



Approved by **Garrett Evans**
City Manager

Subject: Digital Signature Policy Implementation

Overview of Purpose and Scope of Policy

The City Council adopted the attached Digital Signature Policy on January 17, 2023 (Attachment 1). The Policy establishes that digital signatures, instead of ink or "wet" signatures on paper, are valid and effective on City records and documents so long as specified requirements regarding the security and integrity of electronic signatures are met. The Policy incorporates the requirements of Government Code Section 16.5: The digital signature must be 1) unique to the person using it; 2) capable of verification, 3) under the sole control of the person using it, 4) linked to data in such manner that if the data are changed, the digital signature is invalidated, and 5) conforms to the regulations established by the Secretary of State.

The use of a City Manager approved digital signature platform provides a secure method of signing documents electronically. A document cannot be altered after the signer has completed the signature. Additionally, a history of any changes made to the document prior to the signature is kept with the document and cannot be changed or deleted. When digital signatures are used, certain data is embedded with the document to verify the authenticity of a document during any transfer, for added security.

The purpose of this Administrative Order is to implement the Policy.

General Provisions

Digital signatures may be used by any employee who has been provided access to the digital signature platform by the Information Technology Department and/or Department Director so long as the use complies with the requirements of the Policy and is consistent with the employee's contracting or signing authority.

The use of digital signatures is encouraged for internal and external activities, documents and transactions when it is operationally feasible, where technology permits, and when it is otherwise appropriate, in accordance with the Policy.

Digital Signatures Allowed and Prohibited

The Policy lists the documents on which digital signatures are allowed and prohibited. Consult the list before using a digital signature to ensure compliance with the Policy. As stated in the Policy, staff may still choose to use a wet signature even if a digital signature is allowed.

As stated in the Policy, digital signatures are prohibited on the following documents:

- Bonds including but not limited to labor and materials bonds, performance bonds
- Real property purchase and sale agreements, grant deeds, quitclaim deeds, deeds of trust, and promissory notes
- Government claims
- Documents requiring a notarized signature

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- Transactions requiring handwritten signatures pursuant to state or federal law

Implementation – Digital Signature Process

Employees who seek to use a digital signature on a document involving an outside party, either received from the outside party or sent to the outside party, must first confirm the Policy allows a digital signature on the document. Documents that are prohibited cannot be signed digitally. They must be signed on paper using ink.

Once the employee confirms the Policy allows a particular document to be signed digitally, the following is required:

- The document must be signed using only the digital signature platform approved and/or provided by the City.
- It is the responsibility of the initiating department to retain and store the signed document in accordance with the requirements set forth in the City's records retention policy, unless the City Clerk's Office is the office of record.

Attachment: Digital Signature Policy

CITY OF PITTSBURG
DIGITAL SIGNATURE POLICY

This Policy establishes the requirements for the use of digital signatures in place of manual or “wet” signatures. This Policy 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 digital signatures except as set forth below. Nothing in this Policy shall prevent the use of wet-ink signatures. The City cannot require any third party to use a digital signature.

In any written transaction or communication with the City where a signature is required, any party may use a digital signature provided it complies with the requirements of this Policy, the Uniform Electronic Transactions Act (Civil Code Sections 1633.1 et seq.) and Government Code Section 16.5. This Policy does not supersede laws that require a handwritten signature.

To the extent allowed by law, the City accepts digital signatures as legally binding and equivalent to handwritten signatures to signify agreement.

For the purposes of this policy, “Digital signature” 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.

The parties to a City transaction must agree to conduct the transaction by electronic means with the use of a City-approved digital signature method that complies with applicable laws and regulations. Consistent with Government Code Section 16.5, the digital signature must be: 1) unique to the person using it; 2) capable of verification, 3) under the sole control of the person using it, 4) linked to data in such manner that if the data are changed, the digital signature is invalidated, and 5) in conformance with the regulations established by the Secretary of State. The City Manager is authorized to determine the particular technologies or vendors that satisfy state law. Staff should consult with the City Attorney to determine whether the law allows a digital signature to be used if not addressed in the list below.

This policy does not preclude the use of signature images (e.g., a scanned version of a signature placed in a document or other non-wet ink signatures applied via a PDF document reader) for non-legally binding or ceremonial documents as approved by the City Manager.

ALLOWED:

Digital signatures are acceptable on the following documents:

1. Ordinances and Resolutions
2. Contracts, including but not limited to contracts for goods and general services, contracts for public works projects, contracts for consulting services, contract amendments, purchase orders, outside counsel agreements, bidders list applications

3. Proposals in response to City Requests for Proposals
4. Settlement Agreements
5. Routine personnel transactions including but not limited to employment applications, personnel action forms, benefits elections, employment agreements, performance reviews
6. Reimbursement forms/agreements
7. Permits and Permit Applications including but not limited to Special Events
8. Requests for Appeal
9. Public records requests
10. Applications for appointment to commission or board
11. Other documents as approved by the City Manager

PROHIBITED:

Digital signatures are prohibited on the following documents:

1. Bonds including but not limited to labor and materials bonds, performance bonds
2. Real property purchase and sale agreements, grant deeds, quitclaim deeds, deeds of trust, and promissory notes.
3. Government claims
4. Documents requiring a notarized signature
5. Transactions requiring handwritten signatures pursuant to state or federal law

This Policy was established by City Council Resolution No. 23-14234, adopted January 17, 2023.