

# City of Richmond

## Administrative Policy Manual

**SUBJECT:** Electronic Signature Policy and Procedure

**SECTION:** General Administration

**POLICY NUMBER:** AP 113

**INITIAL DATE PREPARED:** April 30, 2021

### **I. Purpose**

The City of Richmond (City) Electronic Signature Policy shall be used to increase productivity and ensure convenient, timely and appropriate access to information by using electronic signature technology to collect and preserve signatures on documents quickly, securely, and efficiently. In addition to increasing productivity and efficiency, this Policy furthers the City's Climate Action Plan goals by reducing the consumption and storage of paper documents and the maintenance and supply of printers.

This Policy establishes when electronic signature technology may replace a hand-written signature, with the goal of encouraging the use of paperless, electronic documents whenever appropriate and allowed by law. This Policy authorizes the City to accept an approved electronic signature, in lieu of a written signature, on a document in which a signature is required or used, which complies with the requirements of California Government Code Section 16.5 and this Policy.

While the use of electronic signatures is suggested and encouraged, this Policy does not require any Department to use electronic signatures; nor can the City mandate that any third party signing a document use electronic signature.

This Policy applies to documents requiring a signature of any person where the signature is intended to show authorship, approval, authorization, or certification, as allowed by law. It is the Policy of the City to encourage the use of electronic signatures in all internal and external activities, documents, and transactions where it is operationally feasible to do so, where existing technology permits, and where it is otherwise appropriate based on the Department's preferences. In such situations, affixing an electronic signature to the document in a manner consistent with this Policy shall satisfy the City's requirements for signing a document. As used in this Policy, the term "signature" includes using initials on a document instead of a signature.

Each Department Director has discretion to decide whether to permit the use of electronic signatures. Departments should work with the City Attorney to determine where applicable laws permit an electronic signature to be used. In addition, each Agency/Department that opts to use electronic signatures must adopt/amend their business practices to support the requirements of this Policy.

### **II. Background**

The use of electronic signatures on legally-binding documents has become increasingly prevalent. The benefits of electronic signatures are simple and numerous: they cut down on the paper, time and cost associated with transmitting and approving physical documents and can offer an easily accessible audit trail of the modification, editing, and approval of documents.

The legality and use of Electronic Signatures are governed by federal and state law and

City ordinance. (See 15 U.S.C. §§ 7001, *et seq.* [U.S. Federal Electronic Signatures in Global and National Commerce Act]; California Government Code §16.5; California Civil Code §§ 1633.1, *et seq.* Richmond Municipal Code, Section 2.52.100)

### **III. Electronic Signature Definitions**

"Application Program Interface (API)" Is a set of clearly defined methods of communication between various software components. APIs allow applications to interact with each other, allowing integration of one system with another.

"Digital Signature" is an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature if and only if it embodies the following attributes pursuant to Government Code § 16.5:

- It is unique to the person using it;
- It is capable of verification;
- It is under the sole control of the person using it;
- It is linked to data in such a manner that if the data are changed, the digital signature is invalidated; and
- It conforms to regulations adopted by the California Secretary of State.

"Electronic" relates to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic Record" is a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic signature or e-signature" means an electric 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. A "digital signature" is a type of electronic signature.

"Electronic Transaction" is a transaction conducted or performed, in whole or in part, by electronic means or electronic records.

"Proxy Signatures" are when Person-A authorizes Person-B to sign Person-A's signature on his/her behalf. (This is prohibited for eSignatures by this Policy.)

"Record" is information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. Documents or forms are records.

### **IV. Choosing Electronic Signatures vs. Digital Signatures**

The official City electronic signature platform can generate standard e-signatures, enhanced e-signatures, and digital signatures that rely on Certificate Authorities or Trust Service Providers. However, "standard e-signatures" are sufficient and recommended for most internal and external signing.

- Standard e-signature:
  - Routine memos, correspondence and documents intended for use within the City or with outside agencies.

- Legislative documents (ordinances, resolutions, etc.).
- Contracts and Agreements.
- Personnel forms and memos (pre-employment, active employees, retirees, etc.).
- Enhanced e-signature:
  - Sensitive legal, contractual or personnel documents.
- Digital Signature:
  - Final real estate transactions
  - Documents typically requiring Notary or other witness.
  - Assorted legal or financial documents

**V. Intended Goals**

- **Security and legal compliance:** The use of e-forms and e-signature provides a secure method of signing and transferring documents electronically. A document cannot be altered after the signer has completed the e-signature. Additionally, a history of any changes made to the document prior to the signature is kept with the document and cannot be changed or deleted. When electronic signatures are used, hash values are attached to the document to verify the authenticity of a document during any transfer for added security.
- **Integration into business processes:** The e-signature process may fit into preexisting business practices, provide automated processes, retrieve documents, use standard Application Program Interfaces (API), generate reminders and expiration settings, and allow multiple people to view a document and track its progress.
- **Simplified workflow:** E-signatures eliminate resource-intensive processes that require agencies, the public, and staff to manually sign documents. Features of the e-signature process include automation of simple forms, ability to track and review changes, vary the recipient roles, tag signatures, etc.
- **Cost benefits:** There is a potential cost-savings from not having to print, file, scan, and store paper copies. The City will save also on certified mail, postage, printing, ink, envelopes, and paper.

**VI. General Provisions**

- (a) In any document accepted by the City in which a signature is required or used, Department Directors may authorize the use of an electronic signature, so long as it complies with the requirements of this section and is within an employee's award authority (if applicable).
- (b) To the fullest extent permitted by law, the City accepts electronic signatures as legally binding and equivalent to handwritten signatures to signify an agreement.
- (c) The final approval of any electronic signature method will be by the City Clerk and City Attorney, with the recommendation of the Information Technology (IT) Director.
- (d) The City Clerk shall determine acceptable technologies and vendors consistent with

industry best practices to ensure the security and integrity of the data and the signature. The City Clerk shall further determine the documents for which the City will accept electronic signatures. Periodic reviews will be implemented for appropriateness and continued applicability of electronic signatures.

- (e) If it is determined that an approved electronic signature method is no longer trustworthy, the City Clerk 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 Clerk will take steps to see that any valid records signed with the revoked electronic signature method are signed again either with a manual signature or with an approved electronic signature method.
- (f) The City's right or option to conduct a transaction on paper or in non-electronic form shall not affect the City's right, option or obligation to have documents provided or made available in paper format.
- (g) 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 applicable state law.
- (h) This Policy applies only to transactions between parties which have agreed to conduct transactions by electronic means with the use of the City's approved electronic signature method.
- (i) This Policy shall not apply to any transaction that requires a person's signature to be signed in the presence of a notary public.

**VII. Implementation and Security**

City of Richmond employees are authorized to use the electronic signature features of approved office applications to sign documents, forms, or other correspondence using their City of Richmond account credentials provided that:

- (a) To setup employees authorized to send out documents for e-signature, Department Administrators shall contact the IT Director;
- (b) The IT Department shall implement department-based user permissions and access to the electronic signatures application(s), including providing instructional material;
- (c) Prior to granting access to the electronic signature platform, users must read, and signify agreement with this Electronic Signature Policy;
- (d) Each Department shall ensure that a physical version of the final document is stored in a manner consistent with applicable City document retention policies and any applicable laws; and
- (e) Since the integrity of electronic signatures relies on the security of user credentials including user name and password, access to a user email account, a password, or a certificate-based signature, users of the City of Richmond electronic signature systems shall not share their authentication credentials for any purpose.

**VIII. Requirements**

The use of electronic signatures is permitted and shall have the same force and effect as the use of a "wet" or manual signature if all the following criteria are met:

- (a) The electronic signature is unique to the person using it;
- (b) The electronic signature is capable of verification;
- (c) The electronic signature is under the sole control of the person using it;
- (d) Email notifications requesting electronic signatures are not forwarded;
- (e) The use of proxy signatures is prohibited; and
- (f) The electronic signature is linked to the data in such a manner that if the data is changed after the electronic signature is affixed, the electronic signature is invalidated.

**IX. Common Types of Documents**

This Policy is intended to broadly permit the use of electronic signatures. Examples of common types of documents are listed below. Signing authority is permitted only to the extent each signer has requisite signature authority.

<b>Document Type</b>	<b>Electronic Signature Acceptable?</b>	<b>Notes</b>
Memos, Forms, Letters, and Other Correspondences	Yes	Electronic Signature is recommended/Must maintain proper signing authority
Contracts/ Agreements	Yes	Electronic Signature is recommended/Must maintain proper signing authority
Resolutions/Ordinances/ Minutes	Yes	Electronic Signature is recommended/Must maintain proper signing authority
Certificates, Permits	Yes, if allowed by law	Should work with CAO to determine where applicable laws permit electronic signatures
Documents Requiring Notarization	No	Wet/Manual signature required

**X. Documents Involving Other Parties**

In the case of contracts or transactions which must be signed by outside parties, each party to the agreement must agree in advance to the use of an electronic signature. No party to a contract or other document may be forced to accept an electronic signature. They must be permitted to decide whether they will consent to the use of electronic signatures. Such consent may be withdrawn by the other party at any time such that future contracts or other documents must be signed with wet/manual signatures. When a

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document is electronically signed by all parties, the City will provide a copy of the electronically-signed document to the other parties in an electronic format that is capable of being retained and printed by the other parties.

**XI. Conclusion**

The use of electronic signatures is intended to make City of Richmond business practices more efficient. The process eliminates the need to print, file and store paper copies of documents that can now be authenticated digitally and stored electronically.

APPROVED:

  
\_\_\_\_\_  
City of Richmond City Manager or Designee

April 30, 2021  
\_\_\_\_\_  
Date

**Employee Agreement**

I hereby acknowledge and agree to abide by the City of Richmond Electronic Signature Administrative Policy dated April 30, 2021. I shall also remain knowledgeable of this Policy and abide by any future revisions, updates, and/or changes to the City of Richmond Electronic Signature Administrative Policy, procedures, or rules so long as I am notified of said revisions, updates, and/or changes in advance and my bargaining unit representative is given the opportunity to meet and confer over said changes as required.

Employee Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_