



DATE: May 17, 2022

TO: Mayor and City Council

FROM: Assistant City Manager & 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) for a one-year term, which established the Hayward Area Shoreline Planning Agency (HASPA).

SUMMARY

The HASPA JPA is typically renewed every five years; however, HASPA is currently working to expand the JPA membership to support the implementation of the Hayward Regional Shoreline Adaptation Master Plan. Given the necessary steps to expand membership, no prospective member agencies would be able to formally join the JPA before the current JPA agreement expires on June 30, 2022. For this reason, staff recommends extending the current JPA agreement for a one-year period to June 30, 2023, to allow time to prepare a new agreement and to allow for prospective agencies to join. On April 14, 2022, the HASPA Board of Trustees unanimously voted to recommend 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 Councilmember Elisa Márquez, 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 January 1, 2022¹, extended the JPA six (6) months to allow staff to work on expanding JPA membership. The current JPA executed by the City, HARD, and EBRPD is scheduled to expire on June 30, 2022.

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, 2021². The projects identified in the Plan require collaboration among several property owners and stakeholders to be successful. On July 8, 2021³, the HASPA Board of Trustees authorized staff to request prospective agencies formally join the HASPA JPA. Following that, staff-initiated agency engagement by sending invitation letters and presenting to prospective member agencies. As a result of those efforts, the following agencies has expressed interest in participating in HASPA: Alameda County Flood Control District (ACFCD), Alameda County Mosquito Abatement District (ACMAD), Caltrans, Capital Corridor, East Bay Dischargers Authority (EBDA), Oro Loma Sanitary District (OLSD), and San Francisco Bay Trail (managed by the Association of Bay Area Governments).

In order to allow the proposed agencies to join HASPA, a new or updated JPA agreement will need to be developed and approved. A new or updated JPA agreement also creates an opportunity to improve the JPA from an operational and project implementation perspective. Staff is currently coordinating with the prospective member agencies to develop a Term Sheet to align agency priorities and inform changes to the HASPA JPA. So far, the discussions in the development of the Term Sheet have been collaborative and focused primarily on making the existing JPA more efficient, allowing for flexibility moving forward, and adding new members to the Board.

Staff does not expect the actual JPA agreement update to be complicated, but as it is a legally binding document, it is important to ensure each agency review the Term Sheet in detail before moving forward with development of a new or updated JPA agreement. For this reason, prospective member agencies would not be able to formally join the JPA before the current JPA agreement expires on June 30, 2022. Thus, the HASPA Board of Trustees unanimously voted on April 14, 2022⁴ to recommend the extension of the JPA for one year. Staff is requesting Council adopt the attached resolution (Attachment II) renewing the HASPA JPA to allow staff additional time to coordinate and draft a new or updated JPA agreement.

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

¹ 2022 JPA Renewal: <https://hayward.legistar.com/LegislationDetail.aspx?ID=5192083&GUID=994CA95C-0DE4-4698-A947-3119F0704EE9&Options=&Search=>

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

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

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

keeping with the traditional rotation of official duties and administrative responsibilities among member agencies, EBRPD would continue to be the lead agency for HASPA through June 30, 2023.

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act 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 "Combat Climate Change". This item furthers and expands on the following project identified in the Strategic Roadmap.

Project 9: Complete 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 April 14, 2022. There were no public comments on this item.

NEXT STEPS

The HARD and EBRPD Boards will consider approval of the one-year extension on May 16th and June 7th, respectively. 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, 2022.

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

Recommended by: Jennifer Ott, Assistant City Manager/Development Services Director
Alex Ameri, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager