

..Title

Acceptable Forms of Signature – For the purpose of authorizing use of automated or computer generated electronic or digital signatures for certain official City documents; authorizing the City Manager to delegate signature authority for certain contracts; providing certain definitions; and generally relating to signatures.

..Body

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 35-21

**Introduced by: Mayor Buckley
Co-sponsored by:**

**Referred to
Finance Committee
Rules and City Government Committee
90 day Rule: _____**

AN ORDINANCE concerning

Acceptable Forms of Signature

FOR the purpose of authorizing automated or computer generated electronic or digital signatures for certain official City documents; authorizing the City Manager to delegate signature authority for certain contracts; providing certain definitions; and generally relating to signatures.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2021 Edition
1.04.020
6.08.270

BY adding the following portions to the Code of the City of Annapolis, 2021 Edition
1.04.025

WHEREAS, the City of Annapolis is modernizing its processes and procedures to keep pace with the current practices of businesses and organizations with which the City transacts business on a regular basis; and

WHEREAS, the ability to accept electronic signatures on official papers and governmental documents is required for the City's new processes and procedures and has the potential to increase the efficiency and quality of public services; and

WHEREAS, the Maryland Code Annotated, Commercial Law Article, Section 21-117, *et seq.*, expressly authorizes municipalities to use electronic signatures with appropriate

1 security standards in place of traditional ink signatures for all official documents;
2 and
3

4 **WHEREAS,** the City intends to make use of, and accept as valid, electronic and digital signatures
5 for official documents, as necessary and appropriate.
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8 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
9 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:
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11 **Title 1 - GENERAL PROVISIONS**

12 **Chapter 1.01 - CODE ADOPTION**

13 **Section 1.04.020 Definitions.**
14

- 15 A. In the interpretation and construction of this code, all words, other than those specifically
16 defined in this section or specifically defined elsewhere in the Charter of the City or in this
17 code, have the meanings or definitions ordinarily ascribed to them as set forth in Webster's
18 Third New International Dictionary (1981 Edition), unless any such meaning or definition is
19 inconsistent with the acts of the legislature, the decisions of the courts of the State, law or with
20 the manifest intent of the City Council, or the context clearly requires otherwise.
- 21 B. For the purpose of this code, the following words and phrases shall have the meanings
22 respectively ascribed to them:
- 23 1. "Alderman" or "Alderwoman" means a member of the Annapolis City Council. Each
24 member of the City Council may be referred to in a gender-specific fashion.
 - 25 2. "Annual" means a calendar year, unless otherwise expressed.
 - 26 3. "City" or "this City" means the City of Annapolis, in the County of Anne Arundel and
27 State of Maryland, except as otherwise provided.
 - 28 4. "City Council" or "the council" means the body consisting of the Mayor, aldermen and
29 alderwomen.
 - 30 5. "County" or "the County" means Anne Arundel County, in the State of Maryland.
 - 31 6. "Department director" or "the director" means the chief executive officer of each
32 department of the City.
 - 33 7. "DIGITAL SIGNATURE" MEANS A TYPE OF ELECTRONIC SIGNATURE
34 THAT HAS ADDED SECURITY TO ENSURE THE IDENTITY OF THE SIGNER,
35 AS WELL AS THE INTEGRITY AND AUTHENTICITY OF THE SIGNED
36 DOCUMENT.
 - 37 8. "ELECTRONIC" MEANS TECHNOLOGY HAVING ELECTRICAL, DIGITAL,
38 MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR SIMILAR
39 CAPABILITIES.
 - 40 9. "ELECTRONIC SIGNATURE" MEANS AN ELECTRONIC SYMBOL, SOUND,
41 OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH A
42 RECORD AND EXECUTED OR ADOPTED BY AN INDIVIDUAL WITH THE
43 INTENT TO SIGN THE RECORD.
 - 44 10. "HANDWRITTEN SIGNATURE" MEANS THE SIGNER'S ORIGINAL GENUINE
45 SIGNATURE ON A PAPER DOCUMENT.
 - 46 11. "May not" has a mandatory negative effect and establishes a prohibition.

- 1 ~~8~~12. "Mayor, aldermen and alderwomen" means the Mayor, aldermen and alderwomen of
 2 the City, otherwise known as the City Council.
 3 ~~9~~13. "Month" means a calendar month.
 4 ~~10~~14. "Oath" includes an affirmation, and "sworn" includes "affirmed."
 5 ~~11~~15. "Or" may be read "and" and "and" may be read "or," if the sense requires it.
 6 ~~12~~16. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in
 7 common, tenant by the entirety, tenant in partnership or joint tenant of the whole or a
 8 part of such building or land.
 9 ~~13~~17. "Person" means any individual, partnership, club, corporation, organization, joint stock
 10 association or other entity, or any City or State or any subdivision thereof, and includes
 11 any agent, trustee, receiver, assignee or personal representative thereof.
 12 ~~14~~18. "Personal property" includes every species of property, except "real property" as
 13 defined by this section.
 14 ~~15~~19. "Preceding" and "following" means next before and next after, respectively.
 15 ~~16~~20. "Property" includes real and personal property.
 16 ~~17~~21. "Real property" includes lands, tenements and hereditaments and embraces all chattels
 17 real.
 18 ~~18~~22. "Sidewalk" means that portion of a street between the curblin and the adjacent
 19 property line intended for the use of pedestrians.
 20 23. "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A
 21 RECORD, TO:
 22 (I) EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR
 23 (II) ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN
 24 ELECTRONIC OR DIGITAL SYMBOL, SOUND, OR PROCESS.
 25 ~~19~~24. "Signature" ~~or "subscription"~~ means: A TANGIBLE SYMBOL EVIDENCING THE
 26 SIGNING OF A RECORD; including
 27 (I) a mark when the person cannot write, the person's name being written near it and
 28 witnessed by a person who writes his or her own name as witness; AND
 29 (II) AN ELECTRONIC SIGNATURE.
 30 ~~20~~25. State: The words "the State" or "this State" mean the State of Maryland.
 31 ~~21~~26. "Street" means the entire width between property lines of every way or place of
 32 whatsoever nature when any part thereof is open to the use of the public as a matter of
 33 right for purposes of vehicular traffic.
 34 ~~22~~. ~~"Written" and "in writing" include printing and any other mode of representing words~~
 35 ~~and letters, but when the written signature of any person is required by law to any~~
 36 ~~official or public writing or bond required by law, it shall be the proper handwriting of~~
 37 ~~such person, or in case the person is unable to write, by that person's proper mark.~~
 38 ~~22~~27. "Year" means a calendar year, unless otherwise expressed.

SECTION 1.04.025 – SIGNATURES.

- A. IN ANY WRITTEN COMMUNICATION OR CONTRACT BY OR WITH THE CITY, IN WHICH A SIGNATURE IS REQUIRED OR USED, THE CITY MAY AUTHORIZE THE USE OF AN ELECTRONIC SIGNATURE BY ANY PARTY, SO LONG AS THE SIGNATURE PROVIDED THEREBY COMPLIES WITH ALL CITY REQUIREMENTS.

1 B. THE USE OF AN ELECTRONIC SIGNATURE COMPLIANT WITH THIS SECTION
2 SHALL HAVE THE SAME FORCE AND EFFECT AS A HANDWRITTEN SIGNATURE.

3
4 C. THE CITY MANAGER SHALL DETERMINE ACCEPTABLE TECHNOLOGIES AND
5 VENDORS TO PROVIDE THE MEANS FOR EMPLOYING ELECTRONIC
6 SIGNATURES CONSISTENT WITH INDUSTRY BEST PRACTICES TO ENSURE THE
7 SECURITY AND INTEGRITY OF THE DATA AND THE SIGNATURE. FURTHER,
8 THE CITY MANAGER SHALL DETERMINE THE DOCUMENTS FOR WHICH THE
9 CITY WILL ACCEPT ELECTRONIC SIGNATURES AND MAY DELEGATE THE
10 DUTY AND AUTHORITY TO SIGN ANY CONTRACT OR AGREEMENT NOT
11 OTHERWISE INCONSISTENT WITH THE CITY'S CHARTER AND CODE.
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14 **Title 6 - REVENUE AND FINANCE**

15 **Chapter 6.08 - PURCHASING AND PROCUREMENT**

16 **Section 6.08.270 - Standard contract provisions.**
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18 A. Contracts shall include standard provisions that may be authorized or required by law or by a
19 procedure or policy or purchasing manual approved by Finance Director.
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21 B. CERTAIN TRANSACTIONS, AT THE DISCRETION OF THE CITY MANAGER, MAY
22 REQUIRE THE USE OF ELECTRONIC SIGNATURES. FOR SUCH TRANSACTIONS,
23 THE CITY SHALL REQUEST THAT THE OTHER PARTY TO THE TRANSACTION
24 AGREE TO ALL TERMS AND CONDITIONS PRESENTED IN ANY DOCUMENT OR
25 AGREEMENT FOR PROPER USE AND ACCEPTANCE OF THE ELECTRONIC
26 SIGNATURES BY ANY AND ALL PARTIES. SAID ELECTRONIC SIGNATURES BY
27 THE PARTIES SHALL BE AS LEGALLY BINDING AS A HANDWRITTEN
28 SIGNATURE.
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31 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
32 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.
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35 **Explanation:**

36 UPPERCASE indicates matter added to existing law.

37 ~~Strikethrough~~ indicates matter stricken from existing law.

38 Underlining indicates amendments.