



DATE: June 4, 2024

TO: Mayor and City Council

FROM: Development Services Director and Director of Public Works

SUBJECT: HASPA JPA: Adopt a Resolution Authorizing the City Manager to Execute a Joint Exercise of Powers Agreement for the Hayward Area Shoreline Planning Agency (HASPA) and Appropriate \$ 31,800 in total from the General Fund for HASPA Dues for Fiscal Year 2025 (FY 2025)

RECOMMENDATION

That the City Council adopts the Resolution (Attachment II) authorizing the City Manager to execute a new Joint Exercise of Powers Agreement for the Hayward Area Shoreline Planning Agency (HASPA) and appropriate \$31,800 in total from the General Fund for annual dues to operate the HASPA for Fiscal Year 2025 (FY 2025).

SUMMARY

The Hayward Area Shoreline Planning Agency (HASPA) is a Joint Powers Authority (JPA) currently comprised of three trustee agencies: the East Bay Regional Park District (EBRPD), the City of Hayward and the Hayward Area Recreation and Park District (HARD). Following the adoption of the Hayward Regional Shoreline Adaptation Master Plan (Shoreline Master Plan), HASPA seeks to expand membership in the Agency, and have its powers and functions reflect the new mission of responding to climate change impacts at the shoreline. As a result, staff collaborated on a new JPA agreement which proposed to add the Oro Loma Sanitary District (OLSD) and the Alameda County Mosquito Abatement District (ACMAD) and changes to the organizational structure to help facilitate implementation of the Shoreline Master Plan. To increase HASPA's capacity and enable it to hire a professional manager, the HASPA Board of Trustees have recommended increased dues for member agencies. The City's dues are proposed to be \$31,800 in FY 2025.

BACKGROUND

HASPA is a JPA currently comprised of three trustee agencies: EBRPD, the City of Hayward and HARD. Formed in 1970, HASPA's original purpose, which has been fulfilled, was to study, plan, and adopt policies concerning the land uses in the Hayward Shoreline area. In 2016, the JPA was renewed and restated HASPA's mission to address sea level rise. The most recent renewal of the JPA was in 2023 and the agreement is currently set to expire on June 30, 2024.

Today, with the presence of climate change impacts, such as projected sea-level rise, groundwater intrusion, and storm surge, protecting infrastructure, public health, and the natural and recreational resources of the Hayward Shoreline requires a renewed commitment between public agencies. In 2021, with a grant from Caltrans, HASPA and the City Council adopted the Shoreline Master Plan, which creates a framework for a response to these climate change impacts on a region-wide scale. The Master Plan contains nature-based, infrastructure and non-structural strategies for different areas of the Hayward Shoreline.

The three trustee agencies of HASPA wish to continue the existence of the JPA, expand participation in the agency, and have its powers and functions reflect the new mission of responding to climate change impacts at the shoreline. The goal of an expanded HASPA is to promote public health and climate adaptation measures, protect critical infrastructure at the shoreline, and maintain public access, as detailed in the Master Plan. EBRPD has started design and permitting for the Hayward Marsh restoration, which is one project identified in the Master Plan. Preliminary design work has also begun on the Oro Loma First Mile levee, currently lead by the East Bay Dischargers Authority (EBDA), a second project identified in the Master Plan. A summary of Master Plan projects currently underway was presented to the Council Sustainability Committee on June 26, 2023¹.

DISCUSSION

Since 2022, staff from HASPA's Technical Advisory Committee (TAC) have worked collaboratively to add new agencies to the HASPA Board of Trustees, starting with two prospective agencies, the OLSD, and ACMAD. With guidance from EBRPD's outside attorneys, a new draft JPA Agreement has been negotiated between the parties, to expand participation in HASPA, and to strengthen it as a governing agency which can address climate change impacts in the decades to come at the Hayward Shoreline.

On April 11, 2024², the current HASPA Board unanimously voted to recommend approval of the new JPA Agreement. During the week of May 6, 2024, the HARD³ and ACMAD⁴ Board of Directors both approved the new agreement. The EBRPD and OLSD Board of Directors will consider this item on June 4, 2024, and June 11, 2024, respectively.

The goals of the new HASPA JPA Agreement are to meet HASPA's evolving needs for the next 20+ years and to give the agency maximum flexibility to address possible future expansion in operations and management. This JPA Agreement seeks to balance the efficient functioning of the agency with adequate protections for the parties.

The JPA Agreement consists of 20 sections and four attachments, called "Schedules." Of the new JPA Sections, "Organization" and "Budget," contain the most substantial updates to the JPA. "Organization" describes how the HASPA Board of trustees will be structured:

The Agency will be governed by the HASPA Board, which is composed of representatives from each Party, who are known as trustees. Each party to this Agreement will appoint one member of its

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=6272057&GUID=EE24D41F-E339-4A48-94BB-76677B57383E&Options=&Search=>

² <https://www.ebparks.org/hayward-area-shoreline-planning-agency-haspa>

³ <https://haywardrec.diligentcommunity/Portal/MeetingInformation.aspx?Id=63>

⁴ <https://www.mosquitoes.org/2024-05-08-board-of-trustees-regular-meeting>

governing body to be a trustee and will 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 will serve at the pleasure of his or her governing body. This structure is unchanged from the current structure of the HASPA JPA. Changes to current structure are described below.

Due to the varying sizes and operating budgets of the current HASPA trustee agencies and the prospective trustees, the parties negotiated a tiered membership structure for the purpose of assessing dues. The three tiers are based on the size of the trustee agency's operating budget. EBRPD and the City of Hayward are the largest agencies, and so are in "Tier 3." HARD staff have also decided to participate in HASPA as a Tier 3 member. Each tier contributes a set percentage of the annual HASPA Operating budget, which for FY 2025 is projected to be between \$106,000 to \$130,000. The HASPA Operating budget is dependent on the number of agencies that join (See below for further discussion). Tier 3 members, including the City of Hayward reflect an annual contribution of up to \$31,800. Currently, the City of Hayward appropriates \$12,000 for HASPA each fiscal year. Staff is requesting an additional appropriation of \$19,800. Tier 1 member ACMAD would pay \$10,600 for FY 2025. Larger agencies are responsible for a larger share of the dues as these agencies will experience the greatest impacts from climate change and benefits from successful implementation of the projects within the Shoreline Master Plan. Additionally, this structure allows agencies of different sizes the opportunity to participate in HASPA.

The proposed HASPA Operating Budget will allow the agency to hire a consultant to manage the agency. This role is currently filled by EBRPD and was previously filled by the City of Hayward staff. The managing consultant will be responsible for administration of the agency, supporting the implementation of the Shoreline Master Plan and community outreach. This will allow the TAC more capacity to pursue grant funding and implement projects within the Shoreline Master Plan. The management of the consultant will rotate among the Tier 3 agencies.

The proposed JPA Agreement also includes the provision of "weighted voting," where the three membership tiers also are assigned a proportional allocation of votes, for each trustee agency. Most decisions will be made by traditional majority vote, where each of the five trustee agencies has one vote, and a simple majority moves a motion. To ensure fairness, the JPA Agreement also provides that any agency can request weighted voting.

In the case of a motion subject to weighted voting, the City of Hayward's share of a vote would be either 24 or 30% depending on how many agencies approve the new agreement. To get to a 51% weighted voting majority for a particular motion, the percentages of those trustees voting in favor of a motion would have to add up to 51%. With different dues depending on membership tiers, it is important to also have the provision of weighted voting, so that the agencies with the highest dues get a proportionally higher percentage of the vote, as a means of protecting the expense of public funds.

There is some uncertainty whether OLSD will join HASPA. In the following tables (Table 1 and Table 2) are the two possible scenarios showing dues and weighted voting. In each scenario, the dues percentage and the weighted vote percentage are the same for each agency in that tier.

Table 1. If all five agencies vote to join or renew participation in HASPA.

ACMAD	10%	\$13,000
OLSD	18%	\$23,400
HARD	24%	\$31,200
City	24%	\$31,200
EBRPD	24%	\$31,200
	100%	\$130,000

Table 2. If OLSD does not vote to join HASPA.

ACMAD	10%	\$10,600
HARD	30%	\$31,800
City	30%	\$31,800
EBRPD	30%	\$31,800
	100%	\$106,000

ECONOMIC IMPACT

The City of Hayward is a desirable place to live and recreate in part because of the Hayward Shoreline. The Shoreline is a regional asset that has a positive impact on the local economy by attracting hikers, bird watchers, runners, cyclists, and other community members. The continuation of HASPA will ensure that the Shoreline remains accessible and climate resilient.

FISCAL IMPACT

The City of Hayward currently contributes \$12,000 annually to HASPA in dues. The dues recently have been used to cover assistance from EBRPD's outside attorney to draft the new JPA agreement and additional studies to help implement the Shoreline Master Plan. As noted in the Discussion section, HASPA is expanding its budget to allow for hiring a managing consultant, outreach, and implementation of the Shoreline Master Plan. For FY 2025, the requested allocation from the City of Hayward's General Fund will not exceed \$31,800 to cover these expenses. The FY 2025 operating budget includes \$12,000 for the HASPA dues. As a result, an additional appropriation of \$19,800 in FY 2025 is required to fund the full \$31,800 in HPASA dues. For the following fiscal years, staff include a budget request as part of the annual budget process.

STRATEGIC ROADMAP

This project supports the Strategic Priority of Confront Climate Crisis and Champion Environmental Justice, however, it is not tied to implementation of any specific projects.

SUSTAINABILITY FEATURES

HASPA builds resiliency to sea level rise through its coordination and planning efforts. In addition, HASPA supports the following sustainability related General Plan goals:

- NR-1.4: The City shall coordinate with the HASPA, Bay Conservation and Development Commission, and California Coastal Commission to conserve, protect, and enhance natural and cultural resources along the San Francisco Bay shoreline by balancing uses that support multiple community needs, such as recreation, tourism, cultural resource preservation, and natural resource protection.
- NR-3.2: The City shall coordinate with HASPA, EBRPD, Bay Conservation and Development Commission, California Coastal Commission, and other Federal, State, and regional agencies to identify methods for acquiring and restoring baylands and marsh habitats, expanding the National Wildlife Refuge, and funding the purchase and restoration of wetland habitats.
- HAZ-4.1: The City shall monitor information from regional, State, and Federal agencies on rising sea levels in the San Francisco Bay to determine if additional adaptation strategies should be implemented to address flooding hazards.
- HAZ 4.2: The City shall continue to coordinate with the Bay Conservation and Development Commission, Alameda County, and others to participate in Bay Adapt: Regional Strategy for a Rising Bay and similar efforts, to advance regional dialogue on mechanisms for balancing the protection of at-risk communities and enhancing the region's overall resilience to rising sea levels.
- HAZ-4.3: The City shall coordinate with Oakland, San Leandro, Alameda County, the Hayward Area Shoreline Planning Agency, the Bay Conservation and Development Commission, and other agencies to expand and restore wetland habitat and increase shoreline resilience through the implementation of the Hayward Regional Shoreline Adaptation Master Plan and will align the Shoreline Adaptation Master Plan with BCDC guidelines when they are adopted.
- HQL-9.9: The City shall support plans, standards, regulation, incentives, and investments to reduce the impacts of climate change on those populations most vulnerable to the impacts of climate change.
- HQL-11.1: City shall establish and maintain an integrated recreational corridor system that connects regional trails (e.g., Bay Trail), Baylands (i.e., Hayward Regional Shoreline), local creeks and open space corridors, hillside areas, and EBRPD and HARD parks.

PUBLIC CONTACT

For the past two years, the HASPA JPA has been discussed at numerous HASPA Board meetings. The HASPA JPA was unanimously approved at the regular HASPA meeting on April 11, 2024. There were no public comments on this item.

NEXT STEPS

If the attached resolution is adopted by Council, staff will ensure the updated JPA is fully executed before June 30, 2024.

Prepared by: Taylor Richard, Associate Planner
Erik Pearson, Environmental Services Manager

Recommended by: Sara Buizer, AICP, Development Services Director
Alex Ameri, Public Works Director

Approved by:



Dustin Claussen, Interim City Manager