



SUBJECT: Electronic & Digital Signature Use

I. **PURPOSE.** The purpose of this policy is to implement Resolution 2024-82 and further define when and how electronic signatures may be used, including the documents and transactions approved for electronic signature use, and how the documents and transactions are to be processed. This policy is designed to increase efficiency and staff productivity by leveraging technology to manage the signing process for certain documents.

II. **POLICY:**

Definitions:

1. “Digital signature,” as defined by California Government Code Section 16.5, means an electronic identifier created by a computer intended by the party using it to have the same force and effect as the use of a manual signature.
2. “Electronic record” is a record that is created, generated, transmitted, communicated, or stored using electronic means.
3. “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person intending to sign the electronic record. For purposes of this title, a “digital signature” as defined in subdivision (d) of Section 16.5 of the Government Code is a type of electronic signature.
4. “Manual signature” means an original wet signature applied to a document.
5. For purposes of this Policy, the term “electronic signature” includes reference to digital signatures, and the term “digital signature” includes reference to electronic signatures.

General Use of Electronic Signatures:

Use of electronic signatures is intended to show authorship, approval, authorization, or certification and encouraged for internal and external activities, documents, and transactions when it is operationally feasible, where technology permits, and when it is otherwise appropriate in the discretion of the City Manager, in accordance with Resolution 2764 (2020) and the following provisions.

Approved Classes of Documents for Electronic Signature Use:

All documents routed for electronic signature must comply with the regulations set forth in Resolution 2764 (2020) and this policy. When the parties to an agreement desire to use electronic signatures for executing the agreement, a term shall be included in the agreement to memorialize the use of electronic signatures.

Document Class*	Office of Record
<ul style="list-style-type: none"> • Agreements for Consultant & Professional Services, Contractors & Service Providers, and other documents or agreements as may be approved for electronic signature use by the City Clerk. • Resolutions • Ordinances • Minutes 	City Clerk
<ul style="list-style-type: none"> • PAFs • Onboarding Documents (where allowed) 	Human Resources
<ul style="list-style-type: none"> • Internal documents that are approved for electronic signature by the initiating department's director and the City Clerk. 	Various

** Additional document classes may be approved by the City Manager. Contact the City Clerk to initiate a request for approval.*

Valid Electronic Signatures:

When a signature is required, the parties may agree that an electronic signature satisfies that requirement if:

- A. The signature is in accordance with the requirements of the UETA;
- B. The signature is created using an electronic signature technology that has been approved by the City Manager, or designee, in accordance with the provisions of this Policy; and
- C. The signature is in accordance with any and all other applicable laws and regulations.

Valid Digital Signatures:

Digital signatures used in compliance with this Policy shall have the same force and effect as the use of a manual signature provided that the digital signature has all of the following attributes:

- A. It is unique to the person using it;
- B. It is capable of verification;
- C. It is under the sole control of the person using it;
- D. It is linked to data in such a manner that if the data is changed, the digital signature is invalidated; and
- E. It conforms to the regulations adopted by the California Secretary of State.

Department Authorized to Initiate Electronic Signature Request:

Only the department designated as the Office of Record is authorized to initiate an electronic signature request, except that the City Clerk may initiate an electronic signature process on behalf of another department when requested for operational efficiency.

Approved Electronic Signature Technologies and Vendors:

- Adobe Sign (*effective on date on policy approval*)
- Other technologies and vendors as may be approved by the City Manager and City Clerk in consultation with the City Attorney

Prohibited Uses of Electronic Signatures:

- Documents or transactions that require a signature to be notarized or acknowledged
- Documents or transactions that require a handwritten signature, including but not limited to transfers of interests in real property
- Documents or transactions that are not specified in the “Approved Classes of Documents and Transactions for Electronic Signature Use” section
- Documents or transactions that are not signed using approved electronic signature technologies and/or vendors
- Documents or transactions exempt from electronic signatures by law, such as:
 - The creation and execution of wills, codicils, or testimony trusts;
 - General provisions of the Uniform Commercial Code, except as otherwise specified by statute;
 - Provisions of the Uniform Commercial Code governing negotiable instruments, bank deposits and collections, letters of credit, investment securities, secured transactions, and fund transfers; and
 - Documents or transaction wherein the law specifically requires that identifiable text or disclosures in a record or portion of a record be separately signed, including initialed, from the record; and

Records Retention:

It is the responsibility of the initiating department to retain and store signed documents in accordance with Citywide records retention requirements.

Change or Error in Electronic Record:

If a change is needed or an error is being corrected within the electronic record of the fully executed document, those actions will comply with the requirements of Civil Code section 1633.10 or will be addressed through an amendment to the document.

- III. RESPONSIBILITY FOR REVIEW:** The City Manager shall review this policy at least once every 3 years.