

ITEM 4.3

**CITY MANAGER'S REPORT
APRIL 12, 2021 CITY COUNCIL REGULAR MEETING**

ITEM: **SECOND READING AND ADOPTION OF ORDINANCE 21-419 BY TITLE ONLY AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE LATHROP MUNICIPAL CODE BY ADDING A NEW CHAPTER TITLED "ELECTRONIC RECORDS AND SIGNATURES" TO ESTABLISH A POLICY FOR THE PROPER USE OF ELECTRONIC/DIGITAL SIGNATURES**

RECOMMENDATION: **Waive Full Reading And Adopt Ordinance 21-419 By Title Only Amending Title 2 "Administration and Personnel" of the Lathrop Municipal Code by Adding New Chapter 2.50 Titled "Electronic Records and Signatures" to Establish a Policy for the Proper Use of Electronic/Digital Signatures for Specific City Related Documents**

RECOMMENDED ACTION:

The City Council to conduct second reading and adopt Ordinance 21-419 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE LATHROP MUNICIPAL CODE BY ADDING NEW CHAPTER 2.50 TITLED "ELECTRONIC RECORDS AND SIGNATURES" TO ESTABLISH A POLICY FOR THE PROPER USE OF ELECTRONIC/DIGITAL SIGNATURES FOR SPECIFIC CITY RELATED DOCUMENTS

SUMMARY:

On March 8, 2021, the City Council approved the introduction and first reading of the subject Ordinance by the following vote:


AYES: Akinjo, Diallo, Lazard, Torres-O'Callaghan, and Dhaliwal
NOES: None
ABSTAIN: None
ABSENT: None

The Ordinance will take effect 30 days after adoption.

SUBMITTED BY:



Teresa Vargas, City Clerk



Date

ORDINANCE NO. 21-419

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LATHROP AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE LATHROP MUNICIPAL CODE BY ADDING NEW CHAPTER 2.50 TITLED "ELECTRONIC RECORDS AND SIGNATURES" TO ESTABLISH A POLICY FOR THE PROPER USE OF ELECTRONIC/DIGITAL SIGNATURES FOR SPECIFIC CITY RELATED DOCUMENTS

WHEREAS, digital signature technology allows municipalities and other entities to collect and preserve signatures on documents quickly, securely, and efficiently; and

WHEREAS, pursuant to California Government Code Section 16.5, the City may elect to use a digital signature and may accept a digital signature from another party, for any written communications with the City; and

WHEREAS, Staff requests that the City Council consider adding new Chapter 2.50 Titled "Electronic Records and Signature" to establish a policy for the proper use of Electronic/Digital Signature for specific city related documents as shown in Exhibit A attached hereto and incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED the conditions under which the City of Lathrop will accept digital signatures on City documents shall comply with the requirements below, pursuant to California Government Code Section 16.5; Title 2, Division 7, Chapter 10 of the California Code of Regulations; and the Uniform Electronic Transactions Act, commencing at section 1633.1 of the California Civil Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Lathrop Municipal Code is hereby amended by adding new Chapter 2.50 Titled "Electronic Records and Signature", to Title 2 "Administration and Personnel" of the Lathrop Municipal Code, to establish a policy for the proper use of Electronic/Digital Signature for specific city related documents as shown in Exhibit A, incorporated by reference herein.

Section 2. This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care toward persons and property within or without the city so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3. Severability. If any section, subsequent subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, subdivision, paragraph, sentence, clause or phrase.

Section 4. Effective Date. This Ordinance shall take legal effect 30 days from and after the date of its passage.

Section 5. Publication. Within fifteen days of the adoption of this Ordinance, the City Clerk shall cause a copy of this Ordinance, to be published in full accordance with Section 36933 of the Government Code

THIS ORDINANCE was regularly introduced at a regular meeting of the City Council of the City of Lathrop on the 8th day of March 2021, and was **PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Lathrop on the 12th day of April 2021, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk

Salvador Navarrete, City Attorney

EXHIBIT A

Title 2 ADMINISTRATION AND PERSONNEL

Chapter 2.50 Electronic Records and Signatures

2.50.010 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Approved List of Certification Authorities" means the list of Certification Authorities approved by the California Secretary of State to issue certification for digital signature transactions involving public entities in California.

(b) "Certification Authority" means a person or entity that issues certification for the digital signature transaction. "Digital Signature" has the same meaning as in Section 16.5 of the California Government Code and means 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.

(c) "Digital signature" has the same meaning as in section 16.5 of the California Government Code.

(d) "Electronic record" has the same meaning as in section 1633.2 of the California Civil Code.

(e) "Electronic signature" has the same meaning as in section 1633.2 of the California Civil Code.

(f) "Signer" means the person who signs a digitally signed communication with the use of an acceptable technology to uniquely link the message with the person sending it.

(g) "Technology" means the computer hardware and/or software-based method or process used to create the digital signature.

(h) "UETA" means the Uniform Electronic Transactions Act, commencing at section 1633.1 of the California Civil Code.

2.50.020 Applicability and Purpose. In any written communication or transaction with the City where a signature is required, any party to the communication may use a digital signature, provided that it complies with the requirements of this Chapter. This Chapter is intended to enable the City to use digital signatures to the fullest extent allowed by law, and does not limit the City's ability to use electronic records, electronic signatures, or digital signatures in any way.

2.50.030 Requirements. In any transaction with the City for which the parties have elected to conduct the transaction by electronic means, the following provisions shall apply:

- a) When a record is required to be in writing, an electronic record satisfies that requirement, if it is in accordance with the UETA.
- b) When a signature is required, the parties may agree that either:
 - 1. An electronic signature satisfies that requirement, if it is in accordance with the UETA; or
 - 2. A digital signature satisfies that requirement, if it is in accordance with section 16.5 of the California Government Code.
- c) A digital signature shall include the following attributes:
 - 1. It is unique to the person using it.
 - 2. It is capable of verification.
 - 3. It is under the sole control of the signer.
 - 4. It is linked to data in such a manner that if the data changed, the digital signature is invalidated.
 - 5. It conforms to regulations adopted by the Secretary of State.
- d) The Certification Authority issuing the certification for the digital signature transaction must appear on the "Approved List of Certification Authorities" authorized by the California Secretary of State.
- e) The technology used to create the digital signature shall meet the Secretary of State's acceptable technology requirements under Title 2, Division 7, Chapter 10, Section 22003 of the California Code of Regulations as the same may be modified and amended from time to time.
- f) The City shall ensure that the level of security used to identify the signer of a document, and that the level of security used to transmit the signature, is sufficient for the transaction being conducted.

2.50.040 Policies. The City Council, by resolution, may establish and from time to time amend such policies as the City Council deems necessary or desirable to expand upon the provisions of this Chapter, provided that such policies are consistent with the provisions of this policy.

2.50.050 Excluded Transactions. The authorization conferred under this Chapter, shall not apply where the use of digital signatures or electronic signatures is prohibited by law or otherwise not governed by the UETA.

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