

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0410-18-1 LGL 2017-0014
TITLE: ACCEPTANCE OF FACSIMILE AND DIGITAL SIGNATURES ON MINOR AND MAJOR CONTRACTS EFFECTIVE DATE: April 27, 2017 REVISION EFFECTIVE DATE: January 23, 2018	

1.0 GENERAL

1.1 PURPOSE

The intent of this policy is to allow for the acceptance of faxed, emailed, scanned and digital signatures on certain contracts by means that are practical, secure, and balance risk and cost. It is not the intent of this policy to eliminate all risk but rather to provide a process that gives parties assurance that appropriate analysis was completed prior to the acceptance of faxed, emailed, scanned and digital signatures, and that the level of user authentication used is reasonable for the type of transaction conducted.

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2.0 DEPARTMENTS/DIVISIONS AFFECTED

Except as otherwise provided, this policy shall apply to all City departments and divisions; provided, this policy does not require any department to use faxed, emailed, scanned and digital signatures and each department retains the discretion to require submission of an original/wet signature.

3.0 REFERENCES

Administrative Policy and Procedure: ADMIN 0500-17-01
City Charter Section 27

Federal law – Federal Electronic Signatures in Global and National Commerce Act (E-Sign)
State law – ESSB 5810 Electronic Signatures
State law – Chapter 19.34 RCW Washington Electronic Authentication Act
Statewide guidance – Office of the Chief Information Officer (OCIO)

4.0 DEFINITIONS

- 4.1 “Facsimile signature” is defined as a signature that is copied or scanned from a document bearing an authorized original signature. Under Washington law, a document bearing a facsimile signature is equivalent to the original copy in most situations unless an original signature is required by law. A facsimile signature can be created when a document is copied on a copy machine, when it is scanned, or when it is transmitted via email or a facsimile (fax) machine.
- 4.2 A “Digital Signature” is a type of electronic signature that encrypts documents with digital codes that are particularly difficult to duplicate. Digital signatures have a digital certificate behind them, offering authentication when sending a “signed” electronic document.
- 4.3 “Minor contract” is defined in Spokane Municipal Code Section 07.06.060 and ADMIN 0500-17-1 (as amended).
- 4.4 A “Major (agenda) contract” is defined as any contract that has to be approved by the City Council.

5.0 POLICY

- 5.1 It is the policy of the City of Spokane to accept use of a facsimile signature in lieu of an original (wet) signature from parties to minor contracts.
- 5.2 It is the policy of the City of Spokane to accept use of a digital signature in lieu of an original (wet) signature from parties to major (agenda) contracts and minor contracts.
- 5.3 The following contracts/documents are excluded from this policy: any contract where an original (wet) signature is required by law (such as real estate or any other documents requiring notarization).

6.0 PROCEDURE

- 6.1 The City may accept facsimile signatures on minor contracts, except when an actual original signature is required by state or federal law; when the facsimile signature cannot be verified; or when the other party desires original signatures.
- 6.2 In order to accept facsimile signatures in lieu of an original written signature, the authenticity of the facsimile signature must be verified by the receiving party. Such means of verification include:
- A. The receipt of a faxed signature from a facsimile number verified as belonging to or traceable to the party that did so sign and transmit the document.
 - B. The receipt of a scanned or emailed signature from an email address verified as belonging to the party that did so sign and transmit the document.
- 6.3 The City may accept a digital signature on Major (agenda) contracts, except when an actual original signature is required by state or federal law; when the digital signature cannot be verified or when the other party desires original signatures.
- 6.4 In order to accept digital signatures in lieu of an original written signature, the authenticity of the digital signature must be verified by the receiving party. Such means of verification include:

The receipt of a digital signature from an email address verified as belonging to or traceable to the party that signed and transmitted the document.

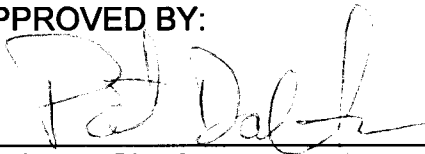
7.0 RESPONSIBILITIES

Departments are required to file contracts with the Office of the City Clerk pursuant to the procedures set forth in City Charter Section 27 and under ADMIN 0500-17-01, as referenced in Section 3.0 above.

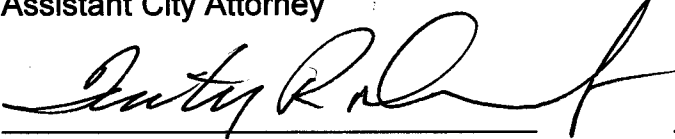
8.0 APPENDICES

Not Applicable.


APPROVED BY:


Assistant City Attorney

1/8/18
Date


Finance and Administration
Division Director

1/8/18
Date


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