



HAYWARD AREA SHORELINE PLANNING AGENCY

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

January 12, 2023

- 3:00 PM -

Remote Participation Only

HASPA Board of Trustees Meeting Agenda

A Joint Powers Authority comprised of the East Bay Regional Park District, 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 (EBRPD) 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 asanders@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 Park 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 virtual meeting for the purpose of providing a public comment:

<https://ebparks.zoom.us/j/83646794742>

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 Amanda Sanders at asanders@ebparks.org or (510) 544-2650.

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

Topic: Jan 12, 2023 - HASPA Board of Trustees Meeting
Time: Jan 12, 2023 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://ebparks.zoom.us/j/83646794742>

Meeting ID: 836 4679 4742

One tap mobile

+16694449171,,83646794742# US

+16699006833,,83646794742# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 931 3860 US

+1 689 278 1000 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

Meeting ID: 836 4679 4742

Find your local number: <https://ebparks.zoom.us/u/k1luLRwjv>

CALL TO ORDER

ROLL CALL

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.

I. Approval of Minutes from the HASPA Meeting Held on December 8, 2022 - Draft Action Minutes of December 8, 2022 (Attachment I)

- 2. Election of HASPA Chair**
- 3. City of Hayward Project Updates (City Staff)**
- 4. HASPA JPA Renewal Update – Informational Item (EBRPD)**
- 5. New Brown Act Meeting Requirements – Discussion (EBRPD) (Attachment 2)**
- 6. Hayward Shoreline Project Updates (TAC)**
- 7. Old/New Business (TAC)**
- 8. Board Member Announcements**
- 9. Agenda for next meeting**

ADJOURNMENT

NEXT MEETING: April 13, 2023

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.

Attachment 1: 12/8/22 Minutes



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

December 8, 2022

DRAFT MINUTES

HASPA TRUSTEES PRESENT:

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

HASPA PROSPECTIVE TRUSTEES PRESENT:

Rita Duncan, Oro Loma Sanitary District
Eric Hentschke, Alameda County Mosquito Abatement District

HASTAC MEMBERS PRESENT:

Devan Reiff, East Bay Regional Park District
Eddie Willis, East Bay Regional Park District
Taylor Richard, City of Hayward
Erik Pearson, City of Hayward
Erika Castillo, Alameda County Mosquito Abatement District
Vishal Ream-Rao, Caltrans
Brian Laczko, Hayward Area Recreation and Park District
Jimmy Dang, Oro Loma Sanitary District

STAFF:

Matthew Graul, East Bay Regional Park District
Chris Barton, East Bay Regional Park District
Robbie Parry, East Bay Regional Park District
Flora Csontos, East Bay Regional Park District
Amanda Sanders, East Bay Regional Park District
Sierra Cannon, City of Hayward

VISITORS:

Francis Mendoza

CALL TO ORDER: A regular meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 3:02 P.M. and role was taken by Devan Reiff. Trustee Marquez was absent.

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

Trustee Hodges motioned the vote, Chair Waespi seconded. Vote: Ayes - Hodges & Waespi, approved unanimously.

Public Comments: Francis Mendoza – The Hayward Shoreline Interpretative Center is a wonderful place. Would like the activities that previously happened there be brought back, many programs have been stopped due to funding. Would like to attend the January 20th site tour of the Hayward Shoreline. Staff confirmed it will be a public meeting.

2. City of Hayward Project Updates (City Staff)

No project updates to report

3. Discussion and Approval of 2023 HASPA Board Meeting Schedule (Attachment 2)

The proposed 2023 HASPA Board of Trustees meeting schedule is January 12, April 13, May 11 (Special meeting), August 10, November 9.

Chair Waespi has no conflicts on those dates. Prospective Trustee Hentschke has no conflicts. Prospective Trustee Duncan is not available on August 10th. Trustee Hodges is available for those dates. It was suggested that each trustee have an alternate in case they aren't attend.

Trustee Hodges motioned the vote, Chair Waespi seconded. Vote: Ayes - Hodges & Waespi, approved unanimously.

4. Hayward Shoreline Project Updates (TAC)

Chris Barton (EBRPD) provided the Trustees an update on the Hayward Marsh restoration project. EBRPD staff brought the project to Park District Board for approval of a concept plan that authorized staff to proceed with environmental review for the project. The project team was successful in getting a CEQA exemption for the project which means there is no requirement to prepare a project Mitigated Negative Declaration, nor for an Environmental Impact Report. The Park District will hire a consultant for design development and permitting in 2023. Staff would like to expedite some permit requirements through state and federal programs.

Devan Reiff (EBRPD) gave an update from TAC member East Bay Dischargers Authority (EBDA) on behalf of EBDA General Manager Jackie Zipkin. Under a grant from EPA Region 9's Water

Quality Improvement Fund, EBDA is proceeding with design of the First Mile Horizontal Levee Project at the back of Oro Loma Marsh, as identified in the Hayward Shoreline Master Plan. Engineering consultant, ESA is currently working on the 30% design documents for the project. They will be continuing with the design process in 2023, concluding with a 60% design documents by the end of next year. As the design proceeds, EBDA, East Bay Parks, and other project partners will be evaluating governance and funding options for project implementation.

On November 2, 2022, the First Mile Team hosted a site tour for the Bay Restoration Regulatory Integration Team (BRRIT), which included representatives from USEPA, California Coastal Conservancy, US Army Corps of Engineers, BCDC, Regional Water Board, California Department of Fish & Wildlife, NOAA Fisheries, and US Fish and Wildlife. The tour was very well-received, and the BRRIT will be providing written feedback next week on permitting questions posed by the First Mile team.”

5. HASPA JPA Renewal Update – Informational Item (EBRPD) – The HASPA Board approved the Term Sheet to inform the new JPA agreement on September 1, 2022.

a. Joint Powers Authority Draft Structure

The Park District engaged the law firm Hanson and Bridgett to draft the language of the new Joint Powers agreement. There will be separate sections in the agreement covering purpose, mission, term, governance, powers, finance, and miscellaneous items. There will be a separate document of bylaws and procedures of the Board of Trustees and committees, such as the TAC. Both documents are being revised and informed by current laws and the adopted term sheet language. There will be several opportunities for the Board of Trustees and the TAC to review the documents and to provide feedback.

b. Schedule for Review and Adoption of New JPA Agreement

- November 2022 to January 2023- internal drafts created with outside counsel
- February 2023 – TAC to review first draft
- March 2023 – TAC to review second draft
- April 2023 – draft provided to Legal department of each agency for review
- April 2023 – BOT to review, ask questions, provide input
- May 2023 – BOT approval
- May to June 2023 - agencies take to governing body group for approval

Prospective Trustee Duncan asked how long the agency attorneys will have to review the draft. Devan Reiff responded around 30 days. Chair Waespi asked if another agency decides they want to join in the time between now and May, could that happen? Devan Reiff requested that any serious interest in joining the JPA from other agencies be provided to staff as soon as possible for inclusion in the agreement.

6. Old/New Business (TAC)

Devan Reiff provided an update on an upcoming site tour on January 20, 2023, of the Hayward Shoreline. It's being organized by the Government Affairs department of the Park District. Public officials, staff and the public will be invited to tour the shoreline. It is taking place the Friday before a King Tide event at the shoreline. Invites are being sent to all state and federal officials who represent Alameda and Contra Costa counties; county officials, plus their staff, as well as all the HASPA Trustees/Prospective Trustees. The agenda will include talking about Sea Level Rise, the 30x30 program, and the opportunity to see King Tides in action. It is a walking tour, approximately one mile on uneven trail surface. Idea is to inform people about the climate adaptation projects that we have locally and regionally.

Prospective Trustee Duncan asked the time of the tour. Devan Reiff said it will start around 9:30-10:00 a.m. and last approximately 2 hours. Trustee Hodges asked if we checked the tide schedule. Devan Reiff said that the tide will be significantly higher than usual (Tide estimated to be 8.4' at 10:38 a.m.).

7. Board Member Announcements

Prospective Trustee Duncan is excited to learn about King Tides. Chair Waespi asked Robbie Parry, Park Supervisor of Hayward Shoreline, when the highest King Tide is around that period. Robbie Parry said it will be up to 8.9' that weekend. Chair Waespi thinks it is amazing and that we need to show local legislators the fragile levees during King Tides. Local agencies oversee taking care of the levees, but we can't do it on our own, need help from state/federal legislators to support our goals. Chair Waespi encouraged people to come to the tour. Trustee Hodges said there is a HARD holiday lighting event tonight that people are invited to.

AGENDA SETTING:

- Report on algal blooms & fish die off in the SF Bay
- Oro Loma horizontal levee project – the nutrient loads in the SF Bay, Oro Loma could do a technical presentation on the horizontal levee project

Chair Waespi would like to eventually have meetings at Hayward Shoreline Interpretive Center, and have meetings in person, perhaps in April 2023.

ADJOURNMENT @ 3:46 pm

**Attachment 2: New Brown Act Meeting Requirements****HAYWARD AREA SHORELINE PLANNING AGENCY****Memorandum**

DATE: January 12, 2023

TO: Hayward Area Shoreline Planning Agency (HASPA) Board of Trustees

FROM: Devan Reiff, Principal Planner, EBRPD

SUBJECT: Future Meeting Location of the HASPA Board of Trustees beginning March 2023, pursuant to Brown Act provisions

Recommendation

The Technical Advisory Committee (TAC) recommends that the HASPA Board review this memorandum regarding the in-person location for upcoming Board of Trustees meetings. Until a new Joint Powers Agreement is approved, staff recommends that the in-person meeting location for the April 13th and May 11th Board of Trustee meetings be the Hayward Shoreline Interpretive Center, 4901 Breakwater Ave, Hayward, CA 94545.

Once a new JPA agreement is adopted, a different in-person meeting location can be considered with the new HASPA Board at the August 10th meeting.

Background

On March 4, 2020, the State of California declared a state of emergency related to the COVID-19 pandemic and issued various stay-at-home and social distancing orders. Governor Gavin Newsom signed Executive Order N-29-20 allowing public agencies to hold public meetings by video and teleconference consistent with shelter-in-place orders.

On October 17, 2022, Governor Newsom announced that he will lift the COVID-19 State of Emergency as of February 28, 2023. This means that beginning in March 2023, HASPA will no longer have the option of holding remote or hybrid public meetings under the provisions of existing law.

A new law signed in September 2022, AB 2449, provides a teleconference alternative to the traditional Brown Act teleconference requirements. However, it is more restrictive than current practice as it requires individual members of a legislative body (the HASPA Trustees, in this case) to attend public meetings in person absent certain defined and limited circumstances.

Discussion

Under AB 2449, public agencies may continue to hold meetings at which the public may participate remotely, but members of the legislative body must attend in person, comply with the traditional Brown Act teleconferencing rules, or they must show either “just cause” or “emergency circumstances” as defined by AB 2449.

When the declared State of Emergency expires on February 28, 2023, the Brown Act will require that for remote attendance at meetings, at least a quorum of the members of the legislative body (HASPA Trustees) must still participate in person from a singular physical location clearly identified on the agenda. This physical location must be open to the public and situated within the agency’s jurisdiction. Prior to COVID-19, the Hayward Shoreline Interpretive Center was the traditional meeting location for the HASPA Board of Trustees meetings. Staff recommends that the upcoming in-person meetings take place at the Hayward Shoreline Interpretive Center.

However, when the new and expanded HASPA JPA is adopted, there may be the ability to build in more flexibility as to where the HASPA Board of Trustee meetings could be held, such as locations that are better equipped to have hybrid meetings, where the public can participate either in-person or remotely, but the Trustees and staff are in-person.

Next Steps

To meet the provisions of the Brown Act, staff intends to schedule the April 13, 2023 and May 11, 2023 meetings of the HASPA Trustees at the Hayward Shoreline Interpretive Center.

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