

ORDINANCE NO. 2024-511

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADDING CHAPTER 2.30 ELECTRONIC SIGNATURES TO TITLE 2 ADMINISTRATION AND PERSONNEL OF THE LOS ALTOS MUNICIPAL CODE

WHEREAS, in 1995, California passed Government Code section 16.5, authorizing public entities, including cities, to accept a “digital signature” for any written communication, so long as the digital signature meets certain requirements and complies with regulations adopted by the Secretary of State; and

WHEREAS, regulations adopted by the Secretary of State in 1998 require a public entity, before accepting a digital signature, to ensure that: 1) the level of security used to identify the signer of a document is sufficient for the transaction being conducted, 2) the level of security used to transmit the signature is sufficient for the transaction being conducted, and 3) any certificate format used by the signer is sufficient for the security and interoperability needs of the public entity (2 Cal. Code Regs § 22005); and

WHEREAS, in 1999, California adopted a version of the Uniform Electronic Transactions Act (UETA) in Civil Code sections 1633.1 to 1633.17, giving electronic signatures the same legal effect as manual or “wet” signatures; and

WHEREAS, UETA applies broadly to “any action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs” (Civil Code, § 1633.2(o)) and transactions subject to UETA need not meet the specific requirements of Government Code section 16.5 and its implementing regulations (Gov. Code, § 16.5(e)); and

WHEREAS, the use of electronic signatures on legally binding documents has become increasingly prevalent in the private sector and is gaining prevalence among public agencies; and

WHEREAS, the benefits of allowing electronic signatures include reduced time, paper, and equipment costs associated with transmitting and approving physical documents; improved customer service and convenience to those performing transactions with the City; enhanced records management best practices; and the creation of an easily accessible audit trail for documents; and

WHEREAS, this Ordinance enables the use of electronic signatures on electronic records provided the signature is in accordance with UETA or Government Code section 16.5, as applicable and authorizes the City Manager or designee to determine the appropriate documents and technologies for which the City may use electronic signatures; and

WHEREAS, the City finds that the use of electronic signatures will allow the City to collect and preserve signatures on documents quickly and securely, will improve efficiency while saving costs associated with transmitting and approving physical documents, and will provide for better management of City records.

WHEREAS, the City Council held a duly noticed public meeting on March 12, 2024, and March 26, 2024; and

WHEREAS, this Ordinance is exempt from environmental review pursuant to Section 15061(b)(3) of the State Guidelines implementing the California Environmental Quality Act of 1970, as amended; and

NOW, THEREFORE, the City Council of the City of Los Altos does hereby ordain as follows:

SECTION 1. AMENDMENT OF TITLE 2 OF THE MUNICIPAL CODE. Chapter 2.30 are hereby added of the Los Altos Municipal Code as set forth in Appendix A to this Ordinance, underline indicates addition, strikethrough indicates deletion.

SECTION 2. CONSTITUTIONALITY; AMBIGUITIES. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions hereof. Any ambiguities in the Los Altos Municipal Code created by this Ordinance shall be resolved by the City Manager or designee, in their reasonable discretion, after consulting the City Attorney.

SECTION 3. PUBLICATION. This Ordinance shall be published as provided in Government Code Section 36933.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective upon the commencement of the thirty-first day following the adoption hereof.

The foregoing Ordinance was duly and properly introduced at a regular meeting of the City Council of the City of Los Altos held on March 12, 2024, and was thereafter, at a regular meeting held on March 26, 2024, passed and adopted by the following vote:

AYES: Dailey, Fligor, Lee Eng, Meadows, Weinberg

NOES:

ABSENT:

ABSTAIN:


Jonathan D. Weinberg, MAYOR

Attest:


Melissa Thurman MMC,
City Clerk

APPENDIX A
AMENDMENTS TO TITLE 2 OF THE LOS ALTOS MUNICIPAL CODE

Chapter 2.30 ELECTRONIC SIGNATURES

2.30.010 Purpose and Intent.

This chapter is intended to enable the city to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law. All use of electronic records, electronic signatures, and digital signatures by the city shall further be in accordance with the written policies and/or administrative regulations promulgated and amended from time to time by the city manager or designee

2.30.020 Definitions.

- A. "Electronic signature" has the same meaning as in Section 1633.2 of the California Civil Code.
- B. "Digital signature" has the same meaning as in Section 16.5 of the California Government Code.
- C. "Transaction" has the same meaning as in Section 1633.2 of the California Civil Code.
- D. "UETA" means the Uniform Electronic Transaction Act, commencing at Section 1633.1 of the California Civil Code.

2.30.030 Electronic and Digital Signatures Accepted.

- A. An electronic signature that conforms with this chapter and City policies constitutes a signature and shall have the same force and effect as the use of a manual signature using ink applied to paper.
- B. In any transaction with the City, in which the parties have agreed to conduct the transaction by electronic means, the City may use and accept an electronic signature, if the electronic signature complies with the UETA.
- C. In any written communication with the City, in which a signature is used or required, the City may use or accept a digital signature, if the digital signature complies with Section 16.5 of the California Government Code.
- D. The City may use electronic signatures on ordinances and resolutions.
- E. The City may use electronic signatures on any public meeting materials, which include but are not limited to agendas, meeting minutes, and notifications.
- F. The City Manager or designee shall determine the documents for which the City may use and accept electronic or digital signatures in accordance with state law and this chapter.

2.30.040 Accepted Technologies.

The City Manager or designee shall determine acceptable technologies and vendors under this section to ensure the security and integrity of any data and signatures. In determining which technologies and vendors are acceptable for digital signatures, the City Manager or designee shall comply with all applicable laws and regulations.

including but not limited to ensuring that the level of security used to identify the signer of a document and the level of security used to transmit the signature are sufficient for the transaction being conducted.