1. 23-28828 Recommendation to adopt resolution to ratify City Manager's Proclamation of Local Emergency caused by conditions or threatened conditions of a network security incident targeting City of Long Beach systems, which if not corrected, constitutes an imminent and proximate threat to the safety of persons and property within the City.

   Office or Department:

   Suggested Action: Approve recommendation.

CITY OF LONG BEACH, CA
PROCLAMATION OF LOCAL EMERGENCY
BY CITY MANAGER

WHEREAS, the City recently learned that it was subject to a network security incident, and the City and its Technology and Information Department (TID) are following industry best practices to investigate the scope and severity of the issue and develop a response plan; and

WHEREAS, core functions, such as 911, are intact; and

WHEREAS, as a cautionary measure, the City has taken certain non-emergency systems offline while they work to secure and restore services safely, which may result in delays in City services; and

WHEREAS, Government Code Section 8630 empowers the "governing body of a city, county, or city and county, or . . . an official designated by ordinance" to proclaim a local emergency due to the existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the City of Long Beach ("City") caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, or other conditions which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat; and

WHEREAS, Chapter 2.69 of the Long Beach Municipal Code empowers the City Manager of the City of Long Beach ("City Manager") as the Director of Civil Defense to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, said Chapter further provides that any emergency declared by the Director of Civil Defense will not remain in effect for more than seven (7) days, unless the City Council ratifies the existence of the local emergency; and

WHEREAS, cyberattacks against municipalities have seen a sharp increase in recent history resulting in ransomware attacks and data breaches that put safety of the public, employees, and property at risk, such as rendering city services unusable, preventing access to municipality 911 emergency services and the court system, and publishing of sensitive personal data of residents and employees (e.g., social security numbers, banking information, home addresses, passwords, etc.); and

WHEREAS, major government agencies like Oakland, Dallas, Atlanta, and Baltimore have faced similar incidents causing city services and operations to be substantially affected and/or shut down and costing those cities extensive resources to respond and recover their incidents; and

WHEREAS, in light of the devastation caused to other cities that have faced similar situations and out of an abundance of caution to protect the health, safety, and welfare of

the City's resources, residents and employees, the City Manager, in his capacity as the Director of Civil Defense, has determined that these conditions, if fully manifested, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, the Director of Civil Defense has determined that the recovery effort may require the procurement of equipment and materials, the activation or emergency workers, and/or the promulgation of orders on an expedited basis; and

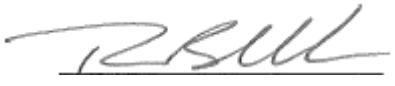
WHEREAS, the City Council is not in session and cannot immediately be called into session; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City of Long Beach, and that due to the network security incident there is an imminent and proximate threat of the safety of persons and property within the City of Long Beach; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by local ordinances and regulations, including, but not limited to, Chapters 2.69 and 2.85 of the Long Beach Municipal Code, and any other applicable resolutions of this City; and that this emergency proclamation shall expire seven (7) days after issuance unless confirmed and ratified by the City Council in accordance with Long Beach Municipal Code section 2.69.060; and that the City Council shall review at least every fourteen (14) days the continuing need for this Proclamation of a local emergency, unless extended by the City Council by a minute order.

IT IS REQUESTED OF THE CITY COUNCIL that the initial review of the emergency is extended until December 5, 2023 to provide emergency powers through the Thanksgiving Holiday. If emergency powers are still required, the City Manager will bring a request to extend the emergency on the December 5, 2023 agenda, or an item to end the emergency if the conditions warrant termination.

IT IS FURTHER PROCLAIMED AND ORDERED that all City departments and agencies take any actions, measures and steps deemed necessary to provide ongoing services to the City's residents, and to assure the safety and welfare of City employees, residents, and property.

Dated: 11/16/23 By: 

Tom Modica, City Manager
City of Long Beach

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO AN IMMINENT AND PROXIMATE THREAT TO SAFETY OF PERSONS AND PROPERTY WITHIN THE CITY DUE TO A NETWORK SECURITY INCIDENT TARGETING CITY OF LONG BEACH SYSTEMS, AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY BY THE CITY MANAGER

WHEREAS, California Government Code Section 8630 and Long Beach Municipal Code Section 2.69.060 empowers the City Council to proclaim the existence of a local emergency to protect and preserve public welfare when the City is affected or likely to be affected by a public calamity; and

WHEREAS, the City Council finds that cyberattacks against municipalities have seen a sharp increase in recent history resulting in ransomware attacks and data breaches that put safety of the public, employees, and property at risk, such as: rendering city services unusable, preventing access to municipality 911 emergency services and the court system, and publishing of sensitive personal data of residents and employees (e.g., social security numbers, banking information, home addresses, passwords, etc.); and

WHEREAS, major government agencies like Oakland, Dallas, Atlanta, and Baltimore have faced similar incidents causing city services and operations to be substantially affected and/or shut down and costing those cities extensive resources, some in the millions of dollars, to respond and recover from their incidents; and

WHEREAS, in light of the devastation caused to other cities that have faced

similar situations and out of an abundance of caution to protect the health, safety, and welfare of the City's resources, residents and employees, the City Council has determined that these conditions, if fully manifested, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, a proclamation of local emergency will assist in a coordinated effort and allow the City to seek assistance of other political subdivisions to combat the network security incident and any escalation thereof and to ensure continuity of the City's operations; and

WHEREAS, due to extent of damages caused to other cities in similar attacks, the City Council has determined that the conditions and circumstances described above warrant and necessitate that the City proclaim the existence of a local emergency out of an abundance of caution to protect persons and property in the City; and

WHEREAS, the City Council desires to proclaim a local emergency and to ratify the proclamation of local emergency by the City Manager, and to authorize the City Manager to enter into any necessary agreements to obtain any emergency assistance to implement necessary interventions to prevent the harm to the public and property in the City, and the City's employees;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

Section 1. Pursuant to Pursuant to California Government Code Section 8630 and Long Beach Municipal Code Section 2.69.060, the City Council hereby finds and proclaims the existence of a local emergency caused by conditions or threatened conditions of a network security incident targeting the City of Long Beach which, if not corrected, constitutes a threat of extreme peril of health, safety, and/or welfare of the City's employees and persons and property within the territorial limits of the City.

Section 2. The City Manager is hereby authorized to furnish information,

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

to enter into agreements and to take all actions necessary to obtain emergency assistance to implement preventive measures to protect and preserve public and property from said hazard within the scope of the local emergency hereby proclaimed.

Section 3. All City departments and agencies shall take any actions, measures and steps deemed necessary to provide ongoing services to the City's residents, and to assure the safety and welfare of City employees, residents, and property.

Section 4. The City Clerk shall certify to the passage of this resolution by the City Council of the City of Long Beach and it shall thereupon take effect. In accordance with the provisions of Long Beach Municipal Code Chapters 2.69 and 2.85, the City Clerk shall include the matter of the necessity for continuing the local emergency and the local health emergency on the City Council agenda for review at least every fourteen (14) days until the City Council terminates said local emergency. However, the initial review of the emergency by the City Council shall occur at the meeting of the City Council on December 5, 2023, wherein the City Manager shall either bring an action to terminate or extend the emergency, if conditions warrant.

Section 5. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

///

///

///

///

///

///

///

///

///

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2023, by the following vote:

Ayes: Councilmembers: _____

_____

_____

_____

Noes: Councilmembers: _____

_____

Absent: Councilmembers: _____

_____

Recusal(s): Councilmembers: _____

_____

City Clerk

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 W. Ocean Boulevard, 9th Floor
Long Beach, CA 90802