

ORDINANCE NO. ORD-2019-005

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING CHAPTER 1-06 TO THE SANTA ROSA CITY CODE, AUTHORIZING THE USE OF ELECTRONIC RECORDS AND ELECTRONIC AND DIGITAL SIGNATURES

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Findings and Purpose.

- (A) Electronic and digital signature technologies allow the City to collect and preserve signatures on documents quickly, securely and efficiently.
- (B) State law permits local governmental agencies to utilize electronic and digital signatures and electronic records to complete various transactions.
- (C) The City wishes to utilize digital and electronic signatures and digital records to conduct City business and governmental affairs, including the execution of digital contracts and other legal instruments through the use of digital and electronic signatures.

Section 2. Chapter 1-06 is added to the Santa Rosa City Code to read as follows:

“Chapter 1-06 ELECTRONIC RECORDS AND SIGNATURES

1-06.010 Electronic Records and Electronic and Digital Signatures.

(A) The following definitions apply to this section:

- 1) "Electronic record" has the same meaning as in section 1633.2 of the California Civil Code.
- 2) "Electronic signature" has the same meaning as in section 1633.2 of the California Civil Code.
- 3) "Digital signature" has the same meaning as in section 16.5 of the California Government Code.
- 4) “UETA” means the Uniform Electronic Transactions Act, commencing at section 1633.1 of the California Civil Code.

(B) In any transaction or communication with the City for which the parties have agreed to conduct the transaction or communication by electronic means, the following provisions apply:

- 1) When a record is required to be in writing, an electronic record satisfies that requirement, if it is in accordance with the UETA.
- 2) When a signature is required, the parties may agree that either:
 - a) An electronic signature satisfies that requirement, if it is in accordance with the UETA; or
 - b) A digital signature satisfies that requirement, if it is in accordance with section 16.5

of the California Government Code.

(C) This Chapter is intended to enable the City to use electronic records, electronic signatures, and digital signatures fully allowed by law, and does not limit the City’s ability to use electronic records, electronic signatures, or digital signatures in any way.

(D) The City Manager is authorized to administer the provisions of this Chapter.”

Section 3. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)3 in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Effective Date. This ordinance shall take effect on the 31st day following its adoption.”

This ordinance was introduced by the Council of the City of Santa Rosa on May 28, 2019.

IN COUNCIL DULY PASSED AND ADOPTED this 4th day of June, 2019.

AYES: (5) Vice Mayor Rogers, Council Members Fleming, Olivares, Sawyer, Tibbetts

NOES: (0)

ABSENT: (2) Mayor Schwedhelm, Council Member Combs

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney