



## **CITY OF KIRKLAND**

**City Attorney's Office**

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### **MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Darcey Eilers, Assistant City Attorney

**Date:** November 3, 2020

**Subject:** AUTHORIZING USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES

#### **RECOMMENDATION:**

It is recommended that the City Council approve the attached resolution authorizing the use and acceptance of electronic signatures and electronic notarization for City business and ratifying prior use and acceptance of electronic signatures. By taking action on the consent agenda, this resolution will be approved.

#### **BACKGROUND DISCUSSION:**

The legal framework for the use of electronic signatures on electronic records by municipal governments has been in place in Washington for some time. Recently, in June 2020, the state legislature replaced the prior electronic signature legislation and adopted the Uniform Electronic Transactions Act (UETA), chapter 1.80 RCW. The UETA allows cities to determine whether, and to what extent, they will accept, rely on, process, and otherwise use electronic records and electronic signatures.

Authorizing the use and acceptance of electronic signatures and electronic records will promote efficiency and conserve public resources. Reducing the City's reliance on paper-based transactions will also further improve information security and sharing, allow faster approval of and access to documents, and reduce environmental impacts and costs associated with handling physical documents. Proper electronic signature requirements and policies provide reasonable assurance of the integrity, authenticity, and nonrepudiation of electronic documents. In addition, use of electronic signatures and electronic records has become increasingly important to effectively conduct City business as the COVID-19 pandemic continues to limit in-person interactions.

The proposed resolution establishes the City Council's policy determination to authorize the City to use and accept electronic signatures for City records and transactions and establishes minimum criteria for use and acceptance of electronic signatures. The resolution authorizes and directs the City Manager to adopt specific policies and guidelines regarding electronic signatures. Finally, the resolution ratifies electronic signatures that have been used or accepted by the City prior to the effective date of the resolution.

**Attachment:** Resolution Authorizing Use and Acceptance of Electronic Signatures

RESOLUTION R-5452

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND AUTHORIZING THE USE AND RECEIPT OF ELECTRONIC SIGNATURES AND ELECTRONIC NOTARIZATION IN CONDUCTING CITY BUSINESS AND AUTHORIZING THE CITY MANAGER TO ADOPT ELECTRONIC SIGNATURE POLICIES AND PROCEDURES.

1 WHEREAS, chapter 1.80 RCW authorizes a city to utilize  
2 electronic signatures in the conduct of governmental affairs and  
3 other transactions and to establish a method and process for such  
4 use; and

5  
6 WHEREAS, an electronic signature is an electronic sound,  
7 symbol, or process attached to or logically associated with a  
8 contract or other record and executed or adopted by a person  
9 with the intent to sign the record as if a signature were affixed by  
10 hand; and

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12 WHEREAS, electronic signatures can provide a convenient,  
13 time- saving, and secure way of signing documents and can  
14 reduce environmental impacts associated with handling physical  
15 documents; and

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17 WHEREAS, with appropriate criteria and requirements for  
18 using and accepting electronic signatures, the City can have  
19 reasonable assurance of the integrity, authenticity, and  
20 nonrepudiation of electronic documents; and

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22 WHEREAS, the value of electronic signatures has been  
23 noticeable during the COVID-19 public health emergency, when  
24 government business has been and continues to be largely  
25 conducted via remote technologies due to the Governor's Stay  
26 Home, Stay Safe Proclamation and subsequent orders and  
27 directives; and

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29 WHEREAS, to promote social distancing during the COVID-  
30 19 pandemic and to increase the effectiveness and efficiency of  
31 the City of Kirkland's business processes, the City intends to  
32 leverage technology solutions that comply with the Uniform  
33 Electronic Transactions Act; and

34  
35 WHEREAS, the City Council desires to formally authorize  
36 the use and acceptance of electronic signatures and digital  
37 notarization in conducting City business.

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39 NOW, THEREFORE, be it resolved by the City Council of the  
40 City of Kirkland as follows:

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42 Section 1. The City Council finds it to be in the public  
43 interest to allow the use and acceptance of electronic records and  
44 electronic signatures for City business to the fullest extent allowed

45 by law. The foregoing recitals are incorporated and fully made a  
46 part of this Resolution.

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48 Section 2. The City Manager is hereby authorized and  
49 directed to adopt any administrative policies or processes  
50 necessary to implement the use and acceptance of electronic  
51 signatures by the City consistent with this Resolution and in  
52 compliance with the provisions of chapter 1.80 RCW, the Uniform  
53 Electronic Transactions Act, as presently enacted or hereafter  
54 amended.

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56 Section 3. Subject to the limitations in this Resolution, City  
57 policy to be adopted by the City Manager, and state and federal  
58 law, an electronic signature may be used with the same force and  
59 effect as a signature affixed by hand.

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61 Section 4. The City Council authorizes any City employee  
62 or elected official who has been granted authority to sign records  
63 on behalf of the City, and their designees, to affix electronic  
64 signatures to conduct City business and further authorizes the City  
65 to accept electronic signature from third parties, provided all of  
66 the following criteria are met:

- 67 A. The individual is authorized to sign the document. Any  
68 individual applying an electronic signature must use their  
69 own name and must not have disclosed their password to  
70 any other individual.
- 71 B. The signature technology has been approved by the City  
72 Manager for use in conducting City business.
- 73 C. The appearance of the electronic signature contains, at  
74 minimum, the following:
  - 75 1. The identity of the individual, including all  
76 information required by the administrative policy to  
77 be adopted by the City Manager; and
  - 78 2. A representation of the individual's signature or  
79 acknowledgement of digital signature in-lieu of  
80 physical signature (e.g., using an "I accept" or "I  
81 agree" check box with an affirmation statement); and
  - 82 3. The date and time of the signature, unless the  
83 electronic signature technology is self-auditing.
- 84 D. The individual does not provide information they know to be  
85 untrue.

86 Section 5. The use and acceptance of an electronic  
87 signature affirmed by an electronic record notary public is  
88 permitted if the notarization complies with chapter 42.45 RCW,  
89 the Revised Uniform Law on Notarial Acts, as presently enacted  
90 or hereafter amended.

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Section 6. The use and acceptance of electronic signatures by the City of Kirkland prior to the effective date of this Resolution is hereby ratified and confirmed, provided such electronic signature is consistent with the terms of this Resolution.

Section 7. This Resolution 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.

Section 8. This Resolution shall take effect and be in force immediately upon its passage.

Passed by majority vote of the Kirkland City Council in open meeting this \_\_\_\_ day of \_\_\_\_\_, 2020.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk