



CITY OF METHUEN, MASSACHUSETTS - 20-5
CITY OF METHUEN, MASSACHUSETTS

OFFICE OF THE CITY COUNCIL
The Searles Building • 41 Pleasant Street
Methuen, Massachusetts 01844
Tel: 978-983-8510 • Fax: 978-983-8975

(Req of Ctr Ziegler
and Ctr. Laffie)

20 JUN 23 AM 10:30

EMERGENCY PREAMBLE:

WHEREAS: It is in the public interest and to the furtherance of the public welfare of the citizens of the City Methuen that the attached ordinance be passed forthwith;

BE IT ORDERED: That Order #939 and is hereby declared an Emergency Measure, as provided in Article 2, Section 2-9(b) of the Methuen Home Rule Charter

First Read: April 9, 2020
Adopted: April 9, 2020 (as an emergency)
Effective: Immediately

I do hereby certify that at a meeting of which a quorum was present, the foregoing emergency preamble was adopted by an 7 to 2 vote on April 9, 2020.

Council Clerk

James McCarty, Council Chair

Approved under MHRC Sec. 3-6

Date: _____

Approved:

6/5 (2020)

Neil Perry, Mayor

939

TD-20-5
(Rep of Ctr Zeigler
Ctr. Saffie)

ADOPTION OF AN ORDINANCE AUTHORIZING THE USE OF ELECTRONIC SIGNATURE TRANSACTIONS FOR THE CITY OF METHUEN DURING THE COVID 19 STATE OF EMERGENCY DECLARATION (EPA REQUESTED)

Sponsored By: Councilor Zeigler Cosponsored By: Councilor Saffie

WHEREAS, the novel coronavirus, (COVID-19), is present in 192 countries, infecting more than 850,000 persons and accounting for over 42,000 mortalities worldwide. Due to the widespread transmission of COVID-19, forward thinking public policy decisions must be enacted to serve the best interest of the community at large; and

WHEREAS, the President of the United States, the Governor of the Massachusetts and the Mayor of Methuen have declared a State of Emergency to Respond to COVID 19; and

WHEREAS, in an effort to flatten the curve and stop the spread of COVID 19 City employees are encouraged to work remotely and continue to conduct the business of the City while adhering to interim controls; and

WHEREAS A key role of the City Council is to deliberate over and establish policies to support good governance. As we seek to mitigate the negative impacts of COVID 19 we can make small changes to enact policies that will enhance government responsiveness to customer demand in an easy, fast, reliable manner; and

WHEREAS As part of the City's transition to a partial telework workplace that includes electronic documents and records, staff sought clarity on the ability to use digital signatures; and

WHEREAS Digital signatures would allow these forms and documents, such as contracts and ordinances, to be routed entirely electronically; and

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

WHEREAS, converting paper-dependent processes into electronic workflows will require parties to sign documents electronically instead of manually while reducing barriers to productivity and enhancing efficiency; and

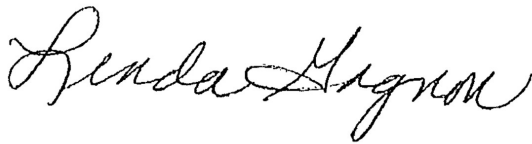
Order #939

METHUEN
CITY CLERK'S OFFICE
METHUEN, MA

2020 JUN 23 AM 10:30

First Read: April 9, 2020
Adopted: April 9, 2020 (as an emergency)
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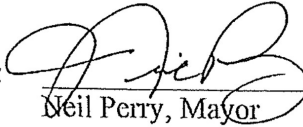
Council Clerk

Approved under MHRC Sec. 3-6
Date: _____



James McCarty, Council Chair

Approved:


Neil Perry, Mayor

6/18/2020

WHEREAS electronic signatures and records are deemed lawful pursuant MGL110G partulary MGL110G §7 that reads:

- (a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.
- (b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.
- (c) If a law requires a record to be in writing, an electronic record satisfies the law.
- (d) If a law requires a signature, an electronic signature satisfies the law; and

WHEREAS adopting this ordinance, the Council would enable staff to streamline and digitize many operational workflows that today require paper to be printed and routed by staff; and

NOW, THEREFORE, BE IT RESOLVED that while a declared state of emergency remains in effect the Methuen City Council authorizes the use of electronic signatures in conducting the business of the City; and

BE IT ALSO RESOLVED that In any document accepted by the City in which a signature is required or used, the City may authorize the use of an electronic signature, so long as it complies with the requirements of this section:

- (a) The use of an electronic signature has the same force and effect as the use of a "wet" or manual signature pursuant MGL110G §9(b).
- (b) The signature is capable of verification pursuant MGL110G §11.
- (c) The signature is under the sole control of the person using it pursuant MGL110G §9(a).
- (d) 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 pursuant MGL110G §10; and

BE IT FURTHER RESOLVED that electronic signatures are acceptable to execute documents such as contracts, legislation, proclamations, ordinances and any other document requiring signatures that are paramount to the successful operations of the City of Methuen; and

BE IT FURTHERMORE RESOLVED that the Mayor shall determine acceptable technologies and vendors under this section consistent with industry best practices to ensure the security and integrity of the data and the signature. The Mayor shall further determine the documents for which the City will accept electronic signatures pursuant MGL110G §18.

ATTACHMENTS- An ORDINANCE AUTHORIZING THE USE OF ELECTRONIC SIGNATURE TRANSACTIONS FOR THE CITY OF METHUEN DURING COVID 19 STATE OF EMERGENCY DECLARATION

Summary

Streamlining document approvals and reviews, digital signatures are critical. State law currently allows digital signatures as a viable alternative to traditional ink signatures. This ordinance would specifically authorize digital signatures as an acceptable form of official signature on Methuen records to further expedite City procurements and other agreements.

Financial Impact Overview

Implementation of digital signature will require a minimal investment in technology. Suggested technologies may include DocuSign or HelloSign. These costs would be offset by efficiencies in printing costs and staff time now used to manually process documents and records. This also helps the City move towards more sustainable business practices by reducing the amount of printed material it produces.

Attachments

1. The sections of MG 110G (§7, §9, §10, §11, §15, §18) were referenced in the ordinance.
2. Screenshots of the pricing plans for Hello Sign and DocuSign, two of the most notable e signature software systems including monthly and annual options.

Part I ADMINISTRATION OF THE GOVERNMENT

Title XV REGULATION OF TRADE

Chapter 110G UNIFORM ELECTRONIC TRANSACTIONS

Section 7 ELECTRONIC SIGNATURE; ENFORCEABILITY; SATISFACTION
OF LEGAL REQUIREMENTS

Section 7. (a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(c) If a law requires a record to be in writing, an electronic record satisfies the law.

(d) If a law requires a signature, an electronic signature satisfies the law.

Part I ADMINISTRATION OF THE GOVERNMENT

Title XV REGULATION OF TRADE

Chapter 110G UNIFORM ELECTRONIC TRANSACTIONS

Section 9 ATTRIBUTION OF ELECTRONIC SIGNATURE; EFFECT

Section 9. (a) An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

(b) The effect of an electronic record or electronic signature attributed to a person under subsection (a) is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties' agreement, if any, and otherwise as provided by law.

Part I ADMINISTRATION OF THE GOVERNMENT

Title XV REGULATION OF TRADE

Chapter 110G UNIFORM ELECTRONIC TRANSACTIONS

Section 10 CHANGE OR ERROR DURING TRANSMISSION OF ELECTRONIC RECORD

Section 10. If a change or error in an electronic record occurs in a transmission between parties to a transaction, the following rules shall apply:—

(1) If the parties have agreed to use a security procedure to detect changes or errors and one party has conformed to the procedure, but the other party has not, and the nonconforming party would have detected the change or error had that party also conformed, the conforming party may avoid the effect of the changed or erroneous electronic record.

(2) In an automated transaction involving an individual, the individual may avoid the effect of an electronic record that resulted from an error made by the individual in dealing with the electronic agent of another person if the electronic agent did not provide an opportunity for the prevention or correction of the error and, at the time the individual learns of the error, the individual:

(A) promptly notifies the other person of the error and that the individual did not intend to be bound by the electronic record received by the other person; and

(B) takes reasonable steps, including steps that conform to the other person's reasonable instructions, to return to the other person or, if instructed by the other person, to destroy the consideration received, if any, as a result of the erroneous electronic record; and

(C) has not used or received any benefit or value from the consideration, if any, received from the other person.

(3) If neither subparagraph (1) nor subparagraph (2) applies, the change or error has the effect provided by other law and the parties' contract, if any.

(4) Subparagraphs (2) and (3) may not be varied by agreement.

Part I ADMINISTRATION OF THE GOVERNMENT

Title XV REGULATION OF TRADE

Chapter 110G UNIFORM ELECTRONIC TRANSACTIONS

Section 11 FULFILLMENT OF NOTARIZATION, ACKNOWLEDGEMENT,
VERIFICATION, OR OATH REQUIREMENTS

Section 11. If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

Part I ADMINISTRATION OF THE GOVERNMENT

Title XV REGULATION OF TRADE

Chapter 110G UNIFORM ELECTRONIC TRANSACTIONS

Section 15 WHEN ELECTRONIC RECORD IS SENT AND RECEIVED;
LOCATION; KNOWLEDGE; DOCUMENTATION

Section 15. (a) Unless otherwise agreed between the sender and the recipient, an electronic record is sent when it:—

(1) is addressed properly or otherwise directed properly to an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record;

(2) is in a form capable of being processed by that system; and

(3) enters an information processing system outside the control of the sender or of a person that sent the electronic record on behalf of the sender or enters a region of the information processing system designated or used by the recipient which is under the control of the recipient.

(b) Unless otherwise agreed between a sender and the recipient, an electronic record is received when:

(1) it enters an information processing system that the recipient has designated or uses for the purpose of receiving electronic records or information of the type sent and from which the recipient is able to retrieve the electronic record; and

(2) it is in a form capable of being processed by that system.

(c) Subsection (b) applies even if the place the information processing system is located is different from the place the electronic record is considered to be received under subsection (d).

(d) Unless otherwise expressly provided in the electronic record or agreed between the sender and the recipient, an electronic record is deemed to be sent from the sender's place of business and to be received at the recipient's place of business. For purposes of this subsection, the following rules shall apply:—

(1) If the sender or recipient has more than 1 place of business, the place of business of that person is the place having the closest relationship to the underlying transaction.

(2) If the sender or the recipient does not have a place of business, the place of business is the sender's or recipient's residence, as the case may be.

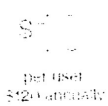
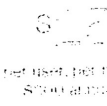
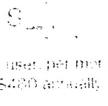
(e) An electronic record is received under subsection (b) even if no individual is aware of its receipt.

(f) Receipt of an electronic acknowledgment from an information processing system described in subsection (b) establishes that a record was received but, by itself, does not establish that the content sent corresponds to the content received.

(g) If a person is aware that an electronic record purportedly sent under subsection (a), or purportedly received under subsection (b), was not actually sent or received, the legal effect of the sending or receipt is determined by other applicable law. Except to the extent permitted by the other law, the requirements of this subsection may not be varied by agreement.

Part I ADMINISTRATION OF THE GOVERNMENT**Title XV** REGULATION OF TRADE**Chapter 110G** UNIFORM ELECTRONIC TRANSACTIONS**Section 18** PROMOTION OF CONSISTENCY AND INTEROPERABILITY
AMONG GOVERNMENTAL AGENCIES AND
NONGOVERNMENTAL PERSONS; STANDARDS

Section 18. The chief information officer and the supervisor of records shall encourage and promote consistency and interoperability with other governmental agencies and nongovernmental persons. If appropriate, they may specify differing levels of standards from which governmental agencies of the commonwealth may choose in implementing the most appropriate standard for a particular application.

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	 <p>per user \$120 annually</p>	 <p>per user, per month \$1200 annually</p>	 <p>per user, per month \$4000 annually</p>
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Send documents for eSignature: 5/month		Send documents for eSignature	Send documents for eSignature
Basic fields		Basic fields	Basic fields
Mobile app		Mobile app	Mobile app
		Reminders & notifications	Reminders & notifications
		Personalized branding	Personalized branding
		Comments	Comments
			Collect Payments
			Advanced fields
			Signer attachments
			Bulk Send
			PowerForms
			Collaborative fields
			In-person signatures
			Advanced authentication ⁵

ANNUAL MONTHLY

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	BUY NOW	BUY NOW	BUY NOW

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# of Templates	# of Templates	# of Templates	Oracle Content & Experience Cloud Integration
Integrated with Google Drive	Integrated with Google Drive	Integrated with Google Drive	HIPAA and SOC 2
Status notifications	Status notifications	Status notifications	SSO
Audit Trail	Audit Trail	Audit Trail	Advanced Admin Features
	Data validation	Data validation	User Reporting
		Branding	Advanced Features

Unlimited signature requests with no hidden fees.

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\$0

\$15
per month

\$50
per month