

CITY OF MOUNTLAKE TERRACE

RESOLUTION NO. 827

**A RESOLUTION OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, AUTHORIZING THE USE, CREATION, AND
ACCEPTANCE OF ELECTRONIC RECORDS AND ELECTRONIC
SIGNATURES FOR CITY BUSINESS; RECOGNIZING THE VALIDITY
OF CERTAIN ELECTRONIC SIGNATURES; AUTHORIZING AND
DIRECTING THE CITY MANAGER OR DESIGNEE TO ESTABLISH
ADMINISTRATIVE POLICIES OR PROCESSES AND CREATE
REASONABLE RULES AND REGULATIONS REGARDING
ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES; AND
PROVIDING AN EFFECTIVE DATE**

WHEREAS, the Uniform Electronic Transactions Act (UETA) governs electronic records and electronic signatures created, generated, sent, communicated, received, or stored on or after June 11, 2020, excluding transactions as provided in the UETA Section Three, Subsection 2; and

WHEREAS, the UETA defines an electronic record as a record created, generated, sent, communicated, received, or stored by electronic means; and

WHEREAS, the UETA 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, the UETA requires government agencies to determine whether, and the extent to which, agencies will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures; and

WHEREAS, the UETA allows government agencies, giving due consideration to security, to specify: (1) the manner and format in which electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes; (2) if electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which an electronic signature must be affixed to an electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process; (3) control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and (4) any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances; and

WHEREAS, the City of Mountlake Terrace desires to promote time and cost-savings efficiencies by decreasing the City's reliance on physical records and signatures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1. Authorization of Electronic Records and Electronic Signatures. The City Council hereby authorizes the use, creation, and acceptance of electronic records and electronic signatures to the fullest extent allowed by state and/or federal law, subject to policies, applicable rules, and regulations as authorized by this resolution.

Section 2. Recognizing the Validity of Certain Electronic Signatures. The City Council hereby recognizes that electronic signatures are valid, except as required otherwise by law, to the same extent a physical signature would be valid, if electronic signatures comply with all applicable state and/or federal laws as well as the policy, rules, and regulations authorized by this resolution.

Section 3. Authorizing the City Manager or Designee to Establish Policy and Create Reasonable Rules and Regulations Regarding Electronic Records and Electronic Signatures. The City hereby authorizes the City Manager, or his/her designee, to establish policy and create reasonable rules and regulations regarding electronic records and electronic signatures. Such rules and regulations, giving due consideration to security, shall govern: (1) the manner and format in which electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes; (2) if electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which an electronic signature must be affixed to an electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process; (3) control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and (4) any other required attributes for electronic records which are specified for corresponding non-electronic records or which are reasonably necessary under the circumstances. These rules and regulations shall be posted on the city's website and available for inspection in city offices upon request.

Section 4. Effective Date. This Resolution shall take effect and be in full force on June 16, 2020.

APPROVED AND PASSED by the City Council of the City of Mountlake Terrace this 15th day of June, 2020 and signed in authorization of its passage this 15th day of June, 2020.



Mayor Kyoko Matsumoto Wright

ATTEST: 

City Clerk

APPROVED AS TO FORM: 

Gregory G. Schrag, City Attorney

CITY OF MOUNTLAKE TERRACE
ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES POLICY
(Approved on June 15, 2020)

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Section 1. Authorization.

The Uniform Electronic Transactions Act (UETA) governs electronic records and electronic signatures created, generated, sent, communicated, received, or stored on or after June 11, 2020, excluding transactions as provided in the UETA Section Three, Subsection 2.

The UETA requires government agencies to determine whether, and the extent to which, agencies will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

Pursuant to the UETA, the Mountlake Terrace City Council adopted Resolution No. 827 on June 15, 2020, authorizing the use, creation, and acceptance of electronic records and electronic signatures to the fullest extent allowed by state and/or federal law and these rules and regulations.

Resolution No. 827 also authorized the City Manager or his/her designee to establish administrative policies and create reasonable rules and regulations regarding electronic records and electronic signatures. These policies, rules, and regulations, giving due consideration to security, govern: (1) the manner and format in which electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes; (2) if electronic records must be signed by electronic means, the type of electronic signature required, the manner and format in which an electronic signature must be affixed to an electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process; (3) control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and (4) any other required attributes for electronic records which are specified for corresponding non-electronic records or which are reasonably necessary under the circumstances.

Section 2. Scope.

This policy applies to city personnel when using any type of Electronic Signature or Electronic Record. City staff, as well as elected and appointed officials, shall comply with all provisions of these rules and regulations as well as applicable state and/or federal law. If individuals are

uncertain with how to comply with these rules and regulations, as well as applicable state and/or federal law, they shall consult with the City Attorney and/or the City Manager before creating, generating, communicating, storing, accepting, processing, using, and/or relying on electronic records and/or electronic signatures.

Section 3. Publication.

In accordance with Mountlake Terrace Resolution No. 827, these rules and regulations shall be posted on the city's website and available for inspection in city offices upon request.

Section 4. Compliance with State and/or Federal Law.

These rules and regulations are subject to the governance and limitations expressed in state and/or federal law, including but not limited to the Uniform Electronic Transactions Act (UETA) and 15 U.S.C Ch. 96. All electronic records and electronic signatures used, created, and/or accepted by the City shall comply with applicable federal and/or state law.

Section 5. Definitions.

Aesthetic Signature. A special class of Electronic Signature used for aesthetic or graphical purposes and for no legal or verifiable need.

Approved Record Type. Records authorized to be used, created, and/or accepted bearing a Digital Signature in lieu of a required Physical Signature.

Authorized User. City employees, elected officials, and/or appointed officials authorized to use, create, and/or accept Digital Signatures rather than Physical Signatures.

Digital Signature. A special class of Electronic Signature, also known as advanced or qualified Electronic Signature, that is a transformation of a message using an asymmetric cryptosystem such that a person who has the initial message and the signer's public key can accurately determine whether the:

- (i) Transformation was created using the private key that corresponds to the signer's public key; and
- (ii) Initial message has been altered since the transformation was made (RCW 9.38.060(5)(a)).

Electronic Record. A record created, generated, sent, communicated, received, or stored by electronic means.

Electronic Signature. 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.

Record. 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.

Physical Signature. A signature created when a person physically marks a document with the intent to sign the record.

Verification Software. Software utilized by the City to verify adequate preservation, disposition, integrity, security, confidentiality, and auditability of Approved Record Type(s).

Virtual Signature. A special class of Electronic Signature used for approving records that are part of an internal administrative process or is not legally binding. Virtual Signatures must be verifiable as part of an underlying process or record.

Section 6. General Practices/Policies.

A. Digital, Aesthetic, and Virtual Signatures.

1. *Digital Signatures.* Authorized User(s) only may use, create, or accept records with Digital Signatures.
2. *Aesthetic and Virtual Signatures.* All City personnel as well as elected and appointed officials may use, create, or accept a Record with Aesthetic Signatures or Virtual Signatures, if the individual would otherwise be authorized to use, create, or accept the Record with a Physical Signature.
 - a. *Aesthetic Signatures.* When a signature is used for aesthetic or graphical purposes and for no legal or verifiable need, no Virtual Signature or Digital Signature is necessary. Individuals may use an electronic image of a signature for aesthetic or graphical purpose if the signature is not being used for any legal or verifiable need. Examples include, but are not limited to, newsletters, informational posters, and graphics used in email signatures.
 - b. *Virtual Signatures.* Certain City processes require City personnel to approve a record that is part of an internal administrative process or is not legally binding. Individuals may use a Virtual Signature, rather than a Digital Signature for these types of Records, but any Virtual Signature used must be verifiable as part of an underlying process or record (e.g., a clear indication of the signature must be maintained as part of the documents or process being attested to). Examples include, but are not limited to, leave requests, memos, and letters.

B. The City recognizes that Virtual Signatures and/or Digital Signatures are valid, to the same extent a Physical Signature would be valid, if Virtual Signatures and/or Digital Signatures comply with all applicable state and/or federal laws as well as these rules and regulations.

C. Digital Signatures may be used on City Records requiring execution by a third party.

D. This policy may be modified, rescinded, or replaced at any time by the City Manager or his/her designee.

- E. Virtual Signatures and/or Digital Signatures cannot be applied using another Authorized User's name and/or signature. Records signed on behalf of another individual by a designee shall use their own Virtual Signature or Digital Signature.
- F. This policy in no way affects the City's ability to conduct a transaction using a physical medium or using Physical Signatures. The City may also require Records to be physically signed on a case-by-case basis.
- G. If a Virtual Signature or Digital Signature is used for interstate transactions or for documents required by the US Federal government, the Virtual Signature or Digital Signature shall comply with the requirements of the Electronic Signatures in Global and Electronic Commerce (ESIGN) Act.

Section 7. Verification Software.

All Digital Signatures used, created, and/or accepted by the City shall be affixed to Records utilizing a Verification Software.

The City shall purchase software and/or contract with a software provider to provide software capable of affixing Digital Signatures compliant with applicable state and federal law. The Verification Software must be capable of ensuring adequate preservation, disposition, integrity, security, confidentiality, and auditability of Electronic Records and Electronic Signatures.

The purchase of Verification Software shall be made pursuant to the City's Purchasing Policies, with a selection process based on compliance with state and federal law; adequate preservation, disposition, integrity, security, confidentiality, and auditability of Electronic Records and Electronic/Digital Signatures; and interoperability and functionality with current city software systems.

Section 8. Records Allowed To Use Digital Signatures.

- A. Only records identified in these policies and procedures as an Approved Record Type may use, bear, be created, or be accepted with a Digital Signature.
- B. Approved Record Type(s) include:
 - 1. Contracts, agreements, ordinances, resolutions, and other documents that state some contractual relationship or grant some right, with the City Attorney's approval.
 - 2. Engineering and building plans, approvals, permits, and other construction records.
- C. While the City may authorize additional records to be used, created, or accepted with Digital Signatures upon request, staff members should first analyze whether the type of record they wish to electronically sign requires a verifiable Digital Signature or if another type of signature/approval could be used.

D. The City Attorney or designee in consultation with City Clerk, Information Technology, Finance Director, and Department Directors, or their designees will evaluate request(s) to use Digital Signatures.

Section 9. Users Allowed To Use Digital Signatures.

A. Only City personnel, elected officials, and/or appointed officials identified in these policies and procedures as an Authorized User may use, create, or accept records with Digital Signatures.

B. Authorized User(s) include:

1. Mayor;
2. Mayor Pro Tem;
3. City Manager;
4. Assistant City Manager;
5. City Attorney;
6. City Clerk;
7. Chief of Police;
8. Community and Economic Development Director;
9. Public Works Director;
10. Human Resources Manager;
11. Finance Director;
12. City Engineer;
13. Information Technology Manager;
14. Recreation/Parks Director.



Approved by City Manager Scott Hugill

June 16, 2020

Date