



Legislation Text

File #: 22-621, **Version:** 1

Second Reading of an Ordinance to add San Leandro Municipal Code Article 1 “Electronic Signatures” and Chapter 1-9 “Signatures” to provide for the use and acceptance of Digital or Electronic signatures

COUNCIL PRIORITY

- Sustainability & Resiliency

RECOMMENDATIONS

Staff recommends that the City Council adopt the attached Ordinance adding San Leandro Municipal Code Article 1 “Electronic Signatures” and Chapter 1-9 “Signatures” to provide for the use and acceptance of digital or electronic signatures, as defined by the ordinance.

BACKGROUND AND SUMMARY

In 1995, the California Legislature passed Government Code section 16.5, authorizing public entities, including cities, to accept a “digital signature” for any written communication, so long as the digital signature meets certain requirements and complies with regulations adopted by the Secretary of State.

The regulations adopted by the Secretary of State in 1998 require a public entity, before accepting a digital signature, to ensure that (1) the level of security used to identify the signer of a document is sufficient for the transaction being conducted, (2) the level of security used to transmit the signature is sufficient for the transaction being conducted, and (3) any certificate format used by the signer is sufficient for the security and interoperability needs of the public entity (2 Cal. Code Regs. § 22005).

In 1999, the Legislature adopted a version of the Uniform Electronic Transactions Act (UETA) in California Civil Code sections 1633.1 to 1633.17, giving electronic signatures the same legal effect as manual or “wet” signatures.

This ordinance would allow the City to use and accept electronic signatures on legally binding documents, including building permits and plans. The ordinance would apply to all signatures used in processing independent contracts and requests for proposals as well as internal communications, routing slips, external correspondence, and other official activities. The use of electronic signatures on legally binding documents has become increasingly prevalent in the private sector and is gaining popularity among public agencies. Some of the benefits of electronic signatures include a reduction in the use of paper, and a reduction in the time and costs associated with transmitting, approving, tracking, and ultimately storing physical documents.

The City desires to benefit from the efficiencies of electronic signatures while using technology approved by the Secretary of State.

FISCAL IMPACT

There is no direct fiscal impact for this item. The expanded use of electronic signatures would also serve to generate indirect cost savings by further minimizing the need for printing paper documents.

CONCLUSION

Staff recommends that the Council introduce for first reading the attached ordinance authorizing the use of electronic signatures for all documents, not limited to, contracts, legal documents, and campaign files.

ATTACHMENT

Att A: Draft Ordinance Authorizing the Use of Electronic Signatures

PREPARED BY:

Eric Engelbart, Deputy City Manager & Michael Jeffery, Chief Building Official