

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Wednesday, December 7, 2022

3:00 PM

Remote Participation

South Hayward BART Access Authority

SOUTH HAYWARD BART ACCESS AUTHORITY

Please note that we are now using the Zoom Webinar platform to conduct meetings and receive live public comment.

How to submit written Public Comment:

Send an email to emily.hwang@hayward-ca.gov by 4:00 p.m. the day before the meeting. Written public comments will be read during the public comment section of the agenda.

How to provide live Public Comment during the meeting:

Please click the link below to join the webinar:

<https://hayward.zoom.us/j/81883874691?pwd=Z1JDdTA0VTFVTVhTS0R0V1R4T0pPZz09>

Passcode: =zk73k4\$

Or

Dial: +1 669 900 6833 or +1 646 931 3860

Webinar ID: 818 8387 4691

Passcode: 76294007

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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.

MINUTES

1. [MIN 22-143](#) Approve the May 13, 2022 South Hayward BART Access Authority Meeting Minutes

Attachments: [Attachment I Draft Minutes 05.13.2022](#)

ACTION ITEMS

2. [LB 22-024](#) Adopt Resolutions: (1) Approving the FY23 Proposed Budget; and (2) Authorizing the Dissolution of the South Hayward Bay Area Rapid Transit Station Access Authority

Attachments: [Attachment I Staff Report](#)
[Attachment II Budget Resolution](#)
[Attachment III Dissolution Resolution](#)
[Attachment IV FY23 Proposed Budget](#)
[Attachment V Presentation](#)

BOARD MEMBERS/STAFF ANNOUNCEMENTS

ADJOURNMENT

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Manager at (510) 583-4300.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: MIN 22-143

DATE: December 7, 2022

TO: South Hayward BART Station Access Authority Board

FROM: Assistant City Manager

SUBJECT: Approve the May 13, 2022 South Hayward BART Access Authority Meeting Minutes

RECOMMENDATION

That the Board reviews and approves the May 13, 2022 meeting minutes.

ATTACHMENTS

Attachment I Draft Minutes 05/13/2022

SOUTH HAYWARD BART STATION ACCESS AUTHORITY

City of Hayward- City Hall
Remote Participation

May 13, 2022
9:00 AM
MINUTES

- I. Call to Order:** Meeting was called to order at 9:02 am, by Director McPartland
- A. Roll Call:**
1. JPA Board Members Present: Councilmember Sara Lamnin, Councilmember, Zermeno, Director Liz Ames, Director McPartland
 2. JPA Board Members Absent:
 3. JPA Alternate/Substitute Board Members Present:
 4. JPA Alternate/Substitute Board Members Absent:
 5. City of Hayward Staff Present: Deputy City Manager Jennifer Ott, Management Analyst Daniel Mao, Graduate Fellow Bryant Duong
 6. BART Staff Present: Robert Franklin, Nicole Franklin, Danielle Dai, Ryan was with Robert Franklin
 7. JPA Legal Counsel Present: Heather Gould
- B. Pledge of Allegiance:** Pledge of Allegiance was led by John McPartland
- II. Public Comment:** No Public Comment
- III. Approve the June 29, 2021 South Hayward BART Access Authority Meeting Minutes**
- A. No objections
- B. McPartland moved for approval – vote: yes
1. Director Ames – vote: yes
 2. Director McPartland – vote: yes
 3. Council Member Lamnin – vote: yes
 4. Council Member Zermeno second yes
 5. Minute are approved
- IV. Agenda Item being presented is work session item presentation for the parking management and governance for South Hayward BART station and future of the South Hayward JPA. The item was introduced by Jennifer Ott and presented by Jennifer Ott and Danielle Dai.**
- A. Adoption of proposals for the future direction of the JPA;**
1. Slide presentation –
 1. Background: JPA was formed in 2012 to address parking and management issues of parking spaces being eliminated for affordable housing projects.
 2. With demand for rider parking spaces down to due to COVID-19 and JPA meeting infrequently, consultant evaluated JPA governance structure
 3. Governance structures consider supporting JPA goals, balancing

resident and rider parking need, and safeguarding financial stability

4. Proposals put forth are Joint Powers Authority (current), Intergovernmental Agreement (IA), and Memorandum of Understanding (MOU)

2. Proposal– (1) changing JPA governance structure to Intergovernmental Agreement to ensure policymaker oversight, cost effectiveness, public engagement, while reducing administrative burden.

1. Ames had a question: IA & MOU appear to be similar, what's the difference in oversight?

2. Jennifer said because there may be a future demand & need for curb spaces, choosing a structure that is legally enforceable would be beneficial.

3. McPartlin had a question: Why would a working arrangement between BART & Hayward not be considered an MOU, when the IA described is an MOU except in format?

4. Jennifer said with an IA, the JPA would be dissolved but both parties would contractually agree to cooperate under negotiated terms

5. Jennifer said an MOU doesn't provide as much enforceability when both entities will be reliant on one another in the future

6. Zermeno commented: the JPA facilitated a space for collaborative discussion that neither the IA nor MOU consider

7. Jennifer said JPA met infrequently due to limited topics but IA could be structured to schedule meetings when needed

3. Proposal– (2) In the near term, curb spaces to be free for residents and BART riders. Because parking demand won't return for years, this proposal supports resident needs to utilize spaces but with limitations imposed by BART

4. Proposal– (3) In the long term, BART can reinstitute pricing & management of curb spaces upon TOD milestone or excess demand. This would allow BART to continue to have sufficient parking.

5. Proposal– (4) Fund balance remaining after closure expenses will be distributed according to JPA bylaws.

V. Future Agenda Topics:

- A. Next action items
- B. Actual Intergovernmental agreement or term sheet
- C. Public engagement/accountability mechanisms
- D. BART Safe Routes Grant funding
- E. Update on the mural
- F. Update on other projects in the pipeline

VI. Staff and Board Member Announcements/Comments:

- A. Sara asked: Was there any mailing or direct contact to residents of both properties?
 - 1. Danielle said yes she dropped off fliers directly to property managers to distribute. Flyers included a community meeting invitation & linked to a survey where they could provide feedback.
 - 2. Jennifer said Laurel James attended an HOA community meeting at Alta Mira to present and solicit resident feedback on parking use and behavior
- B. Sara asked: Are there still projects that can be funded with the remaining balance?
 - 1. Jennifer said yes there are outstanding projects that may receive funding either prior to dissolution or as part of IA from the city and BART, depending on Boards direction

C. Sara: Concur that IA is the path forward and comment on Cm Zermeno's comments about the meetings facilitating the exchange of ideas so would like to see that kind of structure and meet at least twice a year. Will need to meet to see how money can be used for projects instead of going back to agencies, review security, and parking demand. If BART wants to developing housing there, riders will still need parking so we will need to negotiate. Would also like to see this expand to both Hayward BART stations if JPA boundary and funding stipulations no longer apply.

1. Jennifer said yes there will be further discussion but today's presentation didn't include explicit details prior to Board being in alignment with the proposals.

D. Zermeno: Would like to copy what the city does with AC Transit's ad hoc committee if we dissolve JPA and go with IA. Will need to discuss possible actions regarding the two properties next to both BART stations. Danielle's mention of a 2029 project can be housing & parking structure that benefits everyone by promoting more ridership, less walking, less parking, and less cars. Look at first parking lot slide, perhaps instead of that structure, we can have a structure with either parking or residents on top. Maybe get state or federal funding.

E. Ames: We should show survey response data to illustrate our long term vision. Proposals are accurate with less need to enforce street parking so would like to collaborate on grant opportunities e.g. Safe Routes to BART grant opportunity cycle. Thought it would take place this fall since Fremont station received a grant to install elevated bike lanes. Does Hayward have an upcoming safe routes to BART grant cycle two?

1. Bob said he will inquire
2. Ames said this collaboration should intend to improve rider mobility and station development. Grant funding would allow for more work and improvements so she supports the Boards sentiments and hope to meet at least once or twice a year to formulate the new relationship.
- 1.

F. McPartlin commented: Have concerns where one was addressed regarding pricing management and uniformity. Other concern is IA's public engagement mechanism, because currently JPA meetings allow for public accountability. IA structure does not provide an accountability mechanism which is needed when decisions to reduce public parking spaces are made. Public must have an opportunity to interact with policymakers, other than through Hayward city council meetings or maybe council meetings will be the venue? We work for the public.

1. Jennifer said: our council members are very supportive of community engagement, so maybe we can stipulate as part of the IA, if there's going to be a parking modification, a certain amount of community engagement needs to be met. If IA does have annual or bi-annual meeting, then we will have to notice in a certain way, even if it isn't a Brown Act meeting.
2. McPartlin said: if we can address those concerns then he is in favor

G. Jennifer said: Now that Board is in alignment, next steps are to flesh out details with Heather on legal mechanisms then Board will likely have to take an action. We will return early summer or late fall with an action item and with an actual IA or term sheet.

H. Ames asked: what is the call timing for BART Safe Routes projects? Don't want Hayward to miss out.

1. Bob said: anticipated by end of this year, varying upon how current route goes. Timeline isn't guaranteed.
2. Ames asked: can BART facilitate to help Hayward submit an application?
3. Bob said: Unsure of the process, but can alert the city when preparing for the

next meeting.

VII. **Adjournment:**

The meeting was adjourned at 9:56am

Next Meeting – TBA. Meeting date will be decided when staff determine next steps and their timelines.



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: LB 22-024

DATE: December 7, 2022

TO: South Hayward BART Station Access Authority Board

FROM: Co-Executive Directors

SUBJECT: Adopt Resolutions: (1) Approving the FY23 Proposed Budget; and (2) Authorizing the Dissolution of the South Hayward Bay Area Rapid Transit Station Access Authority

RECOMMENDATION

That the Board adopts resolutions: (1) approving the FY 23 Proposed Budget (Attachment II); and (2) authorizing the dissolution of the South Hayward Bay Area Rapid Transit (BART) Station Access Authority (Attachment III).

SUMMARY

Due to fiscal and administrative concerns, on May 13, 2022, the Board of the South Hayward BART Station Access Authority (Authority) authorized staff to dissolve the Authority and to negotiate and execute an intergovernmental agreement (IGA) between the City and BART to continue a cooperative relationship in planning for future parking demand and transit-oriented development in and around the South Hayward BART Station (Station). Consistent with the direction of the Authority Board, on November 15th and December 1st, the City of Hayward's City Council and the BART Board of Directors approved and authorized the dissolution of the Authority and execution of an IGA, respectively. The Authority Board must now take a final action to dissolve the Authority (Attachment III). Upon dissolution, the IGA will be executed by the City and BART.

In the transition to the IGA, all outstanding Authority invoices will be processed, and parking revenue collection will end June 30, 2022 to align with the fiscal year. As presented in the FY 2023 proposed budget (Attachment IV), closeout costs, including remaining legal fees and new signage, will be paid for from the Authority's existing fund balance. Any remaining funds will be distributed to the City and BART after the dissolution in proportion to the number of parking spaces within the Authority with the surplus funds to be spent on Station related investments.

ATTACHMENT I	Staff Report
ATTACHMENT II	Budget Resolution
ATTACHMENT III	Dissolution Resolution
ATTACHMENT IV	FY23 Proposed Budget
ATTACHMENT V	Presentation



DATE: December 7, 2022

TO: South Hayward BART Station Access Authority Board

FROM: Co-Executive Directors

SUBJECT: Adopt Resolutions: (1) Approving the FY23 Proposed Budget; and (2) Authorizing the Dissolution of the South Hayward Bay Area Rapid Transit Station Access Authority

RECOMMENDATION

That the Board adopts resolutions: (1) approving the FY 23 Proposed Budget (Attachment II); and (2) authorizing the dissolution of the South Hayward Bay Area Rapid Transit (BART) Station Access Authority (Attachment III).

SUMMARY

Due to fiscal and administrative concerns, on May 13, 2022, the Board of the South Hayward BART Station Access Authority (Authority) authorized staff to dissolve the Authority and to negotiate and execute an intergovernmental agreement (IGA) between the City and BART to continue a cooperative relationship in planning for future parking demand and transit-oriented development in and around the South Hayward BART Station (Station). Consistent with the direction of the Authority Board, on November 15th and December 1st, the City of Hayward's City Council and the BART Board of Directors approved and authorized the dissolution of the Authority and execution of an IGA, respectively. The Authority Board must now take a final action to dissolve the Authority (Attachment III). Upon dissolution, the IGA will be executed by the City and BART.

In the transition to the IGA, all outstanding Authority invoices will be processed, and parking revenue collection will end June 30, 2022 to align with the fiscal year. As presented in the FY 2023 proposed budget (Attachment IV), closeout costs, including remaining legal fees and new signage, will be paid for from the Authority's existing fund balance. Any remaining funds will be distributed to the City and BART after the dissolution in proportion to the number of parking spaces within the Authority with the surplus funds to be spent on Station related investments.

BACKGROUND

The Authority composed of two City of Hayward Councilmembers and two BART Board Directors, was formed on September 1, 2011 in anticipation of transit-oriented development (TOD), to address parking and access issues at the Station, support equitable access to the Station by BART patrons, maximize BART ridership, further TOD, and protect the City's neighborhoods from the effects of overflow parking. Due to the development of BART's East Lot with housing, the City allowed on-street parking spaces near the Station to be used exclusively for BART riders during parking enforcement hours and the Authority created a paid parking program, where revenues would be dedicated for Station area improvements.

Since formation, the Authority has managed these on-street spaces, overseen parking revenues, and constructed access improvements for the Station. However, the paid parking program became less financially feasible with increasing costs outpacing revenues. In 2020, due to the COVID-19 pandemic, the Authority's financial situation became unsustainable as ridership and parking at BART and related revenues declined.

DISCUSSION

On June 29, 2021, the Authority Board directed staff to hire a consultant to study the future of the Authority, including how to ensure financial stability, meet its original goals of balancing resident and BART rider parking needs, and recommend the most appropriate governance structure to support those needs. The study found that BART rider parking demand would not likely exceed the existing supply until another TOD project breaks ground, which, at the earliest, would occur in the mid-term (2025-2030). Community outreach conducted via a survey and in person meetings indicated that residents wish to park in the Authority's on-street parking spaces dedicated to BART riders due to limited availability at home. The study also found that the Authority structure was administratively burdensome and financially unsustainable. For these reasons, the study recommended replacing the current Authority with a simplified IGA that outlines roles and responsibilities for each government entity to retain policymaker oversight and public engagement pertaining to parking and access around the Station.

On May 13, 2022, the Authority Board authorized staff to dissolve the Authority and to negotiate and execute an IGA between the City and BART to continue a cooperative relationship in planning for future parking demand and TOD in and around the Station. Consistent with the direction of the Authority Board, on November 15th and December 1st, the City of Hayward's Council and BART approved and authorized the dissolution of the Authority and execution of an IGA, respectively. The Authority Board must now take a final action to dissolve the Authority (Attachment III). Upon dissolution, the IGA will be executed by City and BART.

In sum, staff recommends that the Authority Board adopts resolutions: (1) approving the FY 23 Proposed Budget (Attachment II); and (2) authorizing the dissolution of the Authority (Attachment III).

FISCAL IMPACT

In the transition to the IGA, all outstanding Authority invoices will be processed, and parking revenue collection will end June 30, 2022 to align with the fiscal year. As presented in the FY 2023 proposed budget (Attachment IV), closeout costs, including remaining legal fees and new signage, will be paid for from the Authority's existing fund balance. Any remaining funds will be distributed to the City and BART after the dissolution in proportion to the number of parking spaces within the Authority with the surplus funds to be spent on Station related investments.

NEXT STEPS

Following adoption of the FY 23 Proposed Budget, the Co-Executive directors will take all necessary actions to administer and execute the closeout affairs of the Authority in a manner consistent with the budget. If approved by the Authority Board, the Authority will be dissolved and the IGA executed by the City and BART. Any remaining fund balances will be distributed proportionally to each entity to be used for investments in and around the Station.

Prepared by: Danielle Dai, Principal Financial Analyst, BART
Emily Hwang, Management Fellow, City of Hayward
Ryan Green-Rosel, Parking Manager, BART

Recommended by: Jennifer Ott, Assistant City Manager

Approved by:



Kelly McAdoo, City Manager

SOUTH HAYWARD BART STATION ACCESS AUTHORITY

RESOLUTION NO. 22-____

Introduced by Boardmember _____

RESOLUTION OF THE SOUTH HAYWARD BART STATION ACCESS
AUTHORITY APPROVING THE FISCAL YEAR 2023 PROPOSED
BUDGET FOR THE PERIOD BEGINNING JULY 1, 2022 THROUGH
JUNE 30, 2023

WHEREAS, on April 2, 2013 the City of Hayward (the “City”) and the San Francisco Bay Area Rapid Transit District (“BART”) entered into the First Amended and Restated Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority (the “JPA Agreement”); and,

WHEREAS, Section 4.1 of the JPA Agreement provides the Board of Directors (the “Board”) of the South Hayward BART Station Access Authority (the “Authority”) to adopt an operating budget for the Authority (the “Budget”); and,

WHEREAS, the Co-Executive Directors of the Authority have presented the proposed operating budget for fiscal year 2023 covering the period July 1, 2022 through June 30, 2023 attached to this Resolution as Exhibit A (the “Proposed Budget”) which is intended to represent the final budget of the Authority to fund activities through its dissolution.

NOW THEREFORE, the Board does hereby find, determine, resolve and order as follows:

BE IT RESOLVED that the Proposed Budget is approved as the Authority Budget for Fiscal Year 2023, through the final dissolution of the Authority; and

FURTHER RESOLVED, that the Co-Executive Directors of the Authority are authorized to administer and execute the affairs of the Authority in a manner consistent with the Budget; and

FURTHER RESOLVED, that the Co-Executive Directors are of the Authority authorized to execute contracts, disperse funds, and take all necessary actions to administer and execute the affairs of the Authority in a manner consistent with the Budget; and

FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

IN HAYWARD, CALIFORNIA, _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARDMEMBERS:

NOES: BOARDMEMBERS:

ABSTAIN: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

ATTEST:_____

Chair

Exhibit A

South Hayward BART Joint Powers Authority				
FY 2023 Proposed Budget				
As of December 1, 2022				
	FY 21 Actuals	FY 22 Actuals	FY 23 Proposed	
1 Projected Beginning Fund Balance	\$ 1,080,771	\$ 1,073,904	\$ 1,068,852	
2				
3 Revenue				
4				
5 Parking Fees				
6 Daily Non Reserve	\$ 46,360	\$ 81,653	\$ -	
7 Permit-Single Day Reserve	\$ 325	\$ 1,535	\$ -	
8 Permit-Monthly Reserve	\$ 22,186	\$ 18,679	\$ -	
9 Permit-Long Term/Airport Reserve*	\$ 144	\$ -	\$ -	
10 <i>Fees Subtotal</i>	\$ 69,015	\$ 101,867	\$ -	
11				
12 Citations				
13 Citations-COH	\$ 657	\$ -	\$ -	
14 Citations-BART	\$ 428	\$ 590	\$ -	
15 <i>Citations Subtotal</i>	\$ 1,085	\$ 590	\$ -	
16				
17 <i>Total Revenue</i>	\$ 70,100	\$ 102,457	\$ -	
18				
19 Expenditures				
20				
21 Operations				
22 Legal Fees	\$ 6,867	\$ 5,052	\$ 10,000	
23 Audit Fees	\$ -	\$ -	\$ -	
24 O&M Reimbursement - BART**	\$ 56,080	\$ 81,966	\$ -	
25 O&M Reimbursement - CoH**	\$ 14,020	\$ 20,491	\$ -	
26 <i>Operations Subtotal</i>	\$ 76,967	\$ 107,509	\$ 10,000	
27				
28 Closeout Expenses				
29 Signage and maintenance staff time	\$ -	\$ -	\$ 15,000	
30 Contingency	\$ -	\$ -	\$ 75,000	
31 <i>Closeout Subtotal</i>	\$ -	\$ -	\$ 90,000	
32				
33 <i>Total Expenditures</i>	\$ 76,967	\$ 107,509	\$ 100,000	
34				
35 Projected Ending Fund Balance	\$ 1,073,904	\$ 1,068,852	\$ 968,852	

*In summer 2021, BART combined its single day and airport/long-term parking permits into one single/multi-day

Exhibit A (continued)

reserved parking product. As such, there are no revenues for "Permit-Long Term/Airport Reserve" since this product went away.

** Due to COVID-19, both parties agreed not to bill the JPA for O&M costs exceeding the revenues, and to pro-rate reimbursement 80/20 based on the parking space ratio. Actual O&M costs were \$520 annually per parking space for FY21 and \$551.47 annually per parking space for FY22.

SOUTH HAYWARD BART STATION ACCESS AUTHORITY

RESOLUTION NO. 22-_____

Introduced by Boardmember _____

RESOLUTION OF THE SOUTH HAYWARD BART STATION ACCESS
AUTHORITY AUTHORIZING THE DISSOLUTION OF THE SOUTH
HAYWARD BART STATION ACCESS AUTHORITY

WHEREAS, on April 2, 2013, the City of Hayward, (the "City") and the San Francisco Bay Area Rapid Transit District ("BART") formed the South Hayward BART Station Access Authority (the "Authority"), through the execution of the Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority, dated as of September 1, 2011, as amended and restated April 2, 2013 and as further amended by the First Amended and Restated Joint Exercise of Powers Agreement for the South Hayward BART Station Access Authority (the "JPA Agreement"); and

WHEREAS, in June of 2006, the City adopted a South Hayward BART/Mission Boulevard Concept Design Plan, which encouraged and provided the framework for redevelopment that would result in a transit village around the South Hayward Station and an enhanced Mission Boulevard corridor; and

WHEREAS BART is the owner of real property in the City, adjacent to and including the South Hayward BART Station (the "South Hayward Station" or "Station"); and

WHEREAS, in 2006, BART completed a "South Hayward BART Development, Design and Access Plan" for the South Hayward Station, which plan was created to complement the City's planning efforts and to analyze access improvements and transit-oriented development opportunities; and

WHEREAS, the City and BART, in collaboration, assisted in the development of the BART East Lot and adjacent property as the first phase of the transit village. The resulting residential developments, Alta Mira and the Cadence, have been in operation since 2016 (collectively, "Phase 1"); and

WHEREAS, the remainder of the desired transit-oriented development at the BART South Hayward Property ("Phase 2") is contemplated to include the construction of a BART parking structure and additional residential and retail space on the BART South Hayward Property, excluding the Station, consistent with the Mission Boulevard Form Based Code; and

WHEREAS, in anticipation of Phase 1 and Phase 2, and to address the loss of BART parking that resulted from the development of the BART East Lot, BART and the City formed the Authority to address parking and access issues at the Station, further transit-oriented development, support equitable access to the Station by BART patrons, maximize BART ridership, and protect the City's neighborhoods from the effects of overflow parking traffic; and

WHEREAS, the Authority, along with the City and BART, implemented a paid parking program and certain access improvements for the South Hayward Station, although the net revenue generated from the paid parking program was not as significant as anticipated at the time of the Authority's formation; and

WHEREAS, due to the COVID-19 pandemic, parking and ridership across the BART system and related revenues have declined and the parking needs and patterns near the South Hayward Station for BART patrons and City residents have changed; and

WHEREAS, the Authority is no longer necessary to help administer parking and access near the South Hayward Station and the programs desired by the Authority are not financially feasible due to less than expected revenues prior to the pandemic, and the additional pandemic related decline; and

WHEREAS, Phase II of the redevelopment of the South Hayward Station is not anticipated to start immediately, and administration of the Authority presents a burden to both BART and City staff; and

WHEREAS, because the Authority is no longer necessary, BART and the City staff agreed that it was mutually beneficial to terminate the Authority Agreement and dissolve the Authority; and

WHEREAS, Section 7.2 of the JPA Agreement provides that the JPA Agreement may be rescinded, and the Authority terminated by unanimous written consent of the Board, provided that no termination or rescission shall occur so long as the Authority has any outstanding obligations; and

WHEREAS, on November 15, 2022, the City Council adopted Resolution 22-281, approving the termination of the Authority Agreement, the dissolution of the Authority, and approving the execution of that certain Intergovernmental Agreement with BART to address parking and access issues at the Station into the future; and

WHEREAS, on December 1, 2022, the BART Board of Directors adopted a Resolution, approving the termination of the Authority Agreement, and the dissolution of the Authority.

WHEREAS, if approved, this Resolution would represent the JPA Board's unanimous written consent to rescind the JPA Agreement and terminate the Authority in conformance with the Section 7.2 of the JPA Agreement; and

WHEREAS, Section 7.3 of the JPA Agreement provides that, pursuant to Government Code Section 6512, upon termination of the JPA Agreement, any surplus funds on hand shall be paid out to BART and the City in proportion to the contributions made by such parties; and

WHEREAS, other than the cash on hand, the Authority has no other assets, property, or any other rights or interest to distribute to the City or BART.

NOW THEREFORE, the Board does hereby find, determine, resolve and order as follows:

BE IT RESOLVED, that the Board finds that the above recitals are true and correct.

FURTHER RESOLVED, that the Board hereby approves the termination of the Authority Agreement pursuant to Section 7.2 of the JPA Agreement and the dissolution of the Authority; provided that any such dissolution and termination shall occur only after: (1) the Authority has caused staff to perform any remaining activities authorized by the Authority Board; (2) the City and BART have executed the Intergovernmental Agreement; and (3) disbursed any remaining Authority funds or assets in proportion to the number of parking spaces contributed to use by the Authority pursuant to the Authority Agreement.

FURTHER RESOLVED, that the Co-Executive Directors of the Authority are authorized to dissolve the Authority and distribute any remaining assets in accordance with Section 7.3 of the JPA Agreement.

FURTHER RESOLVED, that the Co-Executive Directors of the Authority are authorized to execute any and all documents necessary to terminate the Authority Agreement and dissolve the Authority.

FURTHER RESOLVED, the dissolution of the Authority and termination of the Authority Agreement is not a project pursuant to 14 California Code of Regulations 155378(b)(5) because it is an administrative activity of government that will not result in a direct or indirect physical change to the environment.

FURTHER RESOLVED, that the Board hereby directs the Co-Executive Directors of the Authority are authorized City Manager to file a CEQA Notice of Exemption with the County Clerk of the County of Alameda pursuant to 14 California Code of Regulations Section 125062(c)(2).

FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

HAYWARD, CALIFORNIA, _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARDMEMBERS:

CHAIR:

NOES: BOARDMEMBERS:

ABSTAIN: BOARDMEMBERS:

ABSENT: BOARDMEMBERS:

ATTEST: _____
 _____, Secretary

With the written consent of the Board Members:

By: _____
 , JPA BART Director

By: _____
 , JPA BART Director

By: _____
 , JPA City Director

By: _____
 , JPA City Director

South Hayward BART Joint Powers Authority
FY 2023 Proposed Budget
As of December 1, 2022

		FY 21 Actuals	FY 22 Actuals	FY 23 Proposed
1 Projected Beginning Fund Balance	\$	1,080,771	\$ 1,073,904	\$ 1,068,852
2				
3 Revenue				
4				
5 Parking Fees				
6 Daily Non Reserve	\$	46,360	\$ 81,653	\$ -
7 Permit-Single Day Reserve	\$	325	\$ 1,535	\$ -
8 Permit-Monthly Reserve	\$	22,186	\$ 18,679	\$ -
9 Permit-Long Term/Airport Reserve*	\$	144	\$ -	\$ -
10 <i>Fees Subtotal</i>	\$	69,015	\$ 101,867	\$ -
11				
12 Citations				
13 Citations-COH	\$	657	\$ -	\$ -
14 Citations-BART	\$	428	\$ 590	\$ -
15 <i>Citations Subtotal</i>	\$	1,085	\$ 590	\$ -
16				
17 <i>Total Revenue</i>	\$	70,100	\$ 102,457	\$ -
18				
19 Expenditures				
20				
21 Operations				
22 Legal Fees	\$	6,867	\$ 5,052	\$ 10,000
23 Audit Fees	\$	-	\$ -	\$ -
24 O&M Reimbursement - BART**	\$	56,080	\$ 81,966	\$ -
25 O&M Reimbursement - CoH**	\$	14,020	\$ 20,491	\$ -
26 <i>Operations Subtotal</i>	\$	76,967	\$ 107,509	\$ 10,000
27				
28 Closeout Expenses				
29 Signage and maintenance staff time	\$	-	\$ -	\$ 15,000
30 Contingency	\$	-	\$ -	\$ 75,000
31 <i>Closeout Subtotal</i>	\$	-	\$ -	\$ 90,000
32				
33 <i>Total Expenditures</i>	\$	76,967	\$ 107,509	\$ 100,000
34				
35 Projected Ending Fund Balance	\$	1,073,904	\$ 1,068,852	\$ 968,852

*In summer 2021, BART combined its single day and airport/long-term parking permits into one single/multi-day

reserved parking product. As such, there are no revenues for "Permit-Long Term/Airport Reserve" since this product went away.

** Due to COVID-19, both parties agreed not to bill the JPA for O&M costs exceeding the revenues, and to pro-rate reimbursement 80/20 based on the parking space ratio. Actual O&M costs were \$520 annually per parking space for FY21 and \$551.47 annually per parking space for FY22.



South Hayward BART Station Access Authority

Board Meeting | December 7, 2022





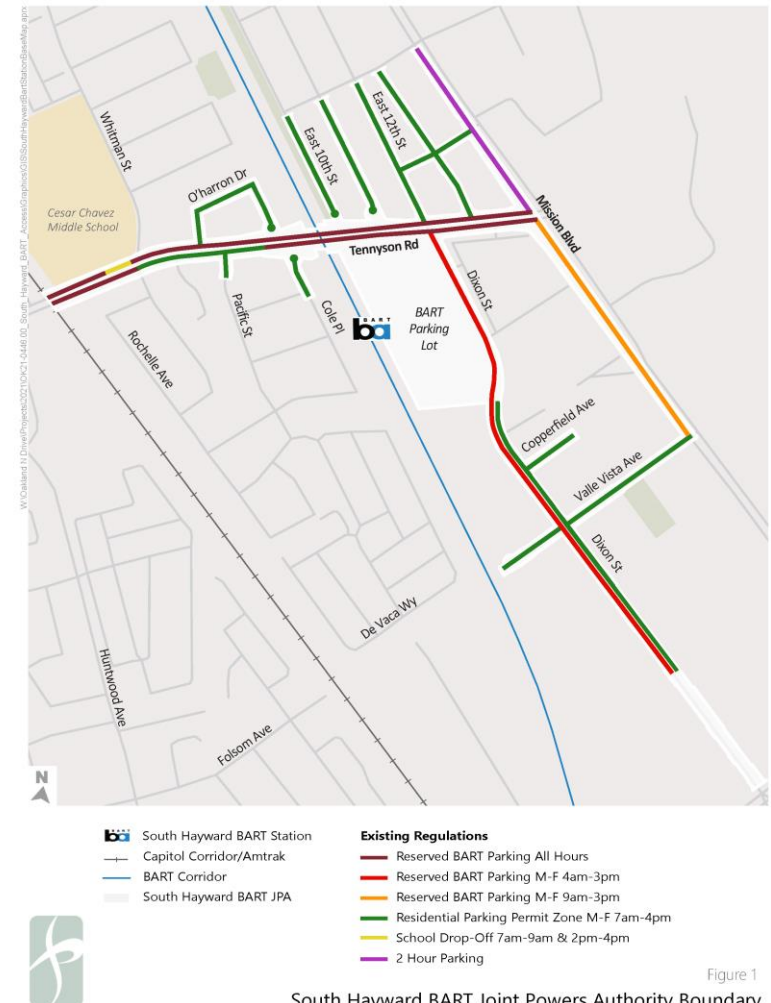
Agenda

- Background and dissolution of the JPA
- Key Terms of the Intergovernmental Agreement (IGA)
- Next Steps





Background





Background

- **6/29/21** – Board directed staff to hire consultant to study the future of the JPA
- **5/13/22** – Board received results of consultant study, and directed staff to move on proposal to dissolve the JPA and negotiate an IGA
- **11/15/22** – City of Hayward approved dissolution
- **12/1** – BART Board approved dissolution



Key Terms of the IGA

1. **Ongoing agency coordination:** Updates to the City's Infrastructure Committee upon request with BART Board Directors representing Hayward invited
2. **Near term:** Open curb spaces for BART riders and residents
3. **Long term:** Return to BART pricing & management of spaces coordinated with City, less Mission Blvd
4. **Term:** 15 years with two 5-year extensions
5. **Fund balance:** Distributed according to governing documents, with surplus funds spent on station area investments



Financials

- Estimated closeout expenses (legal fees, signage and maintenance) - \$100k
- Estimated remaining fund balance to be distributed according to number of spaces contributed to JPA:
 - BART - \$750k
 - City - \$200k
- Fund balance to be used in or around the S. Hayward station



Next Steps

- Close-out expenses and fund balance distribution
- Execute IGA
- Communicate changes to public
- Future ongoing agency coordination





Recommended Motion

Adopt two resolutions:

1. Approving FY23 Budget (close-out expenses)
2. Authorizing the dissolution of the South Hayward Bay Area Rapid Transit Station Access Authority