



HAYWARD AREA SHORELINE PLANNING AGENCY

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

August 10, 2023

- 3:00 PM - In-Person and Remote Participation

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.

Meeting location: Alameda County Mosquito Abatement District office, 23187 Connecticut St, Hayward 94545 and online via Zoom: <https://ebparks.zoom.us/j/89469111783>

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 the Alameda County Mosquito Abatement District office, (23187 Connecticut St, Hayward 94545) or other designated public facility within the HASPA service area. 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 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 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 platform link will let you into the virtual meeting for the purpose of providing a public comment:

<https://ebparks.zoom.us/j/89469111783>

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 virtually and provide live Public Comment during the meeting:

Topic: HASPA Board of Trustee Mtg
Time: Aug 10, 2023 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting
<https://ebparks.zoom.us/j/89469111783>

Meeting ID: 894 6911 1783

One tap mobile
+16699006833,,89469111783# US (San Jose)
+16694449171,,89469111783# US

Dial by your location

- +1 669 900 6833 US (San Jose)
- +1 669 444 9171 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 719 359 4580 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)

Meeting ID: 894 6911 1783

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

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. **Approval of Minutes from the HASPA Meeting Held on May 11, 2023 - Draft Action Minutes of May 11, 2023 (Attachment 1)**
2. **City of Hayward Project Updates (City Staff)**
3. **Presentation and Letter of Support for EPA Water Quality Improvement Grant, Caitlin Sweeny, SF Estuary Partnership (Attachment 2)**
4. **Discussion of Potential HASPA Administrative Scope, Budget and Duties (Attachment 3)**
5. **2023-2024 Annual Dues and Expenditure (Attachment 4)**
 - Action to:
 - a. Assess \$12,000 for each of three Trustee agencies
 - b. Allocate \$36,000 as budget for completing new JPA agreement
6. **Discussion of Optional Special meeting in October**
7. **Old/New Business (TAC)**
8. **Board Member Announcements**
9. **Agenda Setting for Next Meeting**

ADJOURNMENT

NEXT MEETING: November 9, 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: DRAFT 05/11/23 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
Hybrid Meeting: Hayward Shoreline Interpretive Center & Zoom
May 11, 2023

DRAFT MINUTES

HASPA TRUSTEES PRESENT:

Dennis Waespi, East Bay Regional Park District, HASPA Chair
Lou Andrade, Hayward Area Recreation and Park District (Alternate)
Francisco Zermeno, City of Hayward

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
Brian Laczko, Hayward Area Recreation and Park District
Jimmy Dang, Oro Loma Sanitary District
Erika Castillo, Alameda County Mosquito Abatement District
Jackie Zipkin, East Bay Dischargers Authority

STAFF:

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

VISITORS:

Nicole Witt, Hanson Bridgett
Alexandra Barnhill, Alameda County Mosquito Abatement District
Matt Turner

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.

1. Approval of Minutes from the HASPA Meeting held on April 13, 2023 - Draft Action Minutes of April 13, 2023

Trustee Francisco motioned the vote, Trustee Andree seconded. Vote: Ayes – Zermeno, Andrade, Waespi. Approved unanimously.

Public Comments:

Matt Turner spoke regarding sea level rise. He said that the horizontal levee project with Oro Loma Sanitary District should be considered a best practice for future use along the San Francisco Bay shoreline. The horizontal levee project uses native plants, increases habitat for native species and improves storm resilience.

2. City of Hayward Project Updates (City Staff)

No updates to report

3. HASPA Joint Powers Authority (JPA) Renewal Update – (EBRPD and Hanson Bridgett)

Nicole Witt, attorney with Hanson Bridgett gave a presentation and provided an update on the HASPA JPA draft agreement. There was a large amount of input from the HASPA Trustee member attorneys and also from the attorneys from the prospective Trustees. There is now a divide between the dues for Board members and the administrative management of HASPA. These issues impact the core of the JPA agreement, and it is important to resolve this before finalizing the JPA. A variety of responses, including that dues more than \$12,000 per year would be untenable for some agencies, and that accepting administrative management duties wouldn't be possible due to available staff. An expansion of HASPA Board members may require an increase in dues in the future. Currently staff is suggesting a 12-month extension of the JPA (to June 2024) to work out the differences in agency opinions. Devan Reiff said that the work that has been done between the agencies and their attorneys and are very close to agreement on most of the provisions in the draft JPA agreement, t, with a few items left to resolve. Trustee Zermeno asked what are the current dues? Devan Reiff replied the three current agencies pay \$12,000 a year. The question to be resolved is how the dues can be raised, and to what amount. Trustee Zermeno said he thought the Board had agreed previously about a tiered dues structure. Nicole Witt said concept of a tiered dues structure or an automatic escalator of dues each year was in the Term Sheet. An automatic escalator was drafted in the JPA agreement, but if the Trustees want a tiered dues structure, it is central in providing prospective Trustee agencies guidance of what amount of dues will be required later. It's worth preparing the tiered dues structure now, before the JPA is adopted.

Trustee Zermeno asked if they will be figuring out what the smaller agencies can afford today. Chair Waespi identified that the two remaining issues were the dues and the management of HASPA, and that they could talk about dues amounts now. Nicole Witt replied that it would be better to have a wholistic approach to the discussion, if the TAC can work through creating a few proposals to present to the Board. Chair Waespi mentioned that he would like to hear what the other Trustees have to say on the issue of structuring dues for HASPA. Trustee Andrade said he thought it was too early to discuss dues amount without first understanding the cost of HASPA. Trustee Andrade asked for clarification on the mission of HASPA, and the related costs in accomplishing those goals by hiring a General Manager.

Chair Waespi stated that HASPA changed the mission statement recently to address sea level rise and climate change. The mission was previously to protect the shoreline. HASPA was successful in receiving a grant from Caltrans (for the Hayward Area Shoreline Master Plan). There was a billion dollars of projects in the Plan, and that was three years ago, it is probably more now. What can we do if we increase dues to make change? HASPA will need to obtain grants to complete projects that we've identified in the Shoreline Master Plan. Chair Waespi said his opinion is that this organization needs to get more members and identify and fund projects. Discussion ensued regarding the roles, dues, deliverables, and outside management of HASPA by a third-party professional, not from one of the Trustee agencies. Additional discussion was had on the details regarding hiring a person or firm to manage HASPA, and a staff person to apply for grants, what it will cost, and what the workload would include.

Chair Waespi brought the conversation back to the topic of dues and said that dues increases and/or tiered dues shouldn't be based on agency budgets, but also the benefit to your agency—what is the threat from climate change to your agency, what amount of risk that agencies would have to assets and infrastructure, if HASPA doesn't take action. Trustee Zermeno said the size of HASPA personnel should also be taken to consideration for tiered dues approach. Chair Waespi suggested that in-kind services should also be taken into consideration, for example HARD hosting the HASPA meetings at the Shoreline Center. Prospective Trustee Duncan asked what the priority is for what we want to accomplish, and what amount of salary would be needed to have someone manage HASPA. Trustee Andrade added that if HASPA is going to work the projects it needs an action plan and questioned if HASPA is viable in the long term as it could take an entire region to do this amount of work. Prospective Trustee Duncan said that we are beginning this HASPA expansion, and it will develop and attract other agencies, which is why we need a dedicated person to sell the HASPA projects and do this work over time. She said protecting the shoreline is all our responsibility. Trustee Zermeno agreed with Prospective Trustee Duncan and said that the members of HASPA need to do this together and work on adding additional groups to the JPA in the future. Prospective Trustee Hentschke said that he was thinking the Board is better served by having large and small agencies, and that HASPA will need to make it possible for smaller groups afford to be a participating agency. He also brought up that the more agencies involved, the more likely HASPA will be to be awarded grants. Chair Waespi agreed that the more groups in the agency the more standing HASPA has regarding grant applications. There is now an agency (HASPA) and a plan (the Shoreline Master Plan). Sea level rise is coming, and we will have to deal with it.

The TAC members present introduced themselves. From the City of Hayward, Erik Pearson has been in the TAC for 15 years, and Taylor Richard, Planner with the City, has been on the TAC

for four years. Erika Castillo with Alameda County Mosquito Abatement District is on TAC, as well as three other committees to stay involved regarding the shoreline. Eddie Willis with EBRPD has been on the TAC been for seven months, and Robbie Parry as well. Brian Laczko with HARD has been on TAC for two years. Jimmy Dang, of Oro Loma Sanitary District, has been on the TAC for six months. Jackie Zipkin is with East Bay Dischargers Authority.

4. Vote on One-Year Extension of Current HASPA JPA Agreement (Attachment 2)

Devan Reiff suggested that the Board consider a one-year extension of the current HASPA JPA agreement. Trustee Andrade asked why 12-months instead of a shorter amount of time and Devan replied that the TAC believes we are pretty close in getting agreement on the draft JPA, , but this extension will give us time to resolve the remaining issues.

Matthew Graul said that the meeting was full of great discussion, and that no one agency is responsible, without political credibility nothing can happen. The asset that HASPA has is political will and represent elected bodies who have a lot of credibility and power. Matthew really appreciates the Board's efforts.

Devan Reiff said that we have heard staff recommendations that we get a job description and estimate of cost, this will be brought at the next meeting. Additional details were requested including an annual budget, costs of a grant writer, and what do we expect staff level, costs, and benefits to be. Brian Laczko said that he appreciates the robust discussions.

Trustee Zermeno motioned the recommendation, Trustee Andrade seconded the motion. Devan Reiff reiterated that this vote will extend the current JPA to June 30, 2024, and each agency will need bring to their agencies for approval. Vote: Ayes – Zermeno, Andrade, Waespi. Approved unanimously.

5. Old/New Business (TAC)

Brian Laczko reported that Oro Loma and EBDA reached out to HARD regarding the First Mile Project to talk about the possibility of doing mitigation for First Mile on two parcels of the shoreline owned by HARD. Will meet onsite to talk about their proposals.

Jackie Zipkin provided an update regarding the proposed Cargill Salt Brine pipeline project. Cargill is proposing to build pipe from the Newark salt making facilities to connect to EBDA system to dispose of brine that has built up at their site. EIR is getting close to done, hope bring it forth in June for review. Construction could start late this summer. Mostly along city streets, and a portion along the back of Oro Loma Marsh.

6. Board Member Announcements

Prospective Trustee Duncan said that she would love to have people come see the horizontal levee project in person. Chair Waespi thanked TAC members. Chair Waespi said that it would be nice to have HASPA booths at community events. Trustee Zermeno mentioned that we would

need a HASPA banner if considering hosting booths. Trustee Zermeno is creating a birthday party event for the United States of America at Eden Mansion.

7. Agenda Setting for Next Meeting

Devan Reiff stated that the next meeting scheduled for August 10th. There will be a presentation on algal blooms, as well as a horizontal levee 2.0 presentation, and HASPA JPA update.

Next meeting will be at Oro Loma Sanitary if the room is available, or at Alameda County Mosquito Abatement District if not.

ADJOURNMENT @ 4:12pm

Attachment 2: Letter of Support for EPA Water Quality Improvement Grant**HAYWARD AREA SHORELINE PLANNING AGENCY**

[Date]

US EPA Region 9
Attn: Luisa Valiela
75 Hawthorne Street
San Francisco, CA 94105

Dear San Francisco Bay Water Quality Improvement Fund Proposal Reviewer:

I am writing on behalf of the Hayward Area Shoreline Planning Agency (HASPA), a Joint Powers Authority between the City of Hayward, the Hayward Area Recreation Park District and the East Bay Regional Park District, in support of the San Francisco Estuary Partnership's proposal "Pivot Points: Moving Nature-Based Solutions for Water Quality Improvement and Shoreline Adaptation from Planning to Action" to the San Francisco Water Quality Improvement Fund.

This project addresses critical gaps in moving nature-based solutions (NBS) for water quality improvement and shoreline adaptation from planning to implementation in the Bay Area, including addressing the complexities of permitting, arrangements for long-term governance and management, community engagement in NBS design, and peer-to-peer exchange and technology transfer among practitioners. Additionally, the project will enable regional strategic planning for NBS implementation for policymakers and funders. The project will specifically focus on advancing implementation of the NBS described in the Hayward Regional Shoreline Master Plan (2021), prepared for HASPA, with implications for the entire Bay Area region and beyond.

The HASPA Board of Trustees and staff of the Trustee agencies strongly support this grant application and its focus on advancing multi-benefit NBS for water quality improvement and shoreline adaptation in the San Francisco Bay Area. We believe this application is competitive because of its emphasis on bridging planning with action, creating systems for long-term governance and management of nature-based solutions, facilitating technology transfer, and regional strategic planning for NBS.

For fifty years, HASPA has advocated for coordinated planning to protect the water quality, natural resources and habitats, as well as public access at the Hayward Shoreline. HASPA is actively growing in membership and award of this grant will further the implementation of the Hayward Regional Shoreline Adaptation Master Plan, by funding prioritization and administration of the Plan, which includes such NBS climate adaptation projects as the restoration of the Hayward Marsh and the First Mile Project.

The HASPA Trustees believe WQIF support of this proposal will accelerate our region's efforts to implement NBS at the Hayward shoreline and help build commitments towards a shared vision for multi-benefit nature-based solutions for shoreline adaptation and water quality improvement.

Thank you for your consideration.

Dennis Waespi

President, HASPA Board of Trustees

Attachment 3.1: HASPA Administrative Scope, Budget, and Duties**HAYWARD AREA SHORELINE PLANNING AGENCY*****Memorandum***

To: HASPA Trustees and TAC Members
From: East Bay Regional Park District
Date: August 10, 2023
RE: Duties of HASPA Administration

General Description:

The Hayward Area Shoreline Planning Agency (HASPA)¹ is a Joint Powers Authority founded in 1970 between the City of Hayward, The East Bay Regional Park District and the Hayward Area Park and Recreation District (HARD). Today, the principal goal is to promote projects that would protect the shoreline from the effects of Sea Level Rise and climate change. Administrative duties rotate among the three member agencies every five years. A proposal in the draft Joint Powers Agreement reduces the time period to three years. Staff acting as the coordinator takes overall leadership of HASPA by managing communications, records, and activities between the Board of Trustees, Technical Advisory Committee, member agencies, and various public and private stakeholders in the Hayward Shoreline Area.

The Board of Trustees asked staff to prepare a detailed list of current administrative duties, to fully understand the range of tasks, with the goal of eventually hiring a third party HASPA administrator. This list of current and prospective duties was prepared in consultation with the members of the technical advisory committee.

Current administrative duties include:

- Public Meetings
 - Write staff reports and prepare HASPA Board of Trustee materials
 - Keep records and reports up to date
 - Comply with Brown Act noticing
 - Schedule and organize meetings and events, including virtual and in-person

¹ See Agency web page: <https://www.ebparks.org/hayward-area-shoreline-planning-agency-haspa>

- Hold quarterly and special meetings of the HASPA Board
- Record meetings and write minutes
- Update website with meeting materials and maintain communication with interested parties
- Technical Advisory Committee (TAC) --staff of Trustee agencies and other interested parties
 - Coordinate and organize monthly TAC meetings
 - Organize guest speakers and requests to join TAC
 - Share Board materials and agendas with TAC.
- Financial records and accounting
 - Account for and collect Trustee agency dues and maintain budget
 - Manage data in spreadsheets and reports
 - Annual audit and report to CA Secretary of State /Comptroller
 - Manage outside contractors or consultants
 - Prepare Form 700 filings
- Public engagement and Hayward Area Shoreline Master Plan (Master Plan)
 - Answering e-mails and other inquiries
 - Monitor capital projects listed in the Master Plan
 - Write and coordinate letters of support for TAC member grant applications

Expected duties (under new JPA) include:

- Manage contracts with outside consultants, retained to further the Master Plan
 - Key Tasks could be:
 - Identify and apply for grants to administer HASPA
 - Prepare implementation plan for the Master Plan
 - Coordinate among five HASPA Trustee agencies (currently three agencies).
- Coordinate the digitizing and archiving of past HASPA records
- Prepare TAC standard operating procedures document
- Prepare HASPA Administration guide
- Form 700 and other legal requirements

Attachment 3.2: HASPA Administrative Scope, Budget, and Duties



HAYWARD AREA SHORELINE PLANNING AGENCY

Memorandum

DATE: August 10, 2023
TO: HASPA Board of Trustees, TAC
FROM: Devan Reiff, EBRPD
SUBJECT: Draft Budget for HASPA Administrative Services

Members of the HASPA Board of Trustees and staff on the Technical Advisory Committee (TAC) are interested to know the scope and budget necessary to administer HASPA as a five-member Joint Powers Authority. There is potential for HASPA to expand the Board of Trustees and the TAC in the future.

Based on recent communications with private consultants and public sector agencies who do similar work around the Bay Area, staff have prepared the following draft scope of work and budget. This memo is for discussion purposes at the TAC and at the Board of Trustees. This assumes continued and ongoing staffing by the East Bay Regional Park District.

There are five main services: Master Plan Implementation, Administration, Transparency, Finance and Engagement, totaling \$200,000 annually.

Proposed HASPA administrative budget--Annual

Service	Tasks	Budget (annual cost)
1. Master Plan Evaluation and Implementation Plan	<ul style="list-style-type: none"> Develop priority criteria with Board and TAC Finalize Implementation Plan, based on criteria CEQA evaluation 	\$70,000
2. HASPA Administration	<ul style="list-style-type: none"> Develop HASPA policies and priorities Expand HASPA Board and TAC membership 	\$50,000

	<ul style="list-style-type: none"> • Preparing Board materials for meetings • Managing contracting • Holding TAC meetings • Identify and apply for grants • Manage and administer grants 	
3. Transparency	<ul style="list-style-type: none"> • Noticing and holding public meetings (hybrid-- virtual and in-person) • Meeting logistics • Zoom account management • Meeting minutes and videos • Records management • Form 700 filings 	\$30,000
4. Finance	<ul style="list-style-type: none"> • Invoicing and collecting dues • JPA budget and accounts • Administer grants • CA SoS annual reporting / filing 	\$25,000
5. Community Engagement	<ul style="list-style-type: none"> • Maintain HASPA website and social media accounts • Represent HASPA in public meetings and presentations • Prepare letters of support for grant applications • Expand public awareness of HASPA through site tours and events (e.g. tabling) 	\$25,000
Totals		\$200,000

Attachment 4: 2023-2024 Annual Dues and Expenditure

**HAYWARD AREA SHORELINE PLANNING AGENCY*****Memorandum***

DATE: August 10, 2023

TO: HASPA Board of Trustees, TAC

FROM: Devan Reiff, EBRPD

SUBJECT: FY 2023-2024 Annual Dues and Expenditures

HASPA is administered on a Fiscal Year, June 30-July 1.

Each year, the Board of Trustees (Board) may decide to set annual dues. Staff of the Technical Advisory Committee (TAC) recommend the Board set FY 2023-24 dues at \$12,000 per agency (currently East Bay Regional Park District, City of Hayward and Hayward Area Recreation and Park District).

To set the dues at \$12,000 per agency, the Board must take a vote, following public comment and discussion.

In addition, following the assignment of dues, staff recommend that the Board take separate action to allocate \$36,000 to pay outside counsel fees for the completion of the new Joint Powers Authority agreement, which will, among other changes, add two additional agencies to HASPA – Oro Loma Sanitary District and Alameda County Mosquito Abatement District.

To date, the work to draft a new JPA agreement has cost approximately \$50,000, and with the remaining JPA sections of weighted voting and tiered dues to be resolved in the coming months by the Board, staff expects to complete the work on the JPA agreement by using \$36,000 of FY 23-24 dues.

Staff notes that any funds not spent on the new JPA agreement will be available to spend at the Board's discretion for other expenses.

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