

## RESOLUTION NO. 1467

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, AUTHORIZING THE USE OF ELECTRONIC SIGNATURES AND REMOTE NOTARIZATION IN CONDUCTING CITY BUSINESS; AND ADOPTING AN ELECTRONIC SIGNATURE AND REMOTE NOTARIZATION POLICY.

WHEREAS, in Chapter 19.360 RCW, the Washington State Legislature, to the extent not already authorized by federal or state law, authorized municipalities in Washington to utilize electronic signatures in the conduct of governmental affairs and transactions; and

WHEREAS, in March 2020, through Engrossed Substitute Senate Bill 6028, now codified at Chapter 1.80 RCW, the Washington State Legislature repealed Chapter 19.360 RCW and adopted the Uniform Electronic Transactions Act, effective June 11, 2020, which is intended to facilitate the use of electronic transactions consistent with other applicable law, and to bring consistency to reasonable practices concerning electronic transactions; and

WHEREAS, RCW 1.80.010 defines “electronic signature” 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, RCW 1.80.010 defines “electronic record” as “a record created, generated, sent, communicated, received, or stored by electronic means”; and

WHEREAS, RCW 1.80.060 provides that “[a] record or signature may not be denied legal effect or enforceability solely because it is in electronic form; a contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation; if a law requires a record to be in writing, an electronic record satisfies the law; and if a law requires a signature, an electronic signature satisfies the law”; and

WHEREAS, RCW 1.80.100 provides that “[i]f a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record”; and

WHEREAS, electronic signatures and remote notarization provide a convenient, time-saving, and secure way of signing documents, and the use of such procedures, where appropriate and permitted by law, will lessen administrative demands and improve efficiency; and

WHEREAS, the value of electronic signatures and the need for remote notarization has been proven during the COVID-19 pandemic, 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, for these reasons, the City desires to leverage technology solutions which are in compliance with the Uniform Electronic Transactions Act to apply notarized electronic signatures to legally enforceable electronic records as allowed by Chapter 1.80 RCW; and

WHEREAS, the method and process for electronic submissions and the use of electronic signatures must be established by ordinance, resolution, policy or rule, and the City wishes to establish a policy for using electronic signatures and remote notarization by way of a resolution adopted by Council; and

WHEREAS, the City Council desires to adopt a policy to provide reasonable assurance of the integrity, authenticity, and non-repudiation of electronic records when electronic signatures and submissions are used and accepted and to formally authorize the use of electronic signatures and remote notarization in conducting City business; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

1. Recitals. The foregoing recitals are incorporated and fully made a part of this Resolution.
2. Public Interest. The City Council finds it to be in the public interest to allow the use of electronic signatures and remote notarization for City business to the fullest extent allowed by law.
3. Adoption of Policy. City Council hereby adopts the Electronic Signature and Remote Notarization Policy attached hereto as Exhibit A.
4. Ratification of Prior Signatures. The use and acceptance of electronic signatures by the City prior to the effective date of this Resolution that is consistent with its terms is hereby ratified and confirmed.
5. Severability. If any one or more section, subsections, or sentences of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect.
6. Effective Date. This Resolution and policy shall take effect immediately.

**RESOLVED** this 16<sup>th</sup> day of March, 2021.

APPROVED:

  
MAYOR, MIKE NELSON

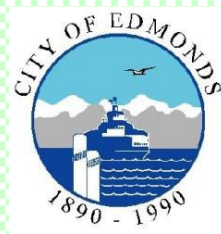
ATTEST/AUTHENTICATED:

  
CITY CLERK, SCOTT PASSEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO.:

March 12, 2021  
March 16, 2021  
1467

# **City of Edmonds**



## **Electronic Signature and Remote Notarization Policy**

**March 16, 2021**

**Resolution # 1467**

# City of Edmonds Electronic Signature and Remote Notarization Policy

## **Policy Statement**

The Washington State Uniform Electronic Transactions Act, Chapter 1.80 RCW, authorizes the electronic execution and remote notarization of City documents. Streamlining processes that require wet signatures and replacing them with electronic signatures, and remote notarizations when necessary, is consistent with the intent of this law to promote electronic transactions and remove barriers that might prevent the use of electronic transactions by governmental entities. By transitioning to a policy of executing documents electronically/remotely, the City will reduce its reliance on paper-based transactions and will further improve information security and sharing. Further, such transition will facilitate more efficient approval of and access to documents and reduce both costs and environmental impact.

## **Reason for Policy**

The intent of this policy is to establish procedures for the acceptance, submission, and retention of electronic signatures and for the remote notarization of documents, as necessary, in compliance with State law. The guidelines set forth in this policy apply to the use of any electronic signature provider, such as DocuSign; any video conferencing provider, such as Zoom; and any other similar platform used to obtain such services.

## **Who Must Comply**

This policy is applicable to all City departments, employees, volunteers, and officials.

## **References**

Chapter 1.80 RCW	Uniform Electronic Transactions Act
15 U.S.C. Ch. 96	Electronic Signatures in Global and National Commerce Act
WA Senate Bill 5641	Notary Laws
RCW 42.45.280	Electronic Records Notary Public
Proclamation 20-27 (as amended or extended)	Electronic Notary Proclamation Amending Proclamation 20-05

## **Definitions**

**Electronic signature:** 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.

**Notary:** An individual with the authorization to execute specific legal formalities, such as witnessing signatures on documents.

**Record:** Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

**Remote notarization:** A form of notarization where the signer appears before the notary at the time of notarization using audio-visual technology, as opposed to being in the room physically.

**Wet signature:** A signature created in person when the signer physically marks a document.

All other definitions set forth in RCW 1.80.010 shall also apply to this policy.

## **Responsibilities**

It is the responsibility of all City of Edmonds employees, elected officials, and volunteers to ensure that they adhere to the electronic signature and remote notary procedures outlined in this policy to provide reasonable assurance of authenticity and accuracy when using electronic documents.

## **Transmission and Storage of Electronic Transactions and Signatures**

Electronically signed electronic records shall be stored in such a way as to ensure their preservation, disposition, integrity, security, confidentiality, and auditability.

Electronic records shall be transmitted only via secure services including, but not limited to, email, drop box, and cloud-based electronic signature platforms.

## **ELECTRONIC SIGNATURE POLICY**

1. The City of Edmonds recognizes electronic signatures as legally binding and equivalent in nature to wet signatures.
2. The City of Edmonds authorizes electronic signature platforms, such as DocuSign, to be utilized in applying electronic signatures to City documents.
3. Any electronic signature platform used by the City of Edmonds is authorized to apply electronic signatures to any contracts or other documents to which the City of Edmonds is a party, including but not limited to City Council, Board or Commission actions or meeting minutes, Resolutions and Ordinances adopted or passed by the City Council, and claim vouchers approved by the City Council.
4. Electronic signatures may be used on City records requiring execution by a third party.
5. Electronic signatures may be applied using other electronic signature tools, such as Adobe, for documents such as internal city documents.
6. Electronic signatures may not be applied using another employee's name. Any employee or official applying an electronic signature shall use his or her own name.
7. If an electronic or digital signature is used for interstate transactions or for documents required by the US Federal government, the signature shall comply with the requirements of the Electronic Signatures in Global and National Commerce Act.
8. This policy does not impact the use or legitimacy of wet signatures.
9. A City document that is required by law to be signed in non-electronic media may not be electronically signed.

## **ELECTRONIC SIGNATURE PROCEDURES**

1. A limited number of individuals are permitted to route documents for signatures between the City and outside organizations. The City Clerk determines who may use this tool for signatures that bind the City.

The City Clerk will develop procedures for using electronic signature platforms, such as DocuSign; for establishing an approved list of individuals who may route documents for official signatures; and for the retention of electronically signed/notarized documents.

The City Clerk will work with City Departments to support electronic signatures with software programs, such as Adobe, for internal signature processes.

2. Process.

- a. If you receive a document from an electronic signature platform, such as DocuSign, that requires an electronic signature, select the “review document” or equivalent option.
- b. Once the document opens, review the contents of the document fully. When you are satisfied that you have the authority to sign the document, and that you agree to comply fully with the obligations of the document, you may proceed to take the steps required by the platform to apply your electronic signature to the document.
- c. Once you have applied your electronic signature to a document, take the steps required by the platform to return the signed document to the original sender.
- d. Alternatively, you may decline to sign a document, or just not proceed. If you would like assistance, you may contact the City Clerk or the City Attorney.

**REMOTE NOTARIZATION POLICY**

1. The City of Edmonds recognizes remote notarization as legally binding and equivalent in nature to electronic notarization and physical notarization.
2. The City authorizes the use of remote notarization platforms, such as DocuSign, in conjunction with audio-visual platforms, such as Zoom, to notarize City documents.
3. Any remote notarization platform and any audio-visual platform used by the City is authorized to remotely notarize any contracts to which the City of Edmonds is a party.
4. Per RCW 42.45.280, a remotely located individual must personally appear for the notarial act using communication technology and must be identified by the notary public using at least two forms of valid identification.
5. A notary public must have an electronic notary endorsement and remote online notary (RON) authority prior to performing remote notarial acts.
6. A notary public must retain an audio-visual recording of the notarial act as outlined in RCW 42.45.280.
7. Per WAC 308-30-220, the maximum fee that a notary may charge for witnessing or attesting to a signature, taking an acknowledgement or a verification upon oath or affirmation, certifying or attesting a copy, administering an oath or affirmation or certifying that an event has occurred or an act has been performed is \$10.
8. This policy does not impact the use or legitimacy of electronic or physical notarization.



## **REMOTE NOTARIZATION PROCEDURES**

### 1. Notary to Obtain Authorization.

- a. Apply for a remote online notary (RON) authority by sending an email to the Washington Department of Licensing notary group at [notaries@dol.wa.gov](mailto:notaries@dol.wa.gov).
- b. In the subject line, place "Remote Online Notary Endorsement Application" and in the body of the email, include your name, your notary license number, and the date that you applied for the electronic notary endorsement.

### 2. Notarization Process.

- a. The online notarization process begins when a sender prepares a document to send to the signer and the notary.
- b. After receiving the document, the notary schedules a remote audio-visual conferencing session with the signer.
- c. When the audio-visual conferencing session begins, the notary will start recording the session.
- d. Once the recording has begun, the notary will confirm the identity of the signer.
- e. After the signer's identity has been verified, the notary will share their screen to begin the signing portion of the process.
- f. The notary will indicate through the platform that they are witnessing a signature.
- g. The notary will then grant the signer control of the session to proceed with affixing their signature to the document.
- h. Once the signer has finished signing the document, they will notify the notary that they have signed, and the notary will then take back control of the session.
- i. The notary then stops sharing the audio-visual conferencing session and regains control of the session.
- j. The notary then completes the platform's processes to confirm the signer's identity.
- k. The notary then applies their electronic notarial stamp to the appropriate location of the document.
- l. If needed, the notary can also attach a notarial certificate.
- m. The notary then undertakes the platform's required processes to complete the remote notarization process.
- n. Once the remote notarization process has been completed, the notary will retain the recording and any relevant documentation in a secure area for the allotted length of time listed on the records retention schedule.