



## HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward  
East Bay Regional Park District  
Hayward Area Recreation and Park District  
Alameda County Mosquito Abatement District

---

July 25, 2024

- 3:00 PM -

In-Person and Remote Participation

---

### HASPA Board of Trustees Special Meeting Agenda

A Joint Powers Authority comprised of the East Bay Regional Park District, Hayward Area Recreation and Park District, City of Hayward, and the Alameda County Mosquito Abatement District

**Meeting location:** Hayward City Hall, Conference Room 2A, 777 B Street, Hayward, CA and online via Zoom. Register for meeting link:

[https://ebparks.zoom.us/webinar/register/WN\\_gROtM0iSR8emcXLr7IDQAg](https://ebparks.zoom.us/webinar/register/WN_gROtM0iSR8emcXLr7IDQAg)

#### Special notice regarding public participation:

The Hayward Area Shoreline Planning Agency (HASPA) intends to hold meetings through a hybrid platform of in-person and remote attendance to allow members of the public to participate via remote attendance through the East Bay Regional Park District's (EBRPD) virtual platform, Zoom. The Board of Trustees and designated staff will, with limited exceptions, participate in-person at Hayward City Hall, Conference Room 2A, 777 B Street, Hayward, or other designated public facility within the HASPA jurisdiction. Occasionally, members of the Board of Trustees may attend remotely as permitted by the Brown Act.

#### For those members of the public not attending in-person, public comments may also be submitted one of in the following ways:

1. Send an email to [HASPA@ebparks.org](mailto:HASPA@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 EBRPD 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 preregistration link will have you preregister for the meeting and then provide you details to the virtual meeting for the purpose of providing a public comment. Registration required:

[https://ebparks.zoom.us/webinar/register/WN\\_gROtM0iSR8emcXLr7IDQAg](https://ebparks.zoom.us/webinar/register/WN_gROtM0iSR8emcXLr7IDQAg)

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 Edward Willis at [HASPA@ebparks.org](mailto:HASPA@ebparks.org) or (510) 544-2621.

**How to view the meeting virtually and provide live Public Comment during the meeting:** Registration is required at below link. Meeting details will be provided when registration is completed.

When: July 25, 2024 03:00 PM Pacific Time (US and Canada)

Topic: HASPA Board of Trustees Meeting

**Register in advance for this webinar:**

[https://ebparks.zoom.us/webinar/register/WN\\_gROtM0iSR8emcXLr7IDQAg](https://ebparks.zoom.us/webinar/register/WN_gROtM0iSR8emcXLr7IDQAg)

## **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.*

- 1. Formal Seating of New HASPA Board of Trustees**
- 2. Approval of Minutes from the HASPA Meeting Held on May 9, 2024 - Draft Action Minutes of May 9, 2024 (Attachment #1)**
- 3. City of Hayward Project Updates (City Staff)**
- 4. Adoption of HASPA Fiscal Year 2024-2025 Goals and Objectives (Attachment #2)**
- 5. Adoption of HASPA Fiscal Year 2024-2025 Budget (Attachment #3)**
- 6. Adoption of HASPA Fiscal Year 2024-2025 Trustee Dues (Attachment #4)**
- 7. Report on U.S. Environmental Protection Agency Water Quality Improvement Grant to San Francisco Estuary Partnership and HASPA as a Sub-awardee**

8. **Discussion of Scope of Work and Competitive Selection Process for HASPA Administrative Consultant (Attachments #5a & 5b)**
9. **Old Business (TAC and Board):**
  - a. **Recruitment Efforts for Additional Trustee Agencies**
  - b. **Community Engagement Activities Recap**
10. **New Business (TAC and Board):**
  - a. **Updates on Trustee Agency Capital Projects**
  - b. **Location for future 2025 Board Meetings**
  - c. **Capitol Corridor South Bay Connect DEIR Comment letter (Attachment #6)**
11. **Board Member Announcements**
12. **Agenda Setting for Next Meetings**
  - a. **October 10, 2024 HASPA Regular Meeting Agenda**
    - i. **Presentation by Bay Area Climate Adaptation Agencies**
    - ii. **Contract with Selected HASPA Administrative Consultant**
    - iii. **Adoption of HASPA “Collateral Documents”:**
      1. **Trustee Bylaws**
      2. **Financial Procedures**
      3. **TAC Guidelines Memo**
      4. **Governance Rotation Procedures**

## **ADJOURNMENT**

*HASPA facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed for you to participate, please contact EBRPD staff at (510) 544-2325 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  
Hybrid Meeting: Hayward Area Park and Recreation District & Zoom  
May 9, 2024

**DRAFT MINUTES**

**HASPA TRUSTEES PRESENT:**

Francisco Zermeño, City of Hayward, HASPA Chair  
Dennis Waespi, East Bay Regional Park District  
Lou Andrade, Hayward Area Recreation and Park District

**HASPA PROSPECTIVE TRUSTEES PRESENT:**

Eric Hentschke, Alameda County Mosquito Abatement District

**HASPA TAC MEMBERS PRESENT:**

Devan Reiff, East Bay Regional Park District  
Eddie Willis, East Bay Regional Park District  
Taylor Richard, City of Hayward  
Brian Laczko, Hayward Area Recreation and Park District  
Erika Castillo, Alameda County Mosquito Abatement District

**STAFF:**

Peter Rosen, Hayward Area Recreation and Park District  
Amanda Sanders, East Bay Regional Park District  
Robbie Parry, East Bay Regional Park District  
Makenna Colucci, City of Hayward

**VISITORS:**

Nicole Witt, Hanson Bridgett  
Maria Long, Alameda County Supervisor Marquez' office  
Toku Hankins, Plantify.org

**CALL TO ORDER:** A meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 3:00 P.M. by Chair Zermeño, and role was taken by Devan Reiff.

**Public Comments:** None

**1. Approval of Minutes from the HASPA Meeting Held on April 11, 2024 - Draft Action Minutes of April 11, 2024 (Attachment 1)**

Trustee Andrade motioned the vote and Trustee Waespi seconded. Vote: Ayes – Zermeño, Andrade, Waespi. Approved unanimously.

**2. City of Hayward Project Updates (City Staff)**

Taylor Richard had nothing to report for the City of Hayward.

**3. Consideration of an Alternative Joint Exercise of Powers Agreement in the Event Oro Loma Sanitary District Does Not Join HASPA (HASPA Trustees Action Item, Attachment 2)**

Devan Reiff shared that HARD and ACMAD have both voted to join HASPA JPA as of this HASPA meeting. There are upcoming votes to consider joining the HASPA JPA at the City of Hayward (May 21), EBRPD (June 4), and Oro Loma Sanitary District (OLSD) (June 11). It is possible that OLSD will vote to not join the JPA. If that happens, then a revised JPA Agreement without OLSD included needs to be adopted at this HASPA meeting to serve as an alternative JPA Agreement. For this alternative, the agency map has been revised, and the JPA agreement was changed to remove mention of OLSD. The agreement that was approved at the previous HASPA meeting had these dues: ACMAD \$13,000, OLSD \$23,400, HARD \$31,200, Hayward \$31,200 and EBRPD \$31,200. If OLSD doesn't join on June 11<sup>th</sup>, the suggested dues are ACMAD \$10,600, HARD \$31,800, Hayward \$31,800 and EBRPD \$31,800. Trustee Andrade said he attended the Oro Loma board meeting on April 16<sup>th</sup> but was unable to persuade them to vote yes to join HASPA. Chair Zermeño asked if he should attend the next Oro Loma Sanitary District meeting to persuade them to vote yes. Devan replied that could be useful for him to attend the June 11<sup>th</sup> meeting.

*Motion:* The HASPA Board of Trustees approve the alternative JPA Agreement (Attachment 2), which will be the effective agreement between the parties governing HASPA if approved by only the East Bay Regional Park District, the City of Hayward, the Hayward Area Recreation and Park District, and the Alameda County Mosquito Abatement District. If the JPA Agreement adopted by the HASPA Trustees on April 11, 2024 is approved by the East Bay Regional Park District, the City of Hayward, the Hayward Area Recreation and Park District, the Alameda County Mosquito Abatement District, and the Oro Loma Sanitary District, then the alternative JPA Agreement will have no force or effect.

Motioned by Trustee Waespi, seconded by Trustee Andrade. Vote: Ayes - Waespi, Andrade, Zermeño. Approved unanimously.

Brian Laczko mentioned that there was one condition for HARD's adoption of the JPA Agreement. The condition was to revise to gender neutral language within the document, from "his/her" to "they/them/their." HARD adopted the JPA Agreement with this requirement in place.

Trustee Andrade asked if he would need to go back to the HARD board to readopt the JPA language with the change of OLSD being removed. Nicole Witt replied that staff and the HASPA Trustee Boards were all accepting of a JPA Agreement without OLSD included, if that was necessary, and so a separate vote of the alternative JPA Agreement was not required).

#### **4. Adoption of Public Agency and Community Outreach Program (HASPA Trustees Action Item, Attachment 3)**

Devan Reiff provided a Community Outreach Program draft to add additional Public Agencies and other property owners along the Hayward Shoreline. There are currently 26 entities on the list for staff to contact. There is also a community engagement strategy which includes staff tabling at public events. The plan includes new HASPA graphics, handouts, and social media posts.

Eddie Willis & Devan Reiff represented HASPA at a table at the April 20<sup>th</sup> Hayward Earth Day Event. They had great discussions with people who came to the table. Toku Hankins of Plantify.org was a contact they made at the event. Plantify.org formed last year as a 501.3c in the Cherryland area of unincorporated Alameda County. They perform outdoor education and conduct field trips for local schools, including fifth graders at Cherryland Elementary. They also work with local nonprofits and churches. Chair Zermeño recommended that Plantify.org consider joining the TAC, and thanked Toku for their efforts of working with youth. Trustee Andrade mentioned that Toku had an open house to view their home native planning garden over the last weekend that was on the Bring Back the Natives Tour, and Trustee Waespi also attended. There are lots of opportunities for Plantify.org to coordinate with HASPA. Trustee Andrade said Don Edwards National Wildlife has a native plant nursery by the Hwy-92 bridge that specializes in shoreline plants.

Additional ideas of groups to add to the outreach efforts include CSUEB, Chabot College, Hayward Historical Society, Hayward Arts Council, and Russell City Group.

Additional suggestions of places to host a HASPA table: Cherryland Festival, farmer markets, Chabot College Flea Market on the 3<sup>rd</sup> Saturday of the month, Hayward Airport Open House in September 15, Kennedy Park on weekends, Juneteenth celebration on June 22 at Heritage Plaza. Chair Zermeño suggested to have an annual event HASPA anniversary celebration in December each year.

Motion to adopt the Public Agency and Community Outreach Program by Trustee Andrade, seconded by Trustee Waespi. Vote: Ayes - Waespi, Andrade, Zermeño. Approved unanimously.

#### **5. Old Business (TAC and Board)**

- a. **Recruitment Efforts for Additional Trustee Agencies** – No updates
- b. **Community Engagement Activities** – Nothing to add, update in agenda item 4

#### **6. New Business (TAC and Board)**

- a. **Updates on Trustee Agency Capital Projects**

ACMAD is building large new fish tanks to grow mosquito fish.

HARD mentioned a large lot that they acquired between D and E Streets. They have obtained the whole lot and it will be used for trail access and connections. They received a large grant award to help with purchase and renovation efforts.

City of Hayward applied for a \$1.5 million grant to plant trees. Trustee Waespi suggested that we could create a memorial grove. Chair Zermeño asked if planting trees will help stabilize the shoreline. Robbie Parry replied that traditionally trees aren't encouraged along shorelines as they allow hiding and nesting opportunities for birds of prey which hunt special interest species.

#### **b. Location for Future 2024 Board of Trustee Meetings**

Devan Reiff said that we are currently looking into meeting at City of Hayward offices. Taylor Richard said that they are still considering the options for locations at City Hall. Trustee Andrade said that HARD could possibly host at one of their facilities.

Trustee Waespi and Chair Zermeño requested HARD logo t-shirts and lapel pins.

---

### **7. Board Meeting Announcements**

EBRPD Park Fest, the agency's 90<sup>th</sup> Anniversary celebration is being held at Lake Chabot on Saturday, May 11<sup>th</sup>.

HARD's Ashland Zocalo Park opening is on June 13<sup>th</sup> located at 16640 E 14th Street, San Leandro, on corner by McDonalds and Chevron. The site was acquired by Alameda County, then HARD did a land parcel swap for it to open the park.

### **8. Agenda Setting for Next Meeting**

#### **a. July 11, 2024 HASPA Regular Meeting Agenda**

**i. FY 2024-2025 Operating Budget and Dues** – The HASPA operating budget will be approximately \$105,000 for the first year, staff will bring a budget for the Trustees to review.

**ii. Scope of Work and RFP for HASPA Administrative Consultant**

**iii. Presentation by Bay Area Climate Adaptation Agencies**

#### **b. October 10, 2024 HASPA Regular Meeting Agenda**

**i. Presentation by Bay Area Climate Adaptation Agencies**

**ii. Contract with Selected HASPA Administrative Consultant**

**iii. Board and TAC By-laws**

Meeting adjourned at 3:47pm



## HAYWARD AREA SHORELINE PLANNING AGENCY

### *Memorandum*

DATE: July 25, 2024  
TO: HASPA Board of Trustees  
FROM: Technical Advisory Committee  
SUBJECT: Fiscal Year 2024-2025 Goals

---

The July 25, 2024 meeting of the Hayward Area Shoreline Planning Agency (HASPA) is the first meeting of the Board of Trustees (Board) governed by the new Joint Powers Authority (JPA) agreement adopted May 9, 2024. The HASPA Fiscal Year begins on July 1, 2024 and ends on June 30, 2025. Staff of the Technical Advisory Committee (TAC) brings this memo to start discussion and receive approval from the Board on the goals for Fiscal Year 2024-2025.

TAC staff bring updates on these goals at each regular meeting of the HASPA Board. Goals are not listed in any particular order.

#### **1. Annual Budget**

HASPA to adopt an annual budget for fiscal year 2024-2025. The budget funds staff and an administrative consultant, to accomplish the goals in this memo. The budget includes annual Trustee agency dues (see Agenda item #6), as well as funds from the EPA/SFEP “Pivot Points” grant, specifically used for community and public agency engagement activities. California Government Code<sup>1</sup> requires action on a budget in 60 days after the fiscal year begins.

#### **2. Public Agency and Community Engagement plan**

Staff will implement the HASPA Public Agency and Community Engagement plan, adopted in May 2024. Staff will focus efforts to encourage Alameda County’s participation in the HASPA Board of Trustees, either on the Board, on TAC or both. Staff will also continue to participate at information tables at public events to educate the public about sea level rise at the Hayward Shoreline and the HASPA Master Plan, and activities related to BCDC’s Regional Shoreline Adaptation Plan.

---

<sup>1</sup> Gov’t Code § 53901



### **3. Comment letters**

Staff will review significant commercial and transportation developments in the HASPA service area and prepare comment letters for the Board to consider. Two current projects are the proposed Capitol Corridor South Bay Connect project and the proposed STACK Infrastructure Data center development.

### **4. SFEP/EPA “Pivot Points” grant**

Staff at the HASPA Managing Agency, the East Bay Regional Park District (EBRPD), will work with staff at the San Francisco Estuary Partnership (SFEP) on a scope of work and three-year schedule for the two deliverables to be prepared with “Pivot Point” grant funds: an implementation plan for the HASPA Master Plan, and a governance strategy for HASPA. SFEP was awarded the grant from the U.S. Environmental Protection Agency (EPA), and, as of July 2024, SFEP is concluding the grant agreements. HASPA is a sub-awardee to SFEP on the grant. HASPA will receive reimbursement from SFEP for costs associated with preparing the two deliverables and for community and public agency engagement.

### **5. Select and contract with Administrative Consultant**

EBRPD staff, as HASPA Managing Agency, will use standard EBRPD procedures to competitively select an administrative consultant for HASPA, subject to HASPA Board approval. The current schedule assumes HASPA Board approval and entering into a professional services contract with the selected consultant in October 2024.

### **6. Adopt “Collateral Documents” for Board operations**

The Legal Counsel for HASPA, under contract to EBRPD as the HASPA managing agency, is the San Francisco-based law firm of Hanson Bridgett. The original scope of work to prepare the new JPA Agreement is now complete. EBRPD staff recommends continuing the contract with the Hanson Bridgett attorneys, to prepare and review the following necessary “collateral documents” (that is, separate from, but in conjunction with, the JPA Agreement):

1. HASPA Board of Trustee Bylaws
2. Financial Procedures Guide
3. Technical Advisory Committee (TAC) Guidelines Memo
4. Managing Agency Governance Rotation agreement
5. Withdrawal Procedures Guide

Staff of the TAC recommend Board of Trustees approval of these goals for Fiscal Year 2024-2025.

--



## HAYWARD AREA SHORELINE PLANNING AGENCY

### *Memorandum*

DATE: July 25, 2024  
TO: HASPA Board of Trustees  
FROM: Technical Advisory Committee  
SUBJECT: Fiscal Year 2024-2025 Budget

---

The California Government Code<sup>1</sup> directs local agencies, such as the Hayward Area Shoreline Planning Agency (HASPA), to file an adopted budget within 60 days of the start of the Fiscal Year. The HASPA Fiscal Year (FY) begins on July 1, 2024 and ends on June 30, 2025. Staff bring this memo to review a proposed HASPA Budget for FY 24-25, and to receive approval from the Board on the Budget. Note that references below to the “Managing Agency” refer in FY 24-25 to the East Bay Regional Park District (EBRPD).

### **Goals for FY 24-25**

At the July 25, 2024 HASPA Board meeting, the Trustees considered a series of goals and objectives for the coming year (see Agenda item #4, Attachment #2). Staff have prepared an annual budget for FY 24-25 to fund these goals (Attachment #3). Annual Trustee dues will be assessed in Agenda item #6 (Attachment #4) of the July 25, 2024 HASPA meeting.

### **Annual Budget**

The HASPA FY 24-25 Budget is balanced with revenues of **\$140,400** and expenses of **\$140,400**. The budget funds four Board of Trustee meetings, monthly meetings of the Technical Advisory Committee, as well as community outreach efforts and activities in the communities of the Hayward shoreline and public agency engagement. The budget funds a third-party administrative consultant, to run the operations of HASPA, starting in January 2025, and pays for Legal services (described in more detail below).

#### **I. Revenues**

The expected revenues of **\$140,400** are from two sources: 1) Trustee agency dues, as agreed upon during the JPA Agreement adoption May 2024; and funds from the Water

---

<sup>1</sup> Gov't Code § 53901

Quality Improvement Fund grant awarded by the U.S. Environmental Protection Agency (EPA) to the San Francisco Estuary Partnership (SFEP). Ten percent of the total amount of this \$550,000 grant can contribute to HASPA's operating costs if the grant funds are limited to community engagement and public agency outreach.

## 2. Expenses

The HASPA Operating expenses are **\$140,400**, and consist of several categories:

- Supplies and Services: food for meetings and office supplies
- Board of Trustees and TAC: reimbursement to the Managing Agency for staff time managing the third-party administrative consultant (see below); Board reimbursement for conferences and trainings.
- Professional Services:
  - A third-party administrative consultant will be selected in a competitive process to operate HASPA, under the guidance of the Managing Agency. Funds in this category also pay for community and public agency engagement activities.
  - Managing Agency oversight of professional services contracts.
  - The Legal Counsel for HASPA has been the San Francisco-based law firm Hanson Bridgett, under contract to EBRPD. The original scope of work preparing the new JPA Agreement is complete. While it is possible that the third-party Administrative consult could provide legal services, EBRPD staff recommends continuing the contract with the Hanson Bridgett attorneys, to prepare and review the following necessary "collateral documents" which are separate from, but in conjunction with, the JPA Agreement:
    - HASPA Board of Trustee Bylaws
    - Financial Procedures Guide
    - Technical Advisory Committee (TAC) Guidelines Memo
    - Managing Agency Governance Rotation agreement
    - Withdrawal Procedures Guide
    - Other standard JPA agreements and documents
- Community engagement & Education: Trustee and staff time spent on community engagement activities, separate from the administrative consultant.
- Public Agency engagement: Trustee and staff time spent on community engagement activities, separate from the administrative consultant.
- Information Services and Communications: funds for a HASPA website, Zoom account and promotional brochures and materials.

Two categories of expenditures are *not* funded currently:

- Staff salaries and benefits—HASPA has no plans to hire permanent staff in FY 24-25.

- Contingency—There currently are no un-programmed funds in FY 24-25

### **3. HASPA Board decisions on remaining topics**

Staff from the four trustee agencies reviewed and discussed the proposed FY 24-25 Budget. While many decisions were agreed to, there remained three topics where consensus was not reached with all four agencies, and staff is seeking to get direction from the Board on these topics to allow for adoption of the FY 24-25 Budget at the July 25<sup>th</sup> meeting.

- **Board Compensation**

HASPA Trustees are not currently compensated for participation in HASPA Board meetings and other activities of HASPA. Instead, Trustees of HASPA receive compensation from their participation as elected officials at their respective Trustee agencies, compensation which includes activities such as participation in joint agencies like HASPA.

However, the adoption of a new budget offers the HASPA Board the opportunity to consider whether or not funds should be set aside in the HASPA budget to further compensate Trustees for their participation in HASPA Board meetings and other activities of HASPA. As an example of this practice, the commissioners of the East Bay Dischargers Authority (EBDA), a joint powers authority, are compensated by funds in the annual EBDA operating budget of \$7 million (in the amount of \$300 per day of service and can be reimbursed for certain other expenses).

Staff of the HASPA TAC recommend continuing the current compensation practice, where HASPA Trustees would not be paid by HASPA, but rather paid by their Trustee agencies. There are funds in the proposed budget which would reimburse HASPA Trustees for participation in conferences and trainings. HASPA Trustees have the opportunity to deliberate on this issue and give a recommendation.

- **Managing Agency Compensation**

HASPA has no paid staff to administer its operations. For 50+ years, HASPA was administered by staff at one of the Trustee agencies, who served for a term of five years, at which point the administrative obligation rotated to the next Trustee agency for five years.

EBRPD is the current Managing Agency for HASPA. At some point in the future, a different HASPA Trustee agency will be the Managing Agency, based upon a rotation schedule which is yet to be adopted. The long-standing practice of HASPA is not to compensate or reimburse staff time from the Managing Agency to administer HASPA, or for special projects such as the City of Hayward's successful preparation of the HASPA Master Plan. Those costs are covered by the Managing Agency for the good of HASPA.

For several years, the intention of the HASPA Board has been to hire a third-party administrator for HASPA as a professional services consultant, who would conduct all the legal and administrative duties which currently are conducted by Managing Agency staff. At the point in time when a third-party administrator is under contract to HASPA, the work of the Managing

Agency will be reduced to overseeing the work of the administration consultant and implementing the scope of work for the EPA/SFEP “Pivot Points” grant.

Those activities still have a cost in staff time to the Managing Agency. Some of that cost is offered as a local match for the EPA/SFEP grant (that is, staff work on the “Pivot Points” scope is included as the local match). EBRPD staff estimate that in Fiscal Year 24-25, costs to the Managing Agency for the oversight of the HASPA administrative consultant will be approximately \$5,700.

TAC staff are not in agreement about whether the Managing Agency should be compensated for oversight of the HASPA administrative consultant; or, if a third-party consultant is not contracted, then for the costs of administration of HASPA. One reason to consider Managing Agency compensation is that with the adoption of a new JPA Agreement, and the possible expansion of the HASPA Board to include additional agencies, the staff time of the Managing Agency will increase, due to new complexity in administering HASPA with more Trustees.

One reason to keep the status quo of not compensating the Managing Agency is that each agency has different salary and benefit schedules, and the cost to HASPA for one Managing Agency to administer the JPA will necessarily change upon the rotation to a new Managing Agency, and thus those costs will be hard to predict in future HASPA budgets.

TAC staff is looking to the Board to resolve the question of compensating the Managing Agency for staff time to administer HASPA.

- **Technical Advisory Committee (TAC) Dues**

The HASPA TAC is made up of staff from the Trustee Agencies and other public agencies and organizations which have an interest in protection of the Hayward Shoreline. Meetings are held once a month on Zoom, and all interested parties are welcome to participate, for no cost. One potential source of revenue for HASPA is from agencies that would voluntarily pay to participate in the TAC. Staff is inquiring with the current staff who attend TAC meetings if this premise is amenable. No amount of dues from TAC members has been proposed.

Staff of the Technical Advisory Committee recommend the Board discuss these issues and adopt the proposed Fiscal Year 2024-2025 Budget.

**HASPA Annual Budget. Fiscal year 2024-2025.**

<b>Revenues</b>	<b>Budget 24-25</b>
Trustee Dues	\$107,400
EPA/SFEP Grant	\$33,000
<b>Total Revenue</b>	<b>\$140,400</b>
<b>Expenditures</b>	
Salary	0
Fringe Benefits	0
Retirement	0
Medicare & Social Security	0
<b>Sub-Total</b>	<b>0</b>

<b>SERVICES AND SUPPLIES</b>	
Office Supplies	\$250
Food for meetings	\$400
<b>BOARD OF TRUSTEES AND TAC</b>	
Managing Agency staff (BOT)	\$2,200
Managing Agency staff (TAC)	\$3,500
BOT Training	\$800
Board nameplates	\$200
<b>PROFESSIONAL SERVICES</b>	
Third party Administration consultant and Legal Services	\$125,000
Managing Agency contract management	\$3,125
<b>COMMUNITY ENGAGEMENT &amp; EDUCATION</b>	
Trustee and Staff time	\$1,000
<b>PUBLIC AGENCY ENGAGEMENT</b>	
Trustee and staff time	\$1,000
<b>IS / COMMUNICATIONS</b>	
Website design and Zoom account; HASPA promotional materials	\$3,175
<b>Total Staff Budget</b>	<b>\$140,400</b>
Contingency	0
<b>Total Expenditures</b>	<b>\$140,400</b>



## HAYWARD AREA SHORELINE PLANNING AGENCY

### *Memorandum*

DATE: July 25, 2024  
TO: HASPA Board of Trustees  
FROM: Technical Advisory Committee  
SUBJECT: Fiscal Year 2024-2025 Trustee Dues

---

The Hayward Area Shoreline Planning Agency (HASPA) is a Joint Powers Authority made up of four Trustee Agencies: The East Bay Regional Park District (EBRPD), the City of Hayward, the Hayward Area Park and Recreation District (HARD) and the Alameda County Mosquito Abatement District (ACMAD). The revenue to pay for HASPA's administration and activities is derived from annual dues paid by these member agencies.

As adopted by the HASPA Board on May 9, 2024, the new Joint Powers Authority agreement included three membership tiers, based on a Trustee agency's annual operating budget; the agreement also included a Schedule for agency dues (Schedule C). This schedule of dues is new to the new JPA agreement; previously, and for several years, HASPA Trustee dues were \$12,000 per Trustee Agency.

The Technical Advisory Committee (TAC) recommends that the HASPA Trustee agency adopt these dues for Fiscal Year 2024-2025:

- EBRPD: \$31,800
- HARD: \$31,800
- City of Hayward: \$31,800
- ACMAD: \$12,000

Dues increases during the Fiscal Year are addressed in the JPA Agreement.

--



## HAYWARD AREA SHORELINE PLANNING AGENCY

### *Memorandum*

DATE: July 25, 2024

TO: HASPA Board of Trustees

FROM: Technical Advisory Committee

SUBJECT: Discussion of Scope of Work and competitive selection process for HASPA Administrative consultant

---

The HASPA Board of Trustees has spoken often about their intention to select a third-party administrative consultant to manage the regular business of the JPA.

Following this direction, staff prepared a draft request for proposals (RFP) and scope of work for the Board and the public to consider (Attachment #5). The East Bay Regional Park District (EBRPD), acting as managing agency for HASPA, proposes to use the EBRPD competitive selection process to select a professional services consultant for HASPA. That includes much of the process and boilerplate language in the draft RFP. The HASPA Technical Advisory Committee members of the Trustee agencies would form the majority of the selection committee, with other local agency experts invited.

HASPA Board will need to have its own Professional Services Agreement for this contract, or any other future consultant(s), and that document is being drafted by Legal Counsel and will be presented to the HASPA Board at the next regular meeting.

Other public agency staff doing similar climate adaptation work as HASPA, advise staff that consultants qualified for this specialized professional work are already retained for other climate adaptation work around the SF Bay area. In this environment, it is difficult to receive competitive submissions in order to select a preferred consultant.

Staff is seeking the Board's direction on this subject — should the Administrative consultant be selected in a “stand alone” RFP (as demonstrated in Attachment #5), or should the scopes of work and solicitation be expanded to include consultants that HASPA will need for the U.S. Environmental Protection Agency Water Quality Improvement Grant, recently awarded to the San Francisco Estuary Partnership? This grant will bring \$550,000 to HASPA over three years, and professional services contracts will be needed to complete the scope of work in the grant



(primarily the Implementation Plan of the HASPA Master Plan). Expertise in climate adaptation planning and implementation will be the skills and experience needed for the Grant consultant to demonstrate.

In staff's opinion, there are advantages to selecting the only the Administrative consultant at this time. For example, staff has been in contact with consultants who do this work for JPA agencies in the Bay Area. However, the contract amount, authorized by the HASPA Board in the Fiscal Year 2024-25 budget, may or may not appeal to those consultants.

In contrast, the advantage of seeking a consultant team for the Administrative consultant at the same time as the EPA/SFEP grant consultant is that the total contract amount will be higher, and possibly a team could form between consultants who manage JPAs and those that conduct climate adaptation planning.

Attachment: Request for Proposals

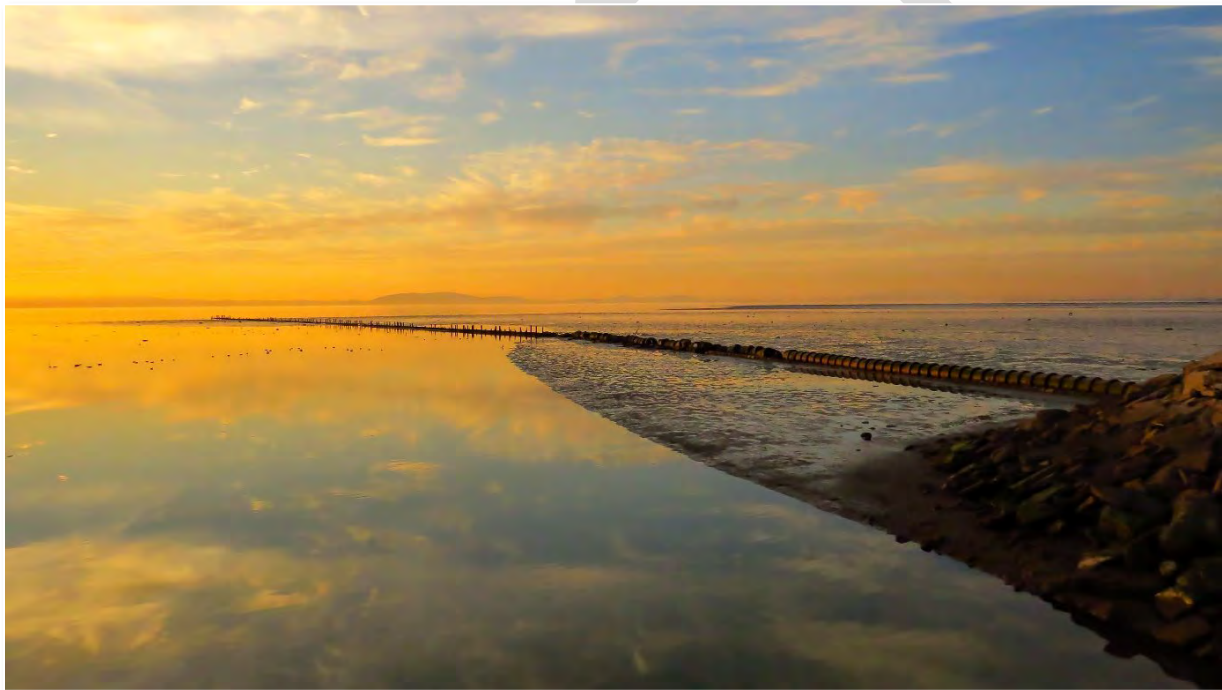
--



## REQUEST FOR PROPOSALS (RFP)

for the

### **Administrative Management of the Hayward Area Shoreline Planning Agency (HASPA), a joint powers authority**



RFP POSTED: TBD 2024

PRE-PROPOSAL MEETING: TBD 2024

PROPOSAL DEADLINE: TBD 2024; 5PM



## 1. INTRODUCTION

The Hayward Area Shoreline Planning Agency (HASPA) is soliciting proposals from qualified professional consultants to manage the administration of the public agency. HASPA is a Joint Powers Authority (JPA) consisting of Trustees from the East Bay Regional Park District (Park District), City of Hayward, Hayward Area Recreation and Park District (HARD), and Alameda County Mosquito Abatement District (ACMAD). An administrative managing consultant is needed on an on-going basis to manage various administrative duties, hold public meetings of the HASPA Board and Technical Advisory Committee (TAC), conduct community and public agency engagement efforts, identify grant opportunities, and assist in the growth of membership in HASPA Board of Trustees. The Park District is the current managing agency of HASPA and will be the staff for the professional services contract in this solicitation.

## 2. BACKGROUND

Founded in 1970, the goals of HASPA are to protect the Hayward, CA shoreline from industrial development, address future sea level rise, and implement the projects, identified in the Shoreline Master Plan (2021)<sup>1</sup> A new JPA agreement was adopted by the HASPA Board of Trustees and member agencies in 2024, allowing the JPA to grow. The Park District currently is the managing administrative agency for HASPA, a responsibility that is rotated periodically among Trustee agencies.

The Park District is a California special district headquartered in Oakland, CA. The Park District spans Alameda and Contra Costa Counties and manages nearly 127,000 acres including 73 regional parks, recreation areas, wilderness, shorelines, preserves, and land bank areas, as well as 1,330 miles of trails. The Park District's mission is as follows:

*The East Bay Regional Park District preserves a rich heritage of natural and cultural resources and provides open space, parks, trails, safe and healthful recreation and environmental education. An environmental ethic guides the District in all of its activities.*

Staff from the Park District's Planning, Trails, Cultural and GIS department manage HASPA, providing all coordinating tasks, public meetings, technical advisory committee meetings and other work of the JPA. As the department has many other roles and responsibilities across the Park District, and as HASPA grows its membership and responsibilities with adoption of a new JPA agreement, a third-party consultant is needed to manage the day-to-day functions of HASPA.

For more information about HASPA, see the agency web page: <https://www.ebparks.org/hayward-area-shoreline-planning-agency-haspa>

## 3. ADMINISTRATIVE MANAGEMENT INFORMATION

HASPA will be the signatory to this professional services contract and Park District staff will be the project managers to the selected consultant.

The Scope of Work for this contract is in three general categories: Administration, Grants, and Special Projects.

---

<sup>1</sup> See link for Master Plan in Reference section at the end of this document.

## **Administration**

The HASPA Board of Trustees meets quarterly, in a hybrid in-person and virtual public meeting, in accordance with the Ralph M. Brown Act. Special meetings can be called by any Trustee, although no special meetings are currently scheduled for FY 2024-2025<sup>2</sup>. The HASPA Technical Advisory Committee (TAC) made up of staff from 20 local agencies and non-profit organizations, meets monthly. The consultant selected for this contract will perform all tasks to successfully plan for, publicly notice, hold and summarize these meetings.

The consultant will propose amendments to the Board for the FY 2024-2025 HASPA budget as needed and will prepare the FY 2025-2026 Budget for adoption in summer, 2025.

Other Administrative duties are noted in more detail in the full Scope of Work.

## **Grants**

The HASPA Administration consultant will both seek out relevant grant opportunities and will potentially work in collaboration with a third - party grant writer) to apply for grant opportunities on HASPA's behalf. If the consultant team has this expertise in-house, note that in the proposal materials.

## **Special Projects**

HASPA is the recipient of a three-year grant from the U.S. EPA's Water Quality Improvement Program, through the San Francisco Estuary Partnership (SFEP)<sup>3</sup>. The SFEP grant is to be administered by Park District staff and is entirely separate from the Administrative consultant solicitation.

No other special projects are identified at this time, but the HASPA Board could select a project for staff to work on, outside of the routine administration of HASPA. In that scenario, the scope and budget for the HASPA Administrative consultant would be amended, to reflect the new duties.

## **Timeline:**

The Park District anticipates releasing this RFP in August 2024, and intends to make a selection by September, and for the selected consultant to be considered by the HASPA Board at the October 10, 2024 meeting. Contract execution would likely be 4-6 weeks after award, as Park District circulates the contract for signatures. Given the HASPA Board quarterly schedule, it is likely that the first Board meeting the selected consultant would be responsible for would be in January 2025.

Note that the consultant's proposed schedule for the scope of work shall allow time for review by Park District staff at progress milestones, and for all public-facing documents (such as Board reports).

---

<sup>2</sup> HASPA operates on a fiscal year, July 1-June 30.

<sup>3</sup> The grant award period is Fall 2024-2027.

## 4. CONSULTANT SCOPE OF SERVICES

Proposals should address the following anticipated tasks, as well as identify other tasks or alternative approaches the proposer may recommend, based on their experience, to best achieve the goals of managing HASPA

Tasks 1 – 4 are needed as an initial period to identify goals and objectives, and to recommend best management practices for JPA. Tasks 5 – 11 consist of the ongoing administrative management of HASPA.

### Initial Tasks

Task	Description	Deliverables	Meetings
1. Project initiation	Project initiation meetings with Park District staff to develop goals, and discuss methodology/approach, schedule, roles and responsibilities, and deliverables		2 meetings with project team
2. Develop a detailed work plan for management of HASPA	Following the initiation meetings, draft a detailed work plan with tasks, timeline, deliverables. The work plan should delineate roles and responsibilities of all Park District staff and consultant team members	Work plan	1-2 meetings during work plan development
3. Research phase	<ol style="list-style-type: none"> <li>Review relevant HASPA documents and studies, including the Shoreline Master Plan, maps, 2024 HASPA JPA Agreement, the Park District's contract for professional services, and any other relevant documents.</li> <li>Meet with Park District Planning and Finance staff as needed to understand the District's and HASPA's overall organizational and funding models</li> <li>Attend field tours of Hayward shoreline properties and facilities as needed</li> <li>Conduct interviews/focus groups with key HASPA Trustee agency staff to understand their work responsibilities and identify workflow or other challenges.</li> <li>Debrief with the team with a summary of findings to identify any information gaps in research before proceeding to next task</li> </ol>	Summary Report/Memo of research findings	<p>Four meetings:</p> <p>2 Interview(s) / focus group with key staff and members of TAC.</p> <p>1 meeting with Planning/Finance</p> <p>1 meeting with Team for debrief</p>
4. Analysis phase	<ol style="list-style-type: none"> <li>Develop evaluation criteria/guidelines that will be used for rationales for workflow development, organizational structuring options and future staffing model), and make recommendations.</li> <li>Survey and analyze similar JPA/agency organizational structure, size, and workflow best practices. For proposal purposes, it is anticipated that from two to four comparable JPAs/agencies should be analyzed</li> </ol>	<p>Summary Report/Memo:</p> <ul style="list-style-type: none"> <li>List of criteria and/or guidelines</li> <li>Summary of analysis of similar JPAs/agencies</li> </ul>	1 meeting with key staff to analyze sampling of Operations Division projects

## Ongoing tasks

Task	Description / Deliverables	Meetings
5. Public Meetings	<p>Manage meetings on behalf of the HASPA Board of Trustees (Board) to include</p> <ul style="list-style-type: none"> <li>a) Brown Act compliance</li> <li>b) Agendas, staff reports, and Board packets</li> <li>c) Quarterly and special meetings</li> <li>d) Minutes</li> <li>e) Meeting logistics, invitations, web page updates</li> <li>f) Hybrid (in-person and Zoom) meeting management and video recording</li> </ul>	Quarterly and special meetings as needed
6. Committees	<p>Manage the Technical Advisory Committee (TAC) to include</p> <ul style="list-style-type: none"> <li>a) Monthly meeting logistics and agenda setting</li> <li>b) Meeting notes</li> <li>c) Guest speaker coordination</li> </ul>	Monthly
7. Financial records and accounting	<p>Manage HASPA's finances and accounting records</p> <ul style="list-style-type: none"> <li>a) Prepare annual budget (adopt in July, start of FY)</li> <li>b) Invoice for and collect Trustee dues (annually)</li> <li>c) Coordinate Trustee surcharges (ad hoc)</li> <li>d) CA Secretary of State / Comptroller reporting (annual)</li> <li>e) Form 700 filings</li> <li>f) Manage Professional services contracts<sup>4</sup></li> </ul>	Annually
8. Grants	<ul style="list-style-type: none"> <li>a) Track grant opportunities for capital projects</li> <li>b) With the Board's approval, apply on behalf of HASPA to grant opportunities</li> <li>c) Maintain partnerships with HASPA-affiliated public agencies for co-applications for grant opportunities.</li> </ul>	As needed
9. Communications	<p>Maintain regular communications between member agencies, managing agency, partners, and the public</p> <ul style="list-style-type: none"> <li>a) Coordinate among Trustee agencies</li> <li>b) Prepare graphic materials for public awareness/info</li> <li>c) Digitize HASPA records at District Archives</li> </ul>	As needed
10. Public and Agency Engagement	<ul style="list-style-type: none"> <li>• Complete the HASPA Community and Public Engagement Plan</li> <li>• Write and coordinate letters of support for TAC member grant applications</li> <li>• Represent HASPA at community events</li> </ul>	
11. Administration	Financial procedures	FY 2024-2025 only

<sup>4</sup> Note that as of July 2024, HASPA has no professional contracts.

Proposers may explain in their proposals how certain tasks may be prioritized, eliminated, or added/expanded. To maintain consistency between proposals, suggested modifications to the tasks and subtasks outlined in the scope of work shall be provided as separate line items. The contract will be a not-to-exceed cost for services and deliverables.

## 5. REQUIRED RFP ELEMENTS AND FORMAT

Proposers to organize submissions into the following sections. Please limit submissions to:

- 30-page maximum length including covers (8.5"x11")
- Font size to be 10 to 12-point typeface

### 11.1 TRANSMITTAL LETTER

- a. Addressed to Devan Reiff, Principal Planner
- b. Signed by an officer of the proposer. In the case of a joint firm or team relationship, an officer of each firm or team member shall sign (electronic signature is acceptable).
- c. Formal confirmation that proposed project manager / lead will be available to meet all project (study) demands.

### 11.2 MANAGEMENT APPROACH

- a. Identify key issues and outline your team's unique approach that would be used to complete the tasks outlined in section 4 - Consultant Scope of Services. Describe your firm's understanding of typical critical elements that should be included in this type of endeavor
- b. Describe your firm's ability to anticipate, collaborate, facilitate, and resolve issues in a timely and professional manner. Issues may include budget and schedule challenges, among others.
- c. Provide a projected schedule showing durations and milestones for meeting scope and deliverables requirements.

### 11.3 RELEVANT EXPERIENCE

The following information should focus on communicating relevant experience of only those projects / studies in which proposed team members took the lead. Information on recent relevant consultant work with Joint Powers Authority agencies in California is preferred. Describe experience in administering joint powers authorities, or similar public agencies. Highlight up to three similar studies in which proposed team members took the lead. For each of the highlighted studies, provide the following information:

- a. Client name, address, contact information
- b. Brief description of similar administrative work emphasizing any similarities in HASPA to other similar contracts the consultant has performed successfully.
- c. Original contract amount with client. Final billed amount. Explanation of any cost increases.

### 11.4 QUALIFICATIONS AND ORGANIZATION

- a. In response to this RFP, the proposer shall be a professional services consulting firm that specializes in management of Joint Power Authorities in California, preferably in the Bay Area or



Northern California. The proposed team members should have experience working with public agencies in similar structure as HASPA.

- b. Describe the services, capabilities, and advantages that your firm or team offers, for example:
  - Professional background and qualifications of team members.
  - Based on current and projected future contract commitments, give the percentage of total workload this project will occupy for each team member.
  - Resources of the firm that may help develop the project.
  - Capacity and flexibility to meet schedules, including any unexpected work.
  - Capabilities and experience that distinguish your firm from other firms.
- c. Project personnel: Provide resumes of the proposed project personnel. Clearly identify experience and qualifications relevant to the services described in this RFP. Clearly state the role of each team member and percent breakdown of hours each will contribute to total billable hours contained in the proposal.

## 11.5 REFERENCES

Prime consultant and sub-consultant (if applicable): Two business-related references including name, company, address, email address, telephone number, and business relationship to firm.

## 5.6 PROPOSED BUDGET AND FEE SCHEDULE

- a. Based on the Scope of Work in this RFP, provide a budget by task.
- b. For all staff participating on this project, provide a complete list of all staff hourly rates by category, i.e., Principal, Project Manager, Project Planner, Technician, Clerical, etc. Hourly rates shall be all-inclusive, i.e., base salary, fringe benefits, overhead, profit, etc.
- c. Provide rates for other costs such as copies, travel, sub-consultant mark-ups and project management, etc.

## 5.7 PROFESSIONAL SERVICES AGREEMENT

If a firm submitting a proposal takes exception to any of the terms and conditions in the District's standard form professional services agreement, the exception(s) and reason(s) shall be stated in the proposal.

# 12. PROPOSAL INFORMATION

## 12.1 PRE-PROPOSAL CONFERENCE

A mandatory pre-proposal conference will be held: **2:30PM – 4PM on XXX 2024 on Zoom**. Park District staff will provide an overview that covers the basic elements of this RFP. Time will be allotted for questions.

**Zoom meeting information:**



Pre-registration required.

Link: TBD

## 12.2 ADDENDA

Addenda notification will be posted on the District's Online Planroom at: <https://www.ebparksplanroom-rfp.com/>

Any addenda or Q&A will be posted on Planroom no later than 5 days prior to the proposal submission due date. It is the responsibility of each firm or team to make itself aware of any addenda with or without further notice from the District.

## 12.3 OWNERSHIP AND DISCLOSURE OF PROPOSALS.

Submitted proposals become property of the District. All proposals received are public records subject to public disclosure under the California Public Records Act (Government Code section 7920 et seq.)

## 6.4 QUESTIONS REGARDING THE RFP

Questions must be submitted by email to: Devan Reiff, Principal Planner: [dreiff@ebparks.org](mailto:dreiff@ebparks.org) before 5:00PM on XXX, 2024.

## 6.5 RFP TIMELINE

Announcement: Open Request for Proposals	<i>August TBD, 2024</i>
Mandatory Pre-proposal meeting (Virtual)	<i>August, 2024</i>
Deadline for submission of written questions	<i>XXX, 2024</i>
Questions/Answers posted on District website	<i>XXX, 2024</i>
Proposals Due	<i>After Labor Day TBD, 2024 5PM</i>
Review Proposals	<i>Week of XXX, 2024</i>
Interviews with Proposers	<i>XXX, 2024</i>
Consultant Selection	<i>XXX, 2024</i>
HASPA Board decision	<i>October 10, 2024</i>
Contract Execution	<i>TBD</i>

## 13. PROPOSAL SUBMITTAL

One (1) electronic copy of the proposal is due to Devan Reiff: [dreiff@ebparks.org](mailto:dreiff@ebparks.org) no later than 5:00PM (local time) on XXX, 2024.

## 14. ADDITIONAL PROPOSAL REQUIREMENTS

- a. Ownership of work: All work products prepared by the selected consultant will belong to the District for its sole use. There shall be no restrictions on the District's use or distribution of work products.
- b. Acceptance of terms and conditions: The proposal shall include a statement of the proposer's willingness to accept the terms and conditions of the District's standard Licensed Professionals Contract for Services. Exceptions to the terms and conditions could affect the selection process.
- c. Conflict of interest: Throughout the term of any agreement resulting from the RFP, the selected consultant will not accept any employment or engage in any work which creates a conflict of interest with the East Bay Regional Park District or in any way compromises the work to be performed under this RFP or any contract resulting from this RFP.
- d. Data sharing agreement: Any data released from the District will require the applicant's signature on East Bay Regional Park District Data Sharing/License Agreement.

## 15. EVALUATION PROCESS

### 9.1 SELECTION

- 9.1.a. The District will select a professional consultant for this project with the objective of selecting the most qualified consultant at a fair and reasonable price.
- 9.1.b. A Selection Committee established by the District will review proposals received by the above designated deadline, develop a shortlist of qualified proposers, and develop a final ranking of the most qualified proposals. Depending upon the relative quality of proposals, the District may invite selected proposers to interview with District.
- 9.1.c. Selection criteria: Proposals will be evaluated and scored on a 100-point scale by the following evaluation criteria:

EVALUATION CRITERIA	PERCENTAGE
Qualifications of Project Team members and of proposing firm	30%
Proposal approach and submission; quality, completeness and understanding of the work as described in the Request for Proposals	30%
Relevant Experience of Project Team members with similar administrative roles (work with public agencies desirable)	25%
References and Past Performance (quality of work, responsiveness, cost effectiveness, and control of budget)	10%
Cost/Budget	5%
<b>TOTAL</b>	<b>100%</b>

- 9.1.d. Depending upon the relative quality of proposals the District may invite selected proposers to an interview. The District reserves the right to conduct interviews of those proposers who are selected during the initial review or to select a Consultant without conducting any interviews.
- 9.1.e. If the District invites proposers to interview, detailed information about interviews and scoring will be provided to those proposers being interviewed.

The contract will be awarded to the Consultant deemed by the Park District to be the best qualified for the scope of work. Proposers are encouraged to elaborate on their qualifications, performance data, and staff expertise relevant to the proposed project.

## 9.2 COST OF RESPONSE PREPARATION

The Park District will make no reimbursement for any cost incurred by any proposers responding to this Request for Proposals.

## 9.3 NEGOTIATIONS AND AWARDS

Negotiations will commence with the highest ranked proposer. Should the District and that proposer be unable to reach an agreement as to contract terms within a reasonable time frame, the District may terminate the negotiations and begin negotiations with the next highest-ranking proposer, proceeding down the list as necessary.

Prior to execution of a contract, the Consultant shall provide the insurance requirements as indicated in Attachment A.

# 10 PROJECT ADMINISTRATION

The selected consultant must enter into a written agreement with the District using the District's Licensed Professional Services Contract for Services (Attachment D).

The District's Project Manager, Devan Reiff, or a selected substitute, will supervise the consultant and manage its work.

The selected Consultant is expected to maintain key staff on this contract as necessary. Consultant shall also provide all transportation and communication requirements for their own personnel, to meeting locations in Hayward and environs.

All parties competing for the work are advised that the work is to be accomplished in the Fiscal Year 2024-2025, with an extension possible for FY 2025-2026, depending on performance. All parties are advised that some of the services may not be required and that the sponsor reserves the right to initiate additional procurement action for any of the services not included in the initial procurement.

## 11 REJECTION RIGHTS

All firms are hereby notified that the selection of a consultant for this project and any agreements for services resulting from this Request for Proposals is dependent upon the approval of the East Bay Regional Park District Board of Directors. The District reserves the right to waive any minor irregularities, informalities, or oversights at its sole discretion. The term “minor” as used herein means any irregularities or oversights by either the proposer or the District that do not materially affect or alter the intent and purpose of this RFP and is not in violation of any State of California rules, laws, and regulations that may apply to this procurement. The District reserves the right to reject any and all proposals or to re-solicit if it is deemed to be in the public interest.

## 12 ENCLOSED ATTACHMENTS and LINKS

- Hayward Regional Shoreline Adaptation Master Plan – [link](#)
- Hayward Regional Shoreline Adaptation Master Plan: Appendix A – [link](#)
- Hayward Regional Shoreline Adaptation Master Plan: Appendix B – [link](#)
- HASPA JPA Agreement 2024 – Attachment A
- HASPA Service Area map – Attachment B
- HASPA Jurisdiction map – Attachment C
- District’s Licensed Professionals Contract and insurance requirements – Attachment D



## HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward  
East Bay Regional Park District  
Hayward Area Recreation and Park District  
Alameda County Mosquito Abatement District

July 15, 2024

Shirley Qian, Principal Planner  
CCJPA – South Bay Connect  
2150 Webster St., 3rd Floor  
Oakland, CA 94612

Sent via email to: [info@SouthBayConnect.com](mailto:info@SouthBayConnect.com)

### **Re: Capitol Corridor JPA's South Bay Connect Project Draft Environmental Impact Report**

Dear Ms. Qian,

The Hayward Area Shoreline Planning Agency (HASPA) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Capitol Corridor's South Bay Connect Project (Project). HASPA is a fifty-four year old Joint Powers Authority, now comprised of the East Bay Regional Park District (EBRPD), the City of Hayward, Hayward Area Recreation and Park District (HARD), and Alameda County Mosquito Abatement District. EBRPD acts as the Managing Agency for HASPA, and staff has prepared this letter on behalf of the HASPA Board of Trustees, who reviewed its contents.

HASPA has dual goals of protecting the Hayward shoreline area's marshlands from industrial, commercial, and residential development and protecting the shoreline and adjacent communities and infrastructure from the effects of climate change, especially sea level rise (SLR). In 2021, HASPA adopted the Hayward Regional Shoreline Adaptation Master Plan (HASPA Master Plan) which lays out a comprehensive vision for facing the challenge of SLR at the Hayward area shoreline while enhancing habitat and access for recreation and protecting critical infrastructure.

The Proposed Project reroutes current passenger rail service onto the Coast Subdivision Union Pacific Railroad right of way (ROW), adding of 17 miles of new double-track<sup>1</sup>. HASPA is particularly interested in the proposed Project's potential effects on the Hayward area shoreline and future infrastructure projects proposed in the HASPA Master Plan, specifically Segments C and D, where the Project's proposed new double track borders the Oro Loma Marsh, in the HASPA service area.

Staff have reviewed the DEIR and would like the Capitol Corridor JPA to consider the following:

---

<sup>1</sup> Draft EIR, Section 2.2.33.1



# HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward  
East Bay Regional Park District  
Hayward Area Recreation and Park District  
Alameda County Mosquito Abatement District

1. **HASPA Master Plan reference in the DEIR:** The HASPA Master Plan contains 17 proposed projects ranging from horizontal levees to marshland restoration, to public education, to plan for, mitigate against, and adapt to SLR. Some of these proposed projects, including the Oro Loma Interim Levee and the Oro Loma LOP (line of protection), are adjacent to the proposed project. HASPA requests that a reference and description of the HASPA Master Plan be added to the DEIR's "Regulatory Settings" sections of Chapter 3.17 – Recreation and Chapter 4 – Sea Level Rise, and any other chapters' Regulatory Settings sections where a reference be appropriate.
2. **Right-of-Way (ROW) potential expansion into Oro Loma Marsh:** Oro Loma Marsh is adjacent to the proposed Project on the west side of the Union Pacific Railroad tracks between Keller Avenue in San Lorenzo and the southern end of the former Skywest Golf Course in Hayward. Oro Loma Marsh is operated by EBRPD as part of the Hayward Regional Shoreline and is composed of parcels owned by EBRPD, the State of California, and the United States Fish and Wildlife Service. The DEIR states that:

(N)one of the proposed permanent improvements (Chapter 2 Project Alternatives) would alter any recreational features within the... Hayward Regional Shoreline... Right-of-way would not be acquired from any of the parks. Further, temporary and permanent improvements adjacent to the Bay Trail would occur within the existing UPRR right-of-way or within existing public roads and would not alter any recreational features of the Bay Trail. (Section 3.17.6.2)

However, the "Proposed Project" section of the DEIR notes that "Permanent ROW acquisitions...would be required throughout the Project corridor for construction of the second track..." (pg. 2-16). And the detailed designs in Appendix A indicate that approximately five feet of additional ROW may need to be acquired by Capitol Corridor from the Oro Loma Marsh properties, totaling, overall, approximately 20,000 sq. feet in the Hayward shoreline areas of the Project's Segments C and D (maps "PO23-PO26"). HASPA requests that the DEIR clarify the correct amount of square footage of additional ROW needed, and demonstrate that there are no biological or recreational impacts to the affected parkland. Also, it is not clear from the current DEIR language what the impacts of the expanded ROW for the second track would be to the existing stormwater channel operated by Alameda County Flood Control District, and separately, what, if any impacts there might be to land owned by EBRPD, California, and the United States.

3. **First Mile Horizontal Levee Project:** The East Bay Dischargers Authority (EBDA) is managing the design of the First Mile Horizontal Levee, a nature-based solution for SLR adaption in the Oro Loma Marsh, adjacent to residential neighborhoods in San Lorenzo and in the City of Hayward, as well as San Lorenzo Community Park. The First Mile Levee is currently at the thirty percent design stage and is noted in the DEIR in Chapter 4 – Sea Level Rise, on page 4-27 as an example of a project that Capitol Corridor "may collaborate or form potential partnerships with" (pg. 4-25).



# HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward  
East Bay Regional Park District  
Hayward Area Recreation and Park District  
Alameda County Mosquito Abatement District

However, the Project will potentially have an impact on the design and regulatory permitting of the First Mile Levee project which is not acknowledged or studied in the DEIR: as noted above, the Project proposes five feet of new ROW in addition to land currently owned by UPRR, to build a second track of the Coast Subdivision. In the Project's Segments C and D, that five feet of new ROW is on land currently in the design for the First Mile Horizontal levee.

Because of this potential design conflict in the Oro Loma Marsh segments of the Project, HASPA requests:

- That the First Mile Horizontal Levee, as a reasonably foreseeable project included in the HASPA Master Plan and currently in design, should be added to Table 3.1 Cumulative Projects List, with the status "Preliminary Design"
- That the design conflict should be addressed between Capitol Corridor and EBDA and a discussion of the regulatory permitting and mitigation challenges which the Project's ROW expansion places on the First Mile Levee should be included in the EIR.

HASPA appreciates the opportunity to comment on the DEIR for the Capitol Corridor's South Bay Connect Project. If there are any questions, or if staff would like to discuss HASPA's concerns related to the proposed Project, please contact Devan Reiff, EBRPD Principal Planner, at [dreiff@ebparks.org](mailto:dreiff@ebparks.org).

Sincerely,

Francisco Zerrneno,  
Chair, HASPA Board of Trustees

CC:  
City of Hayward  
Hayward Area Recreation and Park District  
East Bay Regional Park District  
Alameda County Mosquito Abatement District  
East Bay Dischargers Authority