



**MEMORANDUM**  
Comfort Lake-Forest Lake Watershed District

Date: July 11, 2023  
To: CLFLWD Board of Managers  
From: Mike Kinney, District Administrator  
Subject: Board President E-Signature Authorization



**Background/Discussion**

Electronic signatures, or e-signatures, are growing in security and in popularity. There are many ways to obtain an e-signature, and examples include DocuSign, AdobeSign, and HelloSign. The Board of Soil and Water Resources (BWSR) recently announced that it is switching to e-signatures (in this case, DocuSign) for all grant agreements moving forward, including Clean Water Fund grants. BWSR will no longer accept physical signatures.

BWSR policy recommends that the grant day-to-day contact and the grant agreement signer be different people. However, BWSR does allow a grantee board to delegate signing authority to a staff member. Historically for grants exceeding \$40,000, the District has assigned the administrator as the day-to-day contact and the Board president as the grant agreement signer. The Board adopted Resolution 22-02-03 authorizing the District administrator to apply for, execute and perform agreements providing for District grant funding up to \$40,000, where the District does not thereby obligate itself to a local share in excess of \$20,000.

If the District were to receive a grant from BWSR, which we hope to do in the near future, we would need to use e-signatures. Minnesota Statutes §325L.18 requires that a unit of government desiring to use or accept e-signature may do so pursuant to an adopted policy setting forth the terms by which it will do so. On February 18, 2022, the District Administrator adopted a policy for use and acceptance of e-signature by the Administrator and staff, Currently there is no policy authorizing e-signature by managers. Staff has prepared such a policy by modifying the existing Administrator’s policy.

Staff recommends that the Board adopt the proposed policy to authorize the Board president and other managers to use e-signatures. Staff assumes that the Board president will continue to sign grant agreements for all grants exceeding \$40,000. With the proposed policy in place, the president and other managers will be able to use e-signature in other contexts as well.

**Recommended Motion**

Manager \_\_\_\_\_ moves to authorize the Board president to utilize electronic signatures.  
Seconded by Manager \_\_\_\_\_.

**Attached:** Board of Managers Electronic Signatures Policy

**Policy No.: 1000-10**

**Policy Title: Board of Managers Electronic Signature Policy**

**Adopted by: Board of Managers**

**Proposed Date Adopted: July 27, 2022**

**External Requirements: Minnesota Statutes §325L.18**

**COMFORT LAKE-FOREST LAKE WATERSHED DISTRICT  
BOARD OF MANAGERS  
ELECTRONIC SIGNATURE POLICY**

**A. Introduction**

The Uniform Electronic Transactions Act, Minnesota Statutes Chapter 325L, establishes the legal validity of electronic signatures. Electronic signatures use third-party signature technology to allow a subscriber to transmit an authenticated signed document through a secure electronic system, and to store the signed document together with its authentication.

By using electronic signatures, the Comfort Lake-Forest Lake Watershed District ("District") is able to more efficiently administer its programs and responsibilities.

Section 325L.18 provides that a political subdivision of the State of Minnesota may determine whether, and the extent to which, it will send electronic records and electronic signatures to, and accept them from, other persons and otherwise create, generate, communicate, store, process, use, and rely on electronic records and electronic signatures.

Therefore, the District adopts this Electronic Signature Policy to authorize the use of electronic signatures for documents to which District managers are signatories, in accordance with the terms and limitations herein. District staff are to apply this policy in accepting document execution from parties doing business with the District, and in preparing documents for signature by District managers.

If this policy should conflict in any respect with Chapter 325L, the statute will govern.

**B. Policy**

1. Electronic signature may be used for:

(a) contracts, including but not limited to contracts for goods, construction, professional and technical services, and grant agreements, and any amendments or other associated contract documents;

(b) applications, disclosures and similar forms for which the District is a signatory and there is not a countersignatory;

2. DocuSign, Adobe Sign and HelloSign are approved electronic signature platforms. District staff may not accept documents electronically signed by means of a platform other than those three. If District staff receives from another party a document for District execution on an electronic signature platform other than those approved, staff will advise the party that the District is not able to use that platform. The list of approved platforms may be revised from time to time by the District Board of Managers' amendment of this policy.

3. Electronic signature is not to be used when the signature is to be notarized. Electronic signature is not to be used when applicable law does not allow for use of electronic signature.

5. Staff should determine that the electronic signature platform includes the date and time of signature, an authentication code attributable to the person intending to sign the document, and an affirmation that the signatory agrees to the use of electronic signature. Staff are to ensure that any hard or electronic copy of a document executed by electronic signature is maintained in the District's official file with its corresponding signature authentication.

6. The following do not constitute electronic signature within the meaning of, and are not authorized by, this policy:

- Handwritten signature on a faxed or scanned document.
- An image of a signature placed on a document by digitally copying and pasting the image onto the document.
- A signature created by typing the name of the person signing the document in a script or calligraphy font.
- The characters "/s/" followed by the typed name of the person signing the document.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Steve Schmaltz, Board President