

CITY COUNCIL AGENDA COVER-SHEET
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From: Nancy Batchelder, City Recorder

X Regular Meeting Agenda Item

☐ Work Session Discussion Topic

- o Add to agenda for _____ meeting.
- o Continue this item until _____.
- o Item dismissed.

DATE: May 23, 2016

Title: Notarization Policy

Item: The Secretary of State's Office has said that companies that employ notaries should have a policy on notarizations, and recommends the items that such a policy should address.

For quite some time the notary in City Hall was the only one available in town. There is now a notary that is available and she is in the *business* of doing such notarizations so City Hall staff has been referring the public to her.

The attached policy was drafted using the guidelines from the Secretary of State's office and using a sample from another city in Oregon.

Attachments: Draft Policy No. 22 – Notarization Policy

<p style="text-align: center;">CITY OF YACHATS ADMINISTRATIVE POLICY NO. 22 NOTARIZATION POLICY</p>
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OBJECTIVES

To state the City of Yachats' policy on Notarization of Documents by City Staff

General Statement of Policy

While the City of Yachats does not wish to compete with local businesses, the City may provide Notary Public services for the public on a limited basis. This policy defines how the City will allow the Notary Public to function.

Purpose and Uses

Times

Notarization services for the public will generally be available during City Hall hours when:

- There are currently no local licensed notaries operating as a part of his or her normal business operation.
- The local licensed notaries are not available for reasons such as vacation or illness.
- The local businesses limit the access to employee notaries for services related to the business, i.e. a bank allowing only services to customers.
- The local notaries are not able to notarize a document because they are related to the person requiring the notarization.
- The person requiring the notarization is a local notary and not able to perform their own notarization.
- The notarization is required by the City of Yachats.

Note: The employee notary may notarize any document for the public after hours as allowed by Oregon Law.

Documents Accepted

The following documents will be permitted:

- Acknowledgements
- Verification Upon an Oath of Affirmation
- Certifying of a Copy
- Witnessing or Attesting a Signature
- Depositions

Notarizations of a Will, an Escrow Closing, or a Protest of Commercial Paper will not be allowed.

Fees

Fees will be waived for all notarizations.

June 2016

Right of Refusal

The Notary public has the sole responsibility to refuse a notarization, as allowed by Oregon law.

Responsibility for Updates and Renewals

It is the City of Yachats intent to maintain a minimum of one employee as a Notary Public. This shall be the responsibility of the City Administrator's office. The City shall pay for all education, licenses, seals and journals.

Notarization for colleagues on work premises

The Notary Public is allowed to notarize on his/her own time to colleagues for non-work purposes.

Disposition

Notary Seals, as required by law, shall go with the notarization agent if they should leave the City's employment, either by termination, or by resignation. However, Notary journals are also part of the public domain, and as such, shall be retained by the City of Yachats under current record retention laws. In this case, the Notary Public shall obtain a new notarial journal for use with a new employer. Future employees, who enter employment with the City and already possess a notary seal, shall obtain a new notary journal for use while they are employed by the City, since any records used are part of the public domain.

Education Requirements

The Notary Public is responsible for knowing and understanding Oregon laws and administrative rules, relating to notaries, and as per the Oregon Revised Statutes, and Oregon Administrative Rules.

Liability

The City of Yachats maintains liability insurance, which covers errors or omissions in the case of legal action being brought against the Notary Public.

Review and Update

This policy shall be reviewed by the City Administrator, depending upon notary updates and state law requirements.