

RESOLUTION NO. 21-0605

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, AUTHORIZING THE USE OF DIGITAL AND ELECTRONIC SIGNATURE TECHNOLOGY; ADOPTING AN ELECTRONIC SIGNATURE AND DIGITAL SIGNATURE POLICY; AND APPROVING AND RATIFYING THE USE OF ELECTRONIC SIGNATURES DURING A DECLARED EMERGENCY.

WHEREAS, during the 2020 legislative session the Washington state legislature adopted the Uniform Electronics Transactions Act, ESSB 6028, effective June 11, 2020; and

WHEREAS, ESSB 6028 repealed and replaced Chapter 19.360 RCW, which authorized municipalities to utilize electronic signatures in the conduct of governmental affairs and other transactions where their use has been authorized by the legislative body; and

WHEREAS, ESSB 6028, which is now codified at Chapter 1.80 RCW, continues to authorize the municipalities to utilize electronic signatures and allows municipalities to determine whether, and the extent to which, the agency will send and accept electronic signatures in the conduct of its business; and

WHEREAS, the use of electronic signature technologies can benefit the City of Edgewood (“City”) by decreasing the City’s reliance on paper transactions and physical documents, lessening administrative demands, improving efficiency, leveraging the City’s investments in digital technology, and saving time and reducing costs associated with conducting City business; and

WHEREAS, the value of electronic signatures is heightened and apparent during a declared state of emergency such as the current COVID-19 pandemic; and

WHEREAS, RCW 1.80.160 authorizes cities to determine whether, and the extent to which, cities will create and retain electronic records and convert written records to electronic records; and

WHEREAS, RCW 1.80.170 authorizes cities to determine whether, and the extent to which, cities 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 city council desires to authorize the use and receipt of electronic signatures; adopt policies for the implementation of this authorization to provide reasonable assurances for the integrity, authenticity, and nonrepudiation of electronic documents when electronic signatures are used; and to approve and ratify the use of electronic signatures both before and during the emergency declared by the City on March 10, 2020;.

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

Section 1. The foregoing recitals are adopted as the city council's findings of fact.

Section 2. The city council finds it to be in the public interest to allow the use of electronic signatures for City business to the fullest extent allowed by law. An electronic signature may be used with the same force and effect as a signature affixed by hand, subject to the limitations in this section and under state and federal law. The city council authorizes the mayor, mayor pro tem, city councilmembers, city administrator, city department directors or their designees, and any other City employee or official who has been granted authority to sign certain records on behalf of the City either by nature of their position in relation to the record or by direct authorization from the city council or the Edgewood Municipal Code, to affix electronic signatures to electronic records or accept such electronic signatures.

Section 3. The city council adopts the City of Edgewood Electronic and Digital Signature Policy, which is attached as Exhibit A and incorporated by this reference

Section 4. The Mayor is authorized to adopt any necessary administrative processes and enter into contracts (within existing purchasing authority) necessary to implement the use of electronic signatures by the city consistent with this resolution, Exhibit A, and state and local law, including, but not limited to, Chapter 1.80 RCW, the Uniform Electronic Transactions Act, as presently enacted or hereafter amended. This authorization includes the ability of the Mayor to modify, rescind, or replace Exhibit A as the Mayor may find necessary or advisable for the efficient operation of the City.

Section 5. If any section, paragraph, sentence, clause, or phrase of this resolution, or its application to any person or situation, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this resolution or its application to other persons or situation. The City Council of the City of Edgewood hereby declares that it would have adopted this resolution and each section, subsection, sentence, clauses, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

Section 6. Any act, including the use and acceptance of electronic signatures, consistent with the authority and prior to the effective date of this resolution is hereby ratified and affirmed. The city council further specifically approves and ratifies the use of electronic signatures by the City for the time period between the City's declaration of emergency on March 10, 2020 and the effective date of this resolution.

Section 7. Effective Date. This resolution will take effect immediately upon passage by the City Council.

ADOPTED THIS 23RD DAY OF NOVEMBER, 2021

ATTEST:



Rachel Pitzel, CMC
City Clerk



Daryl Eidinger, Mayor

Exhibit A
Electronic and Digital Signature Policy

City of Edgewood Electronic and Digital Signature Policy

Purpose:

This policy is designed to:

- Provide reasonable assurance for the integrity, authenticity, and non-repudiation of electronic documents and records when electronic signatures and submissions are used and accepted; and
- Promote the use of electronic signatures and submissions across the agency.

Definitions:

Definitions in this policy shall be consistent with RCW 1.80.010, which is incorporated by this reference, as enacted or hereafter amended.

Authorized Signer: The mayor, mayor pro tem, city councilmembers, city administrator or designee, city department directors or their designees, and any other City employee or official who has been granted authority to sign certain records on behalf of the City either by nature of their position in relation to the record or by direct authorization from the city council or the Edgewood Municipal Code.

Digital Signature: One type of Electronic Signature that contains a digital certificate issued by a licensed certificate authority, behind the signature and offers authentication when sending a “signed” Electronic Record.

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. Includes Digital and Facsimile Signatures.

Facsimile Signature: One type of Electronic Signature that is a reproduction of a handwritten signature that has been saved electronically or by engraving, imprinting, or stamping.

Electronic and Digital Signature Policy:

- A. The City encourages and authorizes electronic transactions and recognizes Electronic Records and signatures in all correspondence and transactions conducted by the City to the extent allowed by law.
- B. The specific method of Electronic Signature shall be approved in advance by the Mayor or designee, and shall afford a reasonable assurance level as to the integrity of the Electronic Signature, as determined by the Mayor or designee.

- C. A City document that is required by law to be signed in non-electronic media may not be electronically or digitally signed.
- D. An Electronic, Digital, or Facsimile signature is an acceptable substitute for a wet signature to the fullest extent allowed by law.
- E. Approvals must be documented and address each of the approval criteria required by this policy.
- F. The use and acceptance of an Electronic Signature affirmed by an Electronic Record notary public is permitted so long as the notarization complies with the Revised Uniform Law on Notarial Acts, Chapter 42.45 RCW, as enacted or hereafter amended.
- G. This policy in no way affects the City's ability to conduct a transaction using a physical medium and shall not be construed as a prohibition on the use of signatures affixed by hand.
- H. The Mayor shall adopt all control processes and procedures as appropriate to ensure the adequate preservation, disposition, integrity, security, confidentiality, and auditability of Electronic Records.
- I. This policy may be modified, rescinded, or replaced at any time by the Mayor or designee.

Electronic and Digital Signature Procedure.

- A. Authorized Signers may affix Electronic Signatures to conduct City business and accept Electronic Signatures from third parties, provided all of the following criteria are met:
 - 1. The individual is authorized to sign the document. Any individual applying an Electronic Signature must use their own name and must not have disclosed their password to any other individual.
 - 2. The specific method of Electronic Signature has been approved by the Mayor for use in conducting City business.
 - 3. The appearance of the Electronic Signature contains, at minimum, the following:
 - a. The identity of the individual, including all information required by Resolution or this policy; and
 - b. A representation of the individual's signature or acknowledgement of Digital Signature in-lieu of a physical signature (e.g., using an "I accept" or "I agree" check box with an affirmation statement); and
 - c. The date of the signature, unless the Electronic Signature is self-auditing.
 - 4. The individual does not provide information they know to be untrue.
- B. Failure to follow this policy may result in disciplinary action, up to and including termination, voiding of and potential responsibility for contracts entered into, or other legal action as authorized by law.