

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN ENACTING
CHAPTER 2.62 ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

WHEREAS, electronic record and signature technology allows the City of Rocklin to collect, process, and preserve documents and signatures on documents quickly, securely, and efficiently; and

WHEREAS, the legality and use of electronic signatures are governed by the California Uniform Electronic Transactions Act and the U.S. Federal Electronic Signatures in Global and national Commerce Act; and

WHEREAS, pursuant to California Government Code section 16.5, the City may elect to use a digital signature and may accept a digital signature from another party, for any written communications with the City; and

WHEREAS, the conditions under which the City of Rocklin will accept digital signatures on City documents shall comply with the requirements below, pursuant to California Government Code section 16.5 and Title 2, Division 7, Chapter 10 of the California Code of Regulations.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROCKLIN DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to enact Chapter 2.62 to provide for the use and acceptance of electronic records and electronic signatures.

Section 2. Authority. This ordinance is enacted under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code section 37100.

Section 3. Enact. Chapter 2.62 of Title 2 of the Rocklin Municipal Code authorizing electronic records and electronic signatures is hereby enacted as follows:

2.62 Electronic Records and Electronic Signatures

Sections:

- 2.62.010 Definitions
- 2.62.020 Purpose
- 2.62.030 Use of Electronic Records and Signatures

2.62.010 Definitions

For the purposes of this Chapter, the following definitions apply:

- A. "Electronic Record" has the same meaning as in section 1633.2 of the California Civil Code, as may be amended.

- B. "Electronic Signature" has the same meaning as in section 1633.2 of the California Civil Code, as may be amended.
- C. "Digital Signature" has the same meaning as in section 16.5 of the California Government Code, as may be amended.
- D. "UETA" means the Uniform Electronic Transmissions Act, commencing at section 1633.1 of the California Civil Code.

2.62.020 Purpose

The use of electronic records and signatures will enhance the quality of documents, increase efficiency, and provide sound citywide records management. The City desires to use electronic records, electronic signatures, and digital signatures to the fullest extent allowed by law.

2.62.030 Use of Electronic Records and 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 section 16.5 of the California Government Code.
- B. This section 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.

Section 4. Effective Date. This Ordinance shall take effect 30 days after the date of its adoption.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 6. Publication. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the *Placer Herald*. In lieu of publishing the full text of the

ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the *Placer Herald*, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on December 14, 2021, by the following vote:

AYES:	Councilmembers:	Broadway, Gayaldo, Halldin, Janda, Patterson
NOES:	Councilmembers:	NONE
ABSENT:	Councilmembers:	NONE
ABSTAIN:	Councilmembers:	NONE

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on January 14, 2022, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Bill Halldin, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

First Reading:	December 14, 2021
Second Reading:	January 11, 2022
Effective Date:	, 2022