

**RESOLUTION 2021-**

**RESOLUTION APPROVING USE OF ELECTRONIC SIGNATURES FOR  
THE EXECUTION OF TOWN OF CASTLE ROCK DOCUMENTS**

**WHEREAS**, the Town of Castle Rock (the “Town”) is a home rule municipality operating under a charter approved by its electors and governed by its Town Council; and

**WHEREAS**, on March 10, 2020, the Governor of the State of Colorado declared a disaster emergency to be in effect due to the COVID-19 virus and declared pandemic; and

**WHEREAS**, on March 17, 2020, the Town Council adopted Resolution 2020-039 declaring an emergency on the same basis, extended on June 16, 2020 by Resolution 2020-056, extended on September 1, 2020 by Resolution 2020-080 and extended on December 15, 2020 by Resolution 2020-120; and

**WHEREAS**, on September 1, 2020, the Town Council adopted Resolution 2020-081 to permanently approve remote participation in Town Council meetings amending the temporary authorization approved by Resolution 2020-040 on March 17, 2020 and Resolution 2020-044 approved on April 7, 2020; and

**WHEREAS**, the Town Council has and may in the future for an undetermined period of time, conduct meetings electronically by telephonic and other electronic means, and

**WHEREAS**, consistent with the Governor's declaration and federal, state, and local protocols, Town buildings will, to an exclusive or partial extent, be closed to the public during this time, causing delays in approval of various agreements; and

**WHEREAS**, as a consequence of the foregoing, obtaining physical signatures on ordinances, resolutions, contracts, proclamations and other instruments is not always possible or practical; and

**WHEREAS**, over the previous year, Town staff researched software solutions and tested available technology to enable electronic routing and approval of Town agreements and contracts; and in March 2020 began utilizing available technology for documents that did not require Town Council approval;

**WHEREAS**, pursuant to Federal and Colorado State Law, including the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., and the Uniform Electronic Transactions Act (UETA), as adopted by the Colorado General Assembly and codified at C.R.S. §24-71.3-101 et seq., certain agreements and other documents may be executed by electronic signature. Further, Town Code requires signatures on various documents, records and acts of the Town; and

**WHEREAS**, the State Archivist has determined that electronically signed documents may be considered as the official document; and

**WHEREAS**, Town Council wishes to authorize electronic approval and signature of such instruments, in order to facilitate the ongoing business of the Town and its foster relationships with the public, other local governments, and the State of Colorado and to provide certainty to the persons, organizations, and governments with whom the Town contracts and otherwise interacts; and

**WHEREAS**, in order to achieve these goals, Town Council intends this Resolution to provide authorization for execution of all such instruments by electronic consent.

**NOW, THEREFORE, BE IT RESOLVED** by the Town of Castle Rock Town Council:

**Section 1.** Until modified by amendment or repeal of this Resolution, all ordinances, resolutions, contracts, proclamations and other instruments of any kind or nature, providing for or otherwise requiring physical signatures by Town officials, employees, and persons, organizations, and governments with whom the Town contracts and otherwise interacts shall be permitted to be electronically signed using approved software in lieu or in combination with physical signatures. It is the intention of Town Council that all parties dealing with the Town in connection with any such instrument be entitled to rely upon the same, once electronically approved as provided herein, in the same manner as if a physical signature had been affixed.

**Section 2.** Any of the documents stated would receive physical or electronic attestation by the Town Clerk.

**Section 3.** Where formalities are required under Federal or Colorado State law for the use of electronic signatures, such formalities should be complied with. The following language shall be deemed to be included in any agreement which is executed by electronic signature:

*This document may be executed using electronic signatures in lieu of or in combination with physical signatures and shall be considered the official document, is a valid and binding agreement and fully admissible under state and federal rules of evidence, and enforceable in accordance with its terms.*

**Section 4. Effective date.** This Resolution shall be effective upon approval by the Town Council and signature by the Mayor via the means described herein and will be effective unless the Town Council rescinds this Resolution.

**PASSED, APPROVED AND ADOPTED** this 2nd day of February 2021, by the Town Council of the Town of Castle Rock, Colorado, on first and final reading, by a vote of \_\_\_\_for and \_\_\_\_ against.

ATTEST:

TOWN OF CASTLE ROCK

---

Lisa Anderson, Town Clerk

---

Jason Gray, Mayor

Approved as to form:

---

Michael J. Hyman, Town Attorney