

RESOLUTION NO. M-2158

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
AUTHORIZING THE USE AND RECEIPT OF ELECTRONIC SIGNATURES IN CONDUCTING
BUSINESS AT THE CITY OF OLYMPIA**

WHEREAS, RCW 19.360.020 formerly authorized municipalities in Washington to utilize electronic signatures in the conduct of governmental affairs and other transactions; and

WHEREAS, during the 2020 legislative session, the Washington State Legislature adopted the Uniform Electronics Transactions Act, ESSB 6028, effective June 11, 2020, which repeals and replaces Chapter 19.360 RCW but continues to allow municipalities to determine whether, and the extent to which, the agency will send and accept electronic signatures in the conduct of its business; and

WHEREAS, an "Electronic signature" is defined as an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record; and

WHEREAS, electronic signatures include digital signatures; and

WHEREAS, a "Digital signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person who has the initial message and the signer's public key can accurately determine whether: (i) the transformation was created using the private key that corresponds to the signer's public key; and (ii) the initial message has been altered since the transformation was made; and

WHEREAS, electronic signatures provide a convenient, time- saving, and secure way of signing documents, and the City wishes to strengthen its criteria for using electronic signatures by way of a resolution adopted by Council; and

WHEREAS, the City wishes to provide reasonable assurance in the integrity, authenticity, and non-repudiation of electronic documents and records when electronic signatures and submissions are used and accepted; and

WHEREAS, the use of electronic signatures to conduct City business, where appropriate and permitted by law, will lessen administrative demands and improve efficiency;

WHEREAS, the value of electronic signatures has been proven during the COVID-19 public health emergency, when City business has been and continues to be largely conducted via remote technologies due to the Governor's Stay Home, Stay Safe Proclamation and subsequent orders; and

WHEREAS, the City Council desires to formally authorize the use of electronic signatures in conducting City business;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

Section 1. The City Council finds it to be in the public interest to allow the use of electronic signatures for City business to the fullest extent allowed by state and federal law. An electronic signature may be used with the same force and effect as a signature affixed by hand, subject to the limitations in this Resolution and state and federal law.

Section 2. The City Council authorizes the City Council, City Manager, City department directors and their designees to use electronic signatures in the use and acceptance of electronic signatures to conduct City of Olympia business so long as the following criteria is met:

1. The signature technology has been approved by the City Manager for use in conducting City of Olympia business.
2. The method of signing or the record itself adequately identifies the signer, for example, first and last name, title, agency or business.
3. The date of the signature, unless the electronic signature technology is self-auditing.
4. The method of signing adequately addresses the risks associated with using an electronic signature on the particular type of transaction in which the electronic signature is being used and that electronic signatures are not otherwise prohibited by law for that type of transaction.
5. The electronic signature method allows the City to access the signature and associated metadata in a way that allows the signature to be preserved in the record for compliance with the Public Records Act and records retention schedules.

Section 3. The use and acceptance of an electronic signature affirmed by an electronic record notary public is permitted if the notarization complies with the Revised Uniform Law on Notarial Acts, Chapter 42.45 RCW as presently enacted or hereafter amended.

Section 4. The use and acceptance of electronic signatures by the City of Olympia prior to the effective date of this Resolution that is consistent with its terms is hereby ratified and confirmed.

PASSED BY THE OLYMPIA CITY COUNCIL this 25th day of August 2020.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


DEPUTY CITY ATTORNEY