



HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District

REVISED ZOOM LINK PROVIDED BELOW

June 8, 2022

- 3:00 PM -

Remote Participation Only

HASPA Board of Trustees

Joint Powers Agreement Comprised of the East Bay Regional Park District, the
Hayward Area Recreation and Park District, and the City of Hayward.

SPECIAL NOTICE REGARDING PUBLIC PARTICIPATION:

The purpose of conducting the meeting as described in this notice is to provide the safest environment for staff and the public while allowing for public participation. Pursuant to the Brown Act, as amended by AB 361, the Board of Trustees and staff may participate in the Board meetings via phone/video conferencing and/or through a hybrid of in-person and remote attendance.

The Hayward Area Planning Agency intends to hold meetings through an entirely virtual platform through the East Bay Regional Park District's Virtual Platform, Zoom. If the Board of Trustees decides to hold a hybrid in-person meeting, attendance by members of the public will be subject to compliance with current health and safety protocols.

Public comments may be submitted in the following ways:

1. Send an email to jholder@ebparks.org by 12:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the HASPA Board of Trustees and Technical Advisory Committee (TAC) staff, and published on the District's Public Meeting Page (<https://www.ebparks.org/calendar/public-meetings>). Written comments received after 12:00 p.m. that address an item on the agenda will still be included as part of the record.
2. Live via zoom. If you would like to make a live public comment during the meeting this option is available through the virtual meeting platform: *Note: this virtual meeting platform link will let you into the <https://ebparks.zoom.us/j/87824047573> virtual meeting for the purpose of providing a public comment. Comments received during the meeting and up until the public comment period on the relevant agenda item is closed, will be provided in writing to the HASPA Board of Trustees. All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record. If you have any questions please contact John Holder, Senior Planner, at jholder@ebparks.org or (510) 544-2323.

How to view the meeting and provide live Public Comment during the meeting:

Board Room Peralta Oaks is inviting you to a scheduled Zoom meeting.

Topic: HASPA Trustee Special Meeting/Workshop

Time: Jun 8, 2022 02:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://ebparks.zoom.us/j/87824047573>

Meeting ID: 878 2404 7573

One tap mobile

+16699006833,,87824047573# US (San Jose)

+13462487799,,87824047573# US (Houston)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 878 2404 7573

Find your local number: <https://ebparks.zoom.us/j/kemmDvdP2J>

CALL TO ORDER

ROLL CALL

1. Approval of Minutes from the HASPA Meeting held on April 14, 2022 - Draft Action Minutes of April 14, 2022

Public Comments

The Public Comment section provides an opportunity to address the Board on items not listed on the agenda. The Board welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the Board or are within the jurisdiction of the Board as the Board is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

2. Introductions of Trustees and future Trustees from Oro Loma Sanitary District and Alameda County Mosquito Abatement District
3. Background on JPA expansion efforts and timeline (Park District)
4. Summary of East Bay Dischargers Authority (EBDA) Term Sheet and JPA extension (EBDA/Jacqueline Zipkin, General Manager)
5. Draft HASPA JPA Term Sheet review and discussion (Park District)
6. Next steps

ADJOURNMENT

Item 1 - Attachment I: Draft Action Minutes

NEXT MEETING: July 14, 2022

District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed for you to participate, please contact the Clerk of the Board at 510-544-2020 as soon as possible, but preferably at least three working days prior to the meeting.

**HAYWARD AREA SHORELINE PLANNING AGENCY**

**City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District**

Meeting of Board of Trustees
Special Meeting Held Remotely Via Zoom Webinar

April 14, 2022

DRAFT ACTION MINUTES**HASPA TRUSTEES PRESENT:**

Dennis Waespi, East Bay Regional Park District, HASPA Chair
Elisa Márquez, City of Hayward
Paul Hodges, Hayward Area Recreation and Park District

(HARD) HASTAC MEMBERS PRESENT:

John Holder, East Bay Regional Park District
Devan Reiff, East Bay Regional Park District
Taylor Richard, City of Hayward
Erik Pearson, City of Hayward
Erika Castillo, Alameda County Mosquito Abatement District

STAFF:

Amanda Sanders, East Bay Regional Park District
Matt James, East Bay Regional Park District
Brian Laczko, Hayward Area Recreation and Park District
Nicole Espinoza Roa, Hayward Area Recreation and Park District

VISITORS:

Eric Hentschke, Alameda County Mosquito Abatement

Joshua Quigley
Richard Maurer
Jerry

CALL TO ORDER: A regular meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 2:59 P.M. and role was taken by Chair Waespi.

ACTIONS:

- I. Approval of Minutes from the HASPA Meeting held on January 13, 2022 - Draft Action Minutes of January 13, 2022

Trustee Márquez motioned the vote, Chair Waespi seconded. Vote: 2 ayes, 1 abstain, 0 nay votes

Public Comments:

Jerry asked who the new Board of Trustee members are. John Holder responded. Jerry also asked for project grant funding update. John replied that an update will be provided at July Board of Trustee (BOT) meeting.

REPORTS: Technical Advisory Committee (TAC) Updates

2. Planning Project Updates (Taylor Richard, City of Hayward)
 - 2.1. U-Haul Development at 4150 Point Eden Way** – Was brought to City Council on February 15, 2022, upheld the applicants appeal of the Planning Commission denial, and approved the application modifications. The modifications including working with a labor contractor and future gateway signage. The applicant is working with EBRPD on a land swap and realignment of Bay Trail.
 - 2.2. Industrial Shell Building at 3636 Enterprise** – Undergoing environmental review per CEQA. Tentative timeline for bringing this to the Planning Commission is June 2022.
 - 2.3. City of Hayward Sea Level Rise Guidance Memorandums** - Two guidance memos were created to address sea level rise for developers. Sea Level Rise & Land Development in Hayward provides high level review and basic frequently asked questions and is targeted at property owners. Technical Memo for Land Development in Land Subject to Sea Level Rise is a more in-depth look at flood protections, target elevations, site specific recommendations for applications as part of application status letters. The memos are attached to the agenda packet. Trustee Márquez thanked Taylor Richard and City of Hayward team for all the hard work and prompt staff responsiveness in creating these documents. Chair Waespi thanked everyone for the document.

ACTION ITEMS:

3. TAC Update on JPA Expansion and Recommendation for JPA Extension (EBRPD)
Attachment III: Memorandum on HASPA Expansion and Recommendation for Extension

John Holder provided background on the HASPA Joint Powers Authority. HASPA expansion extended the JPA one year to complete the Shoreline Adaption Master Plan, then six-month expansion in 2022, currently expires June 30, 2022. TAC has worked to invite and meet new members of the JPA. The Alameda County Mosquito Abatement District (trustee), and Oro Loma Sanitary District (trustee) are interested in joining the BOT, along with other agency's interested to join the TAC. The TAC is currently drafting a Term Sheet to inform the future JPA update. The TAC is requesting a one-year extension to finalize the Term Sheet and update the JPA to include new members. The plan is to present the Term Sheet to the BOT at the next Trustee meeting.

Trustee Márquez asked that there is consideration being made to include feedback heard at previous meetings. Does the Term Sheet discuss the ability to be competitive to obtain grants? John Holder responded that the TAC is working through the feedback made to the group. One of the priorities is funding, and how to receive funding to implement projects that are in the Shoreline Adaption Master Plan. There will be mention in the Term Sheet.

Trustee Hodges is excited to have more voices on the shoreline. He asked if the status quo until June 30, 2023. John Holders responded yes, because each member will need time to review language and provide approval from their respective agency. The TAC has been leading the effort to create the Term Sheet as a group effort. The Term Sheet will show how we can be more effective to get funding for projects. The BOT will have an opportunity to review the draft Term Sheet.

Chair Waespi stated that we have a great plan, and now our efforts are now to expand HASPA to get more agencies involved to have more stakeholders. Trustee Márquez is committed to seeing this through and would like to approach the next meeting as a work session before voting on the Term Sheet.

Erik Pearson asked for clarification from Trustee Márquez on what she wants. She said that she wants the Term Sheet brought as a work session first, and then brought back as an action item to approve the Term Sheet. John Holder said that we may want to do the proposed Term Sheet work session prior to the July meeting, and have it voted on at the July meeting. Brian Laczko stated that we may need to move quicker and meet more often to complete everything within a year.

Chair Waespi would like to have updates on the Term Sheet and JPA update as a standing item on upcoming BOT meeting agendas. Chair Waespi asked if the recommendation is for the JPA to be extended until June 2023, with the new trustees not joining until then. John Holder replied yes. Chair Waespi asked if potential members of the TAC would have dues? John Holder replied that there are ongoing discussions on having a tiered payment system for TAC versus BOT members. Chair Waespi asked if CV Sanitary District responded to

the invite. Taylor Richard said that they didn't. Brian Lackzo mentioned that we have a new TAC member from EBDA that is very helpful.

- Recommended expansion of JPA to June 30, 2023. Trustee Hodges moved the motion, Trustee Márquez seconded the motion. Vote: Marquez aye, Hodges aye, Waespi aye. Passed unanimously.
4. Setting of Dates for Additional Meetings for 2022 Attachment IV: Memorandum and Recommended Dates for 2022 REPORTS: Board Members (Trustees)

July 14, 2022 and October 13, 2022 dates are suggested as quarterly meeting BOT dates. Trustee Márquez moved the motion, Trustee Hodges seconded the motion. Vote – Marquez aye, Hodges aye, Waespi aye. Passed unanimously.

REPORTS: Setting of Agenda for Next Meeting (Trustees/TAC)

Trustee Márquez – thanked everyone for their hard work. If she can be of any help with reaching out to groups we've contacted please don't hesitate to request assistance.

Chair Waespi welcomed Trustee Hodges to his first meeting as a trustee.

AGENDA SETTING:

- Standing update on Term Sheet progress
- Standing update on what projects in the Shoreline Adaptation Plan we have funding for, and what items have pending applications for grant funding
- Would like to invite new politicians to visit the shoreline after the November elections

ADJOURNMENT @ 4:00pm

Item 5 – Attachment II: Draft Term Sheet**Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement (JPA) Term Sheet****(DRAFT FOR PUBLIC REVIEW)****June 8, 2022**

The following are key terms that are intended to form the core of a renewed and amended Hayward Area Shoreline Protection Agency (HASPA) Joint Powers Agreement (JPA). Language and terms included in the existing HASPA JPA will remain, but the renewed JPA will be drafted to reflect these concepts. The current JPA is made up of the East Bay Regional Park District (EBRPD), the City of Hayward and the Hayward Area Recreation and Park District (HARD).

Purpose and Mission

- JPA parties wish to continue HASPA and its powers and functions in addressing sea level rise through Shoreline planning activities, collaboration to advance projects identified in the Master Plan, seek funding for projects, and carry out previously adopted policies for the Shoreline area.
- Revise HASPA mission to focus on climate adaptation (rather than only sea level rise) to broaden opportunities for project implementation.
- HASPA's purpose includes public access and recreation at the shoreline as climate adaptation strategies.
- HASPA's purpose includes improving public health (through measures such as mosquito abatement).

Term

- Indefinite term of JPA, with language to specify how agencies can be added or withdrawn, and how to cancel the JPA altogether.
- Coordinating authority rotates every three years. Coordinating authorities shall be agencies that are party to the JPA, with certain exceptions, or the Board may designate coordinating authorities.

Governance

- Trustee Members:
 - The following members shall serve on the Board of Trustees: EBRPD, HARD, City of Hayward, Alameda County Mosquito Abatement District, and Oro Loma Sanitary District.

- Each Trustee Member shall designate a staff member and alternative to serve as representative on the Technical Advisory Committee (TAC).
- The affirmative vote of Board members representing both a majority of the agencies shall be necessary to carry any motion on the Board of Trustees.
- Add language to give Board authority to waive fees and determine tiered membership fees or the ability to waive fees.
- Consider language to rename the JPA (from “Hayward Shoreline”) to accommodate future members in the case of a boundary change.
- HASPA boundary. Board has the authority to change. (Attach exhibit to JPA with current boundary to formalize the boundaries).
- Changes to the JPA require a unanimous vote of all party representatives.
- Technical Advisory Committee Members:
 - In addition to the Trustee Members, the following members will participate in the TAC: East Bay Dischargers Authority, Alameda County Flood Control and Water Conservation District, Caltrans, Bay Trail, and the Capital Corridor.
 - The TAC will continue to serve an advisory role and is made up of staff from JPA trustee agencies and other government agencies.
 - Cap on TAC staff members (maximum two) for member agencies.
 - Any new TAC members shall be approved by current TAC members.

Powers

- The JPA shall be allowed to hire a part-time or full-time staff. Hired staff may be an outside entity (consultant) that could serve as JPA coordinator/administrative authority.
- Section 4 of the current JPA (Powers) will remain the same.

Finance

- Trustee Members shall pay annual dues of \$12,000.
- Board should have flexibility to add or raise annual dues
- Add language to include the following:
 - Indexing or increasing contribution with a cap at a certain max percentage (i.e adjustment for inflation adjustments or a membership tier structure for smaller agencies)
 - Whether there should be a tiered dues structure (consider if TAC-only members pay a reduced amount).
 - Timeline on dues (fiscal year or calendar year)
 - Dues changes should require a unanimous vote of the Trustees
- TAC-only members shall not pay membership dues but will contribute in-kind services in the form of technical support.
- The JPA shall continue to be able to apply for and receive funding. Depending on the funding type and project type, the responsible fiscal agent for the funding will be landowner where the project is taking place, or HASPA’s current coordinating authority.
- Additional funding beyond the dues would require unanimous vote among the funding agencies.
- Remove audit requirement and allow for annual financial review or financial report to HASPA Board.

