



# Santa Clara Valley Water District Homeless Encampment Committee Meeting

Zoom Teleconference

## REGULAR MEETING AGENDA

Tuesday, April 20, 2021  
1:00 PM

**District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.**

### HOMELESS ENCAMPMENT COMMITTEE

Richard P. Santos - District 3,  
Committee Chair  
Tony Estremera - District 6,  
Committee Vice Chair  
John L. Varela - District 1

During the COVID-19 restrictions, all public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body, or through a link in the Zoom Chat Section during the respective meeting. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

**Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

**Santa Clara Valley Water District  
Homeless Encampment Committee**

**REGULAR MEETING  
AGENDA**

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Tuesday, April 20, 2021

1:00 PM

Zoom Teleconference

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**IMPORTANT NOTICES**

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Committee during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in the order requests are received and granted speaking access to address the Committee.

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This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water's bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water's bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System for municipal securities disclosures and Valley Water's Investor Relations website, maintained on the World Wide Web at <https://emma.msrb.org/> and <https://www.valleywater.org/how-we-operate/financebudget/investor-relations>, respectively.

Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter "Anonymous" or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

**Join Zoom Meeting:**

<https://valleywater.zoom.us/j/98527954616>

**Meeting ID: 985 2795 4616**

**One tap mobile: +16699009128,,98527954616# US (San Jose)**

**1. CALL TO ORDER:**

1.1. Roll Call.

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

*Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*

**3. APPROVAL OF MINUTES:**

3.1. Approval of March 30, 2021 Homeless Encampment Committee Meeting [21-0434](#)  
Minutes.

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 033021 HEC Meeting Minutes](#)

Est. Staff Time: 5 Minutes

**4. ACTION ITEMS:**

- 4.1. Update on May 1, 2021 Coyote Creek Cleanup Event. [21-0425](#)  
Recommendation: A. Receive an update from staff regarding the planning for Valley Water's Coyote Creek Cleanup event scheduled for May 1, 2021; and  
B. Provide input and feedback to staff, as necessary.  
Manager: Sue Tippets, 408-630-2253  
Attachments: [Attachment 1: Coyote Creek Cleanup Site Locations](#)  
Est. Staff Time: 10 minutes
- 4.2. Proposed Adjustments and Modifications to the Good Neighbor Program: Encampment Cleanup Project, Project F5 under the Renewed Safe, Clean Water and Natural Flood Protection Program. [21-0423](#)  
Recommendation: Review Proposed Text Adjustments and Key Performance Indicator Modifications for the Good Neighbor Program: Encampment Cleanup Project, Project F5 under the Renewed Safe, Clean Water and Natural Flood Protection Program, and provide feedback, as necessary; and Consider Whether to Recommend that the Board of Directors Approve the Text Adjustments and Set a Time and Place for a Public Hearing to Modify Project F5.  
Manager: Jennifer Codianne, 408-630-3876  
Est. Staff Time: 10 Minutes
- 4.3. Review Homeless Encampment Committee Name and Purpose. [21-0429](#)  
Recommendation: A. Review and discuss the Homeless Encampment Committee's name and purpose; and  
B. Provide recommendations to staff as necessary.  
Manager: Sue Tippets, 408-630-2253  
Attachments: [Attachment 1: HEC Agenda Item 5.4 \(3-30-21\)](#)  
[Attachment 2: HEAHC Agenda Item 5 \(3-30-16\)](#)  
Est. Staff Time: 15 minutes
- 4.4. Review 2021 Homeless Encampment Committee Work Plan. [21-0435](#)  
Recommendation: A. Review the 2021 Homeless Encampment Committee Work Plan, and make adjustments as necessary; and  
B. Discuss and determine the 2021 Homeless Encampment Committee meeting schedule.  
Manager: Michele King, 408-2630-2711  
Attachments: [Attachment 1: 2021 HEC Work Plan](#)  
Est. Staff Time: 5 Minutes

## 5. INFORMATION ITEMS:

**6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**

*This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.*

**7. ADJOURN:**

7.1. Adjourn to next meeting to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

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# Santa Clara Valley Water District

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**File No.:** 21-0434

**Agenda Date:** 4/20/2021  
**Item No.:** 3.1.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

**SUBJECT:**

Approval of March 30, 2021 Homeless Encampment Committee Meeting Minutes.

**RECOMMENDATION:**

Approve the minutes.

**SUMMARY:**

A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Committee's meetings.

**ATTACHMENTS:**

Attachment 1: 033021 HEC Meeting Minutes

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711

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HOMELESS ENCAMPMENT COMMITTEE MEETING

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# MINUTES

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**MARCH 30, 2021  
2:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER/ROLL CALL.**

A regular meeting of the Santa Clara Valley Water District (Valley Water) Homeless Encampment Committee (Committee) was called to order in the Valley Water Headquarters Board Room, 5700 Almaden Expressway, San Jose, California at 2:00 p.m.

**1.1 Roll Call.**

Committee members in attendance were District 1 Director John L. Varela, District 2 Director Barbara F. Keegan, and District 3 Director Richard P. Santos, Chairperson presiding, constituting a quorum of the Committee.

Staff members in attendance were R. Callender, Chief Executive Officer, J. Abbatelli, L. Bankosh, R. Barajas, D. Candelas, T. Chinte, J. Choate, J. Codianne, N. Dominguez, J. Downing, R. Fields, A. Gshwind, L. Hoan, B. Hopper, J. Lee, M. Lugo, T. Pena, M. Richardson, D. Rocha, E. Serrano, S. Tippets, S. Tran, and K. Yasukawa.

Also, in attendance: Mr. Ray Bramson, Destination Home, Steve Preminger, County of Santa Clara and Ms. Olympia Williams, City of San Jose.

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

Chairperson Santos declared time open for public comment on any item not on the agenda.

Mr. John Davis, San Jose resident, expressed concern for the continued destruction of Coyote Creek embankment and urged Valley Water to consider installing some type of material to prevent intentional destruction.

Mr. Scott Largent, Ms. Jan Berenstein, Mr. Richard Scott and Ms. Gail Ann Osmer expressed concern for the lack of response to the needs of the homeless community including outreach and mental health services, housing assistance, relocation and removal of personal belongings.

Mr. Davis expressed concern for the lack of response to his offers to work with the County of Santa Clara and City of San Jose to develop housing options for veterans.

**3. ELECTION OF COMMITTEE OFFICERS.**

3.1. Elect 2020 Homeless Encampment Committee Officers.

Recommendation: Nominate and elect the 2021 Homeless Encampment Committee Chairperson and Vice Chairperson.

It was moved by Director Varela and seconded by Director Keegan to re-elect Chairperson Santos to continue as Chair for the year 2021.

It was moved by Chairperson Santos and seconded by Director Keegan to re-elect Director Varela as Vice Chairperson for the year 2021.

The motions carried unanimously by roll call vote.

**4. APPROVAL OF MINUTES.**

4.1. Approval of Minutes.

Recommendation: Approve the August 31, 2020 Meeting Minutes.

The Committee considered the attached minutes of the August 31, 2020 Homeless Encampment Committee meeting. It was moved by Director Varela, seconded by Chairperson Santos, and carried by roll call vote that the minutes be approved as presented. Director Keegan abstained from voting.

**5. ACTION ITEMS**

5.1. Update From Destination Home Regarding the 2020-2025 Community Plan to End Homelessness.

Recommendation: A. Receive an update from Destination: Home regarding the 2020-2025 Community Plan to End Homelessness, the newest roadmap for addressing homelessness in Santa Clara County.  
B. Recommend the 2020-2025 Community Plan to End Homelessness to the Valley Water Board of Directors for consideration and endorsement.

Ms. Sue Tippetts, Interim Chief Operating Officer, reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachment 3 were reviewed by Mr. Ray Bramson, Destination Home.

Director Keegan asked for and received an explanation of how the number of persons that become homeless annually is determined and city housing requirements.

Director Varela expressed concern for the increased migration of the homeless population into Santa Clara County and how it impacts creek conditions and water quality.

It was moved by Director Keegan, seconded by Director Varela, and carried by roll call vote to approve Recommendation B, and forward the 2020-2025 Community Plan to End Homelessness to the Valley Water Board of Directors for consideration and endorsement.

Chairperson Santos moved the agenda to Item 5.3.

5.3. Update on Rescheduled Coyote Creek Cleanup Event.

Recommendation: Receive an update from staff regarding the rescheduled Coyote Creek Cleanup event planned for May 1, 2021.

Ms. Tippets and Mr. Ricardo Barajas, Program Administrator, reviewed the information on this item, per the attached Committee Agenda Memo.

Mr. Steve Preminger, County of Santa Clara, reported on the County's efforts to work with the unhoused and interest to provide outreach and other resources for the upcoming cleanup event.

Mr. David Hernandez, of undisclosed residency, expressed appreciation to Valley Water for providing fresh drinking water at previous clean up event and interest to help motivate the unhoused to participate in the upcoming cleanup event.

Ms. Olympia Williams, City of San Jose, explained the Cash for Trash Program, which offers a \$4 redemption value for each full bag of trash submitted during specific cleanup events.

Mr. Davis asked for and received an explanation of how the unhoused would be informed of and engaged to participate in the upcoming cleanup event, and educated on the importance of creek habitat preservation.

Directors Varela and Keegan expressed their support for the upcoming May 1, 2021, cleanup event with restricted adult only participation due to the COVID-19 pandemic and restrictions.

Chairperson Santos encouraged all cities within the county to participate in countywide cleanup events.

The Committee noted the information without formal action.

Chairperson Santos returned the agenda to Item 5.2.

5.2. Receive an Update Regarding the March 23, 2021 Meeting of the Santa Clara County Board of Supervisors.

- Recommendation:
- A. Receive a verbal update from staff regarding the March 23, 2021 County Board of Supervisors meeting which included an agenda item on the topic of a potential Memorandum of Understanding with Valley Water for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.
  - B. Recommend to the Board of Directors that it direct staff to work with the County of Santa Clara to accomplish a Memorandum of Understanding, Joint Powers Authority, or similar legal entity with the County of Santa Clara, for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.

Ms. Tippetts and Mr. Don Rocha, Deputy Administrative Officer, reviewed the information on this item, per the attached Committee Agenda Memo.

It was moved by Director Varela, seconded by Director Keegan and unanimously carried by roll call vote to accept the verbal update and approve Recommendation B, to recommend to the Board of Directors that it direct staff to work with the County of Santa Clara to accomplish a Memorandum of Understanding, Joint Powers Authority, or similar legal entity with the County of Santa Clara, for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.

Ms. Gail Ann Osmer, of undisclosed residency, asked and received an explanation regarding enforcement of a potential agreement.

5.4. Receive CEO Input Box Suggestion to Rename the Homeless Encampment Committee to "Houseless Encampment Committee".

- Recommendation:
- A. Receive the CEO Input Box suggestion to rename the Homeless Encampment Committee to "Houseless Encampment Committee";
  - B. Receive staff's recommendation to change the committee name to Encampment Committee; and
  - C. Provide input to staff.

Ms. Tippetts reviewed the information on this item, per the attached Committee Agenda Memo.

Directors Varela and Keegan expressed support for using the term unhoused versus homeless.

Director Keegan suggested the Committee agendaize a study session to review and discuss the Committee's purpose and priority focus prior to taking action to

rename the Committee.

Item 5.4 was continued to a future meeting to provide staff additional time to research alternatives and provide the Committee the opportunity to discuss its purpose and priority focus.

5.5. 2020 Homeless Encampment Committee Accomplishments Report.

Recommendation: Review and accept the 2020 Homeless Encampment Committee Accomplishments Report.

Ms. Natalie Dominguez, Assistant Deputy Clerk II, reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachment 1.

It was moved by Director Varela, seconded by Chairperson Santos, and carried to accept the 2020 Homeless Encampment Committee Accomplishments Report. Director Keegan abstained from voting.

5.6. Review 2021 Homeless Encampment Committee Work Plan.

Recommendation: A. Review the 2021 Homeless Encampment Committee Work Plan, and make adjustments as necessary; and  
B. Discuss and determine the 2021 Homeless Encampment Committee meeting schedule.

Ms. Dominguez reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachment 1.

The Committee made the following adjustments to the Work Plan:

- To receive regular updates on the development of a Memorandum of Understanding, Joint Powers Authority, or similar legal entity with the County of Santa Clara, for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County
- Agendize a Study Session prior to May 1 to discuss the Homeless Encampment Committee's purpose and priority focus.

**6. INFORMATION ITEMS.**

None.

**7. CLERK’S REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS AND RECOMMENDATIONS.**

Ms. Dominguez reviewed the following Committee Requests and Recommendations:

Regarding Item 5.1:

Approve Recommendation B, and forward the 2020-2025 Community Plan to End Homelessness to the Valley Water Board of Directors for consideration and endorsement.

Regarding Item 5.2:

Approve Recommendation B, to recommend to the Board of Directors that it direct staff to work with the County of Santa Clara to accomplish a Memorandum of Understanding, Joint Powers Authority, or similar legal entity with the County of Santa Clara, for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.

Regarding Item 5.6:

The Committee made the following adjustments to the Work Plan:

- To receive regular updates on the development of a Memorandum of Understanding, Joint Powers Authority, or similar legal entity with the County of Santa Clara, for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.
- Agendize a Study Session prior to May 1 to discuss the Homeless Encampment Committee’s purpose and priority focus.

**8. ADJOURN.**

8.1. Adjourn to next regular meeting to be called to order in compliance with the State Emergency Services Act, the Governor’s Emergency Declaration related to COVID-19, and the Governor’s Executive Order N-29-20.

Chairperson Santos adjourned the meeting at 3:20 p.m., to the next meeting to be called to order in compliance with the State Emergency Services Act, the Governor’s Emergency Declaration related to COVID-19, and the Governor’s Executive Order N-29-20.

Natalie F. Dominguez, CMC  
Assistant Deputy Clerk

Approved:



# Santa Clara Valley Water District

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**File No.:** 21-0425

**Agenda Date:** 4/20/2021

**Item No.:** 4.1.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

#### **SUBJECT:**

Update on May 1, 2021 Coyote Creek Cleanup Event.

#### **RECOMMENDATION:**

- A. Receive an update from staff regarding the planning for Valley Water's Coyote Creek Cleanup event scheduled for May 1, 2021; and
- B. Provide input and feedback to staff, as necessary.

#### **SUMMARY:**

At its October 22, 2019 meeting, the Santa Clara Valley Water District (Valley Water) Board of Directors approved the Homeless Encampment Committee's (Committee) recommendation to host an environmental cleanup event at sites along Coyote Creek. This event is scheduled for Saturday, May 1, 2021.

Valley Water is partnering with other local government agencies, social services providers, and a group of volunteers that includes unhoused residents to clean trash and debris at two large sites along the creek: 1) Coyote Creek at the Tully Ballfields (800 Tully Road), and 2) Coyote Creek from Montague Expressway to E. Brokaw Road (see site map in Attachment 1). The Tully Ballfields site will also serve as the event kickoff location.

Staff has worked closely with the City of San Jose to coordinate the event and has received support and participation from Santa Clara County and several unhoused services organizations. In the coming weeks, staff will work with our partners to ensure resources are in place for a safe and successful cleanup. Staff has also arranged the participation of two large volunteer groups, led by experienced cleanup coordinators, and whose members have undergone training in current COVID-19 safety protocols.

In advance of the event, our partners at the City of San Jose will conduct outreach so that unhoused residents know what to expect on the day of the cleanup. Specifically, it is important that the unhoused residents know their participation is welcome and encouraged, that the event will not include abatement of encampments, and that social services will be available for them.

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At the April 20 Committee meeting, staff will provide the latest updates and seek to receive input and guidance as the Committee deems necessary.

**ATTACHMENTS:**

Attachment 1: Cleanup Site Locations

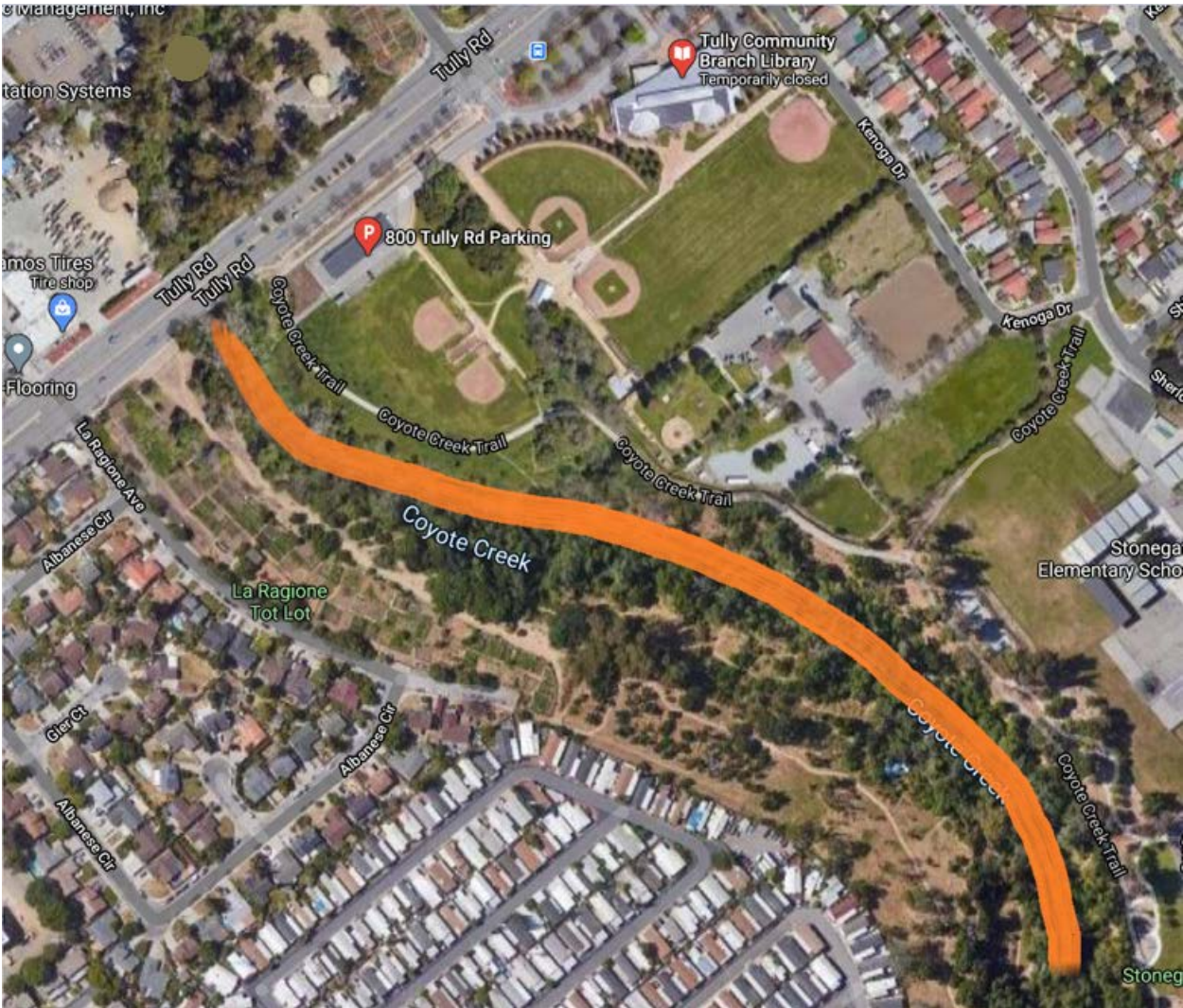
**UNCLASSIFIED MANAGER:**

Sue Tippets, 408-630-2253

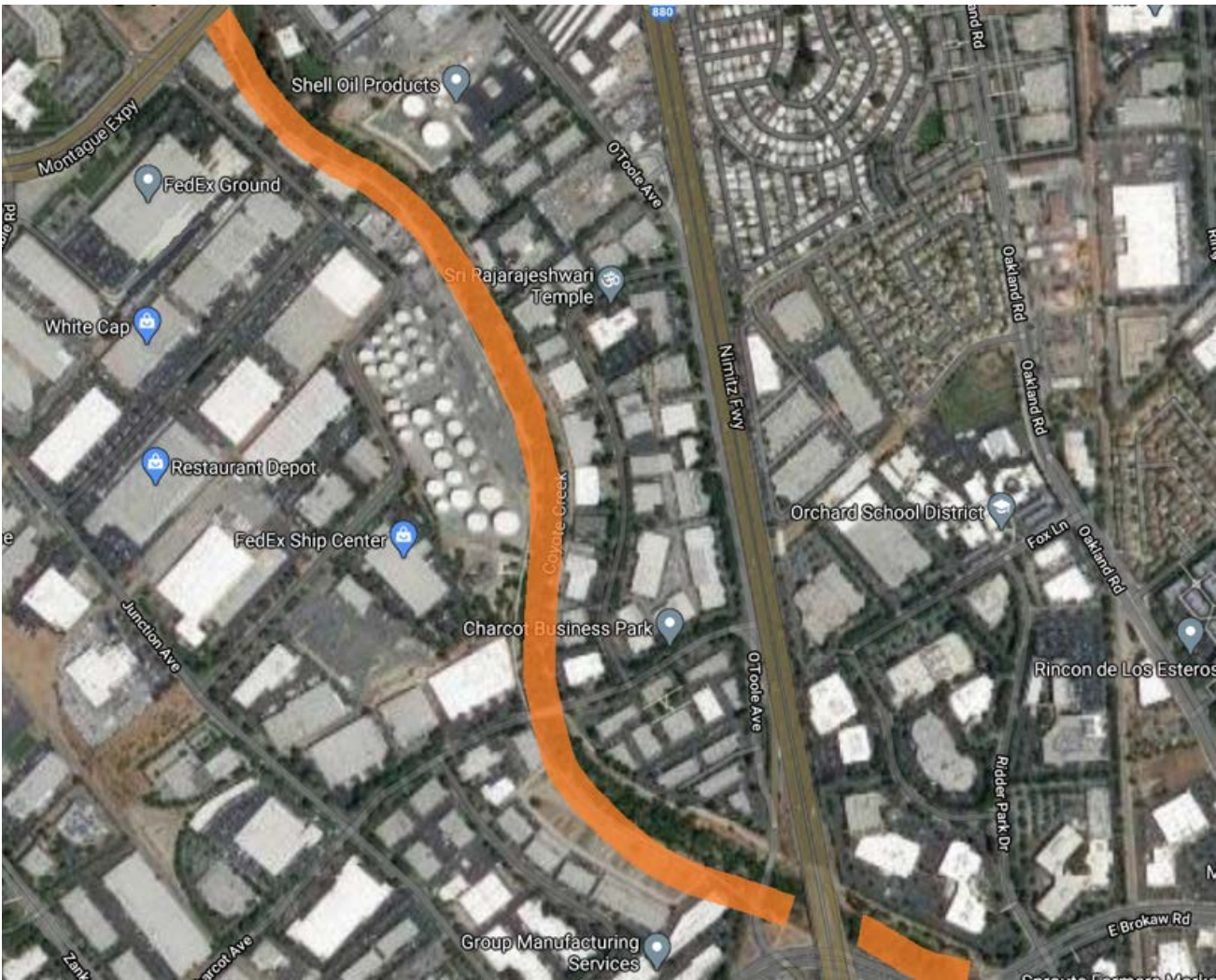


# Spring 2021 Coyote Creek Cleanup Site Locations

## Site 1: Coyote Creek at Tully Ballfields (800 Tully Road)



**Site 2: Coyote Creek from Montague Expressway to E. Brokaw Road**





# Santa Clara Valley Water District

File No.: 21-0423

Agenda Date: 4/20/2021

Item No.: 4.2.

## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

#### SUBJECT:

Proposed Adjustments and Modifications to the Good Neighbor Program: Encampment Cleanup Project, Project F5 under the Renewed Safe, Clean Water and Natural Flood Protection Program.

#### RECOMMENDATION:

Review Proposed Text Adjustments and Key Performance Indicator Modifications for the Good Neighbor Program: Encampment Cleanup Project, Project F5 under the Renewed Safe, Clean Water and Natural Flood Protection Program, and provide feedback, as necessary; and Consider Whether to Recommend that the Board of Directors Approve the Text Adjustments and Set a Time and Place for a Public Hearing to Modify Project F5.

#### SUMMARY:

##### Background:

On November 3, 2020, Santa Clara County voters overwhelmingly approved Measure S, a renewal of Valley Water's Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program). Voters first approved a community-focused program to address our waterways and water supply in 2000 as the Clean, Safe Creeks and Natural Flood Protection Plan, then again in 2012 as the Safe, Clean Water and Natural Flood Protection Program.

The renewed Safe, Clean Water Program addresses the following six community priorities:

**Priority A:** Ensure a Safe, Reliable Water Supply

**Priority B:** Reduce Toxins, Hazards, and Contaminants in our Waterways

**Priority C:** Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters

**Priority D:** Restore Wildlife Habitat and Provide Open Space

**Priority E:** Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways

**Priority F:** Support Public Health and Public Safety for Our Community

To ensure transparency, accountability, and fiscal responsibility, the renewed Safe, Clean Water Program will continue to be monitored by an external independent monitoring committee (IMC), which is an external citizen oversight committee. The renewed Safe, Clean Water Program also requires independent audits every five years, and a change control process, which requires all

adjustments be made by the Valley Water Board of Directors during a public board meeting. Modifications to key performance indicators (KPIs) or decisions to not implement a project would require a public hearing. Five-Year (5-Year) Implementation Plans will also be developed to serve as checkpoints during implementation of the renewed Safe, Clean Water Program.

Development of the first Draft 5-Year Plan for Fiscal Years 2022-2026 (FY22-26) is underway and is scheduled to be presented to the IMC for review and recommendations on May 5, 2021. The Draft 5-Year Plan describes the work to be accomplished during the five-year period in order to deliver the KPIs and clarifies roles and responsibilities for implementing, measuring, monitoring, and directing the Safe, Clean Water projects.

### **Good Neighbor Program: Encampment Cleanup Project (Project F5)**

While developing the FY22-26 Draft 5-Year Plan, in response to the changing legal, political and social climate as it relates to encampment sites and homelessness in Santa Clara County, staff has identified the potential need for text adjustments and modifications to the KPIs for the Good Neighbor Program: Encampment Cleanup Project, Project F5 under the Renewed Safe, Clean Water Program, and related Glossary definitions.

First, through education and increased awareness, staff has recognized that people living in illegal encampments may identify the encampment site as their home and feel a sense of community there. In turn, rather than refer to these individuals as homeless, it is more accurate to refer to them as unhoused, which essentially means living without a house or lacking a place to live.

Further, in response to the COVID-19 pandemic there have been many restrictions placed on the type of cleanup activities that can be performed in relation to unhoused encampments. In turn, it has been challenging to partner with agencies on encampment site cleanups.

Finally, recent case law has highlighted legal limitations relating to illegal encampments removal. Recent cases have cited and relied upon guidance from the Center for Disease Control (CDC) regarding unhoused encampments during the COVID-19 pandemic to limit when encampment abatements can proceed. These limitations have curtailed the removal of illegal encampments and displacement of the unhoused for the time being.

In effect, the CDC's COVID-19 pandemic restrictions and the associated legal restrictions on the removal of illegal encampment sites has currently halted the work of the Good Neighbor Program: Encampment Cleanup Project under the 2012 Safe, Clean Water Program, under which an encampment cleanup is associated with the removal of encampment structures.

This has resulted in a buildup of trash, debris, and hazardous pollutants that contribute to contamination of waterways and damage to Valley Water facilities. To address this, Valley Water needs to be able to perform work, either independently or through ongoing coordination with local cities and agencies, to clean up trash, debris and hazardous pollutants generated by encampments near waterways or on Valley Water property.

To align the renewed Safe, Clean Water Program with these changing conditions, staff is proposing a modification to both KPIs, along with text adjustments to both Glossary definitions and the Project's

description and benefits.

If the Homeless Encampment Committee agrees with the proposed modifications and text adjustments and recommends moving forward with them, staff will include an item to review the proposed modifications and text adjustments during the May 5, 2021 IMC meeting, which is scheduled for the IMC's review of the FY22-26 Draft 5-Year Plan for the renewed Safe, Clean Water Program. Following the IMC's review, the proposed modifications and text adjustments will be presented to the Valley Water Board of Directors for consideration on June 8, 2021. The Board may approve the text adjustments at that time; however, the Board must set the time and place for the public hearing to modify the Project. The public hearing can take place at the onset of the renewed Safe, Clean Water Program, which will begin in July 2021.

***Proposed Text Adjustments for Renewed Safe, Clean Water***

As per the Safe, Clean Water Program's Change Control Process, staff is recommending the proposed text adjustments as shown below, with removed text shown with strike-through and new text in red font. The text adjustments are not currently incorporated into the FY22-26 Draft 5-Year Plan.

***Glossary Definition: Cleanup***

**Sections:** Appendix I of the FY22-26 Draft 5-Year Plan

**Justification:** Text adjustments to clarify what is considered a cleanup based upon the changes due to the COVID-19 pandemic and corresponding case law.

**Adjusted text:** **Cleanup**

The removal of trash and debris **generated** resulting from encampments **or other illegal dumping**; by Valley Water or by Valley Water in **partnership or** coordination with other agencies.

***Glossary Definition: Encampment***

**Sections:** Appendix I of the FY22-26 Draft 5-Year Plan

**Justification:** Text adjustments to clarify what is considered a cleanup based upon the changes due to the COVID-19 pandemic and corresponding case law.

**Adjusted text:** **Encampment (homeless)**

**A site where unhoused people are living or storing personal property** ~~1 or more structures occupied by an individual or family that is located illegally on Valley Water property or other public property. Encampments may generate trash, debris, and hazardous pollutants. Such encampments contribute to contamination of waterways and damage to Valley Water facilities. An area where there are no structures, but where personal property is stored is also considered an encampment.~~

***Glossary Definition: NEW***

**Sections:** Appendix I of the FY22-26 Draft 5-Year Plan

**Justification:** Text adjustments to clarify what is considered a cleanup based upon the changes due to the COVID-19 pandemic and corresponding case law.

**Adjusted text:** **Encampment Cleanup**

Valley Water, independently or in partnership and coordination with cities and local agencies, will seek to remove trash, debris, and hazardous pollutants generated from encampments near waterways or on Valley Water property.

**Project F5: Good Neighbor Program: Encampment Cleanup**

**Sections:** Description and Benefits

**Justification:** Text adjustments to clarify that Valley Water may work independently or in partnership to cleanup encampments, as defined by the Glossary text adjustments referenced above.

**Adjusted text:** **Description**

This project supports Valley Water’s independent efforts and ongoing coordination with local cities and agencies to clean up trash, debris and hazardous pollutants generated by encampments near waterways or on Valley Water property. ~~This project supports Valley Water’s ongoing coordination with local cities and agencies to clean up trash from encampments near waterways or on Valley Water property.~~ Such encampments contribute to contamination of waterways and damage to Valley Water facilities. This project includes ~~is a cooperative effort partnering~~ cooperative efforts to partner with local municipalities and other agencies for services related to encampment cleanups and to help provide alternatives to homelessness.

This project will also provide funding for local municipalities’ services supporting staff safety as they work around encampments and discouraging re-encampments along waterways.

**Benefits**

- Reduces the accumulation of trash, debris, and hazardous other pollutants in local waterways, including streams, ~~reservoirs and wetlands,~~ and water utility facilities (e.g. percolation ponds)
- Protects Valley Water facilities and reduces flood risk
- Improves the aesthetics of creeks in neighborhoods and along trails
- Coordinates Valley Water’s efforts with multiple agencies to create lasting solutions to reduce unhoused homeless encampments near waterways

**Proposed Modifications for Renewed Safe, Clean Water**

As per the Safe, Clean Water Program’s Change Control Process, staff is recommending the proposed modifications as shown below, with removed text shown with strike-through and new text in red font. The modifications are not currently incorporated into the FY22-26 Draft 5-Year Plan.

**Project F5: Good Neighbor Program: Encampment Cleanup**

**Sections:** Key Performance Indicators

**Justification:** Proposed modifications to clarify that Valley Water may work independently or in partnership to cleanup encampments, as defined by the

Glossary text adjustments referenced above. This includes a modification to how performance is measured, as encampment cleanups are no longer defined by structures thereby changing the way encampment sites can be quantified.

**Modified text:**

**KPIs 1 and 2**

1. **Manage** ~~Perform~~ 300 acres annually to cleanups **trash, debris, and hazardous pollutants generated from encampments and** to reduce the amount **of these pollutants** ~~of trash and pollutants~~ entering streams.
2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the **unhoused** ~~homelessness~~ crisis with the goal of reducing the need for encampment cleanups.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Jennifer Codianne, 408-630-3876

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# Santa Clara Valley Water District

File No.: 21-0429

Agenda Date: 4/20/2021

Item No.: 4.3.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

#### SUBJECT:

Review Homeless Encampment Committee Name and Purpose.

#### RECOMMENDATION:

- A. Review and discuss the Homeless Encampment Committee's name and purpose; and
- B. Provide recommendations to staff as necessary.

#### SUMMARY:

At the March 30, 2021 meeting of Valley Water's Homeless Encampment Committee (Committee), under Agenda Item 5.4, the Committee considered staff's analysis and recommendation related to an anonymous suggestion to change the committee name. (See Attachment 1). The Committee requested a study session to consider a potential name change and, more broadly, to review and discuss the Committee's purpose.

The Committee was established to discuss homelessness and encampment issues, and to bring discussion and recommendations back to the Board. The Homeless Encampment Ad Hoc Committee was initially chartered to: (1) Discuss public participation and public participant roles; (2) Discuss the Santa Clara County Housing Task Force request to adopt Resolution; (3) Discuss use of District property for housing of the homeless; (4) Discuss the District's approach to homeless encampment abatement (sanitation vs. clean up); and (5) Discuss and/or prepare a District response to County Housing Task Force request for Resolution, for presentation to the Board. On February 11, 2020, the Board of Directors made this a standing committee.

At the Committee's March 30, 2016 meeting, under Agenda Item 5, staff and outside legal counsel presented an overview of Valley Water's legal authority to confront homeless encampments (see Attachment 2). A key portion of staff's analysis states the following:

Unlike cities and counties that have broad powers to protect public health, safety and welfare of its residents, special districts only have powers to carry out the purposes granted to them. Therefore, when evaluating proposals to address homelessness, the District must be mindful that expenditure of District resources advances only the purposes set forth in District Act. In advancing these purposes, the District not only has the powers expressly identified in the

District Act, but also has implied powers essential in carrying out those powers. When relying on its implied powers to support the expenditure of District resources to address issues resulting from homeless encampments, the District must ensure its actions are meaningfully connected to the advancement of at least one of the purposes of the District Act.

The referenced purposes of the District Act are 1) water resources management for all beneficial uses; 2) flood protection; and 3) watershed stewardship in connection with the two purposes above.

In consideration of this background information, staff requests that the Committee engage in discussion of the Homeless Encampment Committee name and purpose and provide recommendations to staff as necessary.

**ATTACHMENTS:**

Attachment 1: HEC Agenda Item 5.4 (3/30/21)  
Attachment 2: HEAHC Agenda Item 5 (3/30/16)

**UNCLASSIFIED MANAGER:**

Sue Tippets, 408-630-2253



# Santa Clara Valley Water District

File No.: 21-0344

Agenda Date: 3/30/2021  
Item No.: 5.4.

## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

#### SUBJECT:

Receive CEO Input Box Suggestion to Rename the Homeless Encampment Committee to “Houseless Encampment Committee”.

#### RECOMMENDATION:

- A. Receive the CEO Input box suggestion to rename the Homeless Encampment Committee to “Houseless Encampment Committee”;
- B. Receive staff’s recommendation to change the committee name to “Encampment Committee”; and
- C. Provide input to staff.

#### SUMMARY:

On February 22, 2021 Valley Water’s ‘CEO Input’ email inbox received an anonymous suggestion to change the name of the Homeless Encampment Committee (Committee). The precise text of the request is as follows:

“Hello, Would the "Homeless Encampment Committee" ever consider updating the name to "Houseless Encampment Committee"? It would show compassion and Valley Water could be a leader and maybe other organizations would follow? I think it's a simple, yet profound statement in supporting and respecting humans that are experiencing so many challenges in life. Thanks for listening! :-)”

Staff conducted internal research and informally reached out to local organizations to gauge this topic. Valley Water’s Office of Racial Equity, Diversity & Inclusion (REDI) offered initial guidance that is backed up by the current trends on acceptable terminology:

While the term “homeless” is still commonly used among government agencies and various private groups in the sector, it may be losing favor. The term “unhoused” is often preferred when describing individuals experiencing homelessness-because although a person may lack housing, many in this situation do not feel that they lack a home. Incidentally, an internet keyword search suggests that “unhoused” is more often used over the functionally equivalent “houseless”. For the purposes of further analysis, staff will consider “unhoused” as the preferred alternative.

It is true that “homeless” continues to be used by many government organizations, including locally by the City of San José and County of Santa Clara. Although this is currently the case, public discourse continues to evolve around the topic. For the Committee (and Valley Water in general), it would appear both compassionate and forward-looking to use “unhoused” in place of “homeless” wherever possible. And as the CEO Input suggestion mentions, Valley Water could take a leadership stance in this regard.

Yet when referring to encampments, most sources will still use the term “homeless encampment.” Staff encountered examples of news outlets, blogs, and local service providers that strive to use “unhoused” when referring to people but still use the term “homeless encampment” when it is applicable. The REDI Office similarly advised that it could be acceptable to continue to use the term “homeless encampment” because it is not in reference to any individual person. Therefore, “Homeless Encampment Committee” can be understood as an acceptable name and the Committee would have justification in deciding not to make any changes at this time.

However, one local service provider offered advice that is both reasonable and proactive-while “homeless” is acceptable when used in the right context, it is always safer to pivot to “unhoused” when possible. In all, the Committee may want to consider erring on the side of safety by excising the use of the term “homeless” in favor of the term “unhoused” wherever feasible.

Regarding the matter at hand, staff’s ultimate recommendation is to update the name of the Committee. Such an update would show compassion as well as the Committee’s responsiveness to evolving conceptions of the unhoused community. While “Unhoused Encampment Committee” is one option to be considered, staff suggests removing the qualifier altogether and simplifying the name to “Encampment Committee”. This change would remove any current or prospective controversy and ensure that the focus will remain on the Committee’s work rather than its name.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Sue Tippets, 408-630-2253



Committee: Homeless Encampment Ad Hoc  
Meeting Date: 03/30/16  
Agenda Item No.: 5  
Unclassified Manager: Anthony Fulcher  
Email: [afulcher@valleywater.org](mailto:afulcher@valleywater.org)

## COMMITTEE AGENDA MEMO

**SUBJECT:** Overview of District's Legal Authority to Confront Homeless Encampments

### RECOMMENDED ACTION:

Receive a presentation from outside counsel regarding the District's authority to address homeless encampments.

### SUMMARY:

The Santa Clara Valley Water District ("District") is a multi-purpose special district created by an enabling act of the State Legislature ("District Act"). The District Act sets forth the following purposes the District may pursue within its jurisdiction:

- Water resources management for all beneficial uses;
- Flood Protection; and
- Watershed stewardship in connection with the two purposes above

Unlike cities and counties that have broad powers to protect public health, safety and welfare of its residents, special districts only have powers to carry out the purposes granted to them. Therefore, when evaluating proposals to address homelessness, the District must be mindful that expenditure of District resources advances only the purposes set forth in District Act. In advancing these purposes, the District not only has the powers expressly indentified in the District Act, but also has implied powers essential in carrying out those powers. When relying on its implied powers to support the expenditure of District resources to address issues resulting from homeless encampments, the District must ensure its actions are meaningfully connected to the advancement of at least one of the purposes of the District Act.

### ATTACHMENT(S):

Attachment 1: Presentation: District Authority to Confront Homeless Encampments

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# District Authority to Confront Homeless Encampments

## Homeless Encampment Ad Hoc Committee Meeting March 30, 2016



**Adam W. Hofmann**, Senior Counsel  
[ahofmann@hansonbridgett.com](mailto:ahofmann@hansonbridgett.com)

# The Long-Term Goal

Engage with the Santa Clara County Housing Task Force and others in their effort to address the ongoing issue of homelessness in Santa Clara County as part of a Santa Clara Valley Water District effort to reduce the financial costs and water-quality impacts of homeless encampments along local waterways



## The Santa Clara Valley Water District Act

The District Act establishes the District's public mission and its authority to pursue that mission.

# Express Authority Under the District Act

Section 5 of the District Act allows the District:

- To hold, use, enjoy, sell, let, and dispose of real and personal property of every kind . . . necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers;
- To prevent contamination, pollution, or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in the district;
- To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in the district or any of the officers thereof;

## Implied Authority Under the District Act

- The problem of homeless encampments in Santa Clara County waterways was not anticipated by the District Act
- Under California law, the District also has implied powers that are “essential to the limited, declared powers provided by its enabling act.”

## Implied Authority Under the District Act

- The District Act and the District's role in promoting water quality are the guiding principles
- The District's Board of Directors should evaluate a specific proposal and determine whether it necessarily advances that public mission
- The stronger the connection to water quality management, the clearer the authority

## Other Considerations

Depending on the specific nature of the project and the roles and responsibilities of all participants and stakeholders:

- Address risk of tort liability
- Ensure compliance with District’s “Water Resources Protection Ordinance” and all other permitting requirements
- Ensure compliance with any applicable environmental laws, *i.e.* CEQA, NEPA, CWA, ESA, etc.
- Need for further legal analysis once specific project roles are proposed

## Next Steps

- Engage with Santa Clara County Housing Task Force and other stakeholders to develop a specific project proposal
- Define roles and responsibilities amongst participants consistent with each participant's mission and core competencies
- Evaluate in detail homeless encampment impacts on District's public mission and resources and the anticipated benefits from the project proposal
- Present the proposal to the District's Board with detailed staff evaluation
- Develop plans for ongoing monitoring to evaluate success

# Questions?

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# Santa Clara Valley Water District

File No.: 21-0435

Agenda Date: 4/20/2021

Item No.: 4.4.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

#### SUBJECT:

Review 2021 Homeless Encampment Committee Work Plan.

#### RECOMMENDATION:

- A. Review the 2021 Homeless Encampment Committee Work Plan, and make adjustments as necessary; and
- B. Discuss and determine the 2021 Homeless Encampment Committee meeting schedule.

#### SUMMARY:

Work Plans are created and implemented by all Board Committees to increase Committee efficiency, provide advanced public notice of intended Committee discussions, and enable staff to prepare for meetings and respond to Committee direction. Work Plans are dynamic documents managed by Committee Chairs and are subject to change. Committee Work Plans also serve to assist in the preparation of Annual Committee Accomplishments Reports.

The 2020 Homeless Encampment Committee (HEC) Work Plan is contained in Attachment 1. Discussion of topics as stated in the Plan have been described based on information from the following sources:

- Items referred to the Committee by the Board;
- Items requested by the Committee to be brought back by staff;
- Items scheduled for presentation to the full Board of Directors; and
- Items identified by staff.

The 2020 HEC Work Plan contained in Attachment 1 is presented for the Committee's review and to discuss and determine additional topics for discussion in 2021.

#### 2021 Meeting Schedule:

The Committee will discuss establishing a 2021 Meeting schedule to select a date and time for the next meeting. Establishing a meeting schedule is necessary to provide staff a basis for meeting planning and coordination of logistics.

#### ATTACHMENTS:

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**File No.:** 21-0435

**Agenda Date:** 4/20/2021  
**Item No.:** 4.4.

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Attachment 1: 2021 HEC Work Plan

**UNCLASSIFIED MANAGER:**  
Michele King, 408-2630-2711

## Homeless Encampment Committee 2021 Workplan

<i>Category</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>Jul</i>	<i>Aug</i>	<i>Sep</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>
Update From Destination Home Regarding the 2020-2025 Community Plan to End Homelessness.			x									
Update on Rescheduled Coyote Creek Cleanup Event.			x	x								
Receive CEO Input Box Suggestion to rename the Homeless Encampment Committee to "Houseless Encampment Committee".			x									
Review HEC name and purpose				x								
Proposed adjustments and modifications to Good Neighbor Program				x								
<b><i>Standing Items:</i></b>												
Approval of Minutes			x	x								
Review of Committee Work Plan			x	x								

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