



City of Emeryville

C A L I F O R N I A

MEMORANDUM

DATE: April 21, 2020

TO: Christine Daniel, City Manager

FROM: Sheri Hartz, City Clerk

SUBJECT: Resolution Of The City Council Of The City Of Emeryville Approving The Use Of Digital Signatures To Execute City Council Legislation And On Letters In Support Of Or Opposition To State Legislation

RECOMMENDATION

Staff recommends that the City Council adopt the above-entitled resolution approving the use of digital signatures, as defined in Section 16.5 of the California Government Code, on official City legislation (including ordinances and resolutions), and correspondence sent on behalf of the City Council, in accordance with the Uniform Electronic Transaction Act (UETA), California Civil Code section 1633.1 *et seq.*

BACKGROUND

The City desires to implement industry best practices using electronic records and digital signatures to effectively manage the execution of official documents, in accordance with California state law, especially during the Shelter in Place order and subsequent closure of City Hall on March 17, 2020 due to the COVID-19 public health emergency.

The City has already implemented the use of an agenda management system that provides a digital workflow, removing the creation of paper documents for that process. Use of a State of California-compliant digital signing application for the digital signing of resolutions, ordinances, and letters on behalf of the Council would complement our current process and further support creation of an accurate legislative record. The final processing of official documents would be expedited, and dissemination could occur in a more efficient manner.

DISCUSSION

Federal and State regulations have provided guidelines to allow for the implementation of digital signatures for official documents, and technology solutions have developed to a level of sophistication to enable secure and verifiable digital signatures. The use of digital signatures for City business will not only increase efficiency for staff, but also will streamline the implementation of City services that require Council action, thereby benefitting the community.

Current law has clarified that government agencies may use digital signatures, in accordance with California Government Code Section 16.5, and that the use of a digital signature shall have the same force and effect as the use of a manual signature if the following attributes are present:

1. It is unique to the person using it.
2. It is capable of verification.
3. It is under the sole control of the person using it.
4. It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.
5. It conforms to regulations adopted by the Secretary of State.

Staff is proposing to use the automated approval workflow available through DocuSign, with which the City already has an agreement. DocuSign Corporation appears on the Secretary of State's Approved List of Digital Signature Certification Authorities and is therefore an authorized provider that meets the requirements listed above. If the resolution is approved by the City Council, digital signatures may be used on City Council ordinances, resolutions, and correspondence sent on behalf of the Council, and the digital signatures would have the same force and effect as a manual signature.

FISCAL IMPACT

There is no fiscal impact to the City from taking this action. The City already has an agreement with DocuSign and adding the described functionality will not increase the annual cost of this software.

STAFF COMMUNICATION WITH THE PUBLIC

There has not been any communication with the public concerning this matter.

CONFLICT OF INTEREST

No conflicts have been identified.

PREPARED BY: Sheri Hartz, City Clerk

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

ATTACHMENTS

- Draft Resolution