

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING CHAPTER 39 OF THE CITY OF CARROLLTON CODE OF ORDINANCES BY ADOPTING A NEW SECTION 39.02 AUTHORIZING THE USAGE OF ELECTRONIC SIGNATURES FOR CITY DOCUMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (“City”) is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, electronic signature technology allows the City to collect and preserve signatures on documents quickly, securely, and efficiently; and

WHEREAS, the City Council of the City of Carrollton believes that to accomplish the goal of having a safe, effective, and reliable technological environment the City must adopt regulations related to electronic signature usage.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1.

The above and foregoing premises are found to be true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.

The Code of Ordinances of the City of Carrollton Title III, Chapter 39, Other Policies, is hereby amended to add Section 39.02, relative to Electronic Signatures, to read as follows:

“Sec. 39.02. Electronic Signatures.

Electronic signatures, an automated function that replaces a handwritten signature with a system generated signature statement, and electronic records can be utilized as a means for authentication of city documents, computer generated city documents and electronic city entries, among other uses. System generated electronic signatures used in accordance with this ordinance and state and federal law are considered legally binding as a means to identify the author of record for entries and confirm the content and intent of the author. City departments and staff will be allowed to utilize electronic signatures in accordance with this ordinance, city policies, and state, and/or federal regulations regarding same.

(A) The following list sets forth the acceptable usages of electronic signatures:

(1) For city policies, laws, regulations, and rules requiring a signature;

- (2) For transactions where the parties agree to conduct the transaction electronically. Consent may be implied from the circumstances, except where information is required by law to be in paper or hardcopy form; and
 - (3) When the electronic signature contains the elements required by law, if any.
- (B) The use of an electronic signature shall have the same force and effect as the use of a “wet” or manual signature if:
 - (1) The signature is capable of verification;
 - (2) The signature is under the sole control of the person using it; and
 - (3) The signature is linked to the data in such a manner that it is readily ascertainable if the data is changed after the signature is applied.
- (C) The city manager may determine the programs, protocols, and elements that are required for compliance with Section (B) of this ordinance.”

SECTION 3.

This Ordinance shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 4.

The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5.

This Ordinance shall take effect immediately upon its adoption in accordance with and as provided by law and the City Charter.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Carrollton, Texas, on this the ____ day of April, 2020.

CITY OF CARROLLTON, TEXAS

Kevin W. Falconer, Mayor

ATTEST:

Laurie Wilson, City Secretary

APPROVED AS TO FORM:

Meredith A. Ladd
City Attorney