



Local Agency Formation Commission of Napa County
Subdivision of the State of California

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We Manage Local Government Boundaries, Evaluate Municipal Services, and Protect Agriculture

Agenda Item 7c (Consent/Action)

TO: Local Agency Formation Commission

PREPARED BY: Brendon Freeman, Executive Officer

MEETING DATE: February 1, 2021

SUBJECT: Authorize Use of Digital Signatures

RECOMMENDATION

It is recommended the Commission approve the acceptance and use of a digital signature as outlined in Section 16.5(a) of the Government Code.

BACKGROUND AND SUMMARY

Staff is reviewing internal processing and communication capabilities to streamline and shorten the time and resources it takes to process applications. As technologies progress, the capability to electronically transmit documentation has facilitated a need to amend current procedures. The Commission's current standard operating procedure requires a manual (wet) signature be present on original documentation received by agencies i.e. applications, questionnaires, etc.

To assist staff, local agencies, and proposal applicants in the completion of required forms, staff recommends the approval of a digital signature as defined in Section 16.5(a) of the California Government Code, which is included as Attachment One and provides for the use and acceptance of a digital signature by a public entity. Each public entity electing to use a digital signature will have the same force and effect as the use of a manual (wet) signature. This will allow staff to create, distribute and collect electronic forms thus expediting processes and storage of said documentation. Staff is unable to identify any costs or risks associated with the recommended action.

ATTACHMENT

- 1) California Government Code Section 16.5

Margie Mohler, Chair
Councilmember, Town of Yountville

Mariam Aboudamous, Commissioner
Councilmember, City of American Canyon

Beth Painter, Alternate Commissioner
Councilmember, City of Napa

Diane Dillon, Vice Chair
County of Napa Supervisor, 3rd District

Brad Wagenknecht, Commissioner
County of Napa Supervisor, 1st District

Ryan Gregory, Alternate Commissioner
County of Napa Supervisor, 2nd District

Vacant
Representative of the General Public

Eve Kahn, Alternate Commissioner
Representative of the General Public

Brendon Freeman
Executive Officer

State of California

GOVERNMENT CODE

Section 16.5

16.5. (a) In any written communication with a public entity, as defined in Section 811.2, in which a signature is required or used, any party to the communication may affix a signature by use of a digital signature that complies with the requirements of this section. If a public entity elects to use a digital signature, that digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:

- (1) It is unique to the person using it.
- (2) It is capable of verification.
- (3) It is under the sole control of the person using it.
- (4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.

(5) It conforms to regulations adopted by the Secretary of State. Initial regulations shall be adopted no later than January 1, 1997. In developing these regulations, the secretary shall seek the advice of public and private entities, including, but not limited to, the Department of Information Technology, the California Environmental Protection Agency, and the Department of General Services. Before the secretary adopts the regulations, he or she shall hold at least one public hearing to receive comments.

(b) The use or acceptance of a digital signature shall be at the option of the parties. Nothing in this section shall require a public entity to use or permit the use of a digital signature.

(c) Digital signatures employed pursuant to Section 71066 of the Public Resources Code are exempted from this section.

(d) "Digital signature" means 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. For purposes of this section, a digital signature is a type of "electronic signature" as defined in subdivision (h) of Section 1633.2 of the Civil Code.

(e) Nothing in this section shall limit the right of a public entity or government agency to use and accept an "electronic signature" as defined in subdivision (h) of Section 1633.2 of the Civil Code.

(f) Regulations adopted by the Secretary of State to implement this section apply only to a public entity's use of a "digital signature" and not to use of any other type of "electronic signature" authorized in the Uniform Electronic Transactions Act (Title 2.5 (commencing with Section 1633.1) of Part 2 of Division 3 of the Civil Code).

(Amended by Stats. 2016, Ch. 144, Sec. 3. (AB 2296) Effective January 1, 2017.)