



CITY OF BEND

**INTERIM ELECTRONIC SIGNATURE
TECHNICAL POLICY**

Policy No. 2023-8

Bend Code Chapter 1.30.005 provides for ‘City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.’ All regulations, policies and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

DocuSigned by:
Eric King
409FE33EB4E64D3...

Eric King, City Manager

Dated: 2/14/2024

Reviewed by Legal Counsel:

DocuSigned by:
Mary Winters
8B6252FA6CD44E1

Mary Winters, City Attorney

Dated: 2/14/2024

**City of Bend
City Manager Administrative Policy**



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I. PURPOSE

This Interim Policy (“Policy”) encourages the use of electronic or digital signatures (e-signature) by the City when a written signature is not easily obtained, when an e-signature is more efficient, or when an electronic record is replacing a paper document to conduct official City business.

This Policy will ensure that the City complies with applicable laws for paperless processing, uses appropriate electronic methods of identity and document authentication, and establishes and complies with applicable policies and procedures related to records and information management.

The purpose of this Interim Policy is to set forth guidelines for the use of electronic signatures in conducting City of Bend business operations.

II. APPLICABILITY

This Policy applies to all employees, interns, volunteers, contractors, consultants, and counterparties and governs all use of electronic signatures with respect to all City documents.

III. DEFINITIONS

Electronic Signatures means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Digital Signatures means a type of electronic signature that transforms a message through the use of an algorithm or series of algorithms that provide a key pair, private and public, for signor verification, document security and authentication.

Wet Signature is a signature created when a person physically marks a document with the intent to sign the record.

Document is any instrument, document, electronic communication, contract, grant, record, or other official act, agreement, or transaction of the City regardless of whether it is created or maintained electronically or physically.

IV. AUTHORITY

Federal (ESIGN) and state (EUTA) legislation give legal force and effect to e-signatures, granting e-signatures and e-records equal stature with their physical counterparts. With few exceptions, e-signatures and e-records cannot be denied legal effect solely because they are electronic.

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V. POLICY

The City encourages electronic transactions and the use of e-signatures and recognizes e-signatures as legally binding and equivalent in force and effect as a wet signature. E-signatures may be used on City records requiring execution by a third party.

This Policy in no way affects the City's ability to conduct a transaction using a physical medium and shall not be construed as a prohibition on the use of wet signatures. The City reserves the right to designate specific City transactions that must be conducted through electronic transactions, maintained as electronic records, or signed by e-signature.

This policy does not supersede any requirement of applicable law to obtain a handwritten signature in specific circumstances.

VI. AUTHORIZATION TO USE ELECTRONIC SIGNATURE

1. E-signatures may be used and accepted at the City to the extent permitted by applicable law.

a. Any individual executing a document by e-signature on behalf of the City must be authorized to sign documents on behalf of the City to the same extent required for documents executed by handwritten signature as described in City policy. Any document executed by e-signature without authorization is subject to the same rules and processes as all other unauthorized agreements under applicable law.

b. Digital certification of signatures may be considered for all contracts using the software tool DocuSign or Adobe, or any future replacement of such platform.

2. An e-signature is an acceptable substitute for a wet signature on records requiring the signature of any record whenever the use of a wet signature is authorized or require, except as provided by applicable law. A City document validly executed by e-signature by an authorized representative of the City is a valid and binding signature to the same extent as a handwritten signature.

3. This section includes web forms that request the individual filling out the form to consent to signing the form electronically by typing their full name in a text box. This online signature process must include a simple certification statement for the user to acknowledge that they understand and accept that the e-signature is the same as a written signature.

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VII. EXCEPTIONS TO USE OF ELECTRONIC SIGNATURE

E-signatures may not be used for: (1) any document that requires a notarized signature from a City employee, intern, volunteer, contractor, or consultant, (2) any purchase or sale of a fee interest real property, and (3) any other document that may not be signed by e-signature under applicable law.

VIII. RETENTION OF RECORDS CONTAINING DIGITAL SIGNATURES

Creating and retaining documents with e-signatures meet all requirements for preservation of documents with wet signatures to the extent permitted by applicable law.

Documents containing e-signatures shall be retained in accordance with state retention schedules.

IX. EQUITY AND ACCESSIBILITY

To maintain equity and accessibility for all users, the City will provide the ability for users to fill out and sign electronic web forms in person.

The option or options to conduct the transaction in person will be described within the web form.

Certificate Of Completion

Envelope Id: 1A825D6239064CAFB83D1FC19EAE49E7	Status: Completed
Subject: Complete with DocuSign: ADM 2023-8 E Signature Technical Policy rev 1.pdf	
Source Envelope:	
Document Pages: 5	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Brenda Mingus
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	710 NW Wall St.
	Bend, OR 97703
	bmingus@bendoregon.gov
	IP Address: 98.142.36.35

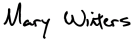
Record Tracking

Status: Original	Holder: Brenda Mingus	Location: DocuSign
2/14/2024 3:23:13 PM	bmingus@bendoregon.gov	

Signer Events

Mary Winters
 mwinters@bendoregon.gov
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 8B6252FA6CD44F1...

Timestamp

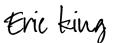
Sent: 2/14/2024 3:23:46 PM
 Viewed: 2/14/2024 4:28:41 PM
 Signed: 2/14/2024 4:29:12 PM

Signature Adoption: Pre-selected Style
 Using IP Address: 98.142.36.35

Electronic Record and Signature Disclosure:

Accepted: 2/14/2024 4:28:41 PM
 ID: e8afbac4-6e33-431a-9f5f-3b250a7d072a
 Company Name: City of Bend

Eric King
 eking@bendoregon.gov
 City Manager
 City of Bend
 Security Level: Email, Account Authentication (None)

DocuSigned by:

 409FF33EB4E64D3...

Sent: 2/14/2024 4:29:13 PM
 Viewed: 2/14/2024 4:32:28 PM
 Signed: 2/14/2024 4:33:16 PM

Signature Adoption: Pre-selected Style
 Using IP Address: 98.142.36.35

Electronic Record and Signature Disclosure:

Accepted: 5/11/2021 3:40:52 PM
 ID: 1be4d586-76d4-4e39-83e4-3feae319b4d0
 Company Name: City of Bend

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2/14/2024 3:23:46 PM
Certified Delivered	Security Checked	2/14/2024 4:32:28 PM
Signing Complete	Security Checked	2/14/2024 4:33:16 PM
Completed	Security Checked	2/14/2024 4:33:16 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Bend (we, us or City) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you may be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below. Paper copies may also be requested from City by contacting Procurement.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

Notices and disclosures may be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we may provide electronically to you through the DocuSign system required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. You can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact the City:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To advise the City of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at dgalanaugh@bendoregon.gov and in the body of such request you must state: your previous email address, your new email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to dgalanaugh@bendoregon.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number.

To withdraw your consent with the City

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;**
- ii. send us an email to dgalanaugh@bendoregon.gov and in the body of such request you must state your email, full name, mailing address, and telephone number.**

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here:
<https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and**
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and**
- Until or unless you notify the City as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by the City during the course of your relationship with the City.**