

ORDINANCE NO. 2025 – 02

**AN ORDINANCE AUTHORIZING CITY DEPARTMENTS
AND OFFICES TO CREATE AND RETAIN ELECTRONIC
RECORDS AND CONVERT WRITTEN RECORDS TO ELECTRONIC
RECORDS; AUTHORIZING THE USE OF ELECTRONIC SIGNATURES;
AND ADOPTING AN ELECTRONIC RECORDS MANAGEMENT POLICY**

WHEREAS, the Alabama Uniform Electronic Transaction Act (“UETA”), codified at Ala. Code 1975 §8-1A-1 et seq, authorizes the City Council to determine whether, and the extent to which City departments and offices will create and retain electronic records and convert written records to electronic records; and

WHEREAS, UETA grants authority to the City Council to determine whether and to what extent City departments and offices may use electronic signatures in the conduct of official business; and

WHEREAS, UETA specifically empowers the City Council to adopt rules and policies for the creation, protection, maintenance, preservation and storage of electronic records; and

WHEREAS, a proposed Electronic Records Management and Imaging Policy has been prepared by City staff and presented to the City Council for approval.

NOW, THEREFORE, BE IT ORDAINED by the City Council (the “Council”) of the City of Cullman, Alabama (the “City”) as follows:

Section 1. Authority. To the fullest extent permitted by UETA and subject to the limitations of the rules and policies adopted in Section 4 below, the City Council hereby authorizes City departments and offices to create and retain electronic records and to convert written records to electronic records and to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use and rely upon electronic records and electronic signatures.

Section 2. Scope. To the fullest extent permitted by UETA and subject to the limitations of the rules and policies adopted in Section 4 below, this Ordinance is intended to authorize the use of electronic records and electronic signatures in the conduct of official business of the City, by City departments and offices and the conduct of official business with City departments and offices by any person. Such use shall be in accordance with and subject to the provisions of UETA and the rules and policies adopted in Section 4 below. This Ordinance does not require a record or signature to be created, generated, sent, communicated, received, stored or otherwise processed or used by electronic means or in electronic form.

Section 3. Limitations. Notwithstanding anything to the contrary contained in this Ordinance or the UETA:

- (a) In no event shall any legal or binding recognition or effect be given to a record purported to be executed by a City signatory using an electronic signature, if the execution is not duly authorized in accordance with applicable law; and
- (b) In the event that any electronic signature is found by a City department, office or agency to have been used or applied to a City record in violation of this Ordinance, the UETA, or any other law, the electronic signature shall be null and void and the City record signed electronically using the unlawful, fraudulent, unauthorized or otherwise improper electronic signature shall also be null and void, discontinued and unenforceable against the City.

Section 4. Adoption of electronic record management and imaging policy. The Electronic Records Management and Imaging Policy, attached hereto as Exhibit “A” and incorporated herein by reference, is hereby adopted and approved.

Section 5. Conflict and Severability. In the event any provision of this Ordinance conflicts with any other ordinance of the City of Cullman on the subject matter of this Ordinance, the more strict provision shall apply and supersede. If any provision of this Ordinance is held to be invalid, unconstitutional or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portion of this Ordinance, which shall be deemed separate, distinct and independent provisions enforceable to the fullest extent possible.

Section 6. Effective date. This Ordinance shall become effective upon its adoption, approval and publication as required by law.

Section 7. Publication. This Ordinance shall be published in a newspaper of general circulation in the City of Cullman, Alabama.

ADOPTED BY THE COUNCIL this the 28th day of October, 2024.

ATTEST:

President of the City Council

City Clerk

APPROVED BY THE MAYOR this the 28th day of October, 2024.

Mayor