



Legislation Text

File #: O-35-21, **Version:** 1

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.

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**

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 security standards in

place of traditional ink signatures for all official documents; and

WHEREAS, the City intends to make use of, and accept as valid, electronic and digital signatures for official documents, as necessary and appropriate.

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Title 1 - GENERAL PROVISIONS

Chapter 1.01 - CODE ADOPTION

Section 1.04.020 Definitions.

- A. In the interpretation and construction of this code, all words, other than those specifically defined in this section or specifically defined elsewhere in the Charter of the City or in this code, have the meanings or definitions ordinarily ascribed to them as set forth in Webster's Third New International Dictionary (1981 Edition), unless any such meaning or definition is inconsistent with the acts of the legislature, the decisions of the courts of the State, law or with the manifest intent of the City Council, or the context clearly requires otherwise.
- B. For the purpose of this code, the following words and phrases shall have the meanings respectively ascribed to them:
1. "Alderman" or "Alderwoman" means a member of the Annapolis City Council. Each member of the City Council may be referred to in a gender-specific fashion.
 2. "Annual" means a calendar year, unless otherwise expressed.
 3. "City" or "this City" means the City of Annapolis, in the County of Anne Arundel and State of Maryland, except as otherwise provided.
 4. "City Council" or "the council" means the body consisting of the Mayor, aldermen and alderwomen.
 5. "County" or "the County" means Anne Arundel County, in the State of Maryland.
 6. "Department director" or "the director" means the chief executive officer of each department of the City.
 7. "DIGITAL SIGNATURE" MEANS A TYPE OF ELECTRONIC SIGNATURE THAT HAS ADDED SECURITY TO ENSURE THE IDENTITY OF THE SIGNER, AS WELL AS THE INTEGRITY AND AUTHENTICITY OF THE SIGNED DOCUMENT.
 8. "ELECTRONIC" MEANS TECHNOLOGY HAVING ELECTRICAL, DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC, OR SIMILAR CAPABILITIES.
 9. "ELECTRONIC SIGNATURE" MEANS AN ELECTRONIC SYMBOL, SOUND, OR PROCESS ATTACHED TO OR LOGICALLY ASSOCIATED WITH A RECORD AND EXECUTED OR ADOPTED BY AN INDIVIDUAL WITH THE INTENT TO SIGN THE RECORD.
 10. "HANDWRITTEN SIGNATURE" MEANS THE SIGNER'S ORIGINAL GENUINE SIGNATURE ON A PAPER DOCUMENT.
 11. "May not" has a mandatory negative effect and establishes a prohibition.
 12. "Mayor, aldermen and alderwomen" means the Mayor, aldermen and alderwomen of the City, otherwise known as the City Council.
 13. "Month" means a calendar month.
 14. "Oath" includes an affirmation, and "sworn" includes "affirmed."
 15. "Or" may be read "and" and "and" may be read "or," if the sense requires it.
 16. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common,

tenant by the entirety, tenant in partnership or joint tenant of the whole or a part of such building or land.

~~1317.~~ "Person" means any individual, partnership, club, corporation, organization, joint stock association or other entity, or any City or State or any subdivision thereof, and includes any agent, trustee, receiver, assignee or personal representative thereof.

~~1418.~~ "Personal property" includes every species of property, except "real property" as defined by this section.

~~1519.~~ "Preceding" and "following" means next before and next after, respectively.

~~1620.~~ "Property" includes real and personal property.

~~1721.~~ "Real property" includes lands, tenements and hereditaments and embraces all chattels real.

~~1822.~~ "Sidewalk" means that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

23. "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A RECORD, TO:

(I) EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

(II) ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN ELECTRONIC OR DIGITAL SYMBOL, SOUND, OR PROCESS.

~~1924.~~ "Signature" or "~~subscription~~" means: A TANGIBLE SYMBOL EVIDENCING THE SIGNING OF A RECORD; including

(I) a mark when the person cannot write, the person's name being written near it and witnessed by a person who writes his or her own name as witness; AND

(II) AN ELECTRONIC SIGNATURE.

~~2025.~~ State: The words "the State" or "this State" mean the State of Maryland.

~~2126.~~ "Street" means the entire width between property lines of every way or place of whatsoever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic.

~~22.~~ "Written" and "in writing" include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be the proper handwriting of such person, or in case the person is unable to write, by that person's proper mark.

~~2227.~~ "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.

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

C. THE CITY MANAGER SHALL DETERMINE ACCEPTABLE TECHNOLOGIES AND VENDORS TO PROVIDE THE MEANS FOR EMPLOYING ELECTRONIC SIGNATURES CONSISTENT WITH INDUSTRY BEST PRACTICES TO ENSURE THE SECURITY AND INTEGRITY OF THE DATA AND THE SIGNATURE. FURTHER, THE CITY MANAGER SHALL DETERMINE THE DOCUMENTS

FOR WHICH THE CITY WILL ACCEPT ELECTRONIC SIGNATURES AND MAY DELEGATE THE DUTY AND AUTHORITY TO SIGN ANY CONTRACT OR AGREEMENT NOT OTHERWISE INCONSISTENT WITH THE CITY'S CHARTER AND CODE.

Title 6 - REVENUE AND FINANCE

Chapter 6.08 - PURCHASING AND PROCUREMENT

Section 6.08.270 - Standard contract provisions.

A. Contracts shall include standard provisions that may be authorized or required by law or by a procedure or policy or purchasing manual approved by Finance Director.

B. CERTAIN TRANSACTIONS, AT THE DISCRETION OF THE CITY MANAGER, MAY REQUIRE THE USE OF ELECTRONIC SIGNATURES. FOR SUCH TRANSACTIONS, THE CITY SHALL REQUEST THAT THE OTHER PARTY TO THE TRANSACTION AGREE TO ALL TERMS AND CONDITIONS PRESENTED IN ANY DOCUMENT OR AGREEMENT FOR PROPER USE AND ACCEPTANCE OF THE ELECTRONIC SIGNATURES BY ANY AND ALL PARTIES. SAID ELECTRONIC SIGNATURES BY THE PARTIES SHALL BE AS LEGALLY BINDING AS A HANDWRITTEN SIGNATURE.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.