

COUNTY OF SHASTA		Number
ADMINISTRATIVE MANUAL		4-204
SECTION:	Information Technology	Acceptance and Use of Electronic Signatures and Digital Signatures
INITIAL ISSUE DATE:	April 21xx , 202 <u>20</u>	
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The Board of Supervisors recognizes that, due to available technology, communications, agreements and other documents are frequently composed and executed within an electronic system. In order to utilize the available technologies to improve County efficiencies the Board of Supervisors hereby establishes the following procedures for the use of digital signatures:

I. USE OF FACSIMILE SIGNATURE

The use of a facsimile signature or signature transmitted by pdf of the Chairperson of the Board ~~or signature of the Chairperson of the Board transmitted by pdf~~ is authorized for use on all copies of resolutions, orders, ordinances, letters, contracts, minutes, and records of this Board, upon which the Chairperson ~~has~~ been authorized, empowered or instructed to sign by order or resolution of the Board, or by ordinance or statute. The eChairperson may delegate the affixing of his/her facsimile signature or digital signature to the Clerk of the Board of Supervisors or his/her duly qualified deputies, by executing a document approved as to form by the County Counsel reciting the delegation and setting forth what shall be considered his/her signature.

II. DIGITAL OR ELECTRONIC SIGNATURES

1. DEFINITIONS

A. Electronic signature means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record. The Uniform Electronic Transaction Act (UETA) authorizes use of an electronic signature for transactions and contracts where at least one among parties is located in California, including a government agency (Cal. Civ. Code §1633.1-1633.17) (for the purposes of this policy that one party in California shall be Shasta County), and the contract has a choice of law provision indicating that the interpretation of the contract is to be in accordance with California law.

~~in California, including a government agency. (Cal. Civ. Code §1633.1-1633.17)~~

B. Digital signature means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (~~h~~) of Section 1633.2 of the Civil Code.

2. DIGITAL SIGNATURES

The Uniform Electronic Transaction Act (UETA) authorizes use of an electronic signature for transactions and contracts among parties in California, including a government agency,

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when both parties agree to its use. (Cal. Civ. Code Section 1633.1 – 1633.17). The electronic signature must be supported by evidence that the signature is the act of the intended person. An agreement executed with an electronic signature has the same legal enforceability as a wet signature, subject to documents that are exempt.

A digital signature is a type of electronic signature with strict security requirements that may be used to execute certain written communications and agreements with the County if it satisfies the requirements found in Cal. Gov. Code § 16.5, et. seq. and Title 2, division 7 Chapter 10 of the California Code of Regulations. (2 CCR §2200022005)

The signatures must be:

1. Unique to the person using it;
2. Capable of verification;
3. Under the sole control of the person using it; and
4. Must be linked to the data in such a way that if the data is changed the signature will be invalidated.

III. PROCEDURES FOR USE OF ELECTRONIC OR DIGITAL SIGNATURES

- A. System Approval: The system used for the creation of the electronic signature must be approved by County of Shasta Information Technology Department and in accordance with state law.

Express Agreement: When the parties to an agreement desire to use electronic signatures for executing the agreement, a term shall be included in the agreement to memorialize the use of electronic signatures for the agreement or substantially similar language provided County Counsel determines that execution of the document electronically complies with the California Uniform Electronic Transaction Act (CUETA). Absent such terms in an agreement, the agreement must have a wet signature.

- B. Submission for Approval and Execution: Once the electronic agreement is complete and has been digitally signed by the duly authorized representative of the other parties, it may be submitted for execution by the Board of Supervisors or the individual who has the delegated authority to bind the County for that contract type.
- C. Retention: The executed electronic agreement must be maintained pursuant to the Administrative Policy 1-500, *Records Retention Schedules*, or statute within a County

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approved secure retention process. The secure method of retention of the final agreement must lock the document, preventing any changes to the final executed agreement.

IV. CHANGE OR ERROR IN ELECTRONIC RECORD

If a change is needed or an error is being corrected within the electronic record of the fully executed agreement, those actions will comply with the requirements of Cal. Civ.Code § 1633.10 or will be addressed through a contract amendment.

V. EXEMPTIONS

Electronic signatures may not be used in all situations. Documents that may not be completed using electronic signature include, but are not limited to:

1. Laws governing the creation and execution of wills, codicils, or testamentary trusts;
2. Certain transactions governed by the Uniform Commercial Code; laws requiring specifically that identifiable text or disclosures in a record or portion of a record be separately signed, including initialed, from the record; and
3. Certain transactions governed by the Business and Professions Code. (Cal. Civ. Code § 1633.3)

A list of documents that may not be signed with an electronic or digital signature pursuant to statute is incorporated herein as Attachment 1.

RESPONSIBLE DEPARTMENTS

Information Technology
County Counsel
County Administrative Office

REFERENCES

[BOS Policy Resolution No. 2022-xx – xx/xx/22](#)
BOS Policy Resolution No. 2020-01—04/21/20

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ATTACHMENT I
LIST OF EXCLUDED DOCUMENTS

1. Civil Code

- a. Creation and execution of wills, codicils, or testamentary trusts (Civil Code §1633.3(b)(1).)
- b. Documentation required for the foreclosure of a mortgage or deed of trust (Civil Code, §§ 2924b, 2924c, 2924f, 2924i, 2924j, 2924.3, and 2937.)
- c. When a law requires that specifically identifiable text or disclosures must be signed or initialed separately. (Civil Code § 1633.3(b)(4).)
- d. Requests to obtain medical information (Civil Code § 56.11.)
- e. Genetic test results (Civil Code § 56.17.)
- f. Notices related to the Mobile Home Residency Law (Civil Code § 798.14.)
- g. Notice of Blanket Encumbrance on Real Property (Civil Code § 1133.)
- h. Statement of Defects in a transfer of real property (Civil Code § 1134.)
- i. Cancellation or Rescission of a home solicitation contract or offer (Civil Code §§ 1689.6, 1689.7, 1689.13.)
- j. Home Equity Sales Contracts (Civil Code § 1695.)
- k. Debit or credit obligations (Civil Code § 1720.)
- l. Consumer Credit Reporting Agencies documents (Civil Code §§ 1785.15, 1789.14, 1789.16, or 1793.23.)
- m. Retail Installment Contracts (Civil Code § 1801 et seq.)
- n. Notices for sales from non-payment of judgement or unclaimed property (Civil Code §§ 1861.24, 1862.5.)
- o. Loans (Civil Code §§ 1917.712, 1917.713.)
- p. Rental applications with credit reports and notices (Civil Code §§ 1950.6, 1983.)
- q. Liens on Vehicles (Civil Code § 3017.5.)
- r. Common Interest Developments (Civil Code § 4000.)
- s. Commercial and Industrial Common Interest Developments (Civil Code §\6500.)

2. Uniform Commercial Code: Documents described in Division 1, 3, 4, 5, 8, 9, and 11 of the Uniform Commercial Code.

- a. Transactions subject the General Provisions, Division 1 of the UCC commencing with § 1101
- b. Negotiable Instruments subject to Division 3 of the UCC commencing with §3101
- c. Bank Deposits and Collections subject to Division 4 of the UCC commencing with § 4101
- d. Letters of Credit subject to Division 5 of the UCC commencing with § 5101
- e. Investment Securities subject to Division 8 of the UCC commencing with §8101
- f. Secured Transactions subject to Division 9 of the UCC commencing with §9101
- g. Funds Transfers subject to Division 11 of the UCC commencing with § 11101

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3. Telephone solicitation (Business and Professions Code §17511.5.)
4. Financial Code
 - a. Certain Provisions of Premium Finance Agreements/ right to cancel (Financial Code § 18608 (b).)
 - b. Liens on moto vehicles and disposition of repossessed vehicles (Financial Code §22328.)
5. Health Care Service Plan documents (Health and Safety Code §§ 1358.15, 1365, 1368.01, 1368.1, 1371, 18035.5.)
6. Individual and group disability policies (Insurance Code §786.)
7. Termination of utility service for nonpayment. (Public Utilities Code §§ 779.1, 10009.1, 10010.1, 12823.1, 16482.1.)
8. Brokering agreements for manufacturers, transporters and dealers of vehicles (Vehicle Code §11738.)
9. Any notice that is required to be sent when obtaining possession of Real Property (Code of Civil Procedure §1162.)