



HAYWARD AREA SHORELINE PLANNING AGENCY

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

May 11, 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: Hayward Shoreline Interpretive Center, 4901 Breakwater Ave, Hayward, CA 94545 and online via Zoom: <https://ebparks.zoom.us/j/89944852203>

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 Hayward Shoreline Interpretive Center (4901 Breakwater Ave, Hayward, CA 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/89944852203>

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 Trustees meeting

Time: May 11, 2023 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://ebparks.zoom.us/j/89944852203>

Meeting ID: 899 4485 2203

One tap mobile

+16699006833,,89944852203# US (San Jose)

+16694449171,,89944852203# 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

+1 253 205 0468 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 931 3860 US

+1 689 278 1000 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

Find your local number: <https://ebparks.zoom.us/u/kYNtaYn6g>

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 April 13, 2023 - Draft Action Minutes of April 13, 2023 (Attachment 1)**
- 2. City of Hayward Project Updates (City Staff)**
- 3. HASPA JPA Renewal Discussion (EBRPD and Hanson Bridgett)**
- 4. Vote on One-Year Extension of Current HASPA JPA Agreement (Attachment 2)**
- 5. Old/New Business (TAC)**
- 6. Board Member Announcements**
- 7. Agenda Setting for Next Meeting**

ADJOURNMENT**NEXT MEETING: August 10, 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 04/11/23 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
April 13, 2023

DRAFT MINUTES – [Revised 5.9.2023](#)

HASPA TRUSTEES PRESENT:

Dennis Waespi, East Bay Regional Park District, HASPA Chair
Paul Hodges, Hayward Area Recreation and Park District
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
Erika Castillo, Alameda County Mosquito Abatement District
Vishal Ream-Rao, Caltrans
Brian Laczko, Hayward Area Recreation and Park District
Jimmy Dang, Oro Loma Sanitary District
Jackie Zipkin, East Bay Dischargers Authority

STAFF:

Amanda Sanders, East Bay Regional Park District
Robbie Parry, East Bay Regional Park District

VISITORS:

Nicole Witt, Hanson Bridgett
Alexandra Barnhill, Alameda County Mosquito Abatement District
Sara Buizer

CALL TO ORDER: A regular meeting of the Hayward Area Shoreline Planning Agency (HASPA) was called to order at 3:03 P.M. and role was taken by Devan Reiff.

1. Approval of Minutes from the HASPA Meeting held on January 12, 2023 - Draft Action Minutes of January 12, 2023

Trustee Hodges motioned the vote, Trustee Zermeno seconded. Vote: Ayes – Zermeno, Hodges, Waespi. Approved unanimously.

Public Comments: No public comments

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 of Hanson Bridgett law firm gave a presentation regarding the Joint Exercise of Powers (JPA) Agreement update language. Term sheet was created and adopted by HASPA Trustees in September 2022. The goals include updating the JPA Agreement to meet HASPA's evolving needs for 20-plus years. Reviewed schedule of update. The item will return to the HASPA Board on May 11, 2023, for consideration by the trustees. Authority and Purpose section of the draft JPA Agreement was expanded to include climate adaptation. The Powers section included updates to provide a broad authority of the agency with specific powers. Organization section had a number of updates with streamlined language with intent to move details to a Bylaws document, including moving the Technical Advisory Committee (TAC) establishment to a staff level document.

Nicole raised the idea that a trustee could serve with a term limit versus at the will of their member agency. Prospective Trustee Duncan said she thinks it should still be at the will of their member agency. Trustee Hodges asked if there was an amount of time suggested for a term limit, and what would happen if they were voted out of office during their HASPA term? Nicole replied that a trustee would still complete their term on ~~be off~~ the Board of Trustees if voted out of their elected office. Trustee Zermeno asked how 20-years was decided on the term update time? Nicole said that it is 20+ years, but they are using the guidance from the term sheet to try to meet needs. Prospective Trustee Duncan reiterated that the trustees should be voting with their agency's party line. Trustee Hodges said that if there were term limits that it should be up to individual agencies to decide how long the term limits are. Trustee Hodges believes that that the Chair should have a requirement where they were a trustee for one-year prior to being chair. Chair Waespi mentioned that he hopes that the JPA expands in the future. Prospective Trustee Duncan said that having the having the member agency run HASPA is a lot of responsibility and would be difficult for Oro Loma. Nicole mentioned that having officers~~s,~~ ~~and/or~~ term limits could be decided later in a Bylaws document as they are easier to amend in the future. Zoom chat:

Alexandra Barnhill (ACMAD) -The term doesn't have to be four years. It could be one or two years. Any period that is specified in the JPA Agreement.

The HASPA Voting Authority and Thresholds Chart was reviewed including the type of votes necessary for changing guidelines and dues. Prospective Trustee Duncan asked what the CPI (Consumer Price Index) increase is. Nicole said either the Board of Trustees can annually act to increase the dues, or to have an automatic CPI increase. Trustee Hodges said that there is flexibility to make everyone happy with ability to waive or reduce dues. Prospective Trustee Duncan mentioned that another group she is part of bases the dues based on size of the participating agency. Nicole said that if the Board of Trustees wanted to have tiered dues that they could vote with a unanimous requirement. Nicole stated that the question is does this voting chart allow for the flexibility possibly needed in the future and are the authorizations in the right place and level. Prospective Trustee Hentschke would like to see the increase in dues with less than 25% require a unanimous vote. Prospective Trustee Duncan asked what does HASPA get from the \$12,000 yearly dues? When are we going to see benefits? Chair Waespi replied that HASPA now has an active plan to fight climate change, which has the ability to help us get grants to complete projects from the Hayward Shoreline Master Plan. Prospective Trustee Duncan wants to see what the benefits are that other agencies would be getting from joining HASPA. Trustee Hodges said that by bringing in more agencies it makes a louder voice for grants that are available to help each other get funding. Trustee Zermeno said that people don't know what HASPA is, and that we need to tell people about the agency. Zoom Chat: Alexandra Barnhill (ACMAD) - ACMAD requested that any increase in dues (over the automatic CPI increase) require unanimous approval; as it reads now, the draft JPA has majority approval, as an agency with limited sources of funds (mosquito districts are not enterprise districts), this is a key issue.

Trustee Hodges left at 4:04, his alternate, HARD Board member Lou Andrade filled in for the remainder of the meeting.

New section to the JPA Agreement called Managing Agency. Rotation of Managing Agency suggested to change to every three years from every five years. Anticipate preparing staff level guidance documents to maintain agency governance, financial compliance, operations. Possibility of having an employee of a HASPA agency or a third-party contractor manager to handle the administrative duties. Will be adding some new staff level documents including Bylaws and TAC guidance. Discussion ensued about how the managing agency responsibilities could work. Chair Waespi queried if grants can be used to fund positions. Alternate Trustee Andrade said that if a manager was hired, they still need to have office space provided for them. Prospective Trustee Duncan asked if we need to hire someone, how much money do we need to pay for a manager? Prospective Trustee Duncan said HASPA needs a plan for in 1.5 years when EBRPD will be done with their term has managing agency. Zoom Chat: Alexandra Barnhill (ACMAD) - Livermore Amador Valley Water Management Agency is another JPA that has a "hybrid" management structure, the manager and counsel are contracted but the operations are carried out by a member agency, the costs of that members agency's employee time is reimbursed proportionally by the other members, so there are creative ways to avoid a rotation that doesn't overburden a

smaller agency. Zoom Chat: Jackie Zipkin (EBDA) provided this weblink to peruse: www.sfbayrestore.org

The remaining draft JPA sections were reviewed, including new employee section, budget and finance, treasurer, controller, term termination, elections, boundaries and service area, amendments, new parties, dispute resolution procedure, successors/assignment, governing law, and joint drafting.

Chair Waespi asked the trustees to talk about any concerns with their agencies and attorneys before the next Board of Trustees meeting.

4. Old/New Business (TAC)

Chair Waespi gave a review of the January 20th tour of the Hayward Shoreline.

Devan Reiff asked if there are other requests for presentations? Trustee Zermeno asked if there are areas where we can plant trees, because a tree planting project would be beneficial. Prospective Trustee Duncan replied that Oro Loma just planted some trees. Trustee Zermeno would like to have a cleanup day for Hayward Shoreline to cleanup tires and trash.

5. Board Member Announcements

Trustee Zermeno said it is Earth Week and there will be activities through the City of Hayward. Prospective Trustee Duncan mentioned that there will be a ribbon cutting ceremony for the new Oro Loma building and everyone will be invited.

6. Agenda Setting for Next Meeting

Decision was made to keep May 11 meeting at Hayward Shoreline Interpretive Center.

ADJOURNMENT @ 4:53pm

Adjourned meeting in honor of former HASPA Trustee Elisa Marquez, who has been selected as an Alameda County Supervisor.

Attachment 2: JPA Extension Recommendation**HAYWARD AREA SHORELINE PLANNING AGENCY****Memorandum**

DATE: May 11, 2023
TO: Hayward Area Shoreline Planning Agency (HASPA) Board of Trustees
FROM: Devan Reiff, Principal Planner, EBRPD
SUBJECT: HASPA Joint Powers Authority Agreement Extension to June 30, 2024

Recommendation

The Technical Advisory Committee (TAC) recommends that the HASPA Board of Trustees (HASPA Board) review this memorandum regarding the extension to June 30, 2024 of the current Joint Powers Authority (JPA) agreement (Attachment A), receive any public comment on the proposed extension, and then vote on a motion to approve the extension. Adding twelve months to the existing JPA agreement will allow staff, attorneys and the HASPA Board time to complete the negotiations of the drafting and adoption of a new JPA agreement.

Background

HASPA was formed as a JPA in 1970 by the City of Hayward, East Bay Regional Park District (EBRPD) and Hayward Area Recreation and Park District (HARD). While different agencies have joined and left HASPA over the years, as of 2023, the current Trustee agencies are EBRPD, City of Hayward and HARD. The current JPA, which has previously been extended on July 2021 and April 2022, if not further extended will terminate on June 30, 2023.

In September 2022, the HASPA Board adopted a Term Sheet for a new JPA agreement. The Term Sheet has been incorporated into a draft JPA agreement by EBRPD counsel, reviewed by the TAC and by attorneys from the five agencies that have stated a desire to join the new HASPA JPA: Alameda County Mosquito Abatement District; EBRPD; City of Hayward; HARD; and Oro Loma Sanitary District. The draft JPA agreement also applies current state law regarding Joint Power Authorities to the organizational structure and administration of HASPA as a public agency.

Counsel from the firm Hanson Bridgett presented the new JPA agreement, which contains substantive revisions to the current JPA agreement and new sections, at the April 13, 2023, HASPA Board meeting. Discussion from the HASPA Board at that meeting and from the member agency attorneys have been included in a revised draft JPA agreement.

While there is consensus between the parties on the majority of the provisions of the draft JPA agreement, a few key issues remain (see Discussion, below). The HASPA Board of Trustees, staff, and attorneys need more time to come to final agreement with the parties in order to bring back a draft JPA which the HASPA Board can consider. Staff proposes the HASPA's Board adopt a one-year extension of the current JPA, with EBRPD continuing as the coordinating agency. After adoption of an extension on May 11, each of the three current member agencies will need to separately vote to extend their participation in HASPA before June 30, 2023, and route the current JPA agreement for signature from the City of Hayward, EBRPD and HARD.

Discussion

The comments from the HASPA Board on April 13th and from agency attorneys on the issues of dues and management of HASPA has not been resolved and requires further discussion. The difference in viewpoints is significant enough that is recommended for the members to resolve these issues before the JPA is finalized; staff believes a one-year extension of the current JPA agreement is appropriate to allow time for the resolution of these issues.

The smaller HASPA agencies and prospective members are concerned that a significant increase in dues above the current amount (\$12,000) would be untenable and compromise their ability to participate in HASPA. It has been expressed that some agencies do not have a means to collect additional revenue to pay the dues. Additionally, these agencies have also stated that they do not have the staff resources to be the Managing Agency for HASPA, even on a limited rotating basis.

There is an inherent tension between these issues because the possible solutions to the provision of the Managing Agency rotation (e.g. hiring a part time manager or limiting the rotation with non-rotating members paying a portion of the rotating agencies' costs) would very likely require an increase in dues/costs. Additionally, to structure the JPA in a way to allow for a significant expansion of HASPA's role and activities on the Hayward Shoreline may require an increase in dues or the imposition of new funding requirements upon the members. HASPA may be able to offset the need to increase dues by obtaining grants, but any such grants are uncertain at this time. These issues, while somewhat discrete, are central to the structure of the JPA and the health of HASPA going forward.

The September 2022 Term Sheet stated that the HASPA Board should have the authority to add or raise annual dues, including the possibility for a tiered dues structure. After concerns were raised by the prospective HASPA agencies regarding the possibility of HASPA dues increasing to a point of unaffordability, staff would like the HASPA Board's direction to propose language in the draft JPA for a tiered dues structure, based on a known criterion (such as annual operating budget of the member agency).

The dues could be used to pay for a third-party administrator to run HASPA. Staff is currently preparing a “job description” of this role and is seeking informal cost estimates from private consultants who currently perform this function for other JPA entities.

The TAC members discussed whether a proposal for a tiered dues structure should also include a provision in the draft JPA agreement for commensurate weighted voting among the member agencies. A weighted voting proposal should give smaller agencies the confidence that they will not be responsible for a significant increase in dues nor will they take on significant administrative duties. The proposal should also give the members that provide a greater financial contribution more influence in the Board's decisions. There was not unanimous agreement from the TAC that tiered dues should be paired with weighted voting, so staff is seeking HASPA Board direction.

Staff recognizes that a holistic approach to the remaining JPA issues will better align with the parties' views, create a structure to accommodate new member agencies of varying sizes, and make HASPA a stronger governing body.

Next Steps

Upon a recommendation from the HASPA Board, including a formal motion, staff will seek authorization from the HASPA members City of Hayward, EBRPD and HARD to extend the current HASPA JPA for twelve (12) months, to June 30, 2024, with the continuation of EBRPD as managing agency.

Unless the HASPA Board calls a special meeting beforehand, the next scheduled meeting is Thursday, August 10, 2023.

Attachment 3. Current JPA Agreement

Attachment 3: Current HASPA JPA Agreement**HAYWARD AREA SHORELINE PLANNING AGENCY
JOINT EXERCISE OF POWERS AGREEMENT**

THIS AGREEMENT, dated for convenience as of June 30, 2022, is made and entered into by and among the East Bay Regional Park District, a special district (hereinafter referred to as "Regional Park District"); the Hayward Area Recreation and Park District, a public corporation (hereinafter referred to as "HARD"); and the City of Hayward, a municipal corporation (hereinafter referred to as "Hayward"); each duly organized and existing in the County of Alameda under the constitution and laws of the State of California.

WITNESSETH:

WHEREAS, the Hayward Area Shoreline Planning Agency (hereinafter referred to as "HASPA"), is a joint powers agency consisting of representatives from the Regional Park District, HARD, and Hayward.

WHEREAS, HASPA was formed pursuant to the December 7, 1970 Joint Exercise of Powers Agreement (hereinafter the HASPA Agreement), for the purpose, among others, of preparing a comprehensive statement of planning policy for the area referred to as the Hayward Shoreline, as more particularly described herein; and,

WHEREAS, the HASPA Agreement was subsequently extended on October 7, 1975, November 13, 1979, June 10, 1985, September 11, 1990, September 21, 1995, August 25, 2000, July 1, 2005 June 30, 2010, June 30, 2015, December 1, 2015, January 1, 2021, January 1, 2022, and June 30, 2022; and,

WHEREAS, the 2021 HASPA Agreement is currently due to terminate on June 30, 2022, and the parties wish to continue HASPA and its powers and functions in addressing the new mission of sea level rise since coordinating Shoreline planning activities and carrying out previously adopted policies for the Shoreline area have already been fulfilled; and,

WHEREAS, in accordance with the previously approved five-year period rotation East Bay Regional Parks District assumed the coordinating authority for HASPA effective January 1, 2022; and

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the three parties agree to continue HASPA with the organization, powers, and functions that are set forth in the following.

Section 1. Definitions

- a. "Agency" shall mean HASPA.
- b. " Agreement" shall mean this Joint Exercise of Powers Agreement.
- c. "Hayward Shoreline" and "Shoreline" shall mean all areas of the City of Hayward and all areas of the unincorporated land in the Alameda County that

are west of the Southern Pacific Railroad tracks and are between the boundaries of the City of San Leandro on the north and the City of Fremont on the south and all areas where the 100 year inundation line is currently shown on FEMA maps.

- d. "Host Agency" shall mean the member agency responsible for coordinating all meetings, preparing meeting materials, taking meeting minutes, is the lead on HASPA's major projects and also assumes all treasurer functions for one nonconsecutive 5-year term.
- e. "Parties" shall mean the Regional Park District, HARD, and Hayward.
- f. "Party" shall mean either the Regional Park District, HARD, or Hayward.

Section 2. Authority and Purpose

This Agreement is made pursuant to Chapter 5, of Division 7, Title 1 of the California Government Code (Sections 6500 et seq.) and relates to the joint exercise of powers held by each of the parties. The purpose of this Agreement is to jointly exercise the common powers of the parties to undertake all planning activities associated with sea level rise since HASPA has fulfilled the original mission, which was to study, plan, and adopt policies concerning the land uses in the Shoreline area, in order to develop a comprehensive plan for the governing bodies of the parties so that the plans and actions of each party are compatible with those of the other parties.

Section 3. Continuation of HASPA

The parties agree to continue in existence the Hayward Area Shoreline Planning Agency to exercise the powers hereinafter set forth. The Agency shall continue to be a public entity separate from the parties.

Section 4. Powers

Subject to limitations set forth herein, the Agency shall have the power to develop plans for, prepare studies and reports, and make recommendations for the Hayward Shoreline. Specifically, HASPA shall have the following powers:

- a. To recommend appropriate revisions or additions to the parties' adopted Shoreline plans and conduct studies related thereto.
- b. To study and prepare recommendations concerning the implementation of the parties' adopted Shoreline plans.
- c. To seek funds from public and private sources for the purpose of assisting to achieve the goals of HASPA.
- d. To coordinate the implementation of the parties' adopted policies.
- e. To advise the parties regarding Shoreline issues that may affect the implementation of the parties' adopted plans.
- f. To provide public education on the parties' adopted plans and promote their implementation.
- g. To present positions on legislative matters that affect the Hayward Shoreline.
- h. The Agency is hereby authorized, in its own name, to perform all acts necessary to the fulfillment of its powers, including the following:
 - 1. to make and enter into contracts;
 - 2. to apply for and accept grants, advances and contributions;

3. to employ or contract for the services of planners, financial; consultants, fiscal agents, and such other persons as it deems necessary;
 4. to make plans and conduct studies;
 5. to acquire, hold or dispose of personal property;
 6. to sue and be sued in its own name;
 7. to incur debts, liabilities or obligations.
- i. To explore shoreline protection in conjunction with sea level rise.

Section 5. Organization

- a. HASPA Board

The Agency shall be governed by the HASPA Board, which shall exercise all powers and authority on behalf of the Agency except as otherwise provided herein. The Board shall be composed of three (3) members who shall be known as trustees. Each party to this Agreement shall appoint a member of its governing body to be a trustee and shall appoint a second member of its governing body to be an alternate trustee to serve in the absence of that party's trustee. Each trustee and alternate shall serve at the pleasure of his or her governing body, but in no event shall either a trustee or alternate trustee serve on the Board if he or she is no longer a member of the governing body of a party. The trustees shall elect from among themselves such officers and establish therefore such terms, as they deem necessary or desirable. Meetings of the HASPA Board shall be called by the chairperson or by any two (2) other trustees. Written notice of a meeting shall be provided to all trustees at least seven (7) days prior to a meeting. At least two (2) trustees or their alternate must be present for the Board to take any action, except to adjourn from time to time. All meetings are public meetings subject to the Ralph M. Brown Act, or California's open meeting laws pursuant to Government Code Section 54950-54963. The Board of Trustees may adopt bylaws that set forth how meeting will be conducted including the time allowed for public comments on agenda items before the Board, time and place of regularly scheduled meetings, etc.
- b. Technical Advisory Committee

A Technical Advisory Committee shall provide staff support services to the HASPA Board. The Technical Advisory Committee shall be composed of three (3) members. The chief executive officer of each party shall appoint a staff member and an alternate staff member, who shall serve in the absence of the staff member, to act as that party's representative to the Technical Advisory Committee. The chairperson of the HASPA Board shall appoint one member of the Technical Advisory Committee as the chairperson of the committee. The Technical Advisory Committee shall meet at the call of its chairperson or at the call of the chairperson of HASPA Board. The Technical Advisory Committee shall review and discuss matters related to sea level rise since the original goals and objective of HASPA have been fulfilled. These previous goals and objectives involved the coordination of Shoreline activities and implementation of the parties' adopted Shoreline plans. The Technical

Advisory Committee shall make recommendations to the HASPA Board regarding the new mission of sea level rise. Questions presented to the Technical Advisory Committee shall be resolved upon the basis of one vote for each party represented. The chairperson of the Technical Advisory Committee may invite any person, group, or agency to participate in the discussions of the Technical Advisory Committee when such participation would aid its deliberations. Without limiting the discretion of the chairperson to extend such invitations, the participation of representatives from Hayward Unified School District, San Lorenzo Unified School District, Alameda County Flood Control and Water Conservation District, Alameda County Mosquito Abatement District, San Francisco Bay Conservation and Development Commission, State of California Department of Fish and Wildlife, State Coastal Conservancy, Soil Conservation Service of the United States, Department of Agriculture, United States Army Corps of Engineers, United States Fish and Wildlife Service, United States Environmental Protection Agency are particularly encouraged.

Section 6. Budget and Finance

- a. Budget
HASPA may adopt a budget for activities consistent with its powers and may request the contribution of funds for the expenditures included in that budget.
- b. Financial Commitments, Debts, and Surplus Funds
HASPA shall not make any financial commitment that requires revenues in excess of those available to it. Under no circumstances shall the debts, liabilities, and obligations of HASPA be the debts, liabilities or obligations of any party to this Agreement. If there is any surplus money on hand following the termination of this Agreement, the surplus shall be returned to the parties that are members of HASPA on the date the Agreement is terminated in proportion to their previous contributions.

Section 7. Treasurer, Controller, Accountability, and Access to Property

- a. Treasurer
The Host Agency shall be the treasurer of HASPA, be the depository, and have custody of all the money of the Agency from whatever source. The treasurer shall:
 1. Receive and receipt for all money of the Agency and place it in the treasury of the Treasurer to the credit of HASPA.
 2. Be responsible upon his or her official bond for the safekeeping and disbursement of all Agency money, and personal property.
 3. Pay, when due, out of money of the Agency, all sums due from the Agency from Agency money, or any portion thereof, only upon warrants of the public officer performing the functions of Controller of the Agency.
 4. Verify and report in writing on the first day of July, October, January, and April of each year to the Agency, and to each of the parties, the amount of money held for HASPA, the amount of receipts since the

- last report, and the amount paid out since the last report.
5. Invest all of the Agency's funds not currently required in the manner provided by law including but not limited to Government Code sections 6509.5 and 53601 and collect interest thereon for account of the Agency.
- b. **Controller**
The Host Agency shall be the controller of HASPA. The controller shall draw warrants to pay demands against the Agency when the demands have been duly authorized by the Board.
 - c. **Accountability of Funds**
There shall be strict accountability of all HASPA funds and report of all receipts and disbursements and compliance with Article 1, Chapter 5, Division 7, Title 1 of the California Government Code (Section 6500 et seq.). The controller shall either make or arrange for a contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of the Agency. In each case, the audit shall conform to generally accepted auditing standards. The records and accounts of the agency shall be audited annually, and a report thereof shall be filed as a public record with the Board of Trustees, each party, and the Alameda County Auditor not later than six months following the end of the fiscal year under examination.
 - d. **Access to Property**
The treasurer is hereby designated as the person who has charge of, handles, and has access to the property of the Agency.
 - d. **Reporting Requirements in the Absence of HASPA Held Funds**
Notwithstanding Section 7(a) - (d) and provisions of Government Code Section 6500 et seq., all parties hereto agree that the reporting and audit requirements of Section 7(a) - (d) shall not apply if HASPA holds no funds under its own name.

Section 8. Effective Date and Withdrawal of a Party

This Agreement shall be in full force and effect upon the date of execution by the last party hereto and shall terminate on June 30, 2023, or upon such earlier date, which the parties mutually establish by resolution of their governing bodies. Any party may withdraw from HASPA by resolution of its governing body. The remaining members shall determine the disposition or retention of all funds committed to HASPA.

Section 9. Severability

If any one or more of the covenants or agreements set forth in this Agreement should be contrary to any provision of law or contrary to the policy of law to such an extent as to be unenforceable in any court of competent jurisdiction then such covenant or covenants, or such agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements and shall in no way affect the validity of remaining portions of this Agreement.

Section 10. Counterparts.

This Agreement may be separately executed in any number of counterparts, and each

counterpart signature page and the remainder of this Agreement shall constitute the original Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

EAST BAY REGIONAL PARK DISTRICT

Date of Approval: June 7, 2022

Resolution No. 2022-6-135

DocuSigned by:
Colin Coffey
8B5C837E920AF454
President

DocuSigned by:
Yolande Barial Knight
8D4E7C36E81E404
Clerk of the Board

APPROVED AS TO FORM (Please list staff title)

DocuSigned by:
Jason Rosenberg
0C80097E585B439

HAYWARD AREA RECREATION AND PARK DISTRICT

Date of Approval: June 6, 2022

Resolution No. R-2122-57

Carol L. Pereira
President, Board of Directors

Paul W. Hodges Jr.
Secretary, Board of Directors

APPROVED AS TO FORM (Please list staff title)

C.J.
District General Counsel

CITY OF HAYWARD, A Municipal Corporation

Date of Approval: May 17, 2022

Resolution No. 22-123

V. Soto
City Manager

Miriam Leno
City Clerk

APPROVED AS TO FORM (Please list staff title)

Michael Lawson
Michael Lawson, City Attorney (Aug 5, 2022 15:10 PDT)

City Attorney

Regina Youngblood
Regina Youngblood (Aug 10, 2022 12:18 PDT)

Assistant City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-123

Introduced by Council Member Salinas

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR EXTENSION FOR RENEWAL OF AN AGREEMENT BETWEEN THE CITY OF HAYWARD, EAST BAY REGIONAL PARK DISTRICT, AND HAYWARD AREA RECREATION AND PARK DISTRICT TITLED THE HAYWARD AREA SHORELINE PLANNING AGENCY JOINT EXERCISE OF POWERS AGREEMENT

WHEREAS, the Hayward Area Shoreline Planning Agency (HASPA) is a joint power authority (JPA) established in 1970 and includes the City of Hayward, the Hayward Area Recreation and Parks District (HARD), and the East Bay Regional Parks District (EBRPD); and

WHEREAS, on February 16, 2021, the City of Hayward adopted the Hayward Area Shoreline Adaptation Master Plan and has begun the implementation of the Plan; and

WHEREAS, on July 8, 2021, the Board of Trustees for HASPA authorized staff to begin work on expanding the JPA membership to support the implementation of the Hayward Area Shoreline Adaptation Master Plan; and

WHEREAS, on October 26, 2021, the City of Hayward adopted a resolution to execute a six-month extension of the HASPA JPA agreement to allow time for prospective member agencies to join HASPA; and

WHEREAS, the current HASPA JPA Agreement is set to expire on June, 30, 2022; and

WHEREAS, staff is currently coordinating with prospective member agencies to draft a new or updated HASPA JPA Agreement and need additional time to complete this process; and

WHEREAS, on April 14, 2022, the Board of Trustees for HASPA unanimously voted to recommend that the Hayward City Council, the HARD Board of Directors and EBRPD Board of Directors to extend the current HASPA JPA Agreement for one-year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute on behalf of the City of Hayward that certain agreement between the City of Hayward, the East Bay Regional Park District, and the Hayward Area Recreation and Park District extending the Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement to June 30, 2023, in substantial conformity to the form on file in the office of the City Clerk, with such changes or additions as the City Manager shall approve upon consultation with the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA May 17, 2022.

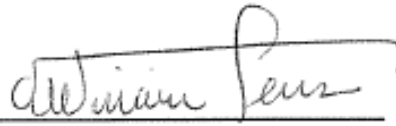
ADOPTED BY THE FOLLOWING VOTE:

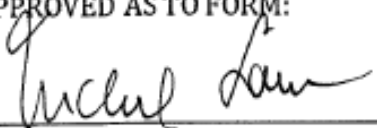
AYES: COUNCIL MEMBERS: Andrews, Lamnin, Márquez, Salinas Wahab, Zermeño
MAYOR: Halliday

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM: ~

City Attorney of the City of Hayward

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO.: 2022 – 06 - 135

June 7, 2022

RESOLUTION TO ESTABLISH AUTHORIZATION OF A TWELVE-MONTH EXTENSION TO THE JOINT POWERS AGREEMENT FOR HAYWARD AREA SHORELINE PLANNING AGENCY (HASPA): HAYWARD REGIONAL SHORELINE

WHEREAS, in December 1970 the Board of Directors authorized the execution of a Joint Exercise of Powers Agreement forming the Hayward Area Shoreline Planning Agency (HASPA) with the City of Hayward, Hayward Area Recreation & Park District, and the East Bay Regional Park District for the purpose, among others, of preparing a comprehensive statement of planning policy for the area referred to as the Hayward Shoreline; and

WHEREAS, the JPA currently consists of representatives from the City of Hayward, the Hayward Area Recreation & Park District, and the East Bay Regional Park District, known as the Trustees Agencies; and

WHEREAS, over the years, the JPA has been periodically extended in five-year increments, with the most recent five-year extension expiring on January 1, 2021; and

WHEREAS, on Nov 16, 2021, the Board of Trustees for HASPA met and approved a 6-month extension to the Joint Powers Agreement through June 30, 2022; and

WHEREAS, staff of the three Trustees Agencies, meeting as a Technical Advisory Committee (TAC) are preparing a Term Sheet and a new Joint Powers Agreement to expand the Board of Trustees and the TAC membership, as well as update Administrative duties;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby authorizes a one-year extension of the Joint Powers Agreement for the Hayward Area Shoreline Planning Agency (HASPA) until June 30, 2023; and

BE IT FURTHER RESOLVED, that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director Corbett, seconded by Director Echols, and adopted this 7th day of June, 2022 by the following vote:

FOR: Colin Coffey, Ellen Corbett, Elizabeth Echols, Beverly Lane, Dee Rosario, Dennis Waespi, Ayn Wieskamp.

AGAINST: None.
ABSENT: None.
ABSTAIN: None.

Colin Coffey
Board President

CERTIFICATION
I, Yolande Barial Knight, Clerk of the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution No. 2022-06-135 adopted by the Board of Directors at a regular meeting held on June 7, 2022.



The Board of Directors of
The Hayward Area Recreation and Park District

RESOLUTION NO. R-2122-57

RESOLUTION APPROVING A ONE-YEAR EXTENSION OF AN AGREEMENT BETWEEN HAYWARD AREA RECREATION AND PARK DISTRICT, THE CITY OF HAYWARD, AND EAST BAY REGIONAL PARK DISTRICT, TITLED THE HAYWARD AREA SHORELINE PLANNING AGENCY JOINT EXERCISE OF POWERS AGREEMENT

BE IT RESOLVED by the Board of Directors approves, on behalf of the Hayward Area Recreation and Park District, that certain agreement between the Hayward Area Recreation and Park District, the East Bay Regional Park District, and the City of Hayward extending the Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement to June 30, 2023, in substantially the form of the agreement on file with the Board Clerk.

DATE: June 6, 2022

INTRODUCED BY: Paul W. Hodges JR

AYES: Hatcher, Hodges, Pereira and Rosen
NOES: None
ABSTAIN: None
ABSENT: Andrade

Carol Pereira

Carol Pereira (Jun 10, 2022 23:31 PDT)

Carol A. Pereira, President

Paul W Hodges, Jr

Paul W Hodges, Jr (Jun 6, 2022 13:08 PDT)

Paul W. Hodges, Jr., Secretary