



HAYWARD AREA SHORELINE PLANNING AGENCY

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

September 1, 2022

- 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/81598177460>. 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: Sept 1, 2022 - HASPA Board of Trustees Meeting
Time: Sep 1, 2022, 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://ebparks.zoom.us/j/81598177460>

Meeting ID: 815 9817 7460

One tap mobile

+16694449171,,81598177460# US

+16699006833,,81598177460# US (San Jose)

Dial by your location

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 386 347 5053 US

+1 564 217 2000 US

Meeting ID: 815 9817 7460

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

CALL TO ORDER**ROLL CALL****1. Approval of Minutes from the HASPA Meeting Held on June 8, 2022 - Draft Action Minutes of June 8, 2022 (Attachment 1)****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. City of Hayward Project Updates (City Staff)**3. Discussion and Approval of San Francisco Estuary Partnership Support Letter (Heidi Nutters, David Donovan) (Attachment 2)**

4. **Draft HASPA JPA Term Sheet Review and Recommendation (EBRPD) (Attachment 3)**
 - a. **Feedback (HASPA Trustees)**
 - b. **Feedback (Prospective HASPA Trustees)**
 - c. **Recommendation to Approve Draft HASPA JPA Term Sheet (HASPA Trustees)**
5. **Discussion of Budget for Producing New HASPA JPA (EBRPD)**
6. **Old/New Business (TAC)**

ADJOURNMENT**NEXT MEETING: October 13, 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.

Attachment I: 06.08.2022 BOT 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

June 8, 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

HASPA PROSPECTIVE TRUSTEES PRESENT:

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

HASTAC MEMBERS PRESENT:

John Holder, East Bay Regional Park District
Devan Reiff, East Bay Regional Park District
Taylor Richard, City of Hayward
Erika Castillo, Alameda County Mosquito Abatement District
Vishal Ream-Rao, Caltrans
Jackie Zipkin, EBDA
Brian Laczko, Hayward Area Recreation and Park District
Jason Warner, Oro Loma Sanitary District

STAFF:

Amanda Sanders, East Bay Regional Park District
Tonya Covarrubias, East Bay Regional Park District
Matt James, East Bay Regional Park District
Nicole Espinoza Roa, Hayward Area Recreation and Park District (HARD)
Jimmy Dang, Oro Loma Sanitary District

VISITORS:

None present

CALL TO ORDER: A regular meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 3:14 P.M. and role was taken by Chair Waespi.

ACTIONS:

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

Change Requested - Brian Laczko to be listed as TAC instead of staff.

Trustee Márquez motioned the vote, Trustee Hodges seconded. Vote: 3 ayes, approved unanimously

Public Comments: None

2. Introductions of Trustees and Prospective Trustees from Oro Loma Sanitary District and Alameda County Mosquito Abatement District

Trustee Márquez introduced herself, serves on City of Hayward Council. Trustee Hodges introduced himself, is on the HARD Board. Chair Waespi introduced himself, he is with the EBRPD Board. Rita Duncan of Oro Loma Sanitary District introduced herself. Eric Hentschke with AC Mosquito Abatement District introduced himself.

3. Background on JPA Expansion Efforts and Timeline

John Holder gave a general background of the HASPA JPA, the current groups that are included, and the current boundary of HASPA. The expansion efforts for HASPA were reviewed. The HASPA Technical Advisory Committee (TAC) has been developing a draft Term Sheet to guide future JPA agreement development.

4. Summary of East Bay Dischargers Authority (EBDA) Term Sheet and JPA extension

EBDA recently went through a JPA renewal process. EBDA is responsible for discharge of treated wastewater to SF Bay, members include City of San Leandro, Oro Loma Sanitary District, Castro Valley Sanitary, City of Hayward, Union Sanitary District. Their JPA was set to expire on 1/1/2020. Timeline was as follows: 2018 renewal discussions, March 2019 reached conceptual agreement on business terms (term sheet), March – April 2019 member agency boards reviewed term sheet, May 2019 commission adopted term sheet & attorney workshop held, May – October 2019 JPA drafting, November – December 2019 board/councils adopt new JPA & extend current JPA 6 months, July 2020 new JPA effective. After adopted term sheet, an outside council led drafting using existing JPA as the base document.

Trustee Márquez asked how the outside council was chosen. There was an ad-hoc committee that helped to choose. Trustee Márquez asked if there are only elected bodies on the JPA. The answer is yes. Trustee Márquez asked how the 20-year term of JPA was chosen. Jackie said it was debated during term sheet drafting.

ACTION ITEMS:

5. Draft HASPA JPA Term Sheet Review and Discussion

Multiple drafts were circulated and discussed amongst the TAC members. Draft was shared with Trustees prior to 6/8 meeting. Basic updates to various JPA agreement sections include purpose/mission, term, governance, powers, finance.

Discussion Point 1: TAC Dues to Support Future HASPA Project Implementation: Suggested \$6,000 for TAC members

Trustee Márquez is glad the suggested fee is less than for the full JPA members. Would like details on what the money will be spent on, what consultants would do. Would like to have ability to allow TAC members lower fees or waive fees if members unable to pay. Brian Laczko said that a consultancy could be helpful if the workload increases. Trustee Hodges said that \$6,000 is a good starting point that may need to be adjusted in the future. Rita Duncan asked Jackie if EBDA would be willing to pay the suggested TAC fees. Jackie replied that there seems to be support, not sure at what money level.

Discussion Point 2: Add Language to Allow for Flexibility in Changing HASPA Boundary (as identified in SAMP)

Chair Waespi doesn't have a problem with that, but was curious what suggestions were from TAC. Trustee Hodges said that the boundary is stretched by saying Hayward Area. Rita Duncan said it could be a broader name. Trustee Márquez mentioned that maybe this point could be revisited as HASPA grows. Trustee Hodges agreed.

Discussion Point 3: Audit or General Financial Statement Presentation Annually

Trustee Márquez would like to discuss with finance if an audit is needed. General financial statement annually would be good. Chair Waespi said he thinks that the outside council who will be doing rewrite could let us know if we need to do audits or if annual statement is enough. Jackie mentioned that she believes there are audit requirements for JPA's, but suggests checking with council.

Discussion Point 4: Mission and Vision Statement – Expand to Include Items Listed on the Draft Term Sheet (broader adaptation planning)

Trustee Márquez's first priority is completing the projects in the SAMP. Chair Waespi said it would be good to change focus from only sea level rise to expand focus to climate adaptation. Erika Castillo mentioned that the wording could be stated to maintain/ensure public health.

General Discussion:

Chair Waespi asked if we engaged the public on the draft term sheet. John Holder mentioned that the HASPA meetings are public and there was community engagement with the Shoreline Adaptation Management Plan (SAMP) creation.

Rita Duncan asked what work is planned to be done by TAC group? The current chair of the TAC is the Park District. The TAC convenes meetings to discuss master plan projects, administrative duties, meet monthly to facilitate expansion. Adding a fee for the TAC would help fund administrative costs moving forward. Rita Duncan asked what is expected of the Trustees when meeting? Chair Waespi mentioned that the JPA was created by people in the 1970's that wanted to preserve the Shoreline from development. The JPA created a SAMP working together, now have suggested projects worth around \$1 billion in costs. The trustees are the governance end of it. Trustee Hodges said that the JPA needs more members because it gives the JPA a bigger voice when trying to get grants. Rita Duncan is looking for details on what are requirements for trustees, including defining tasks and commitment, and what the benefits are for joining the JPA and believes this should be added to term sheet. Trustee Márquez said the common goal is protecting the shoreline, but we need strength in numbers. Trustee Márquez said we need to work on identifying alternates for each Trustee. The JPA members have voting privileges whereas TAC-only members do not. Rita Duncan said that there should be something in the term sheet that it says the SAMP projects are the main priority.

Trustee Márquez suggested that we obtain a neutral outside council for the JPA rewrite.

Trustee Hodges said that we need to work on shortening the permit process.

Chair Waespi stated that the coordinating term of three years is an improvement over every five years. In regard to Governance section, need to define everyone's roles – what trustees and TAC are expected to do. Regarding the Powers section feels that there is a need for an annual budget in review. Under the Finance section feels that \$12,000 for Trustees and \$6,000 TAC is appropriate. Unanimous vote is good.

Trustee Márquez has a concern under Governance section, is it legal to require a unanimous vote? Should the term sheet say a majority vote? When are we planning on voting on the draft term sheet – July? Trustee Márquez suggests that internal council review the draft term sheet prior to the July meeting. EBDA's JPA does require unanimous voting for some issues.

6. Next Steps

The TAC will meet again in early July. Chair Waespi would like to be invited to a TAC meeting. At the July 14th meeting the Board of Trustees will review the updated draft term sheet.

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 have a field trip or orientation for the new members to see the whole Hayward Shoreline

ADJOURNMENT @ 4:54 pm

Attachment II: San Francisco Estuary Partnership Letter of Support**HAYWARD AREA SHORELINE PLANNING AGENCY**

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

September 1, 2022

Attention: Review Committee - San Francisco Bay Water Quality Improvement Fund, FY 2022

Subject: Support from Hayward Area Shoreline Planning Agency for the San Francisco Estuary Partnership's 2022 San Francisco Bay Water Quality Improvement Fund Proposal

Hayward Area Shoreline Planning Agency (HASPA), a Joint Powers Agreement of the City of Hayward, the Hayward Area Recreation and Park District, and the East Bay Regional Park District, strongly supports the San Francisco Estuary Partnership's proposal to the EPA's request for applications for the San Francisco Bay Water Quality Improvement Fund, FY 2022.

In 2021, HASPA adopted the Hayward Regional Shoreline Adaptation Master Plan (Master Plan). The Master Plan lays out a comprehensive vision for facing the challenge of sea level rise while enhancing shoreline habitat and access for recreation and protecting critical infrastructure. The Master Plan has been viewed as a model for other regions. HASPA members and its strategic partners are working diligently to implement its vision. The project to design nature-based solutions at the Hayward Water Pollution Control Facility, included in this grant application, is a key element of the Master Plan. EPA Region 9's approval of this project will enable the City of Hayward and the HASPA team to continue advancing the vision laid out in the Master Plan to use nature-based solutions such as wetlands and horizontal levees to adapt the shoreline in the most sustainable way.

By supporting this suite of multi-benefit, nature-based projects, led by the San Francisco Estuary Partnership and its coalition of partners, EPA funding will help restore habitat, provide flood protection, and reduce pollutants and excess nutrients from entering the Bay. The proposal demonstrates a broad number of environmental outcomes – and these will only be amplified through direct community engagement and involvement in nature-based climate adaptation. It will also enhance the capacity of community-based organizations and local government agencies to approach climate resiliency in a holistic manner, implement future high value nature-based projects, reduce risks from sea level rise and flooding, and provide ecosystem benefits to communities. We urge EPA Region 9 to fund this important project.

Sincerely,

Dennis Waespi
East Bay Regional Park District
Director/Chair
DWaespi@ebparks.org

Elisa Márquez
City of Hayward
Councilmember/Trustee
Elisa.Marquez@hayward-ca.gov

Paul W. Hodges
Hayward Area Recreation and Park District
Director/Trustee
Paul.Hodges@haywardrec.org

Attachment III: Draft Term Sheet

**Hayward Area Shoreline Planning Agency
Joint Exercise of Powers Agreement
Term Sheet**

September 1, 2022

The following are key terms that are intended to form the core of a renewed and amended Hayward Area Shoreline Planning 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 Hayward Regional Shoreline Adaptation 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 and improving public health through measures such as mosquito abatement
- HASPA's purpose involves public education about climate change, and it's impacts at the shoreline.

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).
 - Trustees role is to provide guidance on implementation of Master Plan projects, and to work as an ambassador to promote the Hayward shoreline and climate adaptation projects there.
- The affirmative vote of Board members representing 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.

- 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.
- TAC-only Member Agencies shall pay an annual fee of \$6,000, but this fee can be waived, or reduced, by a unanimous vote of the Trustees.
- 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)
 - Timeline on dues (fiscal year or calendar year)
 - Dues changes should require a unanimous vote of the Trustees
- 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.
- Review JPA audit requirement and allow for annual financial review or financial report to HASPA Board.