

## RESOLUTION 2020-02

### A RESOLUTION OF THE CITY COUNCIL OF TENINO, WASHINGTON ADOPTING AN ELECTRONIC SIGNATURE POLICY

**WHEREAS** historically, the City's important documents were signed with handwritten (wet) signatures and the original paper documents with wet signatures were retained by the City Clerk. As technology has advanced, these documents are now often executed remotely with electronic signatures or documents with wet signatures are transmitted with a facsimile signature; and

**WHEREAS** the Electronic Signature Act, RCW 19.360, provides that, unless specifically provided otherwise by law or agency rule, whenever the use of a written signature is authorized or required by State Law or a state or local agency, an electronic signature may be used with the same force and effect as the use of a signature affixed by hand; and

**WHEREAS** the Tenino City Council finds it to be in the public interest to allow the use of electronic records and electronic signatures for City business to the fullest extent allowed by law and encourages electronic transactions and the use of electronic signatures, and recognizes electronic signatures as legally binding and equivalent in force and effect as a handwritten or "wet" signature.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TENINO WASHINGTON** that the use of Electronic Signatures may be used on any document permitted by federal or state law as follows:

#### Section I. Definitions.

- A. Electronic Signature means an electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.
- B. Digital Signature means a type of Electronic Signature applicable to higher risk transactions and is used to verify the authenticity of the signatory and to ensure a contract or other record is not modified while being routed for approval or after being signed through the use of specialized software for this purpose.
- C. Facsimile Signature means a type of Electronic Signature that is a handwritten signature copied or scanned from a document bearing an authorized original signature. A facsimile signature can be created when a document is copied on a copy machine, when it is scanned, or when it is transmitted via email or a facsimile (fax) machine.
- D. Record means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of state or local agency record retention,

preservation, or disclosure. Such records may be contracts, interlocal agreements, policy statements, or any document authenticated by a signature.

**Section 2.** Intent. The intent of this policy is to allow for the acceptance and submission of faxed, emailed, or scanned electronic and digital signatures on certain documents by means that are practical, secure, and that balance risk and cost. It is not the intent of this policy to eliminate all risk but rather to provide a process that gives parties assurance that appropriate analysis was completed prior to the acceptance or submission of faxed, emailed, or scanned electronic or digital signatures, and that the level of user authentication used is reasonable for the type of transaction conducted.

**Section 3.** Policy.

- A. All City contracts, interlocal agreements, or other documents obligating the City to some sort of actions shall be reduced to writing and signed by authorized representatives of the parties to the instrument.
- B. The Mayor or the Clerk/Treasurer may authorize the use or acceptance of facsimile or electronic signatures in lieu of original (wet) signatures on such instruments, unless an original handwritten signature is required by law or separate policy.
- C. Electronic signatures should not be required to participate in City programs if such requirement unreasonably prevents those with limited access to technology from accessing City programs.
- D. All executed instruments shall be routed to and retained by the Clerk/Treasurer or otherwise retained according to directions of the Clerk/Treasurer.
- E. Authorization to use or accept facsimile or electronic signatures must be limited to instances where the authenticity of the signatures are deemed reliable.
- F. In order to accept facsimile, emailed, or scanned electronic or digital signatures in lieu of an original written signature, the authenticity of the facsimile, emailed, or scanned electronic or digital signature must be verified by the receiving party. Such means of verification may include:
  - a) The receipt of a faxed signature from a facsimile number verified as belonging to or traceable to the party that did so sign and transmit the document.
  - b) The receipt of an emailed signature from an email address verified as belonging to the party that did so sign and transmit the document.
  - c) The receipt of electronic signature from a verifiable system as belonging to the party that did so sign the document.

- G. Information that is necessary to verify the authenticity of an electronic or facsimile signature must be transmitted to and retained by the Clerk/Treasurer with the instrument. This retained information may include, but is not limited to, an electronic file with metadata saved from commercial e-signature software, an email to which a facsimile signature was attached, or a fax coversheet or other record verifying who sent the record.

**ADOPTED** by the Tenino City Council at a regularly scheduled meeting this 14<sup>th</sup> day of April, 2020.

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Wayne Fournier, Mayor

ATTEST:

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John C. Millard, Clerk/Treasurer

Approved as to form:

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Richard L. Hughes, City Attorney