

ORDINANCE 2024-34

ORDINANCE ADOPTING AN ELECTRONIC AND DIGITAL SIGNATURES POLICY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOXLEY, ALABAMA, AS FOLLOWS:

WHEREAS, the City Council of the City of Loxley recognizes electronic signatures as legally binding and equivalent in force and effect to a handwritten or wet signature, pursuant to the Alabama Uniform Electronic Transactions Act (UETA), Chapter 1A of Title 8 of the Code of Ala. 1975.

WHEREAS, the use of electronic and digital signatures allows the City of Loxley to be more efficient in conserving public resources. This policy establishes guidelines for the use of e-signatures for certain transactions.

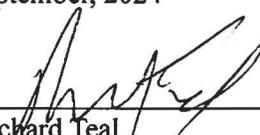
WHEREAS, the City Council of the City of Loxley is committed to providing reasonable assurance of the integrity, authenticity and nonrepudiation of electronic documents when electronic signatures are used to conduct business and other transactions.

THEREFORE, the Council of the City of Loxley ordains as follows:

1. The City Council of Loxley has agreed to adopt this policy to read as follows:
 - (a) *Definitions.* The definitions set forth in Title 8, Chapter 1A, Section 2 of the Alabama Code are expressly incorporated into this article by reference as if fully set forth herein. In addition, as used in this article, each of the following words have the following meanings:
 - 1) Authorized Signer: A person who is authorized to sign documents on behalf of another signer, organization, or government entity.
 - 2) Digital Record: Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of state or local agency record retention, preservation, or disclosure.
 - 3) Digital Signature: One type of electronic signature that contains a digital certificate, issued by a licensed certification authority behind the signature or offers authentication when sending a signed electronic document.
 - 4) Electronic Signature: An electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.
 - 5) Facsimile Signature: A reproduction of a handwritten signature that has been saved electronically or by engraving, imprinting, or stamping.
 - 6) Handwritten or Wet Signature: A signature created when a person physically marks a document with the intent to sign the record.
 - 7) Signature: A symbol or other writing provided by a person that is authorized to sign a document on behalf of their agency or department.
 - (b) *Application.* The following statements apply to the use of electronic or digital signatures:
 - 1) A digital, electronic, or facsimile signature is an authorized substitute for a handwritten signature unless required by law to be signed in non-electronic media.
 - 2) This policy does not preclude the use or effectiveness of handwritten signatures.
 - 3) This policy does not invalidate or abrogate any previously created contracts that contain handwritten signatures.
 - 4) Any person applying an electronic signature shall use their own name.
 - 5) Authorized signers may use, create, or accept records with electronic signatures. The authorized signer must use their own electronic signature.
 - 6) If an authorized signer is permitted to appoint and has appointed a designee to sign documents on their behalf, the designee may sign. The designee must use their own electronic signature.
 - 7) If notarization is required for a document, the electronic signature of an electronic records notary public satisfies that requirement.
 - (c) *Scope.* Electronic signatures may be affixed to digital records including, but not limited to:

- 1) Human Resource forms and documents.
 - 2) Contracts, agreements, and other forms to which the City of Loxley is a party.
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2. Except as provided herein, all other ordinances and resolutions of the City of Loxley shall remain in full force and effect.
 3. This ordinance shall become effective immediately upon its adoption and publication.

ADOPTED AND APPROVED this 30th day of September, 2024



Richard Teal
Mayor

ATTEST:



Melissa Lawrence
City Clerk/Treasurer

CERTIFICATION

I, Melissa Lawrence, City Clerk of the City of Loxley, Alabama hereby certify the above to be true and correct copy of an ordinance adopted by the City Council of the City of Loxley at its meeting held on the 30th day of September 2024, as same appears in the minutes or record of said meeting.

I further certify that copies of the ordinance above were published by posting copies thereof in the Loxley Post Office, the Loxley City Hall, the Loxley Public Library, and the Loxley Police Station beginning October 3, 2024, and took effect five days thereafter.



Melissa Lawrence
City Clerk/Treasurer