

City of Pacific Grove, California

City Council Policy

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Electronic Signatures	000-23	December 20, 2017	1 of 2

BACKGROUND

The use of electronic signatures on legally-binding documents has become increasingly prevalent. The benefits of electronic signatures are simple and numerous: they cut down on the paper, time and cost associated with transmitting and approving physical documents, and can offer an easily accessible audit trail of the modification, editing, and approval and signature of documents.

PURPOSE

This Policy authorizes the City of Pacific Grove (City) to accept an approved electronic signature, in lieu of a written signature, on a document in which a signature is required or used, which complies with the requirements of Government Code section 16.5 and this Policy.

This Policy does not supersede laws that specifically require a written signature. This Policy does not limit the right or option to conduct the transaction on paper or in non-electronic form and the right to have documents provided on paper.

POLICY

1. Definitions

An electronic signature means an electric sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.”

A “digital signature” is a type of electronic signature that shall have the same force and effect as a manual signature if and only if it embodies the following attributes pursuant to Government Code § 16.5:

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

2. General Provisions

- a. In any document accepted by the City in which a signature is required or used, the City may authorize the use of an electronic signature, so long as it complies with the requirements of this section.
- b. To the fullest extent permitted by law, the City accepts electronic signatures as legally binding and equivalent to handwritten signatures to signify an agreement.
- c. The final approval of any electronic signature method will be by the City Manager and City Attorney, with the recommendation of the Information Technology Director.
- d. The City Manager shall determine acceptable technologies and vendors consistent with industry best practices to ensure the security and integrity of the data and the signature. The City Manager shall further determine the documents for which the City will accept electronic signatures. Periodic reviews will be implemented for appropriateness and continued applicability of electronic signatures.
- e. If it is determined that an approved electronic signature method is no longer trustworthy, the City Manager must revoke the approval of that electronic signature method. If there is continued significance for the electronic signatures, which used the revoked method, the City Manager will take steps to see that any valid records signed with the revoked electronic signature method are signed again either with a written signature or with an approved electronic signature method.
- f. The City's right or option to conduct a transaction on paper or in non-electronic form shall not affect the City's right, option or obligation to have documents provided or made available in paper format.
- g. Where a legal requirement, beyond City policy, requires a written document, that requirement is met when an electronic record has associated with it an electronic signature using an approved electronic signature method, which complies with applicable state law.
- h. This Policy applies only to transactions between parties, which have agreed to conduct transactions by electronic means with the use of the City's approved electronic signature method.
- i. This Policy shall not apply to any transaction that requires a person's signature to be signed in the presence of a notary public.

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