

## **ORDINANCE NO. 2020-**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ADDING CHAPTER 2.52 (ELECTRONIC SIGNATURES) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE LAKE ELSINORE MUNICIPAL CODE RELATING TO ELECTRONIC AND DIGITAL SIGNATURES ON DOCUMENTS USED AND ACCEPTED BY THE CITY OF LAKE ELSINORE**

**WHEREAS**, electronic signature technology allows the City of Lake Elsinore to collect and preserve signatures on documents quickly, securely, and efficiently; and

**WHEREAS**, the City of Lake Elsinore desires to amend the Lake Elsinore Municipal Code to add a new Chapter relating to electronic signatures.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Chapter 2.52 of the Lake Elsinore Municipal Code is hereby adopted to read as follows:

#### **“Chapter 2.52- Electronic and Digital Signatures”**

##### **Section 2.52.010 Definitions**

The following definitions apply to this chapter:

Electronic record has the same meaning as in California Civil Code section 1633.2.

Electronic signature has the same meaning as in California Civil Code section 1633.2.

Digital signature has the same meaning as in California Government Code section 16.5.

UETA means the Uniform Electronic Transactions Act, commencing at California Civil Code section 1633.1.

##### **Section 2.52.020 Use of Electronic and Digital Signatures**

A. 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 California Government Code section 16.5.

B. This chapter is intended to enable the City to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law, and does not limit the City's ability to use electronic records, electronic signatures, or digital signatures in any way. All use of electronic records, electronic signatures, and digital signatures by the City shall be in

accordance with City administrative policies and procedures, as may be designated and amended from time to time by the City Manager.

C. Any use of electronic records, electronic signatures, and digital signatures by the City that is not in accordance with this chapter and City administrative policies and procedures, or any unauthorized signing of any contract, record, or other document, shall render such contract, record, or other document invalid as not fully and properly executed by the City.

D. Authority to sign or execute contracts, records, or other documents via electronic signatures or digital signatures may be delegated by the City Manager to City department directors. The act of delegation of signature authority by the City Manager to a City department director must be memorialized in writing, including, but not limited to, memorandum, City form, e-mail, or delegation process recorded within electronic signature software.

**Section 2. CEQA - EXEMPTION.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(5), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

**Section 3. Effective Date.** This Ordinance shall take effect 30 days after its adoption.

**Section 4. Severability.** . If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

**Section 5. Certification.** The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published as required by law.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Lake Elsinore, California, on this \_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Brian Tisdale  
Mayor

**Attest:**

\_\_\_\_\_  
Candice Alvarez, MMC  
City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE    ) ss.  
CITY OF LAKE ELSINORE    )

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Ordinance No. 2020-\_\_\_\_ was introduced at the Regular meeting of the City Council of \_\_\_\_\_, 2020 and adopted by the City Council of the City of Lake Elsinore, California, at the Regular meeting of \_\_\_\_\_, 2020 and that the same was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Candice Alvarez, MMC  
City Clerk