**Adopted by the Board of Supervisors on October 6, 2020; Resolution No. 2020-124**

**NAPA COUNTY ELECTRONIC SIGNATURE POLICY**

# I. SUMMARY/PURPOSE

In order to improve government efficiency, reduce paper usage, and maintain safe social distancing, Napa County has established a pilot program for the use of electronic signatures in lieu of wet signatures. This policy establishes guidelines for the acceptable use of electronic signatures for County-related business as part of this pilot program.

The guidelines provided in this policy are the minimum standards required for the acceptance of electronic signatures when a wet signature is not required by any other federal, state, or local law, or any County policy or other established procedure. Nothing in this policy prohibits a County department head, with the consent from the County Executive Officer, from requiring a wet signature or a higher standard of electronic verification if the department head believes such higher security is necessary or prudent. A department head, with consent from the County Executive Officer in consultation with County Counsel and the Director of Information Technology Services, may accept or authorize the acceptance of an electronic signature when, in the department head’s discretion, the circumstances surrounding the transaction address authentication and security concerns.

This policy does not alter or expand the signatory authority of any County official or employee. This policy does not affect any agreements or documents for which an electronic signature was accepted before this policy went into effect.

# II. DEFINITIONS

“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. (Civil Code § 1633.2(h).) Electronic signature shall include facsimile signatures created using an electronic means, such as an electronic pad, tablet computer, or similar device.

“Digital signature” means a type of electronic signature that consists of 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, that embodies the following attributes:

* It is unique to the person using it;
* It is capable of verification;
* It is under the sole control of the person using it;
* It is linked to data in such a manner that if the data are changed, the digital signature is invalidated; and
* It conforms to regulations adopted by the Secretary of State, available at <https://www.sos.ca.gov/administration/regulations/current-regulations/technology/digital-signatures/>.

(Govt. Code § 16.5.)

“Wet signature” or “manual signature” means a physical mark created by a person using ink.

# III. POLICY

A. Requirements for Use of Electronic Signatures

County department heads shall only accept or use electronic signatures if they comply with the following requirements:

1. Intent to Sign

Electronic signatures are only legally binding if all parties to the agreement agree and intend to sign and execute the agreement using electronic signatures.

 2. Transmission and Storage Ability

The County must be capable of accepting the transmission of the electronically signed document and storing it in a secure manner to prevent alteration.

 3. Documentation of Intent and Agreement

The agreement intending to be signed with electronic signatures must contain the following term within the terms of the agreement:

**Electronic Signatures and Counterparts.** By executing this Agreement, all Parties consent and agree that any electronic signature, as defined by Civil Code § 1633.2(h), affixed thereon shall have the full force and effect as a wet or manual signature. The Parties also agree that this Agreement may be executed in counterparts, and all such counterparts shall together constitute one and the same Agreement.

B. Digital Signature Certification Authorities

Digital signatures shall only be accepted if they are provided utilizing one of the digital signature certification authorities authorized by the California Secretary of State. A list of such authorities is available at <https://www.sos.ca.gov/administration/regulations/current-regulations/technology/digital-signatures/approved-certification-authorities/>.

**C. Classes of Documents for Which Electronic Signatures are Permitted and Prohibited**

 The County Executive Officer shall maintain a document containing the following lists:

1. Classes of Documents Permitted by the County Executive Officer for Electronic Signatures; and

 2. Classes of Documents for Which Electronic Signatures are Prohibited.

The County Executive Officer shall have the authority to add or remove classes of documents from the lists.