

City of Blaine
Request for Council Action
Meeting Date: April 27, 2020

Subject: Resolution 1814-20, Determining the City of Blaine will use and accept electronic records and electronic signatures.

Department: City Attorney

Prepared By: Jon Sitkin

This Action Is: Necessary and Routine COVID-19 Response

It is Necessary and essential to establish a process for individuals with signature authority to sign documents remotely without necessitating execution of documents in person.

It is Routine because approval of a delegation of authority to the City Manager is a matter that typically comes before the Board for approval as part of a regular procedure when necessary.

Agenda Location: Consent Agenda Council Action Unfinished Business

Attachments:

1. Resolution 1814-20, Determining the City of Blaine will use and accept electronic records and electronic signatures.

Background/Summary:

The Uniform Electronic Transactions Act (UETA) authorizes governmental agencies, including Cities, to determine whether they will accept, rely, process, or otherwise use electronic records and signatures. Using electronic records and electronic signatures can benefit the City of Blaine (City) by decreasing City reliance on paper transactions and physical documents, thereby saving time, reducing the costs associated with the conduct of City business.

Further, during the COVID-19 pandemic it has become necessary and essential to establish a process for individuals with signature authority to sign documents remotely without necessitating execution of documents in person.

This Resolution No. 1814-20 sets forth the City policy determination to use electronic records and electronic signatures as authorized by the UETA, and authorizes the City Manager to establish such policies in conformance with RCW 19.360.

No City Council member is required to allow the use of electronic signatures, but may elect to do so under this policy.

Budget Implications: Current Budget New Budget Request Non-Budgetary

It is anticipated that this measure will result in a cost savings to the City.

Recommendation:

Staff recommends City Council approve Resolution 1814-20, Determining the City of Blaine will use and accept electronic records and electronic signatures.

Reviewed By:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

RESOLUTION NO. 1814-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON DETERMINING THE CITY OF BLAINE WILL USE AND ACCEPT ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

WHEREAS, the Washington State Legislature passed and the Governor signed on March 18, 2020 Engrossed Substitute Senate Bill 6028, the Uniform Electronic Transactions Act (UETA); and,

WHEREAS, the UETA, Section 18, authorizes governmental agencies, including municipalities, to determine whether they will accept, rely, process, or otherwise use electronic records and signatures; and,

WHEREAS, the UETA repealed Chapter 19.360 Revised Code of Washington regarding municipal use of electronic records and signatures and replaced it with the provisions of the UETA authorizing municipalities to make this determination; and,

WHEREAS, using electronic records and electronic signatures can benefit the City of Blaine (City) by decreasing City reliance on paper transactions and physical documents, thereby saving time, reducing the costs associated with the conduct of City business, and enhance search capabilities; and,

WHEREAS, using electronic records and electronic signatures can benefit the City's citizens by improving and simplifying their access to, and ability to participate in, City business and government affairs; and,

WHEREAS, the City Council has determined that this action is Necessary and Routine under Governor Inslee's Stay Home Stay Healthy Proclamation and related Proclamations, including Proclamation No. 20-08, because:

- (1) it is Necessary and essential to establish a process for individuals with signature authority to sign documents remotely without necessitating execution of documents in person, and
- (2) it is Routine because approval of a delegation of authority to the City Manager is a matter that typically comes before the Board for approval as part of a regular procedure when necessary; and

WHEREAS, the City Council finds and determines using electronic records and signatures is in the best interests of the City and its citizens; and,

WHEREAS, this Resolution No. 1814-20 sets forth the City policy determination to use electronic records and electronic signatures as authorized by the UETA; and,

WHEREAS, the City staff is directed to develop procedures to implement this policy determination that are consistent with this Resolution and applicable law.

NOW THEREFORE, be it resolved by the City Council of the City of Blaine, Washington, as follows:

Section 1: Recitals.

The foregoing Recitals are expressly adopted herein.

Section 2: Authority.

The City Council has authority to enact this Resolution and make the findings and conclusions contained herein under the UETA (ESSB 6028) as the successor law to Chapter 19.360, Revised Code of Washington.

Section 3: Findings and Conclusions.

A. Based upon the record, the City Council specifically finds and concludes the City's use of electronic records and electronic signatures will benefit the City by:

1. Decreasing City reliance on paper transactions and physical documents, thereby saving time, reducing the costs associated with the conduct of City business, and enhance search capabilities; and,
2. Improving and simplifying the City's citizens' access to, and ability to participate in, City business and government affairs.

B. The foregoing findings and conclusions demonstrate the City's use of electronic records and electronic signatures are in the best interest of the City and its citizens.

C. Whenever the use of a written, affixed hand or "wet" signature created by a person to physically mark a document with the intent to sign a record, an electronic signature may be used with the same force and effect, except as may otherwise be required by law.

Section 4: Implementation.

In order to implement the City Council's intent pursuant to this Resolution, the City Manager is authorized to do the following:

A. Adopt any necessary administrative policies and/or procedures to implement this Resolution. The policies and/or procedures shall take into account, after giving due consideration to security, the following:

1. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.
2. The type of electronic signature required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by a person filing a document to facilitate the process;

3. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records; and

4. Any other required attributes for electronic records which are specified for corresponding nonelectronic records or reasonably necessary under the circumstances.

B. Investigate and use an electronic signature platform.

Section 5. Effective Date.

This Resolution shall become effective immediately under the authority provided to municipal governments under Chapter 19.360, Revised Code of Washington until June 11, 2020 in which time this Resolution shall continue in full force and effect under the authority of ESSB 6028, Uniform Electronic Transactions Act, which takes effect on June 11, 2020.

ADOPTED by the City Council for the City of Blaine at a regular meeting held this 27th day of April, 2020.

CITY OF BLAINE, WASHINGTON

Bonnie Onyon
Mayor

Attest/Authenticate:

Sam Crawford, City Clerk

Approved as to Form:

Jon Sitkin, City Attorney