

RESOLUTION NUMBER 6293-2020

A Resolution of the City Council of the City of Sebastopol Approving a Program for Approved Electronic or Digital Signature In Lieu of a Written "Wet" Signature

WHEREAS, the use of electronic and digital signatures on legally binding documents has become increasingly prevalent; and

WHEREAS, the establishment of this policy will enable the City of Sebastopol to use and accept approved electronic signatures and digital signatures in lieu of written signatures, that comply with the requirements of California Government Code section 16.5, the UETA, the ESIGN Act and other applicable laws and regulations; and

WHEREAS, this policy applies to the Mayor, or his/her designee, the City Manager or his/her designee, the Assistant City Manager/City Clerk, and governs all uses of electronic and digital signatures and electronic records used to conduct the official business of the City of Sebastopol; and

WHEREAS, it is the intent of the City of Sebastopol to encourage the use of electronic and digital signatures in certain internal and external documents when it is operationally feasible, where technology permits, when it is otherwise appropriate in the discretion of the City Manager, or his/her designee, and Assistant City Manager/City Clerk, and where it is legally binding to do so in accordance with the provisions that follow:

1. To the extent permitted by law, the City accepts electronic and digital signatures as legally binding and equivalent to handwritten signatures to signify an agreement with applicable laws and regulations only on City contracts with a not to exceed amount as listed in the City's purchasing policy. The City reserves the right to amend or expand the pool of eligible documents or to cease the acceptance of electronic or digital signatures altogether at any time. City staff will continue to solicit requests from departments for additional categories of documents to be considered for approval under this policy.
2. The parties to a transaction must agree to conduct the transaction by electronic means with the use of a City-approved electronic signature method that complies with applicable laws and regulations, including the capability of all parties to retain and accurately reproduce the electronically signed document or record. The City Attorney's office shall draft appropriate language to be included in the contract template.
3. City shall from time to time update approved forms for electronic or digital signatures. Forms approved, but not limited to, are as follows:
  - a. Contracts for goods or services as listed in the city's purchasing policy.
  - b. Contracts approved by resolution or minute order of the City Council.
  - c. Settlement agreement contracts approved by the City Council.
  - d. Contracts concerning the administrative business of the city which the city manager and his/her designee has control over pursuant to employment agreement, personnel resolution, or City municipal code or ordinance.
  - e. As approved by City Council, letters / documents authorized by to signed by the Mayor.
  - f. Routine personnel transactions.
  - g. Reimbursement forms.
  - h. Special Event Permit Applications.
  - i. Request for Public Records.
  - j. Hydrant Meter Application
  - k. Banner Permit Application
  - l. On Call Consulting Services Application
  - m. Qualified Bidders List Application
  - n. Other forms as approved by the City Manager or his/her designee.
4. This policy does not supersede laws that specifically require a handwritten signature, nor does it limit the right or option of the City to conduct the transaction on paper or in non-electronic form.

Prohibited Use of Electronic or Digital Signatures.

Use of electronic or digital signatures is prohibited in the following situations:

- Transactions for which electronic signatures are not enforceable by law and/or transactions requiring a handwritten signature, such as transfers of real property.
- Transactions that require a person to sign in the presence of a notary.
- Permits requiring handwritten signature (such as property owners verifying approval of submittal of application)
- Claim Submittal Forms

WHEREAS, authorizing electronic and digital signatures will improve the efficiency of processes, increase employee productivity, simplify existing workflows, and reduce the City's Zero Waste; and

WHEREAS, the City desires to implement industry best practices using electronic records and electronic and digital signatures to effectively manage documents in accordance with California state law; and

WHEREAS, "Electronic record" and "Electronic signature" have the same meaning as in section 1633.2 of the California Civil Code, as may be amended; and

WHEREAS, "Digital signature" has the same meaning as in section 16.5 of the California Government Code, as may be amended; and

WHEREAS, the City desires to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Sebastopol authorizes and approves a program for electronic and digital signatures and use of electronic records.

IN COUNCIL DULY PASSED, APPROVED, and ADOPTED this 19<sup>th</sup> day of May 2020.

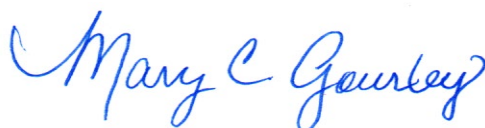
I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

**VOTE:**

Ayes: Councilmembers Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayerter  
Noes: None  
Abstain: None  
Absent: None



APPROVED: \_\_\_\_\_  
Mayor Patrick Slayerter



ATTEST: \_\_\_\_\_  
Mary C. Gourley, Assistant City Manager/City Clerk, MMC



APPROVED AS TO FORM:

\_\_\_\_\_  
Larry McLaughlin, City Manager/City Attorney