



STAFF REPORT/RESOLUTION

TO: Southwest Washington Regional Transportation Council Board of Directors
FROM: Matt Ransom, Executive Director
DATE: May 26, 2020 
SUBJECT: **Electronic Signature Policy, Resolution 06-20-16**

AT A GLANCE - ACTION

The purpose of this resolution is to adopt a Policy for the use of electronic signatures in the carrying out of the Council's legislative and business functions.

BACKGROUND

Current state law (Ch. 19.360 RCW) authorizes governmental entities within Washington state to utilize electronic signatures in the carrying out of routine legislative and business functions. After Washington's adoption of an electronic records act, a model act known as the Uniform Electronic Transactions Act (UETA) was adopted by most states. Subsequently, a federal law was enacted, the Electronic Signatures in Global and National Commerce Act (ESIGN), which establishes regulations that in some cases conflict with or supersede Washington's electronic records act.

During the 2020 legislative session, a new law was adopted (ESSB 6028, Chapter 57 Laws of 2020) which repealed Ch. 19.360 RCW and replaced it with the Uniform Electronic Transactions Act (UETA). The new law goes into effect on June 11, 2020.

Combined, the UETA and ESIGN regulations allow a government agency or private business, to use or permit electronic records and signatures. Within Washington State, each government agency has the authority to determine the extent to which it will use and accept electronic records and signatures within the UETA and ESIGN frameworks.

PRESENT SITUATION

Since inception, the legislative and business actions of the Southwest Washington Regional Transportation Council (Council) have been ratified in writing through the use of a "wet" signature. Given the advances of regulation, combined with increased cost efficiency associated with the storage of electronic media and use of electronic signatures, the Council may be best served by adopting a Policy setting forth the parameters and authorizing the use of electronic signatures in conducting the Council's business.

The Council's policy should be consistent with the regulations of the Ch. 19.360 RCW and as amended by the UETA and ESIGN. Administration of electronic records and signatures shall be overseen by the Council's Treasurer and Secretary by and through the Council's Executive Director.

COUNCIL POLICY

The following principles and procedures establish the Council's Policy in the use of electronic signatures for the Council's legislative and business functions.

1. The Council finds it to be in the public interest to allow the use of electronic records and electronic signatures for Council's business to the fullest extent allowed by law.
2. The Council recognizes that whenever the use of a written, affixed by hand, or "wet" signature created when a person physically marks a document with the intent to sign the record is authorized or required, an electronic signature may be used with the same force and effect, except as required otherwise by law.
3. The Council authorizes the Chair, Vice Chair, Treasurer, Secretary, General Counsel, Executive Director, and their designees, to use an electronic signature software platform consistent with the UETA and ESIGN, or any future replacement of such platform to affix electronic signatures to electronic records.
4. The Council authorizes the Executive Director and designees to use an electronic signature software platform consistent with the UETA and ESIGN, or any future replacement of such platform to affix electronic signatures to electronic records.
5. The Council directs the Executive Director to adopt any necessary administrative policies or processes to implement the use of electronic signatures by the Council consistent with this resolution and in compliance with the provisions of RCW Chapter 19.360, and as amended by ESSB 6028 Chapter 57 Laws of 2020.
6. This resolution shall take effect and be in force immediately upon its passage.

POLICY IMPLICATION

None. This is a business efficiency matter.

BUDGET IMPLICATION

De Minimis. RTC will incur periodic and ongoing fees associated with retaining and licensing an electronic signature software platform compliant with applicable laws and regulations.

ACTION REQUESTED

Adoption of Resolution 06-20-16 establishes Board Policy and authorizes the use of electronic signatures in carrying out the Council's legislative and business functions.

ADOPTED this 2nd day of June 2020 by the Southwest Washington Regional Transportation Council.

SOUTHWEST WASHINGTON
REGIONAL TRANSPORTATION COUNCIL

ATTEST:

Scott Hughes
Chair of the Board

Matt Ransom
Executive Director