



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

January 03, 2025

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

Page	<u>CEO BULLETIN & NEWSLETTERS</u>
	CEO Bulletin: None
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
3	BMR/IBMR Weekly Reports: 12/31/24
	<u>INCOMING BOARD CORRESPONDENCE</u>
5	Board Correspondence Weekly Report: 12/31/24
7	Email from Sharon Root to the board, dated 12/27/24, with follow-up questions to Director Santos response regarding an encampment located on Upper Penitencia Creek between Capitol Ave. and Jackson Ave. C-24-0290
12	Email from Dorota Niewczas to the board, dated 12/25/24, informing Valley Water that a federal judge in California has ruled that the addition of fluoride to the drinking water is unsafe. C-24-0291
13	Email from Ron Cachopo to Jennifer Codianne, Deputy Operating Officer (copied to the board) dated 12/29/24, informing Valley Water that the new fence at Santa Clara Hampton Place has been cut. C-24-0292
15	Email from Wendi Li to Director Ballard, dated 12/30/24, regarding unsheltered encampments near the Hamilton Place Neighborhood Association. C-24-0293
19	Email from Raymond White to the board, dated 12/30/24, sharing an email from the Fluoride Action Network titled New Video Testimony. C-24-0294
	<u>OUTGOING BOARD CORRESPONDENCE</u>
24	Email from Chair Hsueh to Mary Dunn, dated 12/27/24, replying to their inquiry regarding a leaning tree on the bank of Matadero Creek.
32	Email from Vice Chair Santos to Sharon Root, dated 12/27/24, responding to their inquiry regarding encampments on Upper Penitencia Creek.

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-24-0020	12/20/24	Beall	Gibson Baker	Hoang Williams	Regarding gate replacements on the Coyote-Alamitos canal, Director Beall would like background communication on the trail/public use of the canal and the cost so far on the gate replacements.	01/09/25		

INCOMING BOARD CORRESPONDENCE

Board Correspondence (open)

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
C-24-0283	12/05/24	12/05/24	All	YONG HWA KIM	Email from Yong Hwa Kim to the board, dated 12/05/24 asking for their property's 2019–2021 parcel taxes to be reversed.	Refer to Staff	Callender	Taylor Narayanan	12/13/24	12/10/24	n/a	12/19/24
C-24-0290	12/27/24	12/27/24	All	SHARON ROOT	Email from Sharon Root to the board, dated 12/27/24, with follow-up questions to Director Santos response regarding an encampment located on Upper Penitencia Creek between Capitol Ave. and Jackson Ave.	Refer to Staff	Hakes	Bilski Codianne	01/04/25	-	n/a	01/10/25
C-24-0291	12/25/24	12/26/24	All	DOROTA NIEWCZAS	Email from Dorota Niewczas to the board, dated 12/25/24, asking what Valley Water's	Refer to Staff	Baker	Bogale	01/03/25	-	n/a	01/09/25

Correspond No	Rec'd By District	Rec'd By COB	Letter To	Letter From	Description	Disposition	BAO/ Chief	Staff	Draft Response Due Date	Draft Response Submitted	Writer Ack. Sent	Final Response Due Date
					action plan is to remove fluoride from the drinking water to uphold public safety.							
C-24-0293	12/30/24	12/30/24	All	WENDY LI	Email from Wendi Li to Director Ballard, dated 12/30/24, regarding unsheltered encampments near the Hamilton Place Neighborhood Association.	Refer to Staff	Hakes	Bilski	01/07/25	-	n/a	01/13/25

From: [Sharon Root](#)
To: [Board of Directors](#)
Subject: Re: Removal of homeless encampments on Penitencia Creek
Date: Friday, December 27, 2024 1:17:53 PM

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Thank you for your reply.

Could you tell me what time you will be at the N. Jackson encampment? They were given their 72 hour move notice about a month ago. Do you know if BeautifySJ or the police will also be helping you? There was a court judgement up North that cities no longer have to have available housing before you can remove an encampment. So you should be able to clear out the encampment and install a no encampment sign. The fence that they tore out to make an entrance also needs to be repaired to prevent them from coming back.

The number of tents just keeps growing and growing. They had beautiful Christmas lights strung in the trees that they somehow lit up for Christmas.

Sharon

On Fri, Dec 27, 2024 at 9:02 AM Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Vice Chair Santos:

Dear Sharon Root,

Thank you for reaching out to Valley Water and sharing your experiences regarding the encampments of unsheltered people near your home.

Our encampment cleanup crew is scheduled to visit Upper Penitencia Creek between Capitol Ave. and Jackson Ave. on January 2 to perform an enhanced cleanup and to remove several encampments that pose high environmental and safety risks. Please understand that our efforts in this area are a work in progress and will require repeated visits, continual education, and, ultimately, increased housing and shelter options for the unsheltered people residing here. Valley Water is not a housing or social services agency, but we are committed to using the power we have as an environmental stewardship agency to protect our waterways in collaboration with cities and the County as they fulfill their

housing, social service, and public safety roles.

Regarding encampment activity underneath Piedmont Road at Penitencia Creek, Valley Water does not own or manage this land. However, our staff have inspected this area and have provided information to City of San Jose's BeautifySJ team. You may also contact BeautifySJ via this website: <https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/beautifysj/encampment-management-program>

As an additional tool to address the negative impacts associated with encampment activity, Valley Water will begin progressive implementation of the recently adopted Water Resources Protection Zones Ordinance in January 2025. While the ordinance prohibits unsanctioned camping on all Valley Water property, due to the current lack of housing and shelter options in our county, Valley Water will first focus on first removing high priority encampments that pose the most serious environmental and safety concerns. Ordinance enforcement will continue progressively as more housing and shelter alternatives become available. Valley Water knows that we will only be successful in reducing encampments on our lands if lasting solutions to homelessness continue to come online. We are committed to helping address the regional shelter and housing crisis by collaborating with local agencies to provide land for temporary and permanent housing options as our authority and resources allow. Valley Water will continue working with our partners to implement sustainable solutions to address unsheltered homelessness in Santa Clara County.

Thanks again for your message. You may contact Assistant Operating Officer Mark Bilski at mbilski@valleywater.org with any follow-up information. You can also report encampment-related concerns to Valley Water via our online system at <https://access.valleywater.org/s/>.

Stay safe and healthy,



Richard Santos

Vice Chair, District 3

C-24-0282

From: Sharon Root [REDACTED]
Sent: Wednesday, December 4, 2024 8:17 PM
To: Rebecca Eisenberg <Reisenberg@valleywater.org>
Cc: Board of Directors <board@valleywater.org>
Subject: Removal of homeless encampments on Penitencia Creek

*** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. ***

Rebecca,

I have been quite surprised that you do not reply to any emails sent to you. And I was extremely disappointed to see that you voted against the extremely watered down version of the ordinance. Your reasoning that there are already enough rules, and another one is not needed is baseless and in the past year every response I have received from the water company is that “until we have some new laws or ordinances we cannot remove the homeless from the creek banks”. And on the Water Co website it states that

the duty of the “The purpose of the Board, on behalf of Santa Clara County, is to provide Silicon Valley safe, clean water for a healthy life, environment and economy.” When are YOU going to start doing this?

The crazy homeless people under the Piedmont bridge that crosses Penitencia Creek have returned again, and their stolen shopping carts are once again parked on top at the corner.

And last week one of them, or another homeless person living further up the creek showed up nude, hiding among the trees at my son’s home on Poppy Lane. When approached he was hardly able to talk or answer questions, and seemed to be out of it due to drugs. He was given some clothes and food and he finally left.

The encampment on N Jackson is still getting larger and going strong.

We also have a video of a homeless lady that is often seen riding her bike into the Denny’s parking lot near Berryessa and Capitol Ave to an encampment, but this time she has a top on, but is nude from the waist down. A lovely sight for young children!

With the new water guidelines, although watered down, can something now be done.... not just on the Guadalupe, but on Penitencia Creek as well. The last time the homeless on N Jackson were given notice to move nothing happened except the area around them was cleaned up to make it nicer for them. And the clean up was done with a very expensive police protection price tag. Now, can you give them a notice to move and mean it? Then go in and move them, get them help, or something. The police are willing to protect you.

The city has been able to do it before. On the other side of the N Jackson bridge an encampment was removed, 12 dumpsters of trash was collected, and it has stayed clean for over about a year.

Thanks,

Sharon Root

From: [Dorota Niewczas](#)
To: [Board of Directors](#)
Subject: Fluoride Ruling- What is your action plan?
Date: Wednesday, December 25, 2024 9:23:05 PM

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hello,

I am writing to inform you that a federal judge in California has ruled that the addition of fluoride to the drinking water is unsafe.

Here is some information:

<https://www.cbsnews.com/news/epa-fluoride-drinking-water-federal-court-ruling/>

Many counties are moving to remove fluoride from the water supply following this ruling. What is your action plan to remove fluoride from the drinking water to uphold public safety?

Best,

Dorota Niewczas
Safety Research Associate who lives in San Jose

From: [Ron Cachopo](#)
To: [Jennifer Codianne](#)
Cc: [Cecilia Rocha](#); [Board of Directors](#); [Diana Martin](#)
Subject: Re: Saratoga Creek - Bowe Ave - 4 Foot Cut in Fence to Left of New Gate - Encampment
Date: Sunday, December 29, 2024 1:25:38 PM

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Hi Jen,

Out for a morning walk discovered a 4 foot cut in the fence to the left of the New Gate.

Also, Looks like someone has taken up residence with a mattress inside the fence along Bowe Ave.

Can you please have someone take a look?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

[REDACTED]
Santa Clara, CA 95051

[REDACTED]
On Tuesday, September 17, 2024 at 05:34:47 PM PDT, Ron Cachopo [REDACTED] wrote:

Hi Jen,

Confirmed this Morning at 6:30 am and this Afternoon 4:30 pm the New Gate was locked.

I will monitor and keep you posted.

Thank you, Ron P. Cachopo

Santa Clara Hampton Place

[REDACTED]
Santa Clara, CA 95051

[REDACTED]
On Tuesday, September 17, 2024 at 09:04:01 AM PDT, Jennifer Codianne <jcodianne@valleywater.org> wrote:

Staff locked it yesterday, there are no new encampments in the creek so we are not sure why it was unlocked. Staff are out that way again today and will make sure it is locked.

From: Ron Cachopo [REDACTED]
Sent: Monday, September 16, 2024 5:44 PM

To: Jennifer Codianne <JCodianne@valleywater.org>

Cc: Cecilia Rocha <CRocha@valleywater.org>; Board of Directors <board@valleywater.org>; Diana Martin <dmartin@commoninterest.com>

Subject: Saratoga Creek - Bowe Ave - New Gate Unlocked This Morning

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Hi Jennifer,

On the way to work this morning around 6:30 am noticed the New Gate was open and the lock and chain were missing; however, upon arriving home Today around 4:30 pm noticed the New Gate was locked back up.

Do you know anything about this?

Thanks, Ron P. Cachopo

Santa Clara Hampton Place

[REDACTED]
Santa Clara, CA 95051
[REDACTED]

From: [Adelina Del Real](#)
To: [Board of Directors](#)
Subject: FW: Los Gatos Creek Rehabilitation/ prevent Reencampment discussion
Date: Monday, December 30, 2024 8:44:00 AM
Attachments: [image.png](#)
[image001.png](#)

Regards,

Adelina Del Real
Tel. (408) 630-2015



From: Candice Kwok-Smith <ckwok-smith@valleywater.org>
Sent: Monday, December 30, 2024 8:42 AM
To: Adelina Del Real <ADelReal@valleywater.org>
Subject: Fwd: Los Gatos Creek Rehabilitation/ prevent Reencampment discussion

Hi Adelina,

Since I'm out can you please log this as a Board Correspondence and assign to Mark and Jen? You would follow the same process as if this came into the BOD inbox but you don't need to send it to the Director.

Thanks,
Candice

Sent: Saturday, December 28, 2024 2:29 PM
To: Shiloh Ballard <SBallard@valleywater.org>
Cc: Hamilton Place Neighborhood Association <membership.hpna@gmail.com>; Mark Bilski <MBilski@valleywater.org>
Subject: Re: Los Gatos Creek Rehabilitation/ prevent Reencampment discussion

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Hi Ms.Ballard,

I've CCed Sam in the email below via the hamilton place neighborhood association. There's 3 main HOAs/ neighborhoods that have been impacted by the homeless encampments in the last few years. I've highlighted them in blue and labeled them below. Sam is part of the Hamilton Place HOA and I am part of the willow brook HOA. Arbor Glen is across the street from us and

also heavily impacted. You can email Sam and I to start initial communications.

A majority of the creek has been abated. I've marked those areas in green. The remainder of the creek that has not been abated is marked in red, but I assume this will happen sometime in January.

I've also cced Mark Bilski who is the main Valley Water staff for communication and both of us are in contact with him and can catch you up on actions that Valley Water has taken and plan to take. We are aware of the ordinance that was voted through and relieved that there's now a method to allow for action to be taken.

There was a shooting at the entrance to the creek in November (I've starred it with a purple star). Since then, we've also been working with the San Jose police to help clear out RVs, and arrest criminals in our area (they've been contributing to general trash as well as drug dealing) and a weekly patrol to keep the neighborhood safer. St.Segura and St.Tran are our points of contact.

Contact info:

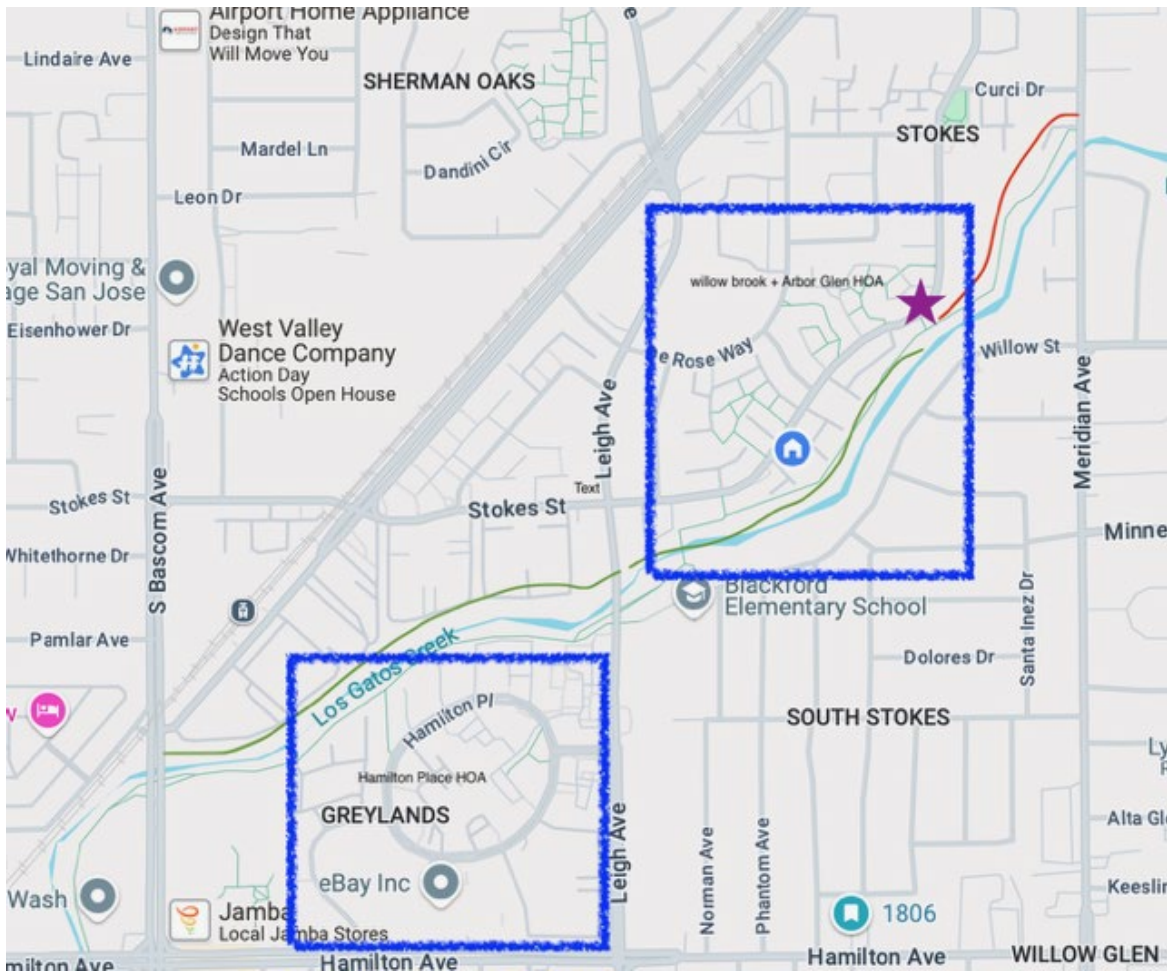
st rolando.segura@sanjoseca.gov

kenh.tran@sanjoseca.gov

Is there any way we can work with you and Mark to finish the abatement, prevent re-encampment and rehabilitate the creek banks and fencing + signage that have been damaged in the past few years?

Let me know if you have any other questions.

Thanks,
Wendy



On Fri, Dec 27, 2024 at 5:37 PM Shiloh Ballard <SBallard@valleywater.org> wrote:

Hi Wendy,

Apologies for the delay. I just started in this role and am a bit behind in keeping up with all the new information coming my way. Quick question: is there a neighborhood association or group that you are working through/with to address these issues? Beyond that, I'd like to talk with staff about this specific area. As you likely know, the District just passed an ordinance to try to address these issues and I'm catching up. I need to next understand how the ordinance will be implemented, especially the order of priority as well as jurisdictional issues.

Thanks for reaching out.

Shiloh

From: Wendy [REDACTED]
Sent: Monday, December 16, 2024 2:15 PM
To: Shiloh Ballard <SBallard@valleywater.org>
Subject: Los Gatos Creek Rehabilitation/ prevent Reencampment discussion

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Hi Ms. Ballard,

My name's Wendy Li and I live next to the Los Gatos Creek Trail, in San Jose between Leigh and Meridian. I'd previously reached out to Barbara Keegan about the issues along the creek and walked the creek with her so she could get a first hand view of what we were dealing with. She called me recently and suggested I reach out to you and continue the conversation when we were discussing next steps towards rehabilitating the creek and avoiding re-encampment . So I wanted to reach out and see if you'd be interested in walking along the creek where I live next to and discuss solutions for keeping the area clean and safe.

In the last few weeks Valley Water has started the abatement process for the inhabitants along the Los Gatos Creek Trail. While the process is still ongoing, I'm immensely relieved and grateful that it's begun. We've been dealing with significant issues since the beginning of covid which have grown exponentially over the last year (linked here is a video one of my neighbors made as we were trying to find methods for abatement: <https://youtu.be/nMlpysxe3Qw>). This is a nightmare we don't want to relive and Valley water shouldn't waste resources on addressing this once again in the future.

As our neighborhood's Valley Water board member, I hope we can brainstorm further and keep you informed about the state of the creek in our area. We are hoping to establish a curfew through reaching out to the parks and rec department to prevent people from using the creek a few hours after sunset and thus make it easier for officers to enforce no camping in the area. I was also wondering if you could offer advice on how to get resources towards cleaning up graffiti, fixing broken fences, fixing broken electrical panels, and replacing or restoring a heavily damaged trail sign as well as removing trash from the creek water. There's also been significant soil erosion along the banks as a result of the camping, but I'm unsure if that's something that's repairable.

Best,
Wendy

--

Wendy Li
[REDACTED]

--

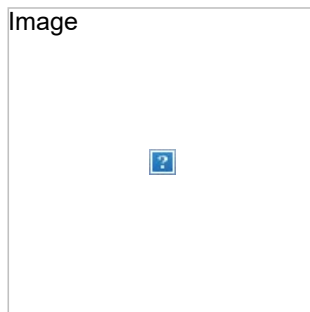
Wendy Li
[REDACTED]

From: [Raymond White](#)
To: [Emily Yarsinske](#); [city.council@cityofpaloalto.org](#); [city.council@mountainview.org](#); [jason.weir@cityofpaloalto.org](#); [Matt Keller](#); [Board of Directors](#); [Js](#)
Subject: Fw: New Video Testimony
Date: Monday, December 30, 2024 2:23:31 PM

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scroll down one place to Michael Connett's video.
He makes clear several points not disputed by CDC etc.
I don't recommend the other 3.
Thanks
Raymond R. White
[REDACTED]

----- Forwarded Message -----
From: Fluoride Action Network <mail@networkforgood.com>
To: [REDACTED]
Sent: Sunday, December 29, 2024 at 04:47:05 PM PST
Subject: New Video Testimony



Dear Friends,

We had another inspiring 24 hours of fundraising. Since yesterday, we've raised **\$8,268 from 41 donors**. \$5,000 of this was doubled thanks to yesterday's doubling challenge from a West Coast super angel, bringing our total to **\$60,536 from 347 donors**. Thank you all so much. We're incredibly grateful for your support for our work in 2025.

Please help us keep the momentum going until midnight on December 31st. We may not reach our goal of \$140,000 to maintain our operating budget for next year, but we're hopeful that we can get closer before January 1st so we don't have to make any major cuts.

Maple syrup promo - Remember, anyone who donates \$150 or more will still be entered into a random drawing for the remaining 10 pints of pure Vermont maple syrup offered by Jack Crowther.

How To Make A Tax-Deductible Donation

- You can make your donation online using either our **new secure fundraising page**: <https://fluoridealert.networkforgood.com/projects/176427-everyday-giving>
- Or our **original secure fundraising page** if your computer browser is a bit older: <https://donatenow.networkforgood.org/1415005>
- You can also donate **by check**, payable and addressed to:

Fluoride Action Network
PO Box 85
North Sutton, NH 03260

New Video Testimony

Ever since our September [victory](#) in federal court, communities around the world have been adding water fluoridation to their agendas for discussion or specifically for consideration of ordinances ending the practice. Approximately 30

communities have ended fluoridation in just the past 10 weeks, with over 80 communities currently debating the issue, and there's no sign that this momentum is slowing. In fact, we expect the wave of community victories and debates to expand even further throughout this winter and spring.

As these local debates occur, we plan to periodically share videos of expert and citizen testimony with you in our bulletins and on our social media pages. My hope is that you'll be able to use some videos as educational tools in your own community battles, as well as draw inspiration and ideas from what others are saying and achieving.

In our first collection of video testimony we have five videos from five different communities:

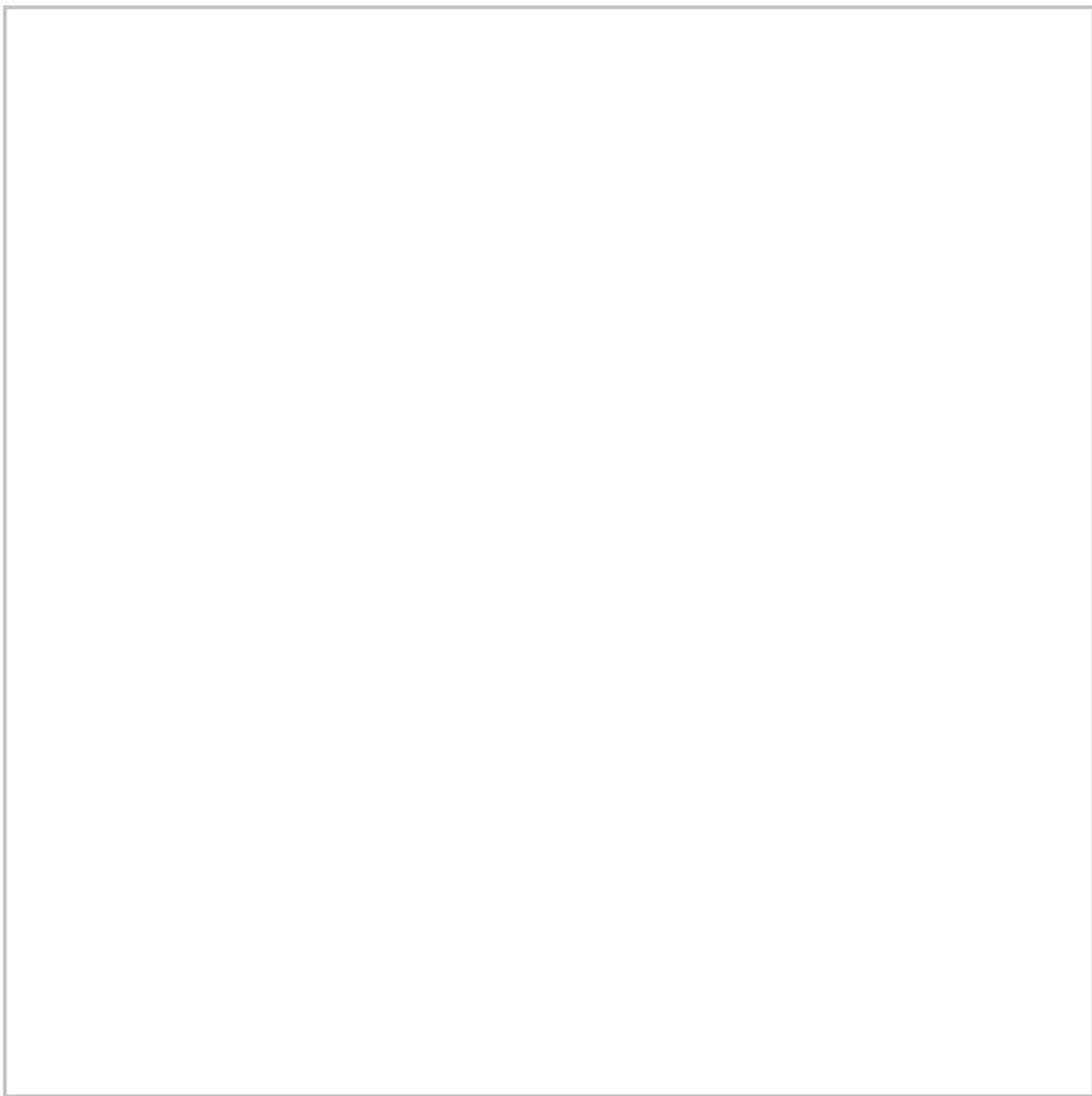
[17-minutes] Dr. Ashley Malin, PhD, lead author of the recent National Institutes of Health funded [study](#) finding neurobehavioral problems as a result of fluoride exposures during fetal development in optimally fluoridated Los Angeles, California. She presents to the Wausau, Wisconsin Water Works Commission.



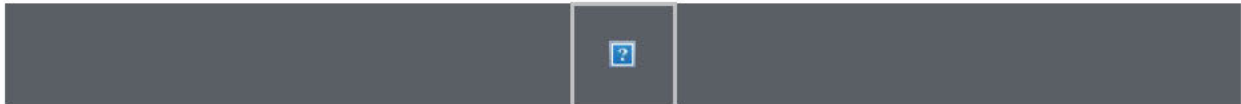
[25 minutes] FAN's attorney, Michael Connett, presents at the Public Service Committee Meeting in the Village of DeForest, Wisconsin:



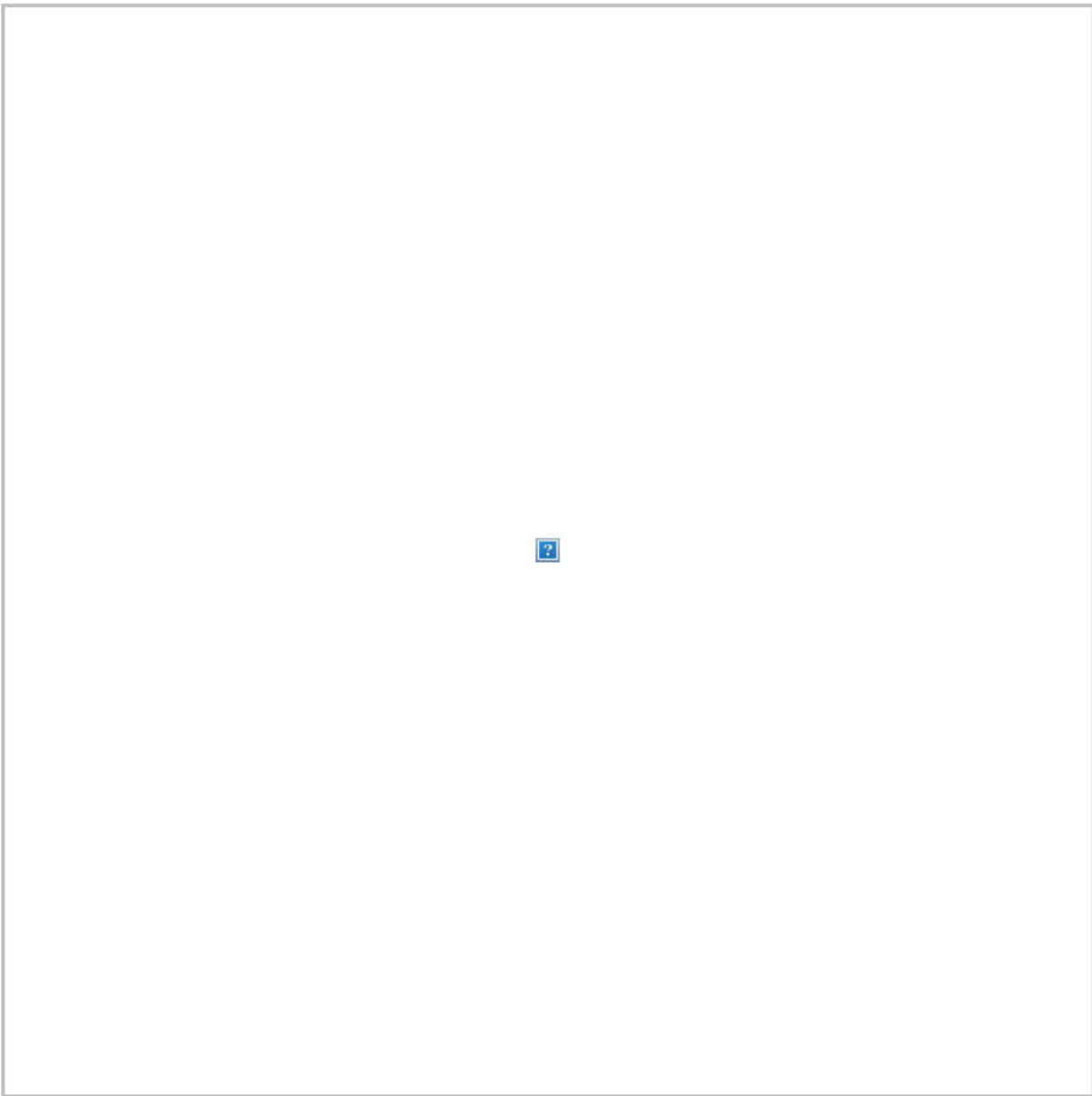
[3 minutes] The Mayor of Tavares, Florida, which voted 4-1 to end fluoridation, provides his common sense explanation for voting to end the practice. You can watch the full hearing using this [official link](#) to see that dentists and the lobbying organization, the American Fluoridation Society, are still doubling-down on their efforts in support of water fluoridation.



[3 minutes] Dentist Dr. Tim Driscoll, DDS, speaks before the city council of Naples, Florida, which later voted to discontinue fluoridation.



The final video is the full public hearing from a recent city council meeting in Rolla, Missouri. The video features testimony from both pro-fluoridation dentists and FAN representatives. One of the proponents of fluoridation is the American Dental Association's fluoridation "[subject matter expert](#)," who showed that she didn't even know what the ADA's own guidelines were for fluoride supplementation for infants. Dentist and FAN board member, Dr. Bill Osmunson, DDS, MPH, gave a powerpoint [presentation](#), and I also [presented](#) for 15 minutes, though the video pauses (only on the YouTube version) several minutes before I started taking questions.



Thank you,

Stuart Cooper
Executive Director
Fluoride Action Network

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Fluoride Action Network
North Sutton, New Hampshire
info@fluoridealert.org



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OUTGOING BOARD CORRESPONDENCE

From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Mark Bilski](#); [Jennifer Codianne](#); [Shanika Richards](#)
Cc: [Max Overland](#); [Board of Directors](#)
Subject: FW: Leaning Tree on Matadero Creek Bank
Date: Friday, December 27, 2024 8:44:10 AM
Attachments: [C-24-0284_Map.pdf](#)
[Stream Maintenance and Property Management Fact Sheet 2019 \(2\).pdf](#)
[image001.png](#)

Good morning,

C-24-0284 has been approved, sent and closed.

Thanks,
Candice

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Friday, December 27, 2024 8:42 AM
To: [REDACTED]
Subject: Re: Leaning Tree on Matadero Creek Bank

Sent on Behalf of Chair Hsueh.

Dear Mary Dunn,

Thank you for reaching out to Valley Water to share your concerns about a leaning tree on the bank of Matadero Creek. I apologize for taking a few weeks to get back to you with this update.

A Valley Water staff arborist visited this site on December 2, 2024, to determine ownership of the tree in question. Staff determined that Valley Water does not own the property where the tree is located, and that the tree appears to be located on private property owned by the neighbor at 3475 Tippawingo Street. Valley Water has limited property ownership in this reach of Matadero Creek and does not manage standing trees on private property. Please see the attached map which indicates approximate property lines in the area in relation to the tree in question. These findings were also provided in staff's December 3 response to your Access Valley Water request on this topic (AVW-016857).

Valley Water owns and manages 333 miles of the more than 800 miles of creeks in Santa Clara County and maintains property where it has built flood protection projects and possesses land rights. The remaining stretches of creeks are owned by Santa Clara County, private entities, cities in which the creeks are located, and other public agencies. Property owners whose land extends into the creek have a primary role in stream maintenance. I have attached a fact sheet that identifies stream maintenance roles, and you may review Valley Water land ownership on our website by using the following link: <https://gis.valleywater.org/FeeEasement/>. The green areas show lands Valley Water owns in fee title; the yellow areas show land held in easement.

If you have any further questions, please contact Deputy Operating Officer Jen Codianne at jcodianne@valleywater.org for follow-up information.

Thanks again for contacting us.

Sincerely,



Nai Hsueh
Chair, District 5

C-24-0284

From: Mary Dunn [REDACTED]
Sent: Friday, December 6, 2024 2:28 PM
To: Board of Directors <board@valleywater.org>
Subject: Fwd: Leaning Tree on Matadero Creek Bank

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Sent from my iPhone

Begin forwarded message:

From: Public Works Public Services <pwps@cityofpaloalto.org>
Date: December 5, 2024 at 6:19:09 PM PST
To: Mary Dunn [REDACTED], Public Works Public Services <pwps@cityofpaloalto.org>
Subject: RE: Leaning Tree on Matadero Creek Bank

Hi Mary,

The Urban Forestry crew has pruned and removed several trees on city's side of the creek, where the city has a little parkette between the road and the creek. Everything else is the responsibility of Valley Water. One of the project managers told me there should be a small blue Valley Water (VW) sign near the roadway. I have never been myself to the area, but have seen such little sign in the city I live.

The project manager has put on his to-do list to inspect the area, and he will also try reaching out to Valley Water if he sees an imminent hazard.

Please, don't hesitate to reach out for anything else you may need.

Thank you,

Svetlana

From: Mary Dunn [REDACTED]
Sent: Monday, November 18, 2024 2:00 PM
To: Public Works Public Services <pwps@CityofPaloAlto.org>
Subject: Re: Leaning Tree on Matadero Creek Bank

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Svetlana,

Thank you for responding to the safety concern regarding this leaning tree.

I shall wait to hear from you once you determine via contact Urban Forestry who is responsible.

If it's determined that SCVWD is responsible I shall once again try to contact their management to clarify what work needs to be and by whom to ensure safety for all.

Have a good day!

Regards,

Mary
Sent from my iPad

On Nov 18, 2024, at 1:45 PM, Public Works Public Services <pwps@cityofpaloalto.org> wrote:

Hi Mary,

Thank you for bringing this to the attention of Public Works. This tree may very well indeed be in the jurisdiction of

SCVWD, but I have relayed this email to Urban Forestry staff to confirm who is responsible. If it turns out it is Palo Alto, the staff will go on side, however if it is SCVWD which I suspect, they will have to tend to the tree in question. Unfortunately, we do not have any other way of contacting them other than what you have already done. But let's first confirm the jurisdiction and go from there.

Svetlana

Svetlana Miljkovic
Management Analyst
Public Works Department
(650) 329-2270
www.cityofpaloalto.org

From: Mary Dunn [REDACTED]
Sent: Sunday, November 17, 2024 8:44 PM
To: Public Works Public Services <pwps@CityofPaloAlto.org>
Subject: Leaning Tree on Matadero Creek Bank

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

To Whom It May Concern,

This tree is on the creek bank on Matadero Avenue in Palo Alto. I am writing to you about my concern for the safety of person, place, and / or thing that can be endangered if this falls.

I would like to know who is responsible for its inspection and

assessment of its safety?

I sent the SCVWD an email and photos regarding its leaning and expressed my concern for the safety related issues though have not received a reply.

Any assistance you / City of Palo Alto can provide in helping to clarify and determine who is responsible for its pruning and/or removal / or what needs to be done regarding this situation before any damage to anyone occurs will be much appreciated.

Thank you in advance,

Mary Dunn



Palo Alto 94306

to

Sent from my iPad



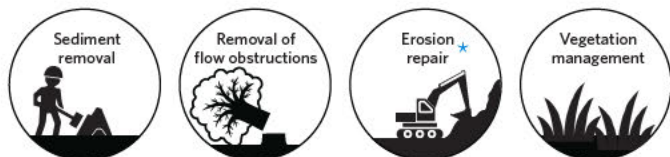
Stream Maintenance by Valley Water

Valley Water performs stream maintenance on completed flood protection projects to keep them in a safe and usable condition as originally designed and constructed. As the landowner, Valley Water also manages its property by performing work along streams.

Maintenance of Capital Projects

Capital projects are large-scale projects that maintain or improve capital assets. They involve a planning, design and approval process that includes public review, California Environmental Quality Act (CEQA) compliance, funding, and land and regulatory permit acquisition. Valley Water maintains the structural and functional integrity of these constructed projects to ensure the significant investment in infrastructure continues to provide the flood protection benefits as its intended design and construction.

Maintenance activities for Capital Projects



* Erosion is a natural process; Valley Water is not obligated to keep a creek "in place". Rather, Valley Water is obligated (considering the availability of resources) to preserve the functional and structural integrity of flood protection projects built or accepted by Valley Water.

Activities include removal of sediment and other obstructions to flow, erosion repair, and vegetation management.

Work activities are defined and permitted under a **Stream Maintenance Program (SMP)**, a ten-year program approved in 2013 by seven state and federal regulatory agencies.

Maintenance work is prioritized based on several considerations, including available resources. Higher priority is given to capital projects completed with federal partners, levee maintenance, and work to preserve channel capacity.



Staff removing fallen trees blocking creek flow.

Maintenance as a Landowner

Valley Water performs work on properties owned in fee title or where otherwise obligated by permit or agreement. These activities include weed abatement, hazardous tree removal, pruning for access, care of planted mitigation sites, fence and erosion repair, and graffiti, trash, and debris removal.

Maintenance activities as a landowner



Maintenance on easements

Valley Water performs limited work on properties owned by others where Valley Water has an easement. Easements are generally acquired for flood protection or water management and storm drainage purposes and grant rights (not obligations) to take actions in accordance with those purposes.

Valley Water does not perform activities such as weed abatement, erosion repair, graffiti or trash removal on easements as these are landowner responsibilities. Removal of fallen trees or other obstructions to flow are flood protection activities that may be done by Valley Water. Unless otherwise stated, erosion repair on easements is a property owner responsibility.

The landowner retains rights to use the easement but cannot take actions, such as construction of a building, that conflict with the Valley Water easement right. A typical easement deed requires a property owner to seek Valley Water's approval for certain construction activities such as grading and fencing.

Property Owner's Responsibility for Creek Maintenance

Every property owner has a duty to maintain his or her property in a reasonably safe condition that does not interfere with a neighbor's ability to enjoy their property. A property owner is not required to enlarge or increase the capacity of a creek for flood protection purposes. Maintenance duties may include vegetation management, erosion repair, and removal of graffiti, trash, debris, and fallen trees. Some activities are subject to permitting by local, state and federal regulatory agencies prior to performing the work.

Property owner's responsibilities for creek management



Site of completed erosion repair.

Exceptions and Joint Efforts

There are limited situations where Valley Water may conduct work on private or other public agency owned property. Work may be conducted, subject to agreements, on other public agency owned property or on private property, with permission, during emergencies or for limited stream stewardship purposes.

Emergency Work

Valley Water may perform urgent and emergency flood protection work on other public or private property where a public purpose is endangered, subject to written permission to enter from the property owner. Staff availability and priorities will likely limit our response in an urgent or emergency situation.

Stream Stewardship

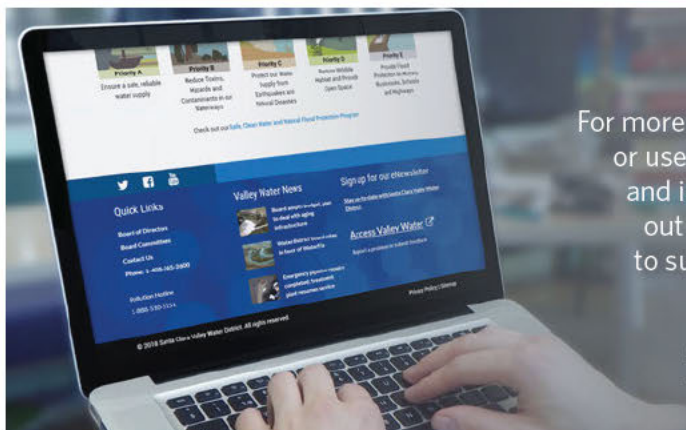
Stream stewardship activities that remove invasive plants along streams are conducted by Valley Water staff. This work may occur on Valley Water property and easements with permission from the property owner. Because it is important to eradicate invasive plants along a creek on a watershed and watershed wide basis and the **Safe Clean Water Program** provides funding for this activity, staff may also seek permission to perform this work on private property.



Crews removing giant reed (*arundo donax*), an invasive plant, from creek.

See link for care guidelines:

<https://www.valleywater.org/learning-center/healthy-creeks-and-ecosystems/creekside-property-program>



CONTACT US

For more information, contact us at (408) 630-2378 or use our **Access Valley Water** customer request and information system at valleywater.org to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person.



To get eNews, drop an email to: info@valleywater.org

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From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Jennifer Codianne](#); [Mark Biiski](#); [Shanika Richards](#)
Cc: [Max Overland](#); [Board of Directors](#)
Subject: FW: Removal of homeless encampments on Penitencia Creek
Date: Friday, December 27, 2024 9:03:32 AM

Good morning,

C-24-0282 has been approved, sent and closed.

Thanks,
Candice

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Friday, December 27, 2024 9:03 AM
To: [REDACTED]
Subject: Re: Removal of homeless encampments on Penitencia Creek

Sent on Behalf of Vice Chair Santos:

Dear Sharon Root,

Thank you for reaching out to Valley Water and sharing your experiences regarding the encampments of unsheltered people near your home.

Our encampment cleanup crew is scheduled to visit Upper Penitencia Creek between Capitol Ave. and Jackson Ave. on January 2 to perform an enhanced cleanup and to remove several encampments that pose high environmental and safety risks. Please understand that our efforts in this area are a work in progress and will require repeated visits, continual education, and, ultimately, increased housing and shelter options for the unsheltered people residing here. Valley Water is not a housing or social services agency, but we are committed to using the power we have as an environmental stewardship agency to protect our waterways in collaboration with cities and the County as they fulfill their housing, social service, and public safety roles.

Regarding encampment activity underneath Piedmont Road at Penitencia Creek, Valley Water does not own or manage this land. However, our staff have inspected this area and have provided information to City of San Jose's BeautifySJ team. You may also contact BeautifySJ via this website: <https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/beautifysj/encampment-management-program>

As an additional tool to address the negative impacts associated with encampment activity, Valley Water will begin progressive implementation of the recently adopted Water Resources Protection Zones Ordinance in January 2025. While the ordinance prohibits unsanctioned camping on all Valley Water property, due to the current lack of housing and shelter options in our county,

Valley Water will first focus on first removing high priority encampments that pose the most serious environmental and safety concerns. Ordinance enforcement will continue progressively as more housing and shelter alternatives become available. Valley Water knows that we will only be successful in reducing encampments on our lands if lasting solutions to homelessness continue to come online. We are committed to helping address the regional shelter and housing crisis by collaborating with local agencies to provide land for temporary and permanent housing options as our authority and resources allow. Valley Water will continue working with our partners to implement sustainable solutions to address unsheltered homelessness in Santa Clara County.

Thanks again for your message. You may contact Assistant Operating Officer Mark Bilski at mbilski@valleywater.org with any follow-up information. You can also report encampment-related concerns to Valley Water via our online system at <https://access.valleywater.org/s/>.

Stay safe and healthy,



Richard Santos
Vice Chair, District 3

C-24-0282

From: Sharon Root [REDACTED]
Sent: Wednesday, December 4, 2024 8:17 PM
To: Rebecca Eisenberg <Reisenberg@valleywater.org>
Cc: Board of Directors <board@valleywater.org>
Subject: Removal of homeless encampments on Penitencia Creek

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Rebecca,

I have been quite surprised that you do not reply to any emails sent to you. And I was extremely disappointed to see that you voted against the extremely watered down version of the ordinance. Your reasoning that there are already enough rules, and another one is not needed is baseless and in the past year every response I have received from the water company is that “until we have some new

laws or ordinances we cannot remove the homeless from the creek banks”. And on the Water Co website it states that the duty of the “The purpose of the Board, on behalf of Santa Clara County, is to provide Silicon Valley safe, clean water for a healthy life, environment and economy.” When are YOU going to start doing this?

The crazy homeless people under the Piedmont bridge that crosses Penitencia Creek have returned again, and their stolen shopping carts are once again parked on top at the corner.

And last week one of them, or another homeless person living further up the creek showed up nude, hiding among the trees at my son’s home on Poppy Lane. When approached he was hardly able to talk or answer questions, and seemed to be out of it due to drugs. He was given some clothes and food and he finally left.

The encampment on N Jackson is still getting larger and going strong.

We also have a video of a homeless lady that is often seen riding her bike into the Denny’s parking lot near Berryessa and Capitol Ave to an encampment, but this time she has a top on, but is nude from the waist down. A lovely sight for young children!

With the new water guidelines, although watered down, can something now be done.... not just on the Guadalupe, but on Penitencia Creek as well. The last time the homeless on N Jackson were given notice to move nothing happened except the area around them was cleaned up to make it nicer for them. And the clean up was done with a very expensive police protection price tag. Now, can you give them a notice to move and mean it? Then go in and move them, get them help, or something. The police are willing to protect you.

The city has been able to do it before. On the other side of the N Jackson bridge an encampment was removed, 12 dumpsters of trash was collected, and it has stayed clean for over about a year.

Thanks,
Sharon Root