




**EAST BAY REGIONAL PARK DISTRICT
BOARD OF DIRECTORS MEETING
AGENDA STAFF REPORT**

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| DATE | June 4, 2024 |
| TITLE | Approval of the Amended and Restated Hayward Area Shoreline Planning Agency (HASPA) Joint Exercise of Powers Agreement: Hayward Regional Shoreline |
| DIVISION | Acquisition, Stewardship, and Development |
| FROM | Brian Holt, Chief of Planning, Trails & GIS Ken Wysocki, Assistant General Manager of Acquisition, Stewardship & Development |
| APPROVED | Sabrina Landreth, General Manager  |

RECOMMENDATION

The General Manager recommends the Board of Directors approve the Amended and Restated Hayward Area Shoreline Planning Agency (HASPA) Joint Exercise of Powers Agreement.

BACKGROUND

HASPA is a Joint Powers Authority (JPA) consisting of three trustee agencies: the East Bay Regional Park District (Park District), the City of Hayward and the Hayward Area Recreation and Park District (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, to develop a comprehensive plan for the governing bodies of the original parties, so that the plans and actions of each party would be compatible with those of the other parties.

Today, with climate change impacts such as projected sea-level rise, groundwater intrusion, and storm surge, protecting infrastructure as well as natural and recreational resources of the Hayward Shoreline area requires a renewed commitment between public agencies. In 2019-2021, with a grant from Caltrans, HASPA prepared and adopted the Hayward Regional Shoreline Adaptation Master Plan (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 solutions, in the form of recommended capital projects, for different areas of the Hayward Shoreline. For example, the Park District has already started design work on the Hayward Marsh restoration, which is one project identified in the Master Plan.

The three trustee agencies of HASPA confirmed their interest 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.

Since 2022, Planning staff from the Park District have acted as administrative lead (or “managing agency”) of HASPA, and, with staff at the other trustee agencies, have collaboratively been proposing to add new agencies to the HASPA Board of Trustees, starting with two prospective agencies, the Oro Loma Sanitary District (Oro Loma), and the Alameda County Mosquito Abatement District (ACMAD). A new draft JPA Agreement has been negotiated between the parties, to expand the participation in HASPA, and to strengthen it as a governing agency which can address climate change impacts in the decades to come. Staff recommends that the Park District Board of Directors approve participation in HASPA by authorizing the General Manager to enter into the new HASPA JPA Agreement.

ANALYSIS

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, and to allow for new parties with interests on the Shoreline to join or participate in HASPA.

The JPA Agreement consists of 20 sections and four attachments, called “Schedules.” Of the JPA sections, #5, “Organization” and #8, “Budget,” are the most pertinent to the recent discussions between the parties. “Organization” describes how the HASPA Board of Trustees will be structured:

The Agency will be governed by the HASPA Board, which will exercise all powers and authority on behalf of the Agency except as otherwise provided.... The HASPA Board is composed of representatives from each Party, who are known as trustees. Each party to this Agreement will appoint one member of its 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....

For many years, Director Dennis Waespi has been the Park District trustee for HASPA; he was elected to the Chair of the HASPA Board for the years 2022 and 2023, and as of 2024, has returned to his role as HASPA Trustee.

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 to pay for an annual budget. The three tiers are based on size of the trustee agency operating budget. The Park District and the City of Hayward are the largest agencies and 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 Fiscal Year 2025, is projected to be \$106,000. The Park District's portion of that annual budget is 30%, or \$31,800. Tier 1 member ACMAD will have a smaller percentage of the annual budget (see Schedule C and C1 in the attachment).

The JPA Agreement also includes the provision of “weighted voting,” where the three membership tiers are also assigned a proportional allocation of votes, for each trustee agency. Most decisions at HASPA will be made by traditional majority vote, where each of the trustee agencies has one vote, and a simple majority moves a motion. To ensure fairness because the payment of HASPA dues depends on different membership tiers, it is important to also have the provision of weighted voting, so that the agencies which pay the highest dues get a proportionally higher percentage of the vote, as a means of protecting the expense of public funds. So, the JPA Agreement also provides that any agency could request weighted voting instead of the traditional 1 Trustee – 1 vote structure. After

consideration by the HASPA Trustees on March 21, 2024, and a vote to approve the JPA Agreement on April 11, 2024, each HASPA trustee agency and one prospective trustee agency (ACMAD) will have the opportunity to review the JPA Agreement and consider approving the Agreement. When approved by all four Trustee agencies, the new HASPA Board of Trustees will meet in July 2024, guided by the JPA Agreement.

On April 3, 2024, the Park District Board Executive Committee heard a presentation about the new HASPA JPA Agreement and had their questions answered.

FISCAL IMPACT

By joining HASPA, the Park District will be responsible for paying its share of Trustee Dues for Fiscal Year 2024-2025, which is currently estimated to be no more than \$40,000. The Park District, under the tiered dues structure of HASPA, has agreed to contribute 30% of the HASPA Operating Budget (which is expected to be \$106,000 in FY 2024-2025). The HASPA Board will vote on July 11, 2024, to adopt its annual 2024-2025 operating budget. The funding for the FY 2024-2025 dues will come from ASD Administration and Planning, Trails, Cultural and GIS (Other Services). The HASPA operating budget and Trustee dues for future years after 2025 are to be determined by the HASPA Trustees, and staff will incorporate HASPA dues into the Park District’s annual budget cycle going forward.

| SOURCE OF FUNDS | |
|---|------------------|
| ASD Administration (101-7010-000-6191) | \$ 12,000 |
| Planning/Trails/GIS Admin (101-7320-000-6191) | 28,000 |
| Total Funds Available | \$ 40,000 |

| USE OF FUNDS | |
|---|-----------------|
| EBRPD Dues for HASPA, Fiscal Year 2024-2025 | \$ 40,000 |
| | |
| Total Current Project Cost | \$40,000 |

ATTACHMENTS

- HASPA JPA Boundary Map
- HASPA JPA Agreement
- June 4, 2024 Board Meeting Presentation



**EAST BAY REGIONAL PARK DISTRICT
RESOLUTION NO. 2024 – 06 -
JUNE 4, 2024**

**APPROVAL OF THE AMENDED AND RESTATED HAYWARD AREA SHORELINE
PLANNING AGENCY (HASPA) JOINT EXERCISE OF POWERS AGREEMENT:
HAYWARD REGIONAL SHORELINE**

WHEREAS, in December 1970 the Board of Directors authorized the execution of a Joint Exercise of Powers Agreement (JPA) forming the Hayward Area Shoreline Planning Agency (HASPA) with the City of Hayward, Hayward Area Recreation & Park District (HARD), and the East Bay Regional Park District (Park District) for the purpose of preparing a comprehensive statement of planning policy for the area referred to as the Hayward Shoreline; and

WHEREAS, the JPA currently consists of representatives from the City of Hayward, HARD, and the Park District, known as the Trustees Agencies; and

WHEREAS, the JPA has been periodically extended in five-year increments, with the most recent twelve-month extension adopted on May 11, 2023, expiring on June 30, 2024; and

WHEREAS, the original purpose of HASPA: to study, plan, and adopt policies concerning the land uses in the Hayward Shoreline area, to develop a comprehensive plan for the governing bodies of the original parties so that the plans and actions of each party are compatible, has been fulfilled; and

WHEREAS, 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, and a new agreement between the Trustee Agencies and prospective Trustee Agencies who seek to join HASPA; and

WHEREAS, HASPA received a grant from Caltrans in 2018 and subsequently prepared the Hayward Regional Shoreline Adaptation Master Plan (Master Plan), which creates a framework for a response to climate change impacts on a region-wide scale and contains nature-based solutions, in the form of recommended capital projects, for different areas of the Hayward Shoreline, which HASPA adopted in 2021; and

WHEREAS, staff of the three Trustees Agencies, with staff from other prospective Trustee Agencies, meeting as a Technical Advisory Committee (TAC), prepared a Term Sheet which was adopted by the HASPA Board on September 1, 2022; and in addition, a new Amended and Restated Joint Exercise of Powers Agreement was drafted which was negotiated by the TAC over the course of 2023 and 2024 and reviewed by the HASPA Board, most recently on March 21, 2024; and

WHEREAS, On April 11, 2024, the HASPA Board approved the “Amended and Restated

Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement” which, among other benefits, establishes an updated JPA to enable HASPA to respond to the impacts of climate change by promoting public health and climate adaptation measures, protecting critical infrastructure at the shoreline, and maintaining public access to the shoreline, as envisioned in the Master Plan; and

WHEREAS, HASPA Trustee Agencies have reviewed this Amended and Restated Joint Exercise of Powers Agreement and each agency's legal counsel has had the opportunity to review and request revisions to the Amended and Restated Joint Exercise of Powers Agreement; and

WHEREAS, on April 3, 2024, the Park District Board Executive Committee heard a presentation from staff about the new HASPA JPA and received answers to their questions; and

WHEREAS, annual dues from the Trustee Agencies fund the HASPA operating budget, and the dues structure of the JPA allocates thirty percent (30%) of the operating budget to the Park District; and the dues for the Park District in Fiscal Year 2024-2025 are expected to be less than forty thousand dollars (\$40,000);

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the East Bay Regional Park District hereby approves the Amended and Restated Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement, and authorizes the Park District to continue to participate in HASPA as a Trustee Agency and to pay its share of Trustee dues for fiscal year 2024-25; as presented to the Board on June 4, 2024; and

BE IT FURTHER RESOLVED that the General Manager or her designee is hereby authorized and directed, on behalf of the Park District and in its name, to execute the Amended and Restated Hayward Area Shoreline Planning Agency Joint Exercise of Powers Agreement; and

BE IT FURTHER RESOLVED that the General Manager is hereby authorized and directed, on behalf of the Park District and in its name, to execute and deliver such documents and to do such acts as may be deemed necessary or appropriate to accomplish the intentions of this resolution.

Moved by Director _____, and seconded by Director _____, and adopted June 4, 2024, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: