

RESOLUTION NO. 68-20

A RESOLUTION of the City of Richland authorizing the use of electronic signatures and electronic records in the City of Richland.

WHEREAS, in Chapter 19.360 RCW, the Washington State Legislature, to the extent not already authorized by federal or state law, authorized electronic dealings for governmental affairs and established the implementation framework for electronic governmental affairs and governmental transactions; and

WHEREAS, in March 2020, through Engrossed Substitute Senate Bill 6028 (“ESSB 6028”), the Washington State Legislature repealed Chapter 19.360 RCW and adopted the Uniform Electronic Transactions Act, which is intended to facilitate use of electronic transactions consistent with other applicable law, and to bring consistency to reasonable practices concerning electronic transactions and with the continued expansion of those practices; and

WHEREAS, ESSB 6028 takes effect on June 11, 2020; and

WHEREAS, ESSB 6028 defines an “electronic signature” as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record”; and

WHEREAS, ESSB 6028 defines an “electronic record” as “a record created, generated, sent, communicated, received, or stored by electronic means”; and

WHEREAS, ESSB 6028 provides that “[a] record or signature may not be denied legal effect or enforceability solely because it is in electronic form; a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation; if a law requires a record to be in writing, an electronic record satisfies the law; and if a law requires a signature, an electronic signature satisfies the law”; and

WHEREAS, to promote social distancing during the COVID-19 pandemic, and to increase the effectiveness and efficiency of the City of Richland’s business processes, the City desires to leverage technology solutions such as DocuSign or other similar products to apply authenticated electronic signatures to legally enforceable electronic records as allowed by ESSB 6028.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richland as follows:

Section 1. The 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.

Section 2. The City Council recognizes that whenever the use of a written, affixed by hand, or "wet" signature created when a person physically marks a document with the intent to sign the record is authorized or required, an electronic signature may be used with the same force and effect, except as otherwise required by law.

Section 3. A city document that is required by law to be signed in non-electronic media may not be digitally or electronically signed.

Section 4. The Mayor, Mayor Pro Tempore, and their designees are hereby authorized to use the DocuSign electronic signature platform or any other similar technology solution to affix electronic signatures to electronic records.

Section 5. The City Manager and all City of Richland employees who are designated to sign city documents by the City Council, the City Manager, a duly authorized Department Director, or as authorized by law are hereby authorized to sign city documents digitally if such an option is available.

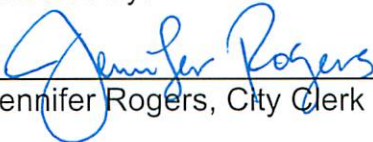
Section 6. The City Council directs the City Manager to adopt any administrative policies or processes necessary to implement the use of electronic signatures by the City consistent with this Resolution No. 68-20 and in compliance with the provisions of ESSB 6028.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

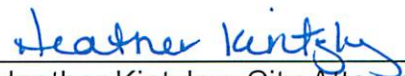
ADOPTED by the City Council of the City of Richland, Washington, at a regular meeting on the 5th day of May, 2020.


Ryan Lukson, Mayor

Attested by:


Jennifer Rogers, City Clerk

Approved as to form:


Heather Kintzley, City Attorney