



**STAFF REPORT**  
**March 15, 2023**

**TO:** Honorable Mayor and City Council Members

**FROM:** Best Best & Krieger LLP, City Attorney

**SUBJECT:** Policy Regarding the Use of Electronic Signatures and Records

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**SUMMARY**

Adoption of a Resolution establishing a City policy that implements the use of electronic signatures would allow the City to improve efficiency, reduce costs, provide for better management of City records, reduce paper document creation, and further support the City's goal of sustainability.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. \_\_\_\_\_ entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA ADOPTING A POLICY REGARDING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS."

**BACKGROUND/ANALYSIS:**

California has adopted statutes related to the use of electronic signatures for contracts and other purposes, including California Civil Code section 1633.1 et seq. (the Uniform Electronic Transactions Act or "UETA") and California Government Code section 16.5. The convenience and low cost of conducting business over the internet has the potential to increase efficiency in all businesses and organizations, including local public agencies such as the City of Coachella.

While Government Code section 16.5 and the UETA set requirements for the use of electronic signatures, they do not govern or limit the City's ability to use or accept electronic signatures as a municipal affair. The use of electronic signatures on legally binding documents has become increasingly prevalent in the private sector, but has not yet become widespread among public agencies. The benefits of electronic signatures include, but are not limited to, reductions in the paper, time and costs associated with transmitting, approving and executing physical documents.

An electronic signature is an electronic symbol affixed to a document that represents an individual's acceptance or adoption of a statement or transaction. In recent years, electronic

signature technology has improved to address concerns with verifying the identity of the person affixing his or her electronic signature.

The proposed Resolution would provide assurance that electronic signatures meeting certain security criteria would be effective on documents created or accepted by the City. Furthermore, the proposed Resolution would enable the City to use electronic signatures on electronic records provided the electronic signature is in accordance with the UETA. The proposed Resolution would also codify the City's policy on electronic signatures and delegation of electronic signature authority, while enabling the City Manager to adopt additional administrative policies and procedures to operationalize the use of electronic signatures.

City staff finds that the use of electronic signatures will allow the City to collect and preserve signatures on documents quickly and securely, will improve efficiency while saving the costs of physically transmitting documents, and will provide for better management of City records. The use of electronic signatures will also reduce paper document creation and further support the City's goal of sustainability. Therefore, City Staff recommends that the City should embrace the benefits of electronic signatures by codifying a City policy on electronic signatures and further defining the City's use of electronic signatures in an Administrative Policy and accompanying Procedure.

**ENVIRONMENTAL ASSESSMENT:**

This action is not subject to environmental review under the California Environmental Quality Act (CEQA).

**FISCAL IMPACT**

None.

**ATTACHMENT:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA ADOPTING A POLICY REGARDING ELECTRONIC SIGNATURES AND ELECTRONIC RECORDS.