



**DATE:** June 6, 2023

**TO:** Mayor and City Council

**FROM:** Acting Development Services Director  
Director of Public Works

**SUBJECT:** Adopt a Resolution Authorizing the City Manager to Execute a One-Year Extension of a Joint Exercise of Powers Agreement for the Hayward Area Shoreline Planning Agency

### **RECOMMENDATION**

That Council adopts a resolution (Attachment II) authorizing the City Manager to renew the Joint Exercise of Powers Agreement (JPA) extending the Hayward Area Shoreline Planning Agency (HASPA) for a one-year term.

### **SUMMARY**

HASPA is currently working on expanding the JPA membership and drafting a new JPA to support the implementation of the Hayward Regional Shoreline Adaptation Master Plan. Currently, there is consensus between the parties on the majority of the provisions of the draft JPA; however, a few key issues remain that require additional time for resolution. For this reason, staff recommends that Council extend the current JPA for one-year, to June 30, 2024, to allow adequate time to finalize the new agreement and allow the prospective new agencies to join. On May 11, 2023, the HASPA Board of Trustees unanimously voted to recommend an extension of the JPA for one year. If approved, this extension would allow staff to continue working on expanding JPA membership and implementing the Shoreline Adaptation Master Plan.

### **BACKGROUND**

HASPA was established in 1970 as a JPA between the City of Hayward, the East Bay Regional Park District (EBRPD), and the Hayward Area Recreation and Park District (HARD). The HASPA Board of Trustees is composed of three members – one from each participating agency. The current Board consists of Hayward Councilmember Francisco Zermeño, HARD Board member Paul Hodges, and EBRPD Board member Dennis Waespi. EBRPD Board member Dennis Waespi serves as the Chair of the Board of Trustees.

The JPA has historically been renewed every five years and the responsibility for administrative duties rotates among the member agencies with each renewal. The most recent renewal, effective on July 1, 2022<sup>1</sup>, extended the JPA one (1) year to allow staff to work on expanding JPA membership and a new JPA agreement. The current JPA executed by the City, HARD, and EBRPD is scheduled to expire on June 30, 2023.

## DISCUSSION

HASPA is working to expand the JPA membership to support the implementation of the Hayward Regional Shoreline Adaptation Master Plan, adopted by Council on February 16, 2021<sup>2</sup>. The projects identified in the Plan require collaboration among several property owners and stakeholders to be successful. On July 8, 2021<sup>3</sup>, the HASPA Board of Trustees authorized staff to request prospective agencies formally join the HASPA JPA. Following that action, staff-initiated agency engagement by sending invitation letters and presenting to prospective member agencies. As a result of those efforts, the Alameda County Mosquito Abatement District (ACMAD) and Oro Loma Sanitary District (OLSD) expressed interest in participating in HASPA. In addition, staff from the East Bay Dischargers Authority and Caltrans began participating on the HASPA Technical Advisory Committee.

A new JPA is needed to allow the prospective member agencies to formally join HASPA. To inform the new agreement, staff coordinated with the prospective member agencies to develop a Term Sheet. On September 1, 2022<sup>4</sup>, the HASPA Board of Trustees unanimously adopted the Term Sheet for the new JPA. Following that, HASPA hired the law firm Hanson Bridgett to draft the new agreement. In early 2023, the draft agreement was reviewed by staff, legal counsels, and the HASPA Trustees. Currently, there is consensus between the parties on the majority of the provisions of the draft JPA; however, a few key issues remain including the development of tiered member agency dues and the management of HASPA. Staff, various legal counsel, and the HASPA Trustees 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.

For this reason, the HASPA Board of Trustees unanimously voted on May 11, 2023<sup>5</sup> to recommend the extension of the JPA for one year. Staff is requesting Council adopt the attached resolution (Attachment II) renewing the current HASPA JPA for one year to allow staff additional time to coordinate and finalize the new JPA prior to presenting to Council for formal action in 2024.

Responsibility for coordination of HASPA meetings and activities rotates among the three member agencies every five years. The City served in this capacity from 2016 to 2021. In keeping with the traditional rotation of official duties and administrative responsibilities

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<sup>1</sup> 2022-23 JPA Renewal: <https://hayward.legistar.com/LegislationDetail.aspx?ID=5652060&GUID=5DD2A51D-4E97-4401-803C-022FEA56F846&Options=&Search=>

<sup>2</sup> Shoreline Adaptation Master Plan Adoption: <https://hayward.legistar.com/MeetingDetail.aspx?ID=835981&GUID=0619BAF1-82A0-4F83-8949-046B1F36BF60&Options=info&Search=Shoreline>

<sup>3</sup> Authorization to Expand HASPA Membership: <https://hayward.legistar.com/MeetingDetail.aspx?ID=874188&GUID=4DD7DC9E-DB0E-40CE-B0DB-AC6144BF9D82&Options=info&Search=>

<sup>4</sup> Term Sheet Adoption: <https://www.ebparks.org/calendar/public-meetings/interagency-liaison>

<sup>5</sup> 2023-24 JPA Extension Recommendation: <https://www.ebparks.org/calendar/public-meetings/interagency-liaison>

among member agencies, EBRPD would continue to be the lead agency for HASPA through June 30, 2024.

### **Environmental Review**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, this one-year extension of the JPA does not require environmental review since there is no possibility that it may have a significant effect on the environment.

### **ECONOMIC IMPACT**

Hayward is a desirable place to live and enjoy in large part because of the existence of the Hayward Shoreline. The activities of HASPA will continue to help ensure that the Shoreline remains accessible. 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.

### **FISCAL IMPACT**

Renewal of the HASPA JPA would not have an impact on the City's funds. If approved, the one-year extension would allow the City to support coordination, implementation, and pursue grant funding associated with the Shoreline Adaptation Master Plan. Expansion of the JPA could lead to conversations about a new funding structure for HASPA. Any request for City funds, either for the administration of HASPA or the implementation of projects, will be carefully considered before being presented for consideration to Council.

### **STRATEGIC ROADMAP**

This agenda item supports the Strategic Priority of "Confront Climate Crisis & Champion Environmental Justice". This item furthers and expands on the following project identified in the Strategic Roadmap.

Project C14b: Implement Shoreline Adaptation Master Plan

Renewal and expansion of the HASPA JPA would support the implementation of the adopted Master Plan.

### **SUSTAINABILITY FEATURES**

HASPA builds resiliency to sea level rise through its coordination and planning efforts. Additionally, 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-4.3: The City shall coordinate with the Hayward Area Shoreline Planning Agency, the Bay Conservation Development Commission, and other agencies involved in the Adapting to Rising Tides Project to develop and implement a Regional Shore Realignment Master Plan.
- 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**

The one-year extension of the HASPA JPA was discussed and unanimously approved at the regular HASPA meeting on May 11, 2023. There were no public comments on this item.

## **NEXT STEPS**

The HARD and EBRPD Boards will consider approval of the one-year extension this month. If the attached resolution is adopted by Council and approved by all three agencies, staff will ensure the one-year extension to the JPA is fully executed before June 30, 2023.

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*Recommended by:* Sara Buizer, Acting Director of Development Services  
Alex Ameri, Director of Public Works

Approved by:



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Kelly McAdoo, City Manager