

ORDINANCE NO. 20-015

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
ADDING CHAPTER 2.50 TO THE MUNICIPAL CODE RELATING TO
ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES**

Findings

- A. The City desires to implement industry best practices using electronic records and electronic signatures to effectively manage documents in accordance with California state law; and
- B. The City desires to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law;
- C. The City currently uses an agenda management system that provides a digital workflow removing the creation of paper documents for that process;
- D. Use of digital signing will enhance the quality of documents, increase signing efficiency, and provide sound citywide records management; and
- E. This action is not a project subject to CEQA because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, §§ 15002(d), 15378, 15061(b)(3).)

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
PACIFIC GROVE:**

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. A new Chapter 2.50, entitled “Electronic Records and Electronic Signatures” shall be created and added to Title 2, “Administration and City Government,” as follows:

Chapter 2.50

ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

Sections:

- 2.50.010 Purpose.
- 2.50.020 Definitions.
- 2.50.030 Use of Electronic Records and Electronic Signatures.

2.45.010 – Purpose

- A. This section is intended to enable the city to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law, and does not limit the city’s ability to use electronic records, electronic signatures, or digital signatures in any way.

2.50.20 – Definitions

- A. The following definitions apply to this section:
1. “Electronic record” has the same meaning as in section 1633.2 of the California Civil Code, as may be amended.
 2. “Electronic signature” has the same meaning as in section 1633.2 of the California Civil Code, as may be amended.
 3. “Digital signature” has the same meaning as in section 16.5 of the California Government Code, as may be amended.
 4. “UETA” means the Uniform Electronic Transactions Act, commencing at section 1633.1 of the California Civil Code.

2.50.030 – Use of Electronic Records and Electronic Signatures

- A. In any transaction or communication with the city for which the parties have agreed to conduct the transaction or communication by electronic means, the following provisions apply:
1. When a record is required to be in writing, an electronic record satisfies that requirement, if it is in accordance with the UETA.
 2. When a signature is required, the parties may agree that either:
 - a. An electronic signature satisfies that requirement, if it is in accordance with the UETA; or
 - b. A digital signature satisfies that requirement, if it is in accordance with section 16.5 of the California Government Code.

SECTION 3. The Mayor, Council Members, City Manager, City Attorney and all other officers are directed to execute documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 4. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this Ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS 6th day of May, 2020, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, McAdams, Smith, and Tomlinson.

NOES: None.

ABSENT: None.

APPROVED:

Bill Peake

BILL PEAKE, Mayor

ATTEST: 5/12/2020

Dated: _____

Sandra Kandell

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

David C. Laredo

DAVID C. LAREDO, City Attorney