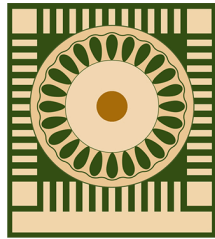


CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
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Agenda

Monday, August 7, 2023

5:30 PM

Conference Room 2A

City Council

SPECIAL CITY COUNCIL MEETING

**Hayward City Hall, 777 B Street, Conference Room 2A, Hayward
5:30 p.m.**

CALL TO ORDER: Mayor Salinas

Pledge of Allegiance: Mayor Salinas

ROLL CALL

PUBLIC COMMENTS

The Public Comment section is limited to items on the agenda.

ACTION ITEMS

The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.

LEGISLATIVE BUSINESS

ADJOURNMENT

1. [LB 23-034](#) Adopt a Resolution Amending the Ratified Proclamation of Local Emergency Due to Cybersecurity Incident

Attachments: [Attachment I Staff Report](#)
[Attachment II Resolution](#)
[Attachment III Proclamation of Local Emergency](#)

NEXT MEETING – August 15, 2023

PUBLIC COMMENT RULES

Any member of the public desiring to address the Council shall limit their address to three (3) minutes unless less or further time has been granted by the Presiding Officer or in accordance with the section under Public Hearings. The Presiding Officer has the discretion to shorten or lengthen the maximum time members may speak. Speakers will be asked for their name before speaking and are expected to honor the allotted time.

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90-day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or cityclerk@hayward-ca.gov.

Assistance will be provided to those requiring language assistance. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400.



CITY OF HAYWARD

Hayward City Hall
777 B Street
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File #: LB 23-034

DATE: August 7, 2023

TO: Mayor and City Council

FROM: City Manager

SUBJECT

Adopt a Resolution Amending the Ratified Proclamation of Local Emergency Due to Cybersecurity Incident

RECOMMENDATION

That Council adopts a resolution (Attachment II) amending the ratified Proclamation of Local Emergency made on July 9, 2023 by the City Manager in her capacity as Director of Emergency Services.

SUMMARY

On July 9, 2023, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to a cyber event including attempts to disrupt portions of City computer systems and network. The Council then ratified an emergency proclamation on July 13, 2023 to empower the Director of Emergency Services to address the local emergency beyond seven (7) days from July 9, 2023. This report requests that the Council approve a resolution amending and re-confirming the Proclamation of a Local Emergency (Attachment III) to ensure the City can access necessary State and Federal resources, including reimbursement for expenditures already taken to address the cybersecurity attack.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Proclamation of Local Emergency



DATE: August 7, 2023
TO: Mayor and City Council
FROM: City Manager
SUBJECT: Adopt a Resolution Amending the Ratified Proclamation of Local Emergency Due to Cybersecurity Incident

RECOMMENDATION

That Council adopts a resolution (Attachment II) amending the ratified Proclamation of Local Emergency made on July 9, 2023 by the City Manager in her capacity as Director of Emergency Services.

SUMMARY

On July 9, 2023, the City Manager, in her capacity as Director of Emergency Services, proclaimed a local emergency due to a cyber event including attempts to disrupt portions of the City’s computer systems and network. The Council then ratified an emergency proclamation on July 13, 2023 to empower the Director of Emergency Services to address the local emergency beyond seven (7) days from July 9, 2023. This report requests that the Council approve a resolution amending and re-confirming the Proclamation of a Local Emergency (Attachment III) to ensure the City can access necessary State and Federal resources, including reimbursement for expenditures already taken to address the cybersecurity incident.

DISCUSSION

On July, 9, 2023, the City became aware of a cybersecurity incident into its computer networks. City staff has taken steps to prevent any further attempts to disrupt City computer systems and networks such as turning off access to the public website, online municipal portals and email communications into the City. Staff is taking steps to restore computer systems and investigate the severity of the incident.

Under California Government Code Section 8630 and Hayward Municipal Code Section 3-2.12 the City Manager is empowered to proclaim a local emergency pursuant to. When a local emergency is proclaimed by the Director of Emergency Services, the Council must ratify the proclamation within seven (7) days or the proclamation has no further effect. This item requests that the City Council ratify the resolution for the Proclamation of Local Emergency due to the

cybersecurity incident.

A Proclamation of Local Emergency allows the Director of Emergency Services to make rules and regulations related to the protection of persons and property, obtain vital services, supplies and equipment needed for the to provide ongoing services to City residents, and to assure the safety and welfare of City employees, residents and property.

On July 13, 2023 the Council passed a resolution ratifying the Proclamation of Local emergency empowering the Director of Emergency Services to address the emergency beyond the seven day period.<https://hayward.legistar.com/gateway.aspx?M=F&ID=48ce03f3-1114-49b9-b5a7-83235c90b8c6.docx> Taking this action and amending the Proclamation ensures its transmittal to relevant State and Federal emergency agencies. Per the guidance by the Alameda County Emergency Operations Center this additional language is necessary to allow the City potential access to reimbursement from State and Federal sources for emergency related expenditures.

FISCAL IMPACT

This resolution enables the City Manager and assigned staff to efficiently allocate resources due to the ongoing and imminent threat. The overall fiscal impact of this event are currently unknown. As part of this declaration, the City will document the costs of responding to the emergency and will seek reimbursement from any available sources.

STRATEGIC INITIATIVES

This agenda item is a routine operational item and does not directly relate to one of the Council's Strategic Initiatives.

Prepared by: Irene Perez, Management Analyst
Emily Hwang, Management Fellow



Approved by:

Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 23-

Introduced by Council Member

RESOLUTION RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, the California Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code 8630 such emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Hayward Municipal Code section 3-2.12 provides that the City Manager, serving as the Director of Emergency Services, may request the City Council to proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgement of the Director or Emergency Services, the circumstances warrant it, she may issue a proclamation of local emergency which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, the City Council does find that the City Council could not be convened at that time, and that these conditions did warrant and necessitate the proclamation of a local emergency.

WHEREAS, in accordance with authority granted under the above provisions of state and local law, the Director of Emergency Services beginning on July 9, 2023 did proclaim the existence of a local emergency caused by a cybersecurity attack, including attempts to disrupt and hold hostage aspects and components of City computer systems and networks; and

WHEREAS, the City Council ratified and confirmed the proclamation of local emergency on July 13, 2023.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Hayward that it is hereby proclaimed and ordered that the Proclamation of Local Emergency ratified on July 13, 2023, issued by the Director of Emergency Services, is hereby amended and re-confirmed; and

BE IT FURTHER RESOLVED that during the existence of this local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, and the Charter, ordinances, resolutions and approved plans of the City of Hayward

IN HAYWARD, CALIFORNIA, AUGUST 7, 2023

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**PROCLAMATION OF LOCAL EMERGENCY
BY DIRECTOR OF EMERGENCY SERVICES**

BE IT PROCLAIMED by the Director of Emergency Services of the City of Hayward as follows:

WHEREAS, the California Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code 8630 such emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Hayward Municipal Code section 3-2.12 provides that the City Manager, serving as the Director of Emergency Services, may request the City Council to proclaim the existence of a local emergency; and

WHEREAS, under provision of local law, if the City Council cannot be convened and, in the judgement of the Director of Emergency Services, the circumstances warrant it, she may issue a proclamation of local emergency which must be ratified or nullified by the City Council within seven days of issuance; and

WHEREAS, in accordance with my authority under the above provisions of state and local law as Director of Emergency Services; and

WHEREAS, the circumstances of extreme peril to public safety described below are so severe and require immediate remedial action that there is not sufficient time to an emergency meeting of the City Council; and

WHEREAS, as Director of Emergency Services, I have determined that the proclamation of a local emergency is warranted by virtue of the extreme peril to the safety of persons and property in the City caused by a cybersecurity attack, including attempts to disrupt and hold hostage aspects and components of City computer systems and networks.

BE IT FURTHER PROCLAIMED that this proclamation shall be in effect for a period of seven days, by which time it must be ratified by the Council of the City of Hayward, pursuant to Government Code section 8630.

NOW, THEREFORE, I HEREBY PROCLAIM that, effective immediately, a local emergency now exists in the City as a result of the circumstances described above.

BE IT FURTHER ORDERED THAT all City officers and employees take all steps requested by the City Manager to respond to the current event, maintain critical city functions, and prevent any further attempts to disrupt City computer systems and networks; and

BE IT FURTHER ORDERED THAT all City officers and employees take all steps requested by the City Manager to qualify the City for reimbursement from insurance providers as well as state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing the emergency; and

IT IS ORDERED THAT a copy of this proclamation shall be forwarded to the Director of the California Governor's Office of Emergency Services and that the Director be asked to find it acceptable in accordance with state law and that the Governor of California, pursuant to the Emergency Services Act, be asked to issue a State of Emergency and that he afford the City the benefit of recovering its costs; and

IT IS FURTHER ORDERED THAT the Governor of California be requested to make available all relevant funds to the City and all eligible community members and businesses, including but not limited to, California Disaster Assistance Act funds and State Private Nonprofit Organizations Assistance Program funds; and

IT IS FURTHER ORDERED THAT the Governor be asked to forward a copy of this proclamation to the President of the United States to seek a Presidential Declaration of a Federal Emergency and make all relevant funds available to the City of Hayward and all eligible community members and businesses including, but not limited to, any aid provided by the Small Business Administration to help the County of Alameda and the City of Hayward to keep the high level of response, recovery, and mitigation measures necessary to make our communities resilient from this emergency.



Dated: 7/9/2023

By: _____

Kelly McAadoo
City Manager/Director of Emergency Services