



HAYWARD AREA SHORELINE PLANNING AGENCY

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

December 19, 2024

- 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, the City of Hayward and Alameda County Mosquito Abatement District

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

https://ebparks.zoom.us/webinar/register/WN_9MXulqo8Qv6BP0zkAMPFdw

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, 777 B Street, Conference Room 2A, 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 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:

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: Registration is required at below link. Meeting details will be provided when registration is completed.

When: December 19, 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_9MXulqo8Qv6BP0zkAMPFdw

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 October 10, 2024 - Draft Action Minutes of October 10, 2024 (Attachment 1)**
- 2. City of Hayward Project Updates (City Staff, Informational Item)**
- 3. Adoption of HASPA Delegation of Authority (Resolution, Attachment 2)**
- 4. Old Business (TAC and Board):**
 - a. Recruitment Efforts for Additional Trustee Agencies
 - b. Community Engagement Activities
- 5. New Business (TAC and Board):**
 - a. Updates on Trustee Agency Capital Projects
 - b. Consideration of Special Meeting in June 12, 2025 for Budget Adoption
- 6. Board Member Announcements**
- 7. Agenda Setting for Next Meetings**

- a. Anticipated for BOT Meeting of January 6, 2025:
- Selection of HASPA Board Officers for 2025
 - Adoption of HASPA Board Participation and Withdrawal Procedures
 - Approval of Grant Agreement with San Francisco Estuary Partnership for “Pivot Points” Grant
 - Review Summary of RFP Solicitation for Pivot Points Grant and HASPA Administrative Consultant
 - Informational Presentation/Tour: ACMAD Mosquito Fish Tank

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.

Attachment 1: DRAFT BOT Minutes 10.10.2024

HAYWARD AREA SHORELINE PLANNING AGENCY
City of Hayward
East Bay Regional Park District
Hayward Area Recreation and Park District
Alameda County Mosquito Abatement District

Meeting of Board of Trustees
Hybrid Meeting: City of Hayward City Hall & Zoom
October 10, 2024

DRAFT MINUTES

HASPA TRUSTEES PRESENT:

Francisco Zermeño, City of Hayward, HASPA Chair
Dennis Waespi, East Bay Regional Park District
Eric Hentschke, Alameda County Mosquito Abatement District
Cathy Roache, Alameda County Mosquito Abatement District (Alternative Trustee)

HASPA TAC MEMBERS PRESENT:

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

STAFF:

Ava Samuels, City of Hayward
Elizabeth Blanton, City of Hayward
Amanda Sanders, East Bay Regional Park District
Drake Hebert, East Bay Regional Park District

VISITORS:

Jackie Zipkin, East Bay Dischargers Authority
Len Materman, One Shoreline JPA
Dana Brechwald, BCDC
Katherine Tsou, Hanson Bridgett
Keegan Pham, Plantify
Erik Alm, Caltrans
Erin Pang, Save The Bay
Sheila Marquises, City of San Leandro
Jayson Imai, City of San Leandro

Fred Simon, City of San Leandro
Simon Montrose, Alameda County Public Works
Aaron Pope
Kate Kafka
Kelly Abreu

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

Public Comments: None

9. Approval of Minutes from the HASPA Meeting Held on July 25, 2024 – Draft Action Minutes of July 25, 2024 (Attachment 1)

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

10. Adoption of HASPA Board of Trustees Bylaws (Action item, Attachment 2)

Devan Reiff and Katherine Tsou of Hanson Bridgett presented the suggested HASPA Board of Trustees (BOT) Bylaws. Devan Reiff mentioned that if the Bylaws are approved then the BOT would vote at the next HASPA BOT meeting for a Vice Chair. Trustee Waespi requested that language be added regarding where HASPA meeting notices and agendas are posted to rule #3 “Meetings of the Board”, section B. “Notice of Meetings”. Chair Zermeño requested language to be added on rule #6 “Communications to the Board”, section B “Time Limits on Public Comments” to limit public speakers to 3 minutes per speaker. Alternate Trustee Cathy Roache asked about the dates of Board meetings listed in rule #3 “Meetings of the Board”, section A “Call of Meetings”, subsection I “Regular Meetings”, noted that dates should be listed as January instead of currently listed currently listed February. Staff agreed to make the recommended changes in the Bylaws.

Moved by Trustee Waespi, Seconded by Trustee Hentschke

Vote: Ayes – Zermeño, Andrade, Waespi, Hentschke. Approved unanimously.

11. Presentation by One Shoreline, Len Materman, CEO (Informational)

Len Materman, CEO of San Mateo County Flood and Sea Level Rise Resiliency District, known as One Shoreline, gave an informational presentation on Zoom. The origin of One Shoreline began with Sea Level Rise Vulnerability Assessments evaluating San Mateo County’s vulnerability. State law created One Shoreline on Jan 1, 2020, as the first independent governmental agency in

California to plan and -build regional resilience related to the water-related impacts of climate change-- sea level rise, flooding, groundwater rise, coastal erosion, as well as storm water. Mr. Materman reviewed the development of One Shoreline from 2013-2020. Their Board of Directors have seven members, two are San Mateo County Supervisors (one at large and one represents Pacific Coast side of the County), five city elected members (one at large, one from Coast side, one from each bayside cities in north, central, south areas of county). Operational funding from the cities' contributions in 2020-2022 totaled \$750,000 which was matched annually by the county. With the addition of grants the program funding is going to last eight years through 2027. Priorities include planning land use and infrastructure for future climate driven conditions, including the need to stop allowing developments right along the water. Objectives include integrating climate resilience into general plans, specific plans, zoning ordinances, and reviews of private developers and public infrastructure projects so new facilities can function during their intended lifespan and contribute to regional resilience. Advance projects that align long-term resilience for developed, natural, and public access areas across jurisdictions. Mr. Materman described the San Francisco Airport (SFO)- planned bayside protection project. One Shoreline has strategies to finance and secure land rights for climate resilience projects in San Mateo County. Provide early warning of and reduce the impacts of today's extreme storms made worse by rising tides.

The HASPA Board asked Mr. Materman questions, and members of the public discussed the One Shoreline agency and project and operations funding. Chair Zermeno asked that a FEMA BRIC grant and a bond measure be added as future HASPA agenda items for discussion.

Fred Simon, San Leandro City Council and Oro Loma Sanitary District, asked about the campaign by residents in the City of San Mateo to tax themselves for flood protection, noting the photo in the presentation.

Mr. Materman responded by explaining that the atmospheric river storm on New Year's Eve, 2022, caused flooding damage and led the San Mateo residents to campaign for a new stormwater fee that generates \$4 million a year for stormwater activities. He offered to connect Mr. Simon to the San Mateo city staff who were involved with the campaign.

Fred Simon asked about the financial contributions to climate adaptation made by Meta/Facebook and PGE which Mr. Materman noted in his presentation.

Mr. Materman noted that discussions started with both entities in 2014, when he was with the San Francisquito Creek JPA. Both companies have facilities that stick out into the marshes, and they have flooding vulnerabilities. The City of Menlo Park, on behalf of the JPA, applied for a FEMA BRIC grant, and were awarded \$50 million. The City needed \$18 million in local match for the grant, which was contributed by Meta and PGE—a cost savings for them, as compared to the project costs were they to design, permit and build their own flood protection facilities.

Public Comment: Kelly Abreu stated that Alameda County has differences from San Mateo County. For example, he said, if you talk to the Flood Control District (Alameda County Flood Control District), they will tell you that sea level rise isn't a flood control district problem. He said that's a philosophy from the top (the head of the District). He said that in Alameda County,

(stormwater regulations) are often observed more in the breach than in the observation. He gave the example of a site where ten acres of paved truck parking was classified as “agriculture,” and no stormwater permits were needed. He said that regarding the BCDC 100-foot shoreline limit, in order to have that line, you need coordination from all the Bay cities. He said that in the East Bay, some cities don’t formally recognize the BCDC line (referring to a city “south of here.”). He said the BCDC line is not there and the city’s participation is not there, in some cases.

Mr. Materman replied to the public comment, that while he’s happy how things have gone (at One Shoreline), it’s still a “coalition of the willing,” and that “it’s definitely still a process.” Five of the eleven cities (in San Mateo County) have adopted aspects of One Shoreline’s Planning Policy Guidance, but it’s open to interpretation (whether that is a success), noting —it’s not zero (cities which have adopted the guidelines) but it’s not eleven (cities). He said he doesn’t want to leave the impression that it’s a “paradise” (in San Mateo County), because climate change adaptation is hard work, and it is work worth doing. He encouraged HASPA to continue to do what it’s doing (to prepare for sea-level rise).

12. Presentation by BCDC, Dana Brechwald, Regional Shoreline Adaptation Plan (Informational)

Dana Brechwald, Assistant Planning Director for Climate Adaptation at the SF Bay Conservation and Development Commission (BCDC) gave a presentation introducing the Regional Shoreline Adaptation Plan (RSAP). This is a regional plan that has implications for every jurisdiction on the shoreline.

The draft plan is in the public comment period, which closes October 18th, with a public hearing on October 17th. The draft was sent to stakeholders at each city within the county. RSAP guides the creation of coordinated, locally planned sea level rise adaptation actions that work together to meet regional goals. We need a regional approach to adaptation planning to share common standards and methods, long-term health of wetlands, priority resources to frontline communities, and more. California Senate Bill 272 mandates that local governments within BCDC’s jurisdiction must complete a Subregional Shoreline Adaptation Plan by January 2034. BCDC is charged with developing the guidelines for the subregional plans by December 2024. Local governments will submit completed plans to BCDC for review and approval. In Alameda County, the cities Alameda, Albany, Berkeley, Emeryville, Fremont, Hayward, Newark, Oakland, San Leandro, Union City. Cities can create their own plan or they can create a coordinated plan with other governing agencies. Guidelines are designed to drive effective local adaptation. There have been community events, public workshops, and meetings to obtain input from a wide variety of cities, county, and public. As sea levels rise, the Bay Area’s diverse communities need to come together to transform how we live, work, plan. Plan guidelines include requirements and minimum standards including coastal flood hazards and sea level rise scenarios, minimum categories and assets, equity assessment. The BCDC Board will consider adopting the RSAP at a hearing on December 5th. Funding & support are available today via the Senate Bill I Grant program, with the next funding round deadline in December. There is also technical assistance for grant seekers.

Trustee Waespi noted the presentation mentioned funds to adopt plans and proposals, and questioned where the funding would come from to build climate adaptation projects? He also asked what happened to the “Cutting the Green tape” program?

Dana Brechwald noted that the SB I Grant program has funds to support planning and capacity-building, and data gathering. Cities are eligible for up to \$1.5 million to prepare plans. There is a second track to the SB I grant that is not open currently and is dependent on the state budget. There was a BCDC-MTC study last year that said it would cost \$110 billion to protect the SF Bay shoreline to the year 2050. There is the possibility for a future regional measure similar to Measure AA. She said they were trying to get funds in the hands of the cities to start the climate planning process. BCDC is exploring options for plans which accelerated regulatory permitting.

Chair Zermeno asked if HASPA is eligible for the SB I (planning) grants?

Dana Brechwald noted that counties and cities are eligible for the grant, and Devan Reiff said that HASPA staff was in communication with Alameda County about possibly jointly applying for a technical assistance grant.

Public Comment: Kelly Abreu said if you look north of here (Hayward City Hall), north of the Hayward Airport, after the Bockman Canal and north of that, there are no cities, it is unincorporated Alameda County, (the community of) San Lorenzo. After about a quarter mile, you get to San Leandro. That community between the Bockman Canal and San Lorenzo Creek relies on the County for flood control, but are they required to submit plans in the RSAP? Are counties required to prepare (climate adaptation) plans?

Dana Brechwald replied that all counties will need to create plans to cover unincorporated areas.

Kelly Abreu said that was good, so maybe they will protect San Lorenzo.

Jackie Zipkin of EBDA said in response to that public comment that staff have had conversations with the Alameda County Planning Department and they are planning to develop a plan, or possibly integrate with the HASPA Master Plan to protect that San Lorenzo shoreline, and the Oro Loma Sanitary District, as a land owner, is also involved.

13. City of Hayward Project Updates (City Staff)

Elizabeth Blanton, Senior Planner with the City of Hayward provided new project updates about the STACK Data Center proposed project for the City of Hayward at 26002 Eden Landing Road, south of Highway 92 (Hayward – San Mateo Bridge), close to Eden Landing and the SF Bay Trail. (The site is one mile from the HARD Shoreline Interpretive Center). California Environmental Quality Act (CEQA) evaluation of the project is underway. The proposal is for a 310,000 square foot, three-story, 100’ tall building with generator yard with 28 emergency generators. Artistic screening options of the building is intended to improve views of the building from vehicles on

Highway 92. Applicant is proposing an exception to existing building height regulations (75' allowed, 100' proposed). Public benefits proposal is currently \$1.3 million, supporting various projects and city initiatives including: \$300,000 for Gateway Marker Project, \$300,000 for City Park contribution match, \$200,000 to small business grant program, \$100,000 to HASPA, \$100,000 to HUSD STEAM showcase, \$100,000 toward City sustainability goals and awareness, \$100,000 to Hayward STACK Community Center, and \$100,000 to Eden Landing Ecological Reserve activation. The project applicant, unable to attend the HASPA Board meeting in person, wrote a statement to HASPA which Planner Blanton read. The statement noted the applicant's interest in future discussions with HASPA, and that support of the HARD Shoreline Interpretive Center (SIC) emerged as a new opportunity in the discussions of the community benefits package, and that the HASPA Board and staff are "best positioned to identify investment need and partnership opportunities."

After the presentation, the HASPA Board discussed the project. Trustee Hentschke said that \$100,000 (in the proposed community benefits package) to HASPA seemed generous. Trustee Waespi disagreed and said that the applicant would be (benefiting by spending only) \$1.3 million for that much increased height above current regulation. Planner Blanton replied that it's up to the Hayward Planning Commission to decide what is the appropriate tradeoff. Trustee Waespi asked what the tallest building in Hayward is. Planner Blanton answered that this proposed building may be the tallest in the city. Trustee Waespi reiterated that this is too little money for the impact to the neighborhood. Planner Blanton mentioned that the applicant has been receptive to adding money on to the public benefits since the project was first proposed. Trustee Hentschke queried Trustee Waespi if his objection is the building's proposed height, or the money allocated in the community benefits package, to which Trustee Waespi said that there should be more money for the viewshed and other impacts to the shoreline. Brian Laczko asked if the statement from the applicant read by Planner Blanton meant that the applicant was contributing \$100,000 to put towards HASPA's project of choice, which could then be put towards HARD's SIC? Planner Blanton confirmed that understanding. Trustee Waespi suggested that HARD gives estimates of all the repairs and upgrades that need to be done for the SIC. Chair Zermeño suggested an additional line item of \$100,000 for the SIC, and \$100,000 for the SF Bay Trail, and that the City keep requesting additional money for green items in addition to the contribution to HASPA and Eden Landing Ecological Preserve. The total public benefits should be upwards of \$3 million instead of \$1 million.

Public Comment: Kelly Abreu stated his surprise at the level of technical complexity of the project that isn't being perceived (by the City reviewers). He said that data centers are the new gold rush of the technology industry. He said this project is not being pushed as a giant warehouse, which produces very little value. This data center, with 28 generators, could be consuming 100 megawatts of power. How much carbon dioxide is that? Zero, he said, because (the project proposes) to use all green electricity. He said we know that the California (electrical) grid is burning a lot of carbon dioxide, (despite what is claimed). His estimate is the project will cost \$1 billion to construct based on its size. The natural gas plant across the street would have cost \$600 million if it was rebuilt now. He questioned why the project is being located in Hayward. If every nano-second counts in the data center business, then it would be better to put the project

in Manhattan. He said they have very good technical reasons to locate the project here. He said it could consume up to 1,000 acre feet of water per year; the whole city might consume 10-13,000 acre feet. The whole city of Hayward might consume 80-90 megawatts of power; this project will consume 100 megawatts. Data centers are incredibly productive, he said, that's why people want to build them everywhere, and the limiting factor is electricity. He said the leader of Open AI wants to build nuclear power plants to keep data centers fed with electricity. He said, the product of this data center is knowledge, information, power, and it's a non-physical product. So, it won't be taxed. In terms of taxation, Hayward won't appreciate any of the value of this data center. He said the Board didn't understand what one billion dollars' worth of capital of the highest tech data center—how productive that is.

The HASPA Board discussed how to summarize the Board's position on the data center project. In answer to a question from Trustee Hentschke, Planner Blanton stated that the earliest the project could go for approval at the Planning Commission is Spring of 2025, due to the preparation of the CEQA document. Chair Zermeno asked Planner Blanton if she had captured the HASPA Board's points during the discussion and she agreed that she had. Chair Zermeno then said further discussion was not needed, if Planner Blanton could convey the Board's comments to the applicant and the Planning Commission. Planner Blanton added that if the HASPA Board wanted to submit a formal letter, or if anyone on behalf of HASPA, or the Trustee agencies wanted to make comments, that was acceptable.

Trustee Waespi requested that HASPA should write a letter to the applicant and the City stating the HASPA Board's suggestions of more enhancements for the shoreline in the public benefits package. Chair Zermeno confirmed that Planner Blanton had the HASPA Board's suggestions from this discussion, which she could convey at the Hayward Planning Commission hearing scheduled for the evening of October 10.

No motion was taken for a HASPA Board member to appear in person at the Hayward Planning Commission hearing (scheduled for October 10, 2024), to deliver the Board's comments on the data center proposal.

6. Adoption of 2025 HASPA Board of Trustees Calendar (Action item, Attachment 3)

Devan Reiff presented the suggested 2025 HASPA Board calendar, created following the standard HASPA Board meeting schedule of the second Thursday of the month: January 9, April 10, July 10, and October 9. Trustee Waespi suggested that because the EBRPD Board takes July off, that HASPA Board meet on July 3rd instead of July 10th. Chair Zermeno requested a date change from January 9 to January 16.

Moved with suggested changes by Trustee Waespi, Seconded by Trustee Hentschke

Vote: Ayes – Zermeno, Waespi, Hentschke. Approved unanimously.

7. Old Business (TAC and Board):

a. Recruitment Efforts for Additional Trustee Agencies

Staff reported good initial communications with members of the Alameda County Board of Supervisors. Staff wanted the Board’s permission to continue these discussions with the Supervisors, encouraging them to join the HASPA Board of Trustees. The Board gave verbal permission to staff to approach the Supervisors to see if they want to join.

b. Community Engagement Activities Recap – No updates

c. Revised Fiscal Year 2024-2025 HASPA Budget (Informational, Attachment 4)

Staff presented a revised budget for the 2024-2025 fiscal year, following the requests for more contingency funding made and adopted by the Board at the July, 2024 meeting.

8. New Business (TAC and Board):

a. Updates on Trustee Agency Capital Projects – No updates

b. Consideration of Special Meeting in November or December 2024

Meeting would be to discuss the additional governance documents. Chair Zermeno said December 19.

Motion moved by Trustee Hentschke, seconded by Trustee Waespi. Vote: Ayes – Hentschke, Waespi, Zermeno. Unanimous approval

9. Board Member Announcements

Trustee Waespi thanked staff for excellent meeting and for getting the speakers. Trustee Waespi suggested having a presentation regarding the South Bay Salt Pond Restoration Project at Eden Landing near the Highway 92 bridge. Devan Reiff will ask staff to give a presentation. Trustee Hentschke mentioned that ACMAD is open for hosting HASPA Board meetings. The January meeting will be held at ACMAD. Erik Pearson will check to see if the Hayward City Hall conference room 2A will be available on Dec 19th.

10. Agenda Setting for Next Meetings

a. Consideration of additional governance documents: Delegation of Authority Resolution; Financial Procedures; Governance Rotation Procedures; Trustee Withdrawal Procedures

ADJOURNMENT at 5:20 pm

Attachment 2: Board Delegation of Authority

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

DATE: December 19, 2024

TO: HASPA Board of Trustees

FROM: Devan Reiff, EBRPD

SUBJECT: HASPA Board Delegation of Authority

In May 2024, the Hayward Area Shoreline Planning Agency Board of Trustees (HASPA Board) approved an Amended and Restated Agency Joint Exercise of Powers Agreement (JPA). Administrative procedures for the efficient management of HASPA also need to be adopted, and this process began in October 2024, when the HASPA Board adopted the Board Bylaws.

HASPA staff and legal counsel have prepared another important administrative procedure document, the “Delegation of Authority” (Attachment 2). This document describes the specific actions the HASPA Managing Agency/Manager may take on behalf of the HASPA Board for the effective management of HASPA without further action by the HASPA Board.

HASPA has operated for many years without a Delegation of Authority document, and the intention today is to clarify and memorialize the authority delegated by the Board to the Managing Agency/Manager. The authority granted to the Managing Agency/Manager in the Delegation of Authority is subject to the Board's right to amend, modify or revoke that authority by subsequent action.

Delegation of Authority

The Delegation of Authority authorizes the Managing Agency/Manager to perform specific actions and establishes certain obligations that staff believes are necessary and appropriate for the day-to-day operation and administration of HASPA. These actions are consistent with the JPA and applicable state law. The Managing Agency/Manager must exercise the powers in the Delegation of Authority in conformity with Board-established policies. The actions identified in the Delegation of Authority are organized and summarized in the following seven categories:

- I. Management Decisions and Procedures: the authority to make management decisions and to develop and implement procedures for managing HASPA's operations in conformity with Board-established policies.

2. Budget and Finance: the authority to manage HASPA's financial operations relative to budgeted and other expenditures in conformity with the Board-established budget and policies; obligation to perform certain financial notification and reporting to the Board.
3. Procurement: the authority to enter into and sign contracts in amount up to \$25,000 per contract; authority to approve and sign change orders up to the maximum approved contract amount.
4. Grants: the authority to apply for grants on HASPA's behalf.
5. Comment Letters; Letters of Support: the authority to draft, review, and sign comment letters relative to development projects, CEQA proceedings, and other matters within HASPA's purview, and letters of support relative to grant applications submitted by other entities.
6. Claims and Lawsuits: upon the advice of legal counsel, the authority to handle administrative claims presented to HASPA and allow, compromise, or settle any administrative claim or lawsuit against HASPA up to \$25,000; obligation to notify the Board of any claim within a reasonable time after its receipt.
7. Conflict Waivers and Related Agreements: in consultation with legal counsel, the authority to approve attorney or law firm conflict waivers, joint defense or prosecution agreements, common interest agreements and similar agreements.

The Delegation of Authority is presented in the form of a resolution because Section 935.4 of the California Government Code requires that the authority to allow, compromise, or settle a claim against a local public entity be delegated by resolution or ordinance.

Staff is looking to the HASPA Board to review and discuss the Delegation of Authority at the public meeting of December 19th. If the HASPA Board approves or amends the Delegation of Authority at the December 19th meeting, any future amendments to the Delegation of Authority must be approved by the Board.

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Attachment 2: DRAFT Delegation of Authority Resolution

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE HAYWARD AREA SHORELINE
PLANNING AGENCY****RESOLUTION NO. 2024-0001 _____**

The Board of Trustees ("Board") of the Hayward Area Shoreline Planning Agency ("HASPA") delegates authority as described below to the staff person of the Managing Agency designated to support HASPA or the Manager, as applicable, (hereinafter referred to as "Managing Agency/Manager"), or designee, for the effective management of HASPA, subject to the Board's right to amend, modify or revoke that authority by subsequent action.

1. Management Decisions and Procedures: The authority to make management decisions and to develop and implement procedures for managing HASPA's operations in conformity with Board-established policies.
2. Budgets and Finance:
 - a. Budgeted Expenditures. The authority to manage HASPA financial operations and to expend HASPA funds in conformity with a Board-approved HASPA budget and policies. Upon Board approval of the annual budget, the Managing Agency/Manager will have the discretionary authority to transfer budget between line items within the same fund, transfer budgets between projects with the same funding source, but may not exceed the overall authorized spending.
 - b. Other Expenditures: The Managing Agency/Manager is also authorized to expend HASPA funds in compliance with the other spending authority outlined in this Delegation of Authority.
 - c. Notification and Reporting: The Managing Agency/Manager will provide the Board with annual financial reporting at the Fall Board meeting or soonest thereafter. Additional reports can be prepared at the Board's request.
3. Procurement: The authority to enter into and sign contracts on HASPA's behalf for supplies, equipment, and services in an amount up to \$25,000 per contract. The Managing Agency/Manager is also authorized to approve and sign change orders up to the maximum approved contract amount. The Board reserves the right to review and approve all HASPA expenditures in excess of the purchasing authority delegated to the Managing Agency/Manager.
4. Grants: The authority to apply for grants from any local, state, or federal entities for HASPA purposes. The Board must approve HASPA's acceptance of any grant funds and HASPA's award of any grant funds.
5. Comment Letters; Letters of Support: The authority to draft, review, and sign comment letters relative to development projects, CEQA proceedings, and other matters within HASPA's purview, and letters of support relative to grant applications submitted by other entities.
6. Claims and Lawsuits: The Managing Agency/Manager must notify the Board of any claim received by HASPA within a reasonable timeframe after receipt of a claim. However, in no event will this notification requirement limit the authority of the Managing Agency/Manager to timely handle claims as provided in this section. The Managing Agency/Manager is authorized to perform, upon the advice of counsel from the Managing Agency, the following functions of the Board with respect to handling

administrative claims presented to HASPA: ascertaining the sufficiency of claims with respect to the required contents of a claim; notifying claimants of insufficiency; notifying claimants of failure to present claims within the time allowed by law; allowing or denying applications for leave to file late claims; rejecting claims; and allowing claims in whole or in part or compromising and settling claims and lawsuits to the extent provided in this Delegation of Authority.

The Managing Agency/Manager may, upon the advice of counsel from the Managing Agency, allow, compromise, or settle any administrative claim or lawsuit against HASPA up to \$25,000. For any administrative claim or lawsuit against the HASPA in which the amount demanded exceeds \$25,000, the Managing Agency/Manager may negotiate for resolution with the claimant or litigant, but if any proposed settlement of the claim or litigation exceeds \$25,000, then that proposed settlement must be presented to the Board for approval, rejection, or direction to negotiate further.

Upon the Managing Agency/Manager's written order and in consultation with counsel, HASPA shall cause a payment to be issued in the amount for which any claim or lawsuit has been allowed, compromised or settled pursuant to this Resolution, in exchange for appropriate releases approved by counsel.

7. Conflict Waivers and Related Agreements: In connection with any claims, litigation, transactional, regulatory and other legal matters, the Managing Agency/Manager, in consultation with counsel from the Managing Agency, may approve any and all attorney or law firm conflict waivers, joint defense or prosecution agreements, common interest agreements and similar agreements necessary to efficiently retain legal representation for the HASPA or collaborate with similarly-situated parties engaged in legal matters.
8. The Board recognizes that there will be management areas in addition to those described above that will require further delineation of management authority and those areas will be addressed in additional resolutions or other Board actions as they are brought to the attention of the Board, and the Managing Agency/Manager or designee is hereby authorized to execute any other contracts, warrants, releases, receipts, and similar documents in the name of HASPA upon the Board's approval.