

ADMINISTRATIVE POLICY & PROCEDURES

Subject: Electronic Signature Policy	APP No. 20.7
Issued by: Finance & Technology Department City Attorney's Office City Manager	Approved by:  Alex D. McIntyre, City Manager
Date Issued: August 1, 2021	Expiration Date: Indeterminate
Review/Update Frequency: Two Years	Review/Update Responsibility: Finance & Technology Director
Date of this Revision: N/A	Dates of Previous Revision: N/A
Departments/Divisions Affected by Policy/Procedure: All City Departments and Divisions	Authority: City Charter - Section 802; San Buenaventura Municipal Code Sec. 2.315.030

ELECTRONIC SIGNATURE POLICY

1. PURPOSE AND SCOPE

This policy establishes requirements for the use of electronic signatures on City documents in lieu of manual or traditional "wet" signatures. Affixing an electronic signature to a document in a manner consistent with this Policy will satisfy the City's requirement for signing a document.

This Policy will be used by City departments to increase the security of City financial transactions, to increase staff productivity, and to ensure convenient and timely access to City documentation in the absence of “wet” signatures arising in part due to increased implementation of remote work arrangements.

This Policy does not address the validity of, or the City’s acceptance of electronic signatures from third parties, but rather establishes policy for City staff and Council to execute internal and external documents on behalf of the City via electronic signature. The City may execute external third party contracts and documentation as allowed by the approved electronic signature policy, provided electronic signatures are allowable by law for the subject document and are acceptable by the third party receiving the City executed document.

This Policy does not mandate the use of electronic signatures, nor can the City require that any external third party sign a document using an electronic signature. When electronic signatures are utilized on agreements and documents, the system and processes used will comply with State law and this Policy. This Administrative Policy and Procedure does not supersede any State or federal laws, or other City policies regarding confidentiality, information dissemination, standards of conduct, or signature or purchasing authority. Other than the method of signature, this Policy does not alter any existing City process or procedure related to the submission of documentation required for any internal or external City process. All paperwork and forms required, and the manner of delivery required to complete these processes shall remain unchanged. This Policy does not address paperless processing, which is at the discretion of the responsible department.

This Policy does not alter or supersede any City policy related to records retention. It is the responsibility of the initiating department to retain and store signed documents in accordance with the requirements detailed in the City’s records retention policy unless the City Clerk’s office is the office of record.

2. GENERAL POLICY AND IMPLEMENTATION PROCEDURES

This Administrative Policy and Procedure applies to all current officers, employees (regular, part-time, extra-help, and temporary), contractors, and volunteers (together, “employees”) acting on behalf of the City.

Each department within the City has the discretion to use currently accepted forms of electronic signatures for up to five months after the issue date of this Policy. After December 31, 2021, documents requiring signature that do not conform to the requirements as indicated in this Policy will be considered invalid and returned to the originating department.

Wet signatures, as defined in this document, remain an accepted form of signature for all City documents, provided they can be matched to the authorized signatory log as maintained by Finance staff. It is the responsibility of each department to

update the approved signatory log as necessary. The use of Proxy Signatures as defined in this document, are prohibited for any electronic signature.

Information Technology ("IT") staff will approve and manage the electronic signature technology adopted by the City and will manage and allocate usage to City staff. IT will also work with the City Attorney and Finance Department to ensure that the electronic signature technology used by the City is consistent with current State legal requirements and industry best practices to ensure the security and integrity of the signature and data. IT will provide training to City employees prior to use; this will include the process for creating user accounts, submitting and routing documents for signature, and executing such documents.

Unless specifically indicated otherwise in this Policy, the only currently approved technology for electronic signature is AdobeSign™. All employees using electronic signatures on City documentation must work with IT to register under the City's AdobeSign™ Enterprise contract. Electronic signatures for City documentation must originate from the City's centralized AdobeSign™ Enterprise account, and will not be accepted from any other source, including individual employee licensed or purchased AdobeSign™ accounts or other Adobe signature products.

3. HISTORY AND LEGAL AUTHORITY

In 1995, the California Legislature enacted AB 1577 which, among other things, added Government Code Section 16.5, to authorize public entities to accept digital signatures if they comply with stringent verification requirements.

In 1999, California adopted a version of the Uniform Electronic Transactions Act ("UETA") (California Civil Code Sections 1633.1 to 1633.17), providing that electronic signatures would have the same legal effect as a wet or manual signature.

In 2000, the Federal Government enacted the Electronic Signatures in Global and National Commerce Act (ESIGN) which mandated the same treatment of electronic signatures in interstate or foreign commerce. (15 USC§ 7001 etseq.)

In 2016, AB 2296 clarified that a digital signature may be used to satisfy the requirements of an electronic signature under UETA. An electronic signature includes a digital signature under Government Code Section 16.5 and that a digital signature under those provisions is a type of an electronic signature as set forth in the UETA. The bill also revised Government Code Section 16.5 by specifying that if a public entity elects to use a digital signature that meets specified requirements, the digital signature has the same force and effect of a manual signature in any communication with the public entity.

4. REQUIREMENTS OF ELECTRONIC SIGNATURE

The use of electronic signatures is permitted through this Policy, and will have the same force and effect as the use of "wet" or manual signatures if all the following criteria are met:

- The electronic signature is unique to the person using it.
- The electronic signature is verifiable.
- The electronic signature is linked to the data collected by the electronic signature technology provider and auditable.
- The electronic signature is under the sole control of the person using it. **Email notifications requesting electronic signatures must not be forwarded and the use of Proxy signatures is prohibited.**
- The electronic signature conforms to regulations adopted by the Secretary of State, as those regulations may be amended from time to time.

5. DEFINITIONS

- Digital Signature is a subset of electronic signatures; an electronic identifier, created by a computer, intended by the party using it to have the same force and effect as a manual signature (see Government Code Section 16.5).
- Electronic means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities (see Civil Code Section 1633.2).
- Electronic Record means a record created, generated, sent, communicated, received, or stored by electronic means (see Civil Code Section 1633.2).
- Electronic Signature or "eSignature," means an electronic 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 (see Civil Code Section 1633.2). A Digital Signature, as defined by Government Code Section 16.5, is a type of Electronic Signature.
- Proxy Signature entails when Person A authorizes Person B to sign Person A's signature on his/her/their behalf. **Proxy signatures are not permitted for electronic signature.** Authorized signatories must login to their registered AdobeSign account, complete authentication processes as required, and complete the signature process themselves for electronic signatures to be valid. **Person A cannot provide Person B their AdobeSign credentials for purposes of circumventing the Policy.** For wet signatures, Proxy Signatures are permitted when signature authority has

been properly granted from Person A to Person B via the City's Delegation of Purchasing and Invoice Approval Authority memo and accompanying Signature Log.

- Wet or Manual Signature, for purposes of this policy, is a handwritten signature executed with an ink pen. Initials are not a valid form of wet or manual signature under this Policy.

6. DOCUMENT GUIDANCE

Each department in the City has the discretion to decide whether to permit the use of electronic signatures in lieu of wet or manual signatures. Table A outlines documents acceptable for electronic signature use. Departments should work with the City Attorney's Office to determine whether applicable laws permit an electronic signature to be used in external transactions before proceeding if not addressed in the list of documents set forth in Table A of this Policy. Exceptions to this Policy are not permitted unless approved by the City Attorney's Office and the City Manager.

In the case of contracts or transactions which must be signed by outside parties, each party to the contract must agree in advance to the use of the electronic signature. Such consent may be withdrawn by the other party at any time such that future documents related to the withdrawn consent contract or transaction must be signed in hard-copy format.

Prohibited uses of electronic signatures include:

- Documents or transactions that require a signature to be witnessed, attested to, notarized, or acknowledged.
- Documents or transactions that require a handwritten signature, including but not limited to transfers of interests in real property and all recorded documents.
- Documents or transactions that are not specified or could reasonably meet the guidelines as outlined in Table A.
- Use of any electronic signature technology that does not conform to the requirements as set forth in this Policy.

**TABLE A
Electronic Signatures Policy**

CITY EXECUTED DOCUMENT TYPE	ELECTRONIC SIGNATURE ALLOWED ?	NOTES AND RESTRICTIONS
Internal financial payment documents, including requests for payment, wire requests, CalCard statements, etc.	YES	Requestor and Approver complete two factor authentication process; no minimum or maximum. Process for submission to A/P unchanged; documents provided in consolidated packet to A/P for processing
Internal purchase/accounting documentation, including purchase orders, budget requests, single source requests, purchase requisitions, accounting/ERP requests	YES	Process for submission remains unchanged
Internal HR Forms	YES	Includes PAFs/Evaluation Forms
Payroll Direct Deposit Forms	YES	Employee requesting direct deposit must complete two factor authentication process
Internal/external memos, Council memos, representation letters, other correspondence	YES	
Any and all forms of contractual indebtedness, including bonds, loans, leases	YES	As allowed by law and as approved by City Attorney's office, and as accepted by external parties to the transaction
City issued certificates, permits, inspection approvals	YES	As allowed by law and as approved by City Attorney's office, and as accepted by external parties to the transaction
External contracts and agreements, including professional and general services agreements	YES	Each department to assess with City Attorney's office which documents may be signed electronically. Based on risk and specific circumstances. Signature requirements for contracts utilizing federal funding or federal programs need to be reviewed with the City Attorney's office for each contract, unless blanket approval has been previously obtained
Documents requiring Mayor's signature, Council ordinances, resolutions, notarized documents, documents to be recorded with County, bank signatory documents	NO	City Attorney and City Manager must approve exceptions on an individual basis; exception does not apply to notarized, attested documents
City issued checks, wires, EFT, ACH	NO	
HR/Payroll: Personnel Timesheets	NO	cost/volume concerns; any electronic/wet signature allowed

FAQS on the Electronic Signature Policy

What is the approved electronic signature technology and when can I start using it?

AdobeSign is the City's approved electronic signature technology; the Policy begins August 1.

What do I need to do to get started?

Employees must register under the City's centralized AdobeSign account and receive training. An additional communication will follow with appropriate details from IT Staff.

Are handwritten signatures still accepted?

Yes, traditional wet signatures will still be accepted on City documents.

Can I just use my own existing Adobe account/product?

No, all City users must register and use the City's enterprise-wide AdobeSign account. This is in part due to security requirements, including dual-factor authentication standards imposed by the City's account.

Can all City documents be signed electronically?

While most City documents can be signed electronically, there are important exceptions. Please refer to the chart in the attached Policy to determine if your documents can be signed electronically. Any further questions should be directed to your Department Director.

Will this be the only accepted electronic signature technology?

Yes, the only valid electronic signature technology will be AdobeSign. Due to cost considerations, any currently accepted signature method will continue to be accepted for payroll timesheets only.

What if I don't want to use the new product?

Employees have the option of transitioning to the City's AdobeSign product or continue using wet signatures. There will be a three-month implementation period, with all other forms of electronic signature phased out by November 1, 2021.

Can I sign documents on behalf of my supervisor/department head?

Only employees with approved delegated signature authority can sign on behalf of another employee, for both wet and electronic signatures. Electronic signature account credentials cannot be shared and for many documents, dual-factor authentication will be required to sign electronically.

What about cost?

The City pays for the AdobeSign product on essentially a per document basis, so please use appropriately where wet signatures are not practical or possible.

What other changes will this Policy bring?

The Policy does not replace any existing protocol or process, including records retention. Please make sure to bundle your electronic/wet signed document(s) along with any other required documentation in a complete packet for submission to the appropriate department.