



## HAYWARD AREA SHORELINE PLANNING AGENCY

HASPA Meeting  
City of Hayward City Hall  
Second Floor, Conference Room 2-A  
777 B Street  
Hayward, CA 94541

**Thursday, April 23, 2015**  
**5:00 p.m. – 6:45 p.m.**

### **THE CAC MEETING WILL BE HELD ONE HOUR PRIOR TO THE HASPA MEETING**

- |    |  |          |
|----|--|----------|
| 1. | Call to Order                                      | Mendall  |
| 2. | Introductions                                      | Trustees |
| 3. | (d) Changes to Agenda                              | Trustees |
| 4. | (d) Approval of Agenda                             | Trustees |
| 5. | (a) Approval of HASPA Minutes for January 22, 2015 | Trustees |
| 6. | Public Comment                                     | Public   |

### **NEW BUSINESS**

- |    |   |          |
|----|---|----------|
| 7. | (d) Discussion of need for Special Meeting of the Trustees prior to July 23, 2015 meeting | Trustees |
|----|---|----------|

### **UNFINISHED BUSINESS**

- |     |  |          |
|-----|--|----------|
| 8.  | (i) HASPA "Shared Vision" Update (verbal)                    | Golubics |
| 9.  | (d) Recommendation on Renewal of JPA & Continuation of HASPA | TAC      |
| 10. | (i) Weber Project Update (verbal)                            | Golubics |
| 11. | (i) Sea Level Rise and Calpine Report – COH (verbal)         | Golubics |
| 12. | (i) Report on Top Five Development Projects in COH (verbal)  | Golubics |
| 13. | (i) HASCAC Recruitment and Brochure (verbal)                 | Golubics |
| 14. | (a) Guillermo Nevarez, HASCAC Applicant Interview            | Trustees |

### **REPORTS**

- |     |  |          |
|-----|--|----------|
| 15. | (i) Report from HASCAC Chair (verbal)                | Moose    |
| 16. | (i) Report from TAC (verbal)                         | Golubics |
| 17. | (i) Reports from Trustees (verbal)                   | Trustees |
| 18. | (d) Setting Agenda for Next Meeting on July 23, 2015 | Trustees |

### **ADJOURNMENT**

Chair

HASCAC Applicant Interview - Candidate: Guillermo Nevarez

Trustees

- (i) Information
- (d) Discussion
- (a) Action



## HAYWARD AREA SHORELINE PLANNING AGENCY

City of Hayward  
East Bay Regional Park District  
Hayward Area Recreation and Park District  
Joint Meeting of Board of Trustees and Citizens Advisory Committee  
City of Hayward City Hall  
First Floor, Conference Room 1-C  
777 B Street  
Hayward, CA 94541

January 22, 2015

### **DRAFT MINUTES**

#### **HASPA TRUSTEES PRESENT:**

Al Mendall, City of Hayward (Chair)  
Minane Jameson, Hayward Area Recreation and Park District  
Dennis Waespi, East Bay Regional Park District  
Doug Siden, East Bay Regional Park District

#### **HASTAC MEMBERS PRESENT:**

Damon Golubics, City of Hayward  
Mark Taylor, East Bay Regional Park District  
Jennifer Koney, Hayward Area Recreation and Park District  
Erik Pearson, City of Hayward (Alternate)  
Kevin Takei, East Bay Regional Park District (Alternate)  
Adrienne De Ponte, Hayward Area Recreation and Park District (Alternate)

#### **HASCAC MEMBERS PRESENT:**

Betty Moose (Chair)  
Audrey LePell  
Evelyn Cormier  
Ernest Pacheco  
Allen Bertillion  
Ruth Kuftin  
Mary Ann McMillan  
Laurel King

#### **STAFF:**

David Rizk, City of Hayward  
Karl Zabel, Hayward Area Recreation and Park District  
Larry Tong, East Bay Regional Park District  
Erik Pearson, City of Hayward  
Helena Graves, City of Hayward  
Kevin Takei, East Bay Regional Park District

**VISITORS:**

Carol Severin, former HASPA Trustee & former EBRPD staff member  
Ginny DeMartini, District 2, Alameda County Supervisor's Office

**1. Call to Order**

The meeting was called to order at 5:05 p.m. by Al Mendall.

**2. Introductions**

Round robin introductions of all those present were made.

Presentation made to Mark Taylor who had been honored at the 37<sup>th</sup> Annual Hayward Volunteer Recognition & Rewards Dinner for his service with HASPA but was unable to attend. Betty Moose, CAC accepted the award on his behalf. Recognition was received in the form of documents from the following California Legislators for his service; Senator Bob Wieckowski District 10 (former State Assemblyman), District 20 Assemblyman Bill Quirk, State Senator Ellen Corbett, 15<sup>th</sup> District Congressman Eric Swalwell, Supervisor, Alameda County, Richard Valle, and a certificate of recognition from the Hayward Area Shoreline Planning Association (HASPA).

Minane Jameson recognized Carol Severin's dedicated service to HASPA. Carol's sharing of knowledge with both HASPA and EBRPD were enhanced by her degree in Recreation and experience as a teacher at San Francisco State. Carol was presented with a Proclamation, cards and flowers for her service to HASPA. Betty Moose on behalf of the CAC also thanked and recognized Carol for her time, effort and service to HASPA.

Minane welcomed new HASPA Trustee, Dennis Waespi, EBRPD and indicated that he will bring a lot of knowledge and energy to the Board. Dennis was a former member of HARD and looks forward to the opportunity for liaison opportunities between HARD and EBRPD and to working with HASPA.

**3. Appointment of New HASPA Trustee Chair**

A motion was made to officially appoint Al Mendall, City of Hayward as new HASPA Trustee Chair. The appointment was approved by unanimous consent. It was suggested that a Vice Chair be named, a motion was made to recommend Dennis Waespi and it was approved by unanimous consent.

**4. Agenda Approval**

The agenda was approved with no objections.

**5. Approval of HASPA Minutes for September 18, 2014**

A motion was made to approve the minutes which were approved unanimously without objection.

**6. Public Comments**

A question was raised to move the Report from HASCAC Chair back to the top of the Agenda as compared to being moved to the bottom of the Agenda. This comment will be considered after the current meeting.

A Street extension status? Staff directed to see about a name change that is more clear .  
"Depot Road extension?"

(A brief break was introduced to allow Carol Severin to depart; the meeting ensued at 5:28 pm)

## **NEW BUSINESS**

### **7. Update on the "A Shared Vision" Report**

Introduction of topic #8 as the JPA will expire in July of 2015. Efforts have been made to update the original 1993 Shared Vision document which provided goals and objectives of which many have been fulfilled. These update efforts span the period from 1993 – 2014. The update is a streamlined working vision that was sent out in the complete packets to all members that included next steps that could be a starting point to continue the JPA of HASPA.

Comments from the Trustees and feedback from others was initiated. It was brought up to merge the conversation and discussion of both topic #7 and topic # 8 together as they are intertwined. There were no objections to this idea.

Sea Level Rise and Climate Change should be HASPA's Number One focus since it is our Number One critical threat. Focus must be collective and coordinated amongst all three agencies; HARD, EBRPD and City of Hayward as well as regional efforts to make a difference. HASPA's existence influenced by reaction to Climate Change and Sea Level Rise. Number One threat to the Hayward Shoreline bar none. If there is a renewal of the JPA for the next five years it will be contingent upon these efforts. Continued monitoring of existing projects and monitoring of new projects should be a secondary focus, not a primary focus.

It was suggested that the expansion of HASPA be considered beyond the three current agencies to be more effective. Agencies and property owners located directly on and adjacent to the Shoreline. Alameda County Flood Control, Oro Lomo, although this would require changing the HASPA boundary. The inclusion of others would be dependent upon the extent of effectiveness that would be derived.

It was brought up that climate change is not explicit in the Shared Vision document and this would be important to ensure future advocacy in this area. Snowy Plover nesting site biologist recommendations should be included. Union City should also be involved as they are doing things that affect the shoreline.

"Adapting to Rising Tides Project" and the projections that came about as a result of this even a retooled HASPA with a focus on Sea Level Rise and Climate Change there would still be limitations unless other agencies are included to reach a more regional level of adaptation measures. This project has come to its completion and the group is at a point of investigating implementation measures and models for design of adaptation measures. It is now up to individual interested groups to begin these conversations. BCDS was the original body for the "Adapting to Rising Tides Project". They received a Federal Grant.

Shared vision can be seen as a blueprint for HASPA for the next five to ten years.

KFAX West Winton antennas and their proximity to the shoreline was a concern. Four antennas so close to the shore. Whitesell and Enterprise antennas original proposal was to move them to West Winton but that project died and in 2009 four additional towers were denied by the City Council.

It was suggested to add hyperlinks to provide information about adaptive measures considered for raising the wetlands, etc. comment was made by the Chair that this document should be a very high level document that provide steps and goals and be very simple.

Climate Action Plan within the City of Hayward which is now part of the General Plan has segments that support the idea of monitoring sea level rise and climate change. HASPA can assist the City of Hayward to meet the goals of the General Plan.

As a condition of renewal of the JPA each of the agencies (COH, EBRPD, HARD) will be required to outline their goals and fold that into each of their Resolutions.

Expectation is that a verbal vision to the updated "Shared Vision" will come out of this 1-22-15 meeting and at the next meeting in April, 2015 a version will be made available for all to view and flush out any additional changes or questions.

TAC and Planning boundary – sea level rise 50 year projection. 1 meter sea level rise example. Two maps were distributed at the meeting to serve as a visual to use to start the discussion of the potential for the expansion of the HASPA boundary. One showed the current HASPA boundaries which was from the original Shared Vision document and the other map prepared by City of Hayward graphics staff showed possible sea level rise projections. This data was found on the BCDC (San Francisco Bay Conservation and Development Commission) website. Staff would like direction from the Trustees to direct what level to focus on, i.e., 2100 & 1 meter rise level? Look at 100 year rise? Look at levees. A lot of utilities need to be looked at.

Chair asked if consensus had been reached on three priorities for Vision Document.

- 1) Sea Level Rise
- 2) Development Monitoring
- 3) Environmental Protection and Education

HASPA should support not try to mimic the efforts of BCDC. The more agencies involved the more unwieldy it becomes to get things done.

Keep the Trustees's role unchanged and enlarge the TAC role to flush out topics and details for the Trustee's consideration.

East Bay Regional Park District sees that HASPA's core mission has been fulfilled and is exploring staffing utilization and wants to explore additional avenues such as ad hoc or liaison committees. EBRPD wants to fully explore other mechanisms. Other groups such as Alameda County, BCDC, etc. should take on the critical role for land use issues. Perhaps an ad hoc or liaison committee would be more effective. A JPA provides weight that a committee cannot and formalizes the relationship. What are EBRPD's concerns?

- 1) Staffing Capacity  
As a public entity have only a finite amount of staff time available
- 2) JPA Agreement  
Primary mission has been fulfilled.  
Produces both a legal and fiduciary responsibilities. Potential liability.  
Annual reporting of financing – Controller and Treasurer – Requirement of the JPA  
JPA could sue or be sued.  
JPA can be audited.

EBRPD has an ad hoc committee between the City of Fremont and EBRPD concerning Mission Peak. Can an ad hoc committee protect the shoreline? That is our primary goal. How will a

Committee address concerns or how could it do it better than the JPA? Concern raised that HASPA's jurisdiction is much larger and the role is more complex than the example of Mission Peak for EBRPD and the City of Fremont.

Chair directed back to Staff to get together between this meeting and the next meeting and come together with a more clear focus to bring to the Trustees. It doesn't make sense to involve such a large organization as the BCDC that has a regional focus. We are just participating in their process rather than the other way around. For April meeting, have staff get together and come up with a recommendation regarding:

- 1) Agencies to recommend or not
- 2) Recommendation for renewal of the JPA or not & term of renewal – not necessarily Five years – it could be even a renewal for one or two years as a trial rather than five or ten years.

Trustee direction to Staff also included that if the JPA is to be eliminated than to explore and drill down and make recommendations how to deal with the high level issues with an ad hoc committee or some other means. How can a staff level committee deal with larger complex issues.

No official action for TAC and Staff, but to provide recommendations and guidance to the Trustees for their consideration. If not a unanimous decision among TAC and Staff then Recommendations can be provided to the Trustees and it can be brought before a vote to decide.

8. **Recommendation on Continuance of HASPA**

See Item Number 7, above.

9. **Adoption of Meeting Schedule for 2015**

The 2015 meeting schedule was approved unanimously without objection. However, Since the current JPA expires July 1, 2015, if a decision is not made about the continuance or not of HASPA at the April 23, 2015 HASPA meeting a special meeting of the Trustees would need to be called prior to the July 23, 2015 meeting.

10. **Weber Project**

Original project had 13 lots on Baumberg Ave in 2010 the Developer has sold it to East Bay Ventures they are moving forward with developing the lot and have reduced the number of lots from 13 to 5. Public Works has approved this change it is still the same development area, similar design with the first building being 330,000 sq feet. The project is moving forward and they have submitted for Building Permits for the first building at the end of the road and submitted for the final map. Staff is moving forward working on precise plans – details of the exterior improvements, landscaping, roads, etc. From a Planning standpoint we will not move forward until we have the 401 and 404 permits for grading plans and filling in of some of the wetlands. Staff is keeping a close eye on these requirements as it has been a concern with this project going close to the wetlands and marshland for HASPA and others concerned. There was a request from the CAC that Staff provide a presentation on the update and current status of this project and it was agreed that Staff would provide this. Preservation of the existing wetlands is still the focus. This is almost the last development behind the delineation line set decades ago. There is no change to the approval from 2010.

## **UNFINISHED BUSINESS**

### **11. HASCAC Recruitment – Brochure**

Reviewed by Board of Trustees and only remaining issue was updating the contact information due to switching from the Hayward Area Recreation and Park District, who was in charge for the previous five years to currently the City of Hayward for soliciting new members and taking them through the application process for Board of Trustee final review and approval. Per the JPA the maximum size of the CAC is fifteen members and there are currently ten members. If the mission changes and the JPA is renewed that would be a good time to go out and actively recruit new members.

One application has been received and is to be reviewed by the Trustees. Process for appointing new members historically has been; potentially interested applicant submits an application to Staff for reviewed which is then forwarded to the Trustees for review and potential approval. Guillermo Nevarez is a CAC applicant that is still in the pool and will be added to the next agenda. Staff was being cautious waiting on outcome of JPA continuance discussion before progressing.

Action from Chair: Schedule an interview with Guillermo Nevarez following the April meeting with the Trustees if he is still interested. His patience in the delay before interviewing is appreciated.

## **REPORTS**

### **12. Report from HASCAC Chair**

Handwritten agenda from today's CAC meeting given to the Trustees.

A packet had been received from the City with plans for a concrete recycling plant on 3898 -3890 Depot Rd and she had no knowledge of this project before receipt of this packet. Staff said they would provide further information and details about the project.

Damon indicated that the project is currently under review by Staff as an Administrative Use Permit, is ongoing and still evaluating the merits of the project. HASPA will be provided with more information before final approval of the project.

Ginny from Supervisor Valle's office was also interested in this project.

CAC supports the continuance of HASPA by unanimous vote.

BAAQMD resolution the RCEC: and all 5 agencies (HARD, COH, HUSD, EBRPD, Fairview Fire Protection Agency request that the Air Quality Management District provide an air quality monitoring system in the city. CAC has requested a response from the City Council but have not had any follow up response. Also have requested and not received a response from the Fairview Fire Protection. CAC requests that HASPA request a response from the BAAQMD regarding the status of an air quality monitoring system for the City of Hayward. Chair directed HASPA to seek a response from BAAQMD.

Heron Bay put up gates and did not allow the public to get to the shore. Betty Moose, as a member of San Lorenzo Heritage Society and member of the CAC of HASPA brought this to the attention of the City Council and the Planning Commission of the City of San Leandro. BCDC is in charge of this shoreline access and Mark Taylor and Doug Siden both of EBRPD were stopped and denied access to the trail. Betty brought this to the Bay Trail meeting and they said they would bring this up to the BCDC and find out what the resolution will be. Per Mark Taylor – no gates were ever put up. The Heron Bay replied to the Planning Commission and this was denied also denied by the City Council. BCDC also denied their application. No gates ever put

Mail: HASPA c/o City of Hayward Attention: Damon Golubics  
777 B Street, Hayward, CA 94541 510-583-4210 <mailto:damon.golubics@hayward-ca.gov>

up because they were going to block public access. Drawings were put up to show what they gates would look like and there were construction gates also a security guard who tried to keep people out for a while unsuccessfully. Failed attempts at blocking public access. Betty will follow up with a status report on this at the next meeting.

Mark Taylor was recognized for his efforts in protecting and preserving our shoreline. Mark also gave a report on the wildlife bird "Mystery Goo".

Audrey – according to the CAC By-Laws allowed to have 15 members, CSU Hayward, Hayward School District, Ohlone College, Chabot College, Castro Valley Unified, HARD, brought CAC have brought up Alameda Co was a member of the original HASPA organization.

Expressed thanks to Karl and Minane as Chair, HASPA for the past 5 years and Julie for all their assistance to the CAC.

**13. Report from TAC**

First meeting of the TAC on the January 13, 2015 – with COH as new lead and Trustee direction tonight will provide direction and focus for the TAC to move forward and future goals.

of Mark Taylor – bird "Mystery Goo" was first noticed on Fri, January 15<sup>th</sup> reported to State Dept.

Fish and Wildlife. On average 50 birds a day had been found and now down to much fewer. The State lab is still working on a determination of what the substance is but they didn't start working on it until the following Tues due to the President's Holiday on Monday, February 16<sup>th</sup>. Approximately 315 birds were found alive and approximately 200 birds were found dead along the shoreline. The majority hit Hayward and San Leandro and covered quite a few species. As of January 22<sup>nd</sup>, they still did not have a source or a responsible party. Per Evelyn Cormier, the International Bird Rescue in Fairfield has put a lot of time and effort and volunteers cleaning the birds

Mark Taylor brought up - Alameda Co proposing gating off an area that has had public access for 30 years hope this would come to HASPA for a response. Chair directed Staff to make contact, specifically the Planning Department to speak to their Planning Department to get information to bring back to the next meeting. Survey crews are out there. End of West Winton – County old landfill. No size or scope. They have been very tight-lipped about the project. Also emergency levee repair work that was done and the marsh trails were shut down for a period of time to rebuild the roads and the roads and trails have now been re-opened due to the recent heavy rains.

Adrienne informed all that on February 13<sup>th</sup> – Charrette effluent discharged into the Bay multi agency staff – 20- 30 year planning stages. 50 – 60 people at the Interpretative Center. Open to the Public? HASPA invited or just the Trustees? Adrienne to check on this and communicate with Damon if open so the information can be disseminated to the group. Very high level conversation. Land use Real world what am I going to do types of questions. Also she shared that there is a recent article in the *Bay Nature Magazine* about the Interpretive Center, including a picture of Jennifer walking at the King Tide a few years ago. Also there is new signage on the building that says "Wetland Education" to distinguish the purpose of the Interpretive Center to the public.

14. **Reports from Board Members**

Minane – charity event at the Shoreline – new signage acquired and the rest of money went to other programs. Question about the King Tides – they are usually in the Winter but not on a schedule.

Dennis – No report.

Al – Question about time limit for meeting. Is it supposed to be 1 hour? 1 ½ hours? 2 hours? Open ended? Damon stated that it had been suggested that time limits be placed on items on the agenda for the next meeting if OK with the Trustees? Explore time limits. Recommended time limits helps to focus the agenda items, per Al people get a sense of the time frames for items so people are prepared and the Chair can manage the meeting.

Name tags for next meeting. Large Print. (per Betty) 10 minutes span between CAC and HASPA Trustee meeting. CAC meeting can be scheduled at an earlier time or even a different day. Damon volunteered to work with the CAC Chair to work this out and come to resolution that is workable.

15. **Setting Agenda for Next Meeting on April 23, 2015**

Presentation with pictures to the CAC and copy of the documentation for the Trustees from Staff on the Weber project.

Old Business – Ernie was supposed to list of agencies that are associated with Russell City Energy Center licensing procedures re: air quality violation issues they had be good for the future all agencies that had authority over various aspects and conditions for the power plant to meet that we organize a way for them to communicate with one another in the case of for example an air quality incident that only they knew about – the City of Hayward, EBRPD, Regional Water Quality Control Board etc. didn't know about it – cross communicate.

Chair direction – report that to the CAC and provide in writing for the HASPA Board and we can always follow up if you have questions as part of the Trustee meeting. Bring to the CAC and if decided upon then have the CAC bring it to the Trustees as a recommendation for consideration. Action: Should we reach out to the other agencies? Ernie would do all the work and set up this communication system so if there was an incident involving the power plant, any kind of violation that it is disseminated to all the different agencies. Would have to originate from one of the agencies.

Recommend unfinished business before new business? New CAC member recommended this (Laurel King) Per Chair if we have new business first it ensures there is adequate time to address these items and focus on these topics. People can leave early if needed knowing they have heard all the new business rather than having to wait until the old business is covered. If old business is covered first the Chair will hold these items to 10 minutes each.

Sea level rise and Calpine. CAC: How does the city stand on this? Would like an update on this?

City Sustainability Committee Meeting. Directed Staff to provide a report from that and can do a follow up presentation if needed.

PV ready roofs in the Industrial area. HASPA territory in the implementation plan. Advocating on the county plan. HASPA issue. Early engagement would be important.

Direction from Chair - Regular part of the Agenda should be to provide an update on development projects. Even if there is no update just to provide the top five that Staff is keeping an eye on them.

**ADJOURNMENT**

16. Chair Al Mendall adjourned the meeting at 7:06 p.m.

(Minutes Respectively Submitted by, Helena Graves, City of Hayward)

**HAYWARD AREA SHORELINE PLANNING AGENCY  
JOINT EXERCISE OF POWERS AGREEMENT**

THIS AGREEMENT, dated for convenience as of June 30, 201~~5~~0, is made and entered into by and among the East Bay Regional Park District, a special district (hereinafter referred to as "Regional Park District"); the Hayward Area Recreation and Park District, a public corporation (hereinafter referred to as "HARD"); and the City of Hayward, a municipal corporation (hereinafter referred to as "Hayward"); each duly organized and existing in the County of Alameda under the constitution and laws of the State of California.

**WITNESSETH:**

WHEREAS, the Hayward Area Shoreline Planning Agency (hereinafter referred to as "HASPA"), is a joint powers agency consisting of representatives from the Regional Park District, HARD, and Hayward.

WHEREAS, HASPA was formed pursuant to the December 7, 1970 Joint Exercise of Powers Agreement (hereinafter the HASPA Agreement), for the purpose, among others, of preparing a comprehensive statement of planning policy for the area referred to as the Hayward Shoreline, as more particularly described herein; and,

WHEREAS, the HASPA Agreement was subsequently extended on October 7, 1975, November 13, 1979, June 10, 1985, September 11, 1990, September 21, 1995, ~~and~~ August 25, 2000, July 1, 2005 and June 30, 2010; and,

WHEREAS, the 2005 HASPA Agreement is currently due to terminate on July 1, 201~~0~~5, and the parties wish to continue HASPA and its powers and functions in coordinating Shoreline planning activities and carrying out previously adopted policies for the Shoreline area.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the three parties agree to continue HASPA with the organization, powers,

and functions that are set forth in the following.

**Section 1. Definitions**

- a. "Agency" shall mean HASPA.
- b. "Agreement" shall mean this Joint Exercise of Powers Agreement.
- c. "Hayward Shoreline" and "Shoreline" shall mean all areas of the City of Hayward and all areas of the unincorporated land in the Alameda County that are west of the Southern Pacific Railroad tracks and are between the boundaries of the City of San Leandro on the north and the City of Fremont on the south.
- d. "Parties" shall mean the Regional Park District, HARD, and Hayward.
- e. "Party" shall mean either the Regional Park District, HARD, or Hayward.

**Section 2. Authority and Purpose**

This Agreement is made pursuant to Chapter 5, of Division 7, Title 1 of the California Government Code (Sections 6500 et seq.) and relates to the joint exercise of powers held by each of the parties. The purpose of this Agreement is to jointly exercise the common powers of the parties to study, plan, and adopt policies concerning the land uses in the Shoreline area, in order to develop a comprehensive plan for the governing bodies of the parties so that the plans and actions of each party are compatible with those of the other parties.

**Section 3. Continuation of HASPA**

The parties agree to continue in existence the Hayward Area Shoreline Planning Agency to exercise the powers hereinafter set forth. The Agency shall continue to be a public entity separate from the parties.

**Section 4. Powers**

Subject to limitations set forth herein, the Agency shall have the power to develop plans for, prepare studies and reports, and make recommendations for the Hayward Shoreline. Specifically, HASPA shall have the following powers:

- a. To recommend appropriate revisions or additions to the parties' adopted

- Shoreline plans and conduct studies related thereto.
- b. To study and prepare recommendations concerning the implementation of the parties' adopted shoreline plans.
  - c. To seek funds from public and private sources for the purpose of assisting to achieve the goals of HASPA.
  - d. To coordinate the implementation of the parties' adopted policies.
  - e. To advise the parties regarding Shoreline issues that may affect the implementation of the parties' adopted plans.
  - f. To provide public education on the parties' adopted plans and promote their implementation.
  - g. To present positions on legislative matters that affect the Hayward Shoreline.
  - h. The Agency is hereby authorized, in its own name, to perform all acts necessary to the fulfillment of its powers, including the following:
    - 1. to make and enter into contracts;
    - 2. to apply for and accept grants, advances and contributions;
    - 3. to employ or contract for the services of planners, financial consultants, fiscal agents, and such other persons as it deems necessary;
    - 4. to make plans and conduct studies;
    - 5. to acquire, hold or dispose of personal property;
    - 6. to sue and be sued in its own name;
    - 7. to incur debts, liabilities or obligations.
  - g. to explore shoreline protection in conjunction with sea level rise.

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## Section 5. Organization

### a. HASPA Board

The Agency shall be governed by the HASPA Board, which shall exercise all powers and authority on behalf of the Agency except as otherwise provided herein. The Board shall be composed of three (3) members who shall be known as trustees. Each party to this Agreement shall appoint a member of its governing body to be a trustee and shall 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 shall serve at the pleasure of his or her

governing body, but in no event shall either a trustee or alternate trustee serve on the Board if he or she is no longer a member of the governing body of a party. The trustees shall elect from among themselves such officers and establish therefore such terms, as they deem necessary or desirable. Meetings of the HASPA Board shall be called by the chairperson or by any two (2) other trustees. Written notice of a meeting shall be provided to all trustees at least seven (7) days prior to a meeting. At least two (2) trustees or their alternate must be present for the Board to take any action, except to adjourn from time to time. All meeting are public meetings subject to the Ralph M. Brown Act, or California's open meeting laws pursuant to Government Code Section 54950-54963. The Board of Trustees may adopt bylaws that set forth how meeting will be conducted including the time allowed for public comments on agendized matters before the Board, time and place of regularly scheduled meetings, etc.

b. Technical Advisory Committee

A Technical Advisory Committee shall provide staff support services to the HASPA Board. The Technical Advisory Committee shall be composed of three (3) members. The chief executive officer of each party shall appoint a staff member and an alternate staff member, who shall serve in the absence of the staff member, to act as that party's representative to the Technical Advisory Committee. The chairperson of the HASPA Board shall appoint one member of the Technical Advisory Committee as the chairperson of the committee. The Technical Advisory Committee shall meet at the call of its chairperson or at the call of the chairperson of HASPA. The committee shall review and discuss matters related to the coordination of Shoreline activities and implementation of the parties' adopted Shoreline plans and shall make recommendations to the HASPA Board on these matters. Questions presented to the Technical Advisory Committee shall be resolved upon the basis of one vote for each party represented. The chairperson of the Technical Advisory Committee may invite any person, or group, or agency to participate in the discussions of the Technical Advisory Committee when such participation would aid its deliberations. Without limiting the discretion of the chairperson to extend such

invitations, the participation of representatives from Hayward Unified School District, San Lorenzo Unified School District, Alameda County Flood Control and Water Conservation District, Alameda County Mosquito Abatement District, the San Francisco Bay Conservation and Development Commission, State of California Department of Fish and Game, State Coastal Conservancy, the Soil Conservation Service of the United States, Department of Agriculture, the United States Army Corps of Engineers, The United States Fish and Wildlife Service and the United States Environmental Protection Agency are particularly encouraged.

c. Citizens Advisory Committee

A Citizens Advisory Committee shall advise the HASPA Board concerning the HASPA's mission, the public's interest in the Shoreline and shall carry out those functions concerning promotion of the parties' adopted Shoreline plans, as requested by ~~†~~The Board of Trustees shall have the sole responsibility for the work tasks and issues reviewed and evaluated by the Citizens Advisory Committee. The composition of the Citizens Advisory Committee shall consist of six (6) members appointed ~~be determined~~ by the HASPA Board of Trustees and the Board shall appoint the members thereof to serve at its pleasure. Citizens Advisory Committee members shall be at least twenty-one years of age and it is strongly recommended, but not a requirement, that members either work or reside within the HASPA planning area. Citizens Advisory Committee members shall be appointed and eligible to serve for one (1) five (5) year term. Terms shall be consistent with each five (5) year HASPA agreement. The Citizens Advisory Committee shall elect a chairperson and vice-chairperson from among its members. The vice-chairperson shall be elected by the committee to serve in the absence of the chairperson. Citizens Advisory Committee members who miss three (3) consecutive Citizens Advisory Committee meetings shall be automatically removed from the committee unless there are extenuating circumstances.

## Section 6. Budget and Finance

a. Budget

HASPA may adopt a budget for activities consistent with its powers and may request the contribution of funds for the expenditures included in that budget.

b. Financial Commitments, Debts, and Surplus Funds

HASPA shall not make any financial commitment that requires revenues in excess of those available to it. Under no circumstances shall the debts, liabilities, and obligations of HASPA be the debts, liabilities or obligations of any party to this Agreement. If there is any surplus money on hand following the termination of this Agreement, the surplus shall be returned to the parties that are members of HASPA on the date the Agreement is terminated in proportion to their previous contributions.

**Section 7. Treasurer, Controller, Accountability, and Access to Property**

a. Treasurer

The ~~host agency treasurer of the Regional Park District~~ shall be the treasurer of HASPA, be the depository, and have custody of all the money of the Agency from whatever source. The treasurer shall:

1. Receive and receipt for all money of the Agency and place it in the treasury of the Treasurer to the credit of HASPA.
2. Be responsible upon his or her official bond for the safekeeping and disbursement of all Agency money, and personal property.
3. Pay, when due, out of money of the Agency, all sums due from the Agency from Agency money, or any portion thereof, only upon warrants of the public officer performing the functions of Controller of the Agency.
4. Verify and report in writing on the first day of July, October, January, and April of each year to the Agency, and to each of the parties, the amount of money held for HASPA, the amount of receipts since the last report, and the amount paid out since the last report.
5. Invest all of the Agency's funds not currently required in the manner provided by law including but not limited to Government Code sections 6509.5 and 53601 and collect interest thereon for account of

the Agency.

b. Controller

The ~~host agency controller of the Regional Park District~~ shall be the controller of HASPA. The controller shall draw warrants to pay demands against the Agency when the demands have been duly authorized by the Board.

c. Accountability of Funds

There shall be strict accountability of all HASPA funds and report of all receipts and disbursements and compliance with Article 1, Chapter 5, Division 7, Title 1 of the California Government Code (Section 6500 et seq.). The controller shall either make or arrange for a contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of the Agency. In each case, the audit shall conform to generally accepted auditing standards. The records and accounts of the agency shall be audited annually, and a report thereof shall be filed as a public record with the Board of Trustees, each party, and the Alameda County Auditor not later than six months following the end of the fiscal year under examination.

d. Access to Property

The treasurer is hereby designated as the person who has charge of, handles, and has access to the property of the Agency.

e. Reporting Requirements in the Absence of HASPA Held Funds

Notwithstanding Section 7(a) - (d) and provisions of Government Code Section 6500 et seq. all parties hereto agree that the reporting and audit requirements of Section 7(a) - (d) shall not apply if HASPA holds no funds under its own name.

### **Section 8. Effective Date and Withdrawal of a Party**

This Agreement shall be in full force and effect upon the date of execution by the last party hereto and shall terminate on July 1, 2020+5, or upon such earlier date, which the parties mutually establish by resolution of their governing bodies. Any party may withdraw from HASPA by resolution of its governing body. The remaining members shall determine the disposition or retention of all funds committed to HASPA.

### **Section 9. Severability**

If any one or more of the covenants or agreements set forth in this Agreement should be contrary to any provision of law or contrary to the policy of law to such an extent as to be unenforceable in any court of competent jurisdiction then such covenant or covenants, or such agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements and shall in no way affect the validity of remaining portions of this Agreement.

**Section 10. Counterparts.**

This Agreement may be separately executed in any number of counterparts, and each counterpart signature page and the remainder of this Agreement shall constitute the original Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers.

**EAST BAY REGIONAL PARK DISTRICT**

Date of Approval: \_\_\_\_\_ Resolution No. \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk of the Board

**HAYWARD AREA RECREATION AND PARK DISTRICT**

Date of Approval: \_\_\_\_\_ Resolution No. \_\_\_\_\_

\_\_\_\_\_  
President, Board of Directors

\_\_\_\_\_  
Secretary, Board of Directors

**CITY OF HAYWARD, A Municipal Corporation**

Date of Approval: \_\_\_\_\_ Resolution No. \_\_\_\_\_

\_\_\_\_\_  
Fran David, City Manager

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM**

\_\_\_\_\_  
Michael Lawson, City Attorney