and approval by Auditor Controller, District Counsel, and Risk Management.

BACKGROUND:

In recent years, in order to reduce costs, make operations more sustainable, expedite access to records, and operate more efficiently overall, the Santa Barbara County Air Pollution Control District (District) has made an effort to conduct business and store materials electronically as much as feasible, while still meeting the needs of the organization and the community. This strategy has been successful in that it has improved operations overall and has allowed the District to consolidate its functional office space, reducing overhead costs.

The COVID-19 pandemic has dramatically affected the community as a whole and specifically the operation of local, state, and federal governments and businesses. As a result, conducting business using electronic tools and media has become a common, and at times, requirement of business practice. While the COVID-19 virus is present in the community, using electronic means to conduct business provides safety for District staff and for the people and businesses that we work with. Specifically, the use of electronic signatures when signing agreements or contracts can also allow the District to be more nimble and expedient in a variety of circumstances.

Aeron Arlin Genet, Air Pollution Control Officer

DISCUSSION:

District staff recommends that your Board delegate authority to the Air Pollution Control Officer to agree to use electronic signatures. The proposed Board Resolution includes a template agreement that can be used or modified for this purpose. Any agreement using electronic signatures developed under this authority will be subject to review and approval by Auditor Controller, District Counsel, and Risk Management.

This proposed action will streamline the process for entering into contracts or agreements, and will help the District carry out its mission and business during the COVID-19 pandemic. In the absence of this action, we will need to bring each of these agreements to your Board as a separate action, prior to an action to execute an agreement or contract electronically.

FISCAL IMPACT:

Setting up a more efficient process for conducting electronic signing of documents will allow the District to operate more effectively overall and is not expected to take additional staff time or incur any other additional costs.

ATTACHMENT:

- A. Resolution for Electronic Signatures

ATTACHMENT A

Resolution for Electronic Signatures

August 20, 2020

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT**

IN THE MATTER OF AGREEMENTS TO
USE ELECTRONIC SIGNATURES

APCD RESOLUTION NO. _____

RECITALS

WHEREAS, in order to reduce costs, make operations more sustainable, expedite access to records, and operate more efficiently overall, the Santa Barbara County Air Pollution Control District (District) has in recent years made an effort to conduct business and store materials electronically as much as feasible, while still meeting the needs of the organization and the community; and

WHEREAS, as a result of the COVID-19 pandemic, conducting business using electronic tools and media has become a common business practice and is at times a requirement of doing business; and

WHEREAS, in order to enter into agreements or contracts using electronic signatures, the parties may require a separate, prior agreement to use electronic signatures. A template agreement is included as Attachment A; and

WHEREAS, the Santa Barbara County Air Pollution Control District Board (District Board) wishes to streamline the District's ability to enter into agreements to use electronic signatures.

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. The District Board hereby approves that the District may enter into agreements to use electronic signatures and hereby delegates authority to the Air Pollution Control Officer

APCD RESOLUTION IN THE MATTER OF AGREEMENTS TO USE
ELECTRONIC SIGNATURES

to enter into such agreements, subject to review and approval by Auditor Controller,
District Counsel, and Risk Management.

PASSED, APPROVED AND ADOPTED by the Air Pollution Control District Board of
the Santa Barbara County, State of California, this ____ day of _____, _____, by the
following vote:

Ayes:

Noes:

Abstain:

Absent:

SANTA BARBARA COUNTY
AIR POLLUTION CONTROL DISTRICT

ATTEST:

AERON ARLIN GENET
Clerk of the Board

By _____
Deputy

APPROVED AS TO FORM:

MICHAEL C. GHIZZONI
Santa Barbara County Counsel

Rachel Van Mullem
By Rachel Van Mullem (Aug 13, 2020 13:43 PDT)
District Counsel

By _____
Chair

Date _____

APPROVED AS TO FORM:

RAY AROMATORIO, ARM, AIC
Risk Manager

By *Ray Aromatorio*
Risk Manager

APPROVED AS TO FORM:

BETSY M. SCHAFER, CPA
Auditor-Controller

By *C. Edin*
Deputy

ATTACHMENT A

Template Agreement for Use of Electronic Signatures

August 20, 2020

Santa Barbara County Air Pollution Control District
Board of Directors

260 San Antonio Road, Suite A
Santa Barbara, California 93110

TEMPLATE AGREEMENT FOR USE OF ELECTRONIC SIGNATURES

THIS AGREEMENT (hereafter Agreement) is made by and between the SANTA BARBARA COUNTY AIR POLLUTION CONTROL DISTRICT (hereafter DISTRICT) and _____ with an address at _____ (hereafter CONTRACTOR) wherein DISTRICT and CONTRACTOR agree to conduct the TRANSACTION described below by electronic means. The purpose of this Agreement is to satisfy the requirements of California Civil Code § 1633.5(b) and to authorize the parties' use of electronic signatures to enter into a contractual relationship.

WHEREAS, DISTRICT and CONTRACTOR are interested in entering into a transaction, as that term is defined at California Civil Code § 1633.2(o), that consists of CONTRACTOR providing the following good or services to DISTRICT:

_____[Description of Scope of Work and Term added here.]

_____ (herein TRANSACTION);

WHEREAS, DISTRICT and CONTRACTOR are interested in using electronic signatures in the formation of a contract that will set forth the entire understanding and agreement of the parties with respect to the TRANSACTION;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. DISTRICT and CONTRACTOR agree to conduct the TRANSACTION by electronic means. Specifically, DISTRICT and CONTRACTOR agree and so authorize that electronic signatures, as that term is defined below in Section 2, may be used by either or both parties to form a contract that sets forth the mutual agreement and legal obligations of the parties with respect to the TRANSACTION. Any such contract must otherwise be approved and authorized in accordance with applicable law.
2. DISTRICT and CONTRACTOR agree that, notwithstanding the definition of "electronic signature" at California Civil Code § 1633.2(h), only the following types of electronic signatures are authorized by this Agreement:
 - a. Digital Signatures as defined by California Government Code § 16.5 and that comply with the requirements of 2 CCR §§ 22000-22005; or
 - b. [other, non-digital electronic signatures type deemed sufficiently attributable to the signor. See Cal Civ. Code 1633.9]
3. The parties agree that the sole purpose of this Agreement is to authorize the TRANSACTION to be conducted by electronic means. In accordance with California Civil Code § 1633.5, this Agreement shall

be considered separate from any contract that the parties may enter into with respect to the TRANSACTION. This Agreement shall not be construed to obligate or commit CONTRACTOR or DISTRICT to enter into the TRANSACTION.

4. The parties agree that this Agreement is optional in accordance with California Civil Code § 1633.5 and that agreement to its terms is not a condition to conducting the TRANSACTION.
5. The parties agree that this Agreement may be executed with electronic signatures.

DISTRICT:

By: _____

Title: AIR POLLUTION CONTROL OFFICER

Date: _____

CONTRACTOR

By: _____

Title: _____

Date: _____