

ADMINISTRATIVE ORDER NUMBER 5-6

SUBJECT: ELECTRONIC SIGNATURE POLICY

Responsible Department: City Clerk

Date Issued: 06-30-2020

Date Revised:

Approved: *(Signature on File)*

PURPOSE:

To enable the City of Fresno to accept electronic signature(s), in lieu of a wet ink signature, on a document in which the signature is required or used, which complies with the requirements of Government Code Section 16.5. This policy does not supersede laws specifically requiring a written signature. This policy does not limit the right or option to conduct the transaction on paper or non-electronic forms and the right to have documents provided or made available on paper.

POLICY:

1. To the fullest extent permitted by law, the City of Fresno accepts e-signatures as legally binding and equivalent to handwritten signatures to signify an agreement in accordance with California Government Code Section 16.5. Provided that the software used is accessible and conforms to Section 508 Standards and Web Content Accessibility Guidelines 2.0 Level AA.
2. This policy applies to all employees of the City of Fresno, and governs all uses of electronic signatures and electronic records used to conduct the official business of the City of Fresno. Such business may include, but is not limited to, electronic communications, transactions, contracts, permits and other official purposes, both internal and external to the City.
3. Where a City policy requires a record have the signature of an authorized person, that requirement is met when the electronic record has associated with it an electronic signature using a City approved electronic signature method.
4. City approved electronic signature methods shall include those set forth on California's Approved List of Digital Signatures Certification Authorities (currently available online at <http://www.sos.ca.gov/administration/regulations/current-regulations/technology/digital-signatures/approved-certification-authorities/>). The City may accept other electronic signature methods provided they comply with all other requirements set forth in this policy.

5. The City of Fresno's right or option to conduct a transaction on paper or in non-electronic form shall not affect the City of Fresno's right, option or obligation to have documents provided or made available in electronic format.
6. Approved and automated processes for a City of Fresno transaction are automatically subject to the provisions of this policy.
7. Periodic reviews will be implemented for appropriateness and continued applicability of electronic signatures.
8. If the parties have agreed to conduct a transaction by electronic means, the parties are required to utilize the City's electronic signature system for approved, electronically signed documents and that all applicable security processes for authentication be followed.
9. 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 California state law.
10. The document must be signed by the appropriate authority. Appropriate procedures must be used to confirm that the person signing the record has the appropriate authority.
11. This policy applies only to transactions between parties agreeing to conduct transactions by electronic means with use of the City's approved electronic signature method.
12. If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver information in writing to another person, the requirement is satisfied if the information is provided, sent or delivered, in an electronic record capable of retention by the recipient at the time of receipt.
13. The final approval of any electronic signature method will be by the City Manager and City Attorney, with the recommendation of the Director of Information Services, the Controller, and the City Clerk. In determining whether to approve an electronic signature method, consideration will be given to the systems and procedures associated with using that electronic signature, and whether the use of the electronic signature is at least as reliable as the existing method being used.
14. In the event it is determined an approved electronic signature method is no longer trustworthy, the City Manager shall 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.
15. For contracts and agreements, the department designated as the Office of Record is authorized to initiate an electronic signature request, except that the City Clerk may initiate an electronic signature process on behalf of another department when requested for operational efficiency. For financial documents (vouchers, journal entries, etc.) the originating department is the Office of Record. Unless otherwise approved as stated in #13 above.
16. Prohibited Uses of Electronic Signatures:

- a. Documents or transactions that require a signature to be notarized or acknowledged.
 - b. Documents or transaction that require a handwritten signature, including but not limited to transfers of interests in real property.
 - c. Documents or transactions that are not specified in “Policy 1. above.”
 - d. Documents or transactions that are not signed using approved electronic signature technologies and/or vendors.
17. 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.