



Santa Clara Valley Water District Environmental Creek Cleanup Committee Meeting

Headquarters Building Boardroom

SPECIAL MEETING AGENDA

**Friday, May 17, 2024
1:00 PM**

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

Environmental Creek Cleanup
Committee

Director John Varela (District 1)
Director Jim Beall (District 4)
Director Richard P. Santos, (District 3,
Committee Chair)

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. 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.

Jennifer Codianne (Staff
Liaison)

Dave Leon, (COB Liaison)
Assistant Deputy Clerk II
daveleon@valleywater.org
1-408-630-2406

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
Environmental Creek Cleanup Committee
SPECIAL MEETING
AGENDA

Friday, May 17, 2024

1:00 PM

Headquarters Building Boardroom

*****IMPORTANT NOTICES AND PARTICIPATION INSTRUCTIONS*****

Santa Clara Valley Water District (Valley Water) Board of Directors/Board Committee meetings are held as a “hybrid” meetings, conducted in-person as well as by telecommunication, and is compliant with the provisions of the Ralph M. Brown Act.

To maximize public safety while still maintaining transparency and public access, members of the public have an option to participate by teleconference/video conference or attend in-person. To observe and participate in the meeting by teleconference/video conference, please see the meeting link located at the top of the agenda. If attending in-person, you are required to comply with Ordinance 22-03 - AN ORDINANCE OF THE SANTA CLARA VALLEY WATER DISTRICT SPECIFYING RULES OF DECORUM FOR PARTICIPATION IN BOARD AND COMMITTEE MEETINGS located at <https://s3.us-west-2.amazonaws.com/valleywater.org.if-us-west-2/f2-live/s3fs-public/Ord.pdf>

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee during public comment or on any item listed on the agenda, may do so by filling out a Speaker Card and submitting it to the Clerk or using the “Raise Hand” tool located in the Zoom meeting application to identify yourself in order to speak, at the time the item is called. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board.

- Members of the Public may test their connection to Zoom Meetings at: <https://zoom.us/test>
- Members of the Public are encouraged to review our overview on joining Valley Water Board Meetings at: <https://www.youtube.com/watch?v=TojJpYCxXm0>

Valley Water, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Board of Directors/Board Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

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/88314500886>

Meeting ID:883 1450 0886

Join by Phone:

1 (669) 900-9128, 88314500886#

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 Board/Committee on any item not listed on the agenda may do so by filling out a Speaker Card and submitting it to the Clerk or using the "Raise Hand" tool located in the Zoom meeting application to identify yourself to speak. Speakers will be acknowledged by the Board/Committee Chair in the order requests are received and granted speaking access to address the Board/Committee. Speakers' comments should be limited to three minutes or as set by the Chair. The law does not permit Board/Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Board/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 Board/Committee may take action on any item of business appearing on the posted agenda.

- 2.1. Elect 2024 Environmental Creek Cleanup Committee Officers. [24-0487](#)

Recommendation: Nominate and elect the 2024 Environmental Creek Cleanup Committee Chairperson and Vice Chairperson.

Manager: Candice Kwok-Smith, 408-630-3193

3. APPROVAL OF MINUTES:

- 3.1. Approval of Minutes. [24-0422](#)

Recommendation: Approve the October 17, 2023 and February 20, 2024 Meeting Minutes.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: 101723 ECCC Minutes](#)
[Attachment 2: 022024 ECCC minutes](#)

4. REGULAR AGENDA:

- 4.1. Proposed Water Resources Protection Zones Ordinance. [24-0444](#)

Recommendation: A. Receive information regarding the proposed Water Resources Protection Zones Ordinance; and
B. Provide direction to staff regarding the proposed Water Resources Protection Zones Ordinance.

Manager: Marta Lugo, 408-630-2237

Attachments: [Attachment 1: Water Resources Protection Zones Ordinance](#)
[Attachment 2: PowerPoint](#)

4.2. Receive Update on Valley Water's Encampment Cleanup Operations. [24-0470](#)

Recommendation: Receive updates and provide feedback on the following topics:

- A. City of San José update on Cherry Ave. Emergency Interim Housing (EIH) site.
- B. Encampment cleanup schedule.
- C. Encampment cleanup costs and funding.
- D. Trash and debris programs costs and accomplishments.
- E. Valley Water encampment management and property ownership discussion.
- F. Recent encampment cleanups and fence repairs.
- G. Valley Water/County of Santa Clara (SCC) outreach report update.
- H. Stream Stewardship Law Enforcement (SSLE) update.
- I. Update on Coyote Creek Flood Management Measures Project (CCFMMP) encampment relocation agreement with City of San José.

Manager: Jennifer Codianne, 408-630-3876

Attachments: [Attachment 1: PowerPoint](#)

Est. Staff Time: 15 min

4.3. Update on State Funding Opportunities from the Passage of Proposition 1, Titled: "Authorizes \$6.38 Billion in Bonds to Build Mental Health Treatment Facilities for Those with Mental Health and Substance Use Challenges and Provides Housing for the Homeless. Legislative Statute." [24-0492](#)

Recommendation: Receive information regarding state funding opportunities from Proposition 1 enacted by the voters in the March 5, 2024, statewide Primary Election.

Manager: Marta Lugo, 408-630-2237

4.4. Receive an Update Regarding Assembly Bill 1469 Implementation. [24-0495](#)

Recommendation: Receive an update on Santa Clara Valley Water District's efforts to exercise the authority granted by Assembly Bill 1469 to take certain actions to assist unsheltered people living along streams, in riparian corridors, or otherwise within the district's jurisdiction.

Manager: Jennifer Codianne, 408-630-3876

Est. Staff Time: 5 min

- 4.5. Review the Environmental Creek Cleanup Committee (ECCC) Work Plan.

[24-0503](#)

Recommendation: Review the Committee work plan to guide the committee's discussions regarding policy alternatives and implications for Board deliberation.

Manager: Candice Kwok-Smith, 408-630-3193

Attachments: [Attachment 1: ECCC 2024 Work Plan](#)

5. 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.

6. ADJOURN:

- 6.1. Adjourn.



Santa Clara Valley Water District

File No.: 24-0487

Agenda Date: 5/17/2024

Item No.: 2.1.

COMMITTEE AGENDA MEMORANDUM Environmental Creek Cleanup Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A)

SUBJECT:

Elect 2024 Environmental Creek Cleanup Committee Officers.

RECOMMENDATION:

Nominate and elect the 2024 Environmental Creek Cleanup Committee Chairperson and Vice Chairperson.

SUMMARY:

The Environmental Creek Cleanup Committee was established to discuss homelessness and encampment issues and bring discussion and recommendations back to the Board.

The Committee is comprised of the Committee Chairperson and Vice Chairperson, who serve as the Committee's primary and secondary facilitators, and Committee representatives. The Committee Chairperson and Vice Chairperson are elected by the Committee annually.

The following is a summary of the Homeless Encampment Committee officer terms since the Committee's 2017 enactment by the Board of Directors.

Year	Chairperson	Vice Chairperson
2017	Director Richard Santos	Director Tony Estremera
2018	Director Richard Santos	Director Tony Estremera
2019	Director Richard Santos	Director Tony Estremera
2020	Director Richard Santos	Director Tony Estremera
2021	Director Richard Santos	Director John Varela
2022	Director Richard Santos	Director John Varela
2023	Director Richard Santos	Director Rebecca Eisenberg

File No.: 24-0487

Agenda Date: 5/17/2024
Item No.: 2.1.

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3193



Santa Clara Valley Water District

File No.: 24-0422

Agenda Date: 5/17/2024
Item No.: 3.1.

COMMITTEE AGENDA MEMORANDUM Environmental Creek Cleanup Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Approval of Minutes.

RECOMMENDATION:

Approve the October 17, 2023 and February 20, 2024 Meeting 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.

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice impacts associated with this item.

ATTACHMENTS:

Attachment 1: 101723 ECCC Minutes
Attachment 2: 022024 ECCC Minutes

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3193

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ENVIRONMENTAL CREEK CLEANUP COMMITTEE

DRAFT MINUTES

TUESDAY, OCTOBER 17, 2023

(Paragraph numbers coincide with agenda item numbers)

A special scheduled meeting of the Environmental Creek Cleanup Committee Meeting was held on June 23, 2023, at Santa Clara Valley Water District, Headquarters Building, 5700 Almaden Expressway, San Jose, California.

1. CALL TO ORDER

Committee Chair Director Richard P. Santos called the meeting to order at 2:00 p.m.

1.1. ROLL CALL

Committee Board Members in attendance were: Director Jim Beall (District 4), Committee Chair Director Richard P. Santos (District 3), establishing a quorum. Committee Vice Chair Rebecca Eisenberg arrived as noted below.

Valley Water Staff in attendance were: Felice Aguilar, Audrey Beaman, Roseryn Bhudsabourg, Mark Bilski, Kendra Boutros, Bart Broome, Jennifer Codianne, Adelina Del Real, Andrew Diaz, Alexander Gordon, Christopher Hakes, Jeff Ham, Heather Hamp, Mary Harvey, Nicholas Ingram, Michele King, Loyd Kinsworthy, Dave Leon, Deyanira Martinez, Kathy Nguyen, Carlos Orellana, James Randol, Shanika Richards, Cecilia Rocha, Donald Rocha, Michelle San Miguel, Ron Snyder, Ryan Tregoning, Zuberi White, Sunny Williams, Genevieve Yip, and Beckie Zisser.

Guests in attendance were: Jamie Marcil, Liz Sewell, and Yitong Zhang (City of San Jose).

Public in attendance were: XXX-XXX-6191, Bill, Lynn Burke, Emily C., Guillaume Choupeaux, Mike Culcasi, Cynthia, D. Devlin, Anne Deschenes, Dyne, Giselle, Harrison, Katja Irvin, Deb K., Barbara Keegan, Yamini Kumar, Wendy Li, Lindsay, Mark, Michelle Meredith-Bowen, Nick, Nirmal, Rick, Sam, and Yitong Zhang.

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

Samuel Lum, Anne Deschenes, Lindsay, Wendy Li, and D. Devlin stated concerns relating to homeless encampments on the Los Gatos Creek Trail.

Vice Chair Eisenberg arrived at 2:07 p.m.

3. APPROVAL OF MINUTES

3.1 APPROVAL OF MINUTES

It was moved by Director Beall, seconded by Vice Chair Eisenberg, and unanimously carried, to approve the August 14, 2023, Environmental Creek Cleanup Committee meeting minutes as submitted.

4. REGULAR AGENDA ITEMS

4.1 UPDATE ON VALLEY WATER'S ENCAMPMENT CLEANUP OPERATIONS

Jennifer Codianne reviewed the materials as outlined in the agenda item and was available to answer questions.

The Committee received the information, took no action, and noted the following:

- The Committee requested that staff follow up with the Committee relating to an evaluation of County land for housing.
- The Committee requested that staff develop a relationship with the County of Santa Clara and the City of San Jose relating to the Housing Element roadmap.
- The Committee requested that staff develop and provide an action plan for implementation of AB 1469.

Public Comments: Gail Osmer inquired relating to training of Valley Water employees in the event of an incident during an encampment cleanup, and noted that she has not heard anything negative about Valley Water staff in her interactions with unhoused individuals. Lindsay shared concerns relating to porta potties in the encampments. Yamini Kumar spoke relating to safety and maintenance activities along the Los Gatos creek trail. Anne Deschenes expressed concern that the organization is not addressing the needs of citizens. Nick expressed concern that direct threats to safety are not being addressed. Wendy Li inquired as to what steps can be taken to facilitate clearing encampments.

4.2 UPDATE ON SANTA CLARA VALLEY WATER DISTRICT'S NALOXONE AVAILABILITY AND BYSTANDER USE PROGRAM

Alexander Gordon reviewed the materials as outlined in the agenda item and was available to answer questions.

The Committee received the information, took no action, and noted the following:

- The Committee requested that staff follow up with the Committee relating to confidentiality regarding the administering of Naloxone to Valley Water staff members under the NABU program.
- The Committee requested that staff provide an update relating to Valley Water staff who may be required to take NABU program training.
- The Committee request that staff notify and include the Committee members when the training is available.

Public Comments: Gail Osmer inquired as to the projected start date for the program and whether staff can leave Narcan at homeless encampments for emergency use.

4.3 REVIEW THE ENVIRONMENTAL CREEK CLEANUP COMMITTEE (ECCC) WORK PLAN, THE OUTCOMES OF BOARD ACTION OF COMMITTEE REQUESTS; AND THE COMMITTEE'S NEXT MEETING AGENDA

Jennifer Sewell reviewed the materials as outlined in the agenda item and was available to answer questions.

The Committee received the information and took no action.

4.4 REVIEW 2023 ENVIRONMENTAL CREEK CLEANUP COMMITTEE WORK PLAN

The Committee took no action.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE'S REQUESTS TO THE BOARD

The Committee took no action.

**6. ADJOURNMENT
6.1 ADJOURN**

Chairperson Santos adjourned the meeting at 4:03 p.m. to a special meeting and tour on Wednesday, November 1, 2023 at 8:00 a.m.

Submitted by:

Dave Leon
Assistant Deputy Clerk II

Date Approved:

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ENVIRONMENTAL CREEK CLEANUP COMMITTEE

DRAFT MINUTES

TUESDAY, February 20, 2024

(Paragraph numbers coincide with agenda item numbers)

A special scheduled meeting of the Environmental Creek Cleanup Committee Meeting was held on February 20, 2024, at Santa Clara Valley Water District, Headquarters Building, 5700 Almaden Expressway, San Jose, California.

1. CALL TO ORDER

Committee Chair Director Richard P. Santos called the meeting to order at 1:02 p.m.

1.1. ROLL CALL

Committee Board Members in attendance were: Director Jim Beall (District 4), Committee Chair Director Richard P. Santos (District 3), establishing a quorum. Committee Vice Chair Rebecca Eisenberg arrived as noted below.

Valley Water Staff in attendance were: Andres Acevedo, Joseph Aranda, Audrey Beaman, Roseryn Bhudsabourg, Mark Bilski, Bart Broome, Rick L. Callender, Theresa Chinte, Jen Codianne, Jessica Collins, Adelina Del Real, Andrew Diaz, Jiana Escobar, Meenakshi Ganjoo, Rachael Gibson, Chris Hakes, Heather Hamp, Brian Hopper, Nicholas Ingram, Bassam Kassab, Michele King, Dave Leon, Deyanira Martinez, Kathy Nguyen, Leslie Orta, Luz Penilla, Shanika Richards, Don Rocha, Michelle San Miguel, Ron Snyder, Genevieve Yip, and Beckie Zisser.

Public in attendance were: XXX-XXX-5464, Arthur, Attendee, Lisa Brancatelli, Yelba Carrillo, Cindy, Leslye Corsiglia, Dyne, Rebecca Eisenberg, Imtiaz-Ali, K. Irvin, Jcarvalho, Sam Jones, Deb K., Lydia Kou, Sam L., Jeff Levine, Wendy Li, Adam Marcus, Elizabeth Menkin, Michsawa, Colleen Murphy, Paul Pereira, Kyle Posey, Joanne Price, Graham Pruss, Renè Ramsay, James Randol, Rick, Sam, Dom Santomieri, Kelly Snider, SWH, Lejla Velic, and Celeste Walker.

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

Samuel Lum, Wendy Li, Dom Asntomieri, and Gail Osmer stated concerns relating to homeless encampments on the Los Gatos Creek Trail.

Chairperson Santos moved the agenda to item 4.1.

4. REGULAR AGENDA ITEMS

4.1 RECEIVE UPDATE ON SANTA CLARA VALLEY WATER DISTRICT'S ONGOING COUNTYWIDE COLLABORATIVE EFFORTS.

Attachment 2

Page 1 of 3

Mark Bilski, Yelba Carillo, Sam Jones, and Colleen Murphy reviewed the materials as outlined in the agenda item and were available to answer questions.

Public Comments: Gail Osmer inquired relating to facilitating case conferences with stakeholders and planning and execution of a PIT count. Wendy Li inquired as to blocks to finding temporary housing and working with the San Jose City Council for funding.

Vice Chairperson Eisenberg arrived at 1:19 p.m.

The Committee received the information, took no formal action, and noted the following:

- The Committee requested that the legislative council to provide an opinion to the Committee relating to whether Valley Water can use land and land value to apply for funding to build housing.
- The Committee requested that the CEO contact the City of San Jose relating to funding opportunities.

3.1 APPROVAL OF MINUTES

It was moved by Vice Chairperson Eisenberg and seconded by Director Beall, and unanimously carried, to approve the November 1, 2023, Environmental Creek Cleanup Committee meeting minutes as submitted.

Chairperson Santos moved the agenda to item 4.2.

4.2 RECEIVE UPDATE ON VALLEY WATER'S ENCAMPMENT CLEANUP OPERATIONS.

Jennifer Codianne reviewed the materials as outlined in the agenda item.

Jennifer Codianne and Ron Hansen were available to answer questions.

Public Comments: Gail Osmer inquired as to the cost of fencing. Jeffrey Hare commented relating to fire service calls to homeless encampments.

The Committee received the information and took no formal action.

4.3 RECEIVE INFORMATION REGARDING ASSEMBLY BILL 1469 IMPLEMENTATION.

Mark Bilski reviewed the materials as outlined in the agenda item.

Mark Bilski and Jennifer Codianne were available to answer questions.

Public comments: Scott Giddens encouraged the Committee to focus on permanent supportive housing. Jeffrey Hare spoke relating to potential funding streams.

The Committee received the information and took no action.

5. CLERK REVIEW AND CLARIFICATION OF COMMITTEE'S REQUESTS TO THE BOARD

The Committee took no action.

6. ADJOURNMENT
6.1 ADJOURN

Chairperson Santos adjourned the meeting at 4:12 p.m.

Submitted by:

Dave Leon
Assistant Deputy Clerk II

Date Approved:

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Santa Clara Valley Water District

File No.: 24-0444

Agenda Date: 5/17/2024

Item No.: 4.1.

COMMITTEE AGENDA MEMORANDUM Environmental Creek Cleanup Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Proposed Water Resources Protection Zones Ordinance.

RECOMMENDATION:

- A. Receive information regarding the proposed Water Resources Protection Zones Ordinance; and
- B. Provide direction to staff regarding the proposed Water Resources Protection Zones Ordinance.

SUMMARY:

Santa Clara Valley Water District's (Valley Water) flood protection, water supply, and stream stewardship work includes vegetation management, environmental restoration, flood protection and water supply project construction, operations and maintenance, and actions to protect water quality, such as trash clean up and abatement of encampments. Due to this nature of work, Valley Water has field operations staff whose workplace is primarily along creeks, waterways, and water supply facilities. The work of field staff is critical to meeting regulatory mitigation requirements and maintaining flood protection and water supply infrastructure, and Valley Water has an obligation to protect against water quality and ecological impacts.

Water Resources Protection Zones Ordinance

The purpose of the Water Resources Protection Zones Ordinance (Ordinance) is to establish water resources protection zones (WRPZ) to ensure that Valley Water continues providing Silicon Valley safe, clean water for a healthy life, environment, and economy, as well as to support and improve safe conditions for field operations staff. The Ordinance is intended to address the impacts of encampments near waterways and water supply facilities owned by Valley Water in order to improve water quality and to protect the riparian habitat of creeks and waterways. Camping is prohibited within the WRPZ to protect the adjacent waterways, water supply facilities, water quality, and riparian corridors, and the Ordinance prohibits the following activities:

- a. Unauthorized establishment of encampments.
- b. Any unauthorized presence in the WRPZ after sunset.
- c. Possession or use of unauthorized firearms or other weapons.
- d. Possession or use of explosives, including fireworks, or other toxic or hazardous materials or substances.
- e. Any unlawful activities.
- f. Any activities that could create a hazard or potential hazard to Valley Water employees or the public, or that could interfere with, obstruct, or prevent the safe operation of Valley Water facilities, including but not limited to buildings or habitat, or its activities associated with water quality, environmental stewardship, or flood risk reduction.
- g. Any activity or nuisance that unreasonably disturbs the occupants of neighboring properties, including but not limited to, use of any loudspeakers; public address systems, sound amplifiers, radio or broadcast within the WRPZ in such manner that sounds are unreasonably loud or directed beyond the immediate area of the listener, except to the extent appropriate permits are obtained in accordance with any applicable municipal code section.
- h. Depositing encampment-generated trash, debris, and/or hazardous pollutants.

Environmental Concerns

Valley Water's flood protection, water supply, and stream stewardship work includes vegetation management, environmental restoration, flood protection and water supply project construction, operations and maintenance, and actions to protect water quality, such as trash clean up and abatement of encampments. Encampments and their associated uses can degrade water quality, obstruct fish passage, and damage and destroy habitats that these species depend upon.

Valley Water spends millions of dollars on terrestrial and aquatic habitat enhancements. Trampling, excavation, vegetation and tree removal, and increased fire frequency associated with encampments have damaged and destroyed required habitat mitigation. These impacts are significantly limiting associated ecosystem services and for example, have prevented the successful establishment of 2.5 acres of river and floodplain habitat enhancements that were implemented, at considerable cost and effort, to provide advance mitigation for the Upper Guadalupe River Project. Failure to successfully establish mitigation is limiting the value of this investment and substantially increasing the time and cost to comply with environmental mitigation requirements.

The Valley Water 2014-2023 Stream Maintenance Program (SMP) uses several methods for mitigating the environmental impacts of stream maintenance projects such as revegetation and invasive plant management. Due to increasing safety issues and damage to mitigation sites from fires, vehicle traffic, trash and biohazardous materials, large structures, and bank excavations within

and adjacent to Valley Water mitigation sites, the SMP program has had to abandon seven problematic Invasive Plant Management Program (IPMP) sites and has canceled over 36 acres of mitigation credit previously applied to the SMP program for the mitigation of SMP impacts. Valley Water had already expended over \$1.8 million dollars in labor, equipment, and materials to manage these mitigation sites.

Protected species such as Steelhead trout, Chinook salmon, and other native species use waterways and floodplains. In addition, protected waters and wetlands provide habitat, convey flood waters, help recharge groundwater, and provide other ecosystem services. Encampments commonly degrade water quality, obstruct fish passage, and damage and destroy habitats on which these species depend. Human waste adds nutrients to streams facilitating algae growth that is harmful to aquatic species.

Approximately 98 miles of streams in Santa Clara County are used to recharge groundwater, and there are 102 off-stream groundwater percolation ponds. Groundwater is used to supply water to municipal and domestic wells and needs to be protected from contamination and water quality impacts that can be associated with encampments, such as biowaste, hazardous chemicals and materials, and trash.

Increase in Weapons-Related Incidents, Threats of Violence, Verbal Assaults

Between 2022 and 2023, there has been an increase in the number of security incidents, including armed threats of violence, verbal assaults, and fire-related occurrences encountered by Valley Water staff that were associated with unsheltered people. Compounding the severity of these dangerous incidents is a rise in drug arrests and drug overdoses of unsheltered people residing on Valley Water property.

Living Along Waterways is Potentially Life Threatening

Encampments of unsheltered people along waterways are both a human and an environmental tragedy, causing deaths and negative health outcomes for unsheltered individuals. Currently, more than 700 people are estimated to be living on Valley Water property and easements. The health and safety of unsheltered individuals utilizing creeks and waterways are at risk from unhygienic and unsafe living conditions and frequent fires, as well as exposure to the elements. Waterways are often prone to flash floods, causing rapidly rising water that is a serious hazard to unsheltered people living in the channel.

New Workplace Safety Law Takes Effect July 2024

Senate Bill 553 (*Chapter 289, Statutes of 2023*) enhances workplace safety protocols and requires employers to develop their own workplace violence prevention plans as part of their Cal/OSHA Injury and Illness Prevention Plans. This law will take effect July 1, 2024, and requires prudent actions when incidents of workplace violence occur.

Under the new law, when an incident occurs in the field, there must be an investigation, assessment, and applicable mitigation measures. Because a workplace is considered any property or facilities

Valley Water owns or controls, mitigation efforts put in place to address workplace hazards in the field may take days to complete, possibly suspending or delaying mission-critical work at that immediate location.

The Water Resources Protection Zones Ordinance aims to reduce encampments and prevent re-encampments along creeks, waterways, and water supply facilities. It is intended to protect water resources, endangered species and other ecological resources, as well as to support and improve safety for Valley Water's staff.

ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:

The Water Resources Protection Zones Ordinance addresses environmental stewardship by protecting water resources, endangered species, and other ecological resources which may be located near disadvantaged communities.

ATTACHMENTS:

Attachment 1: Water Resources Protection Zones Ordinance

Attachment 2: PowerPoint

UNCLASSIFIED MANAGER:

Marta Lugo, 408-630-2237

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

ORDINANCE NO. 24-

**AN ORDINANCE OF SANTA CLARA VALLEY WATER DISTRICT ESTABLISHING
PROHIBITIONS WITHIN WATER RESOURCES PROTECTION ZONES**

- WHEREAS, the Santa Clara Valley Water District Act (District Act) authorizes Valley Water to provide comprehensive water management for all beneficial uses and protection from flooding within Santa Clara County, in order to provide a reliable supply of healthy and clean water; reduce the potential for flood damage; protect, and when appropriate, enhance and restore natural resources of streams and watersheds; and
- WHEREAS, trampling, excavation, vegetation and tree removal, and increased fire frequency associated with encampments have damaged and destroyed required habitat mitigation on lands that Valley Water holds in fee and easement. Encampments and associated uses can degrade water quality, obstruct fish passage, and damage and destroy habitats that these species depend on; and
- WHEREAS, there has been an increase in the number of security incidents and fire-related occurrences encountered by Valley Water staff that were related to unsheltered people; and
- WHEREAS, this ordinance is intended to protect water resources, endangered species and other ecological resources, as well as to support and improve the safety of Valley Water's field operations staff.

The Board of Directors of Santa Clara Valley Water District does ORDAIN as follows:

SECTION 1: PURPOSE AND INTENT

- 1.1 The purpose of the Water Resources Protection Zones Ordinance (Ordinance) is to establish water resources protection zones (WRPZ) to better enable the Santa Clara Valley Water District (Valley Water) to continue providing Silicon Valley safe, clean water for a healthy life, environment, and economy.
- 1.2 The Ordinance is intended to address the impacts of encampments near waterways and water supply facilities owned by Valley Water in order to improve water quality and to protect the riparian habitat of creeks and waterways.
- 1.3 The Ordinance aims to reduce encampments and prevent re-encampment along creeks, waterways and water supply facilities. It is intended to protect water resources, endangered species and other ecological resources, as well as to support and improve safety for Valley Water staff.
- 1.4 Valley Water adopts the Ordinance pursuant to the authorities granted to it by the Santa Clara Valley Water District Act (California Water Code Appendix, Chapter 60, Section 9(b)).

SECTION 2: DEFINITIONS

- 2.1 “Water Resources Protection Zone” is defined as all lands where Valley Water owns property in fee title, has an easement, or has maintenance obligations pursuant to effective licenses and agreements.

Valley Water’s property rights in fee and easement can be viewed using the following link: <https://gis.valleywater.org/FeeEasement/>

- 2.2 “Camping” is defined as unauthorized sleeping, erecting a shelter of any type, storing, using, maintaining, or placing personal property.
- 2.3 “Encampments” is defined as one (1) or more structures occupied by an individual or family that is located illegally on Valley Water or other public property. An area where there are no structures, but where personal property is stored is also considered an encampment.
- 2.4 “Habitat” is defined as a place in which the physical, chemical, and/or biological factors which support the survival and/or reproduction of a particular species or biological community is present, including places in which these factors are naturally occurring, places in which these factors have been established by human action, and places in which these factors are actively and intentionally being developed for the purpose of supporting the species or biological community.

SECTION 3: PROHIBITIONS WITHIN WATER RESOURCES PROTECTION ZONES

- 3.1 Camping is prohibited within the WRPZ to protect the adjacent waterways, water supply facilities, water quality, and riparian corridors.
- 3.2 The following activities are prohibited in the WRPZ:
- (a) Unauthorized establishment of encampments.
 - (b) Any unauthorized presence in the WRPZ after sunset.
 - (c) Possession or use of unauthorized firearms or other weapons.
 - (d) Possession or use of explosives, including fireworks, or other toxic or hazardous materials or substances.
 - (e) Keeping and/or maintaining animals.
 - (f) Any unlawful activities.
 - (g) Any activities that could create a hazard or potential hazard to Valley Water employees or the public, or that could interfere with, obstruct, or prevent the safe operation of Valley Water facilities, including but not limited to buildings or habitat, or its activities associated with water quality, environmental stewardship, or flood risk reduction.

- (h) Any activity or nuisance that unreasonably disturbs the occupants of neighboring properties, including but not limited to, use of any loudspeakers; public address systems, sound amplifiers, radio or broadcast within the WRPZ in such manner that sounds are unreasonably loud or directed beyond the immediate area of the listener, except to the extent appropriate permits are obtained in accordance with any applicable municipal code section.
- (i) Depositing trash, debris, and/or hazardous pollutants.

SECTION 4: ENFORCEMENT/REGULATION OF WATER RESOURCES PROTECTION ZONES

- 4.1 It is a misdemeanor for any person to violate any Valley Water ordinance adopted pursuant to Section 9(b) of the District Act after the effective date of the ordinance. Any violation of this Ordinance is punishable by a fine not exceeding five hundred dollars (\$500), or imprisonment in the county jail not to exceed 30 days, or both that fine and that imprisonment. Any violation or threatened violation may also be enjoined by civil action. The prosecutor may in his or her discretion specify that the offense is an infraction.

SECTION 5: SEVERABILITY

If any section or provision of this Ordinance is held to be unconstitutional or invalid, that finding will not affect the validity of the Ordinance as a whole nor any part thereof, other than the part held to be unconstitutional or invalid.

SECTION 6: EFFECTIVE DATE

PASSED AND ADOPTED by the Board of Directors of Santa Clara Valley Water District by the following vote on [Month/Date], 2024, and effective 30 days after adoption pursuant to Section 9 of the District Act:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

By: _____
NAI HSUEH
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors



Valley Water

Clean Water • Healthy Environment • Flood Protection

Ecological Benefits that Need Protection

- Federal Flow Conveyance Requirements
- Maintenance of Regulated Water Quality Parameters
- Fish Habitat for Steelhead and Salmon
- Bird Habitat for Protected Migratory Birds and Raptors
- Active Mitigation for Multiple Regulatory Agencies



Environmental and Safety Concerns

4

- Declining ecological condition due to fire hazards, excavations, plant and tree removal, and trash and debris
- Declining water quality from biowaste, hazardous pollutants, and trash and debris
- Threats to groundwater recharge
- Ecological impacts to habitats and wildlife
- Increase in security incidents and fire-related occurrences related to unsheltered people

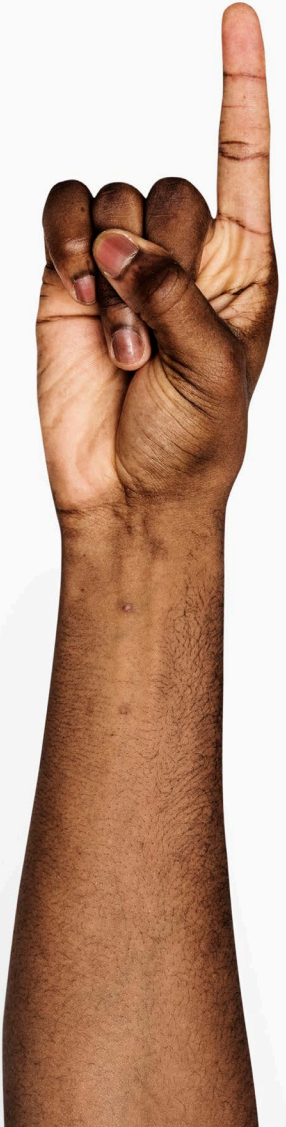


Proposed Ordinance

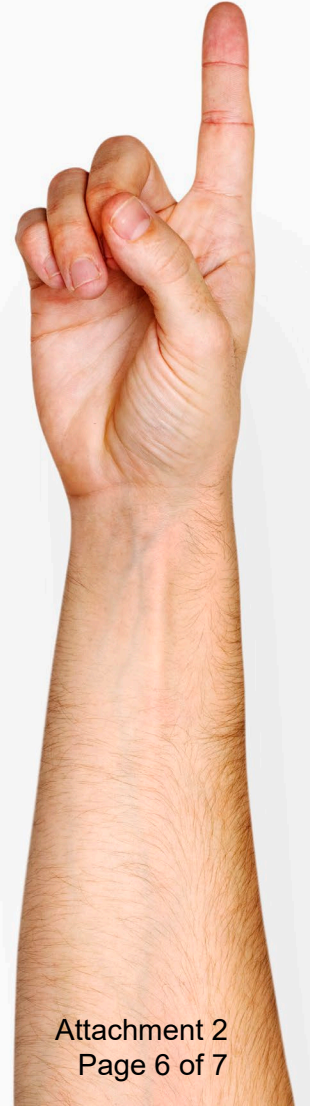
5

- Establishes water resources protection zones (WRPZ) to protect water resources, endangered species, riparian habitat of creeks and waterways, and other ecological resources
- Aims to support and improve the safety of Valley Water's field operations staff
- Addresses impacts of encampments of unsheltered individuals near and in waterways
- Aims to reduce encampments and prevent re-encampments along creeks and waterways

QUESTIONS



32





Valley Water

Clean Water • Healthy Environment • Flood Protection

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Santa Clara Valley Water District

File No.: 24-0470

Agenda Date: 5/17/2024

Item No.: 4.2.

COMMITTEE AGENDA MEMORANDUM Environmental Creek Cleanup Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Receive Update on Valley Water's Encampment Cleanup Operations.

RECOMMENDATION:

Receive updates and provide feedback on the following topics:

- A. City of San José update on Cherry Ave. Emergency Interim Housing (EIH) site.
- B. Encampment cleanup schedule.
- C. Encampment cleanup costs and funding.
- D. Trash and debris programs costs and accomplishments.
- E. Valley Water encampment management and property ownership discussion.
- F. Recent encampment cleanups and fence repairs.
- G. Valley Water/County of Santa Clara (SCC) outreach report update.
- H. Stream Stewardship Law Enforcement (SSLE) update.
- I. Update on Coyote Creek Flood Management Measures Project (CCFMMP) encampment relocation agreement with City of San José.

SUMMARY:

Staff will brief the Committee and provide up-to-date information on issues related to encampment cleanups:

- A. Cherry Ave. EIH Site Update: Update from Valley Water and City of San José staff on the progress of negotiations to develop EIH on Valley Water-owned property at Cherry Avenue.
- B. Encampment Cleanup Schedule: Discussion of currently scheduled encampment cleanups.
- C. Encampment Cleanup Program Costs & Funding: Update on Fiscal Year 2024 encampment cleanup expenditures and prior-year comparisons.
- D. Trash & Debris Programs Costs & Accomplishments: Update on Fiscal Year 2024 expenditures and prior-year comparisons on expenditures and cubic yards for all Valley Water

trash and debris removal programs.

- E. Valley Water Encampment Management and Property Ownership: Reminder that Valley Water owns or has access to maintain roughly 295 of the 800 miles of creeks and rivers in the county. Valley Water manages encampments on its lands, but management of encampments on land owned by other entities is the responsibility of those entities.
- F. Recent Encampment Cleanups & Fence Repairs: Discussion of recent cleanups along Guadalupe River downstream Willow Street, Los Gatos Creek downstream Bascom Avenue, Lower Silver Creek at King Road, and West Branch Llagas downstream Camino Arroyo.
- G. Valley Water/SCC Outreach Report Update: Update on Santa Clara County outreach services provided during Fiscal Year 2024 Q2.
- H. Stream Stewardship Law Enforcement (SSLE): Regular report on creek safety issues, including recent statistics from the San José Police Department's SSLE program.
- I. Update on CCFMMP Encampment Relocation Agreement with City of San José: Update from Valley Water and City of San José staff on the progress of outreach, housing, and associated costs for the CCFMMP.

ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:

There are no environmental justice and equity impacts associated with this update. However, Valley Water's outreach services agreement with County of Santa Clara and the negotiation with City of San José to build EIH are intended to benefit the vulnerable unsheltered community as Valley Water seeks to provide shelter and outreach services to improve outcomes.

ATTACHMENTS:

Attachment 1: PowerPoint

UNCLASSIFIED MANAGER:

Jennifer Codianne, 408-630-3876



Encampment Cleanup Update

387.86 Tons Removed Feb 1 – Apr 30

Environmental Creek Cleanup Committee

May 17, 2024

Cherry Avenue Emergency Interim Housing Update

- Valley Water and City of San José are negotiating development of Emergency Interim Housing
- Location: Valley Water property on Guadalupe River Reach 12, near Cherry Avenue
- City of San José will provide a progress update



Encampment Cleanup Schedule

2/1 – 2/9

- Enhanced Cleanup: Los Gatos Creek (behind Timber Cove), Private Property Owner Abatement: Los Gatos Creek (behind Sofi Apartments)
- Trash Hot Spots: Llagas Watershed
- Enhanced Cleanup: Guadalupe River - West Alma Avenue to West Virginia Street
- Enhanced Cleanup: Guadalupe Creek – Almaden Expressway to Camden Avenue

2/12 – 2/23

- Enhanced Cleanup: Guadalupe River - Blossom Hill Road to Branham Lane
- Enhanced Cleanup: Calabazas Creek - El Camino Real to D/S Cabrillo Avenue
- Trash
- Enhanced Cleanup: Coyote Creek - Montague Expressway to McCarthy Boulevard
- Enhanced Cleanup: Upper Penitencia Creek – Jackson Avenue to Capitol Expressway
- Trash Hot Spots: Guadalupe Watershed
- Hot Spots: West Valley Watershed

2/26 – 3/8

- Enhanced Cleanup: Los Gatos Creek - Bascom Avenue to Meridian Avenue
- Enhanced Cleanup: Los Gatos Creek - San Carlos Street to Santa Clara Street
- Enhanced Cleanup: Guadalupe River - West Santa Clara Street to Coleman Avenue
- Enhanced Cleanup: Calabazas Creek - El Camino Real to D/S Cabrillo Avenue
- Abatement due to extreme rating on risk assessment: Lower Silver Creek - San Antonio Abatement

3/11 – 3/29

- Mitigation Site Abatement: Guadalupe River – U/S Blossom Hill Road
- Enhanced Cleanup: Thompson Creek – Quimby Road to Keaton Loop
- CSJ Abatement for public safety: Los Gatos Creek - West San Fernando Street
- Enhanced Cleanup: West Branch Llagas – Monterey Road to Llagas Creek Confluence
- Enhanced Cleanup: Los Gatos Creek- San Carlos Street to Santa Clara Street
- Enhanced Cleanup: Los Gatos Creek - Lonus Street to Auzerais Avenue

Encampment Cleanup Schedule

3/25 – 4/3 - Enhanced Cleanup: Thompson Creek - Quimby Road to Keaton Loop - Enhanced Cleanup: Guadalupe Creek - Almaden Expressway to Coleman Avenue - Enhanced Cleanup: Guadalupe River - Branham Lane to Almaden Expressway	4/4 – 4/16 - Enhanced Clean Up: Calabazas Creek - El Camino Real to D/S Cabrillo Avenue - Enhanced Cleanup : Saratoga Creek - Lawrence Expressway to Benton Street - Trash Hot Spots: Calabazas Creek - Enhanced Cleanup: Los Gatos Creek – Bascom Avenue to Meridian Avenue - Enhanced Cleanup: Guadalupe River - West Alma Avenue to West Virginia Street	4/17 – 4/23 - Enhanced Cleanup: Upper Penitencia Creek – Jackson Avenue to Capitol Expressway - Abatements due to Risk: Coyote Creek near San Jose Highschool, Sunnyvale East Channel @ Tasman Ave - Enhanced Cleanup: Coyote Creek – Capitol Expressway to Tully Road - Enhanced Cleanup: Thompson Creek – Quimby Road to Keaton Loop	4/24 – 4/30 - Enhanced Cleanup: Thompson Creek – Quimby Road to Keaton Loop - CSJ Joint Abatement for trail safety: Los Gatos Creek – Lonus Street to Auzerais Avenue

Encampment Cleanup Costs & Funding

	FY20	FY21	FY22	FY23	FY24 (As of 5/3/24)
Encampment Cleanup Budget	\$1,515,073	\$922,107	\$1,923,736	\$2,406,885	\$4,129,753
Encampment Cleanup Expenditures	\$845,455	\$364,895	\$2,218,126	\$ 2,430,071.00	\$2,962,590
Encampment Cleanup Budget Remaining	\$669,618	\$557,212	(\$294,390.00)	(\$23,186.00)	\$1,167,162
Encampment Cleanup Budget Expended	56%	40%	115%	101%	72%

Encampment Cleanup Cost Breakdown

Encampment Cleanup Cost Categories	FY20	FY21	FY22	FY23	FY24 (As of 4/30/24)
Internal labor	\$127,611	\$55,152	\$372,532	\$380,321	\$383,130
Internal labor <i>(Overtime)</i>	\$51,637	\$13,361	\$3,913	\$7,978	\$5,500
Skilled Contract Labor <i>(Jensen, Tucker Construction, Inc., Art Cuevas Landscaping, & Monarch Landscape)</i>	\$321,131	\$131,368	\$810,289	\$850,515	\$751,044
SCC Outreach Services	N/A	N/A	N/A	N/A	\$13,000
Portable Toilet Facilities <i>(American Portables & United Site Services, Inc.)</i>	N/A	N/A	N/A	N/A	\$70,624
SJPD Secondary Employment	N/A	\$3,743	\$10,640	\$80,290	\$141,610
SJPD Stream Stewardship Law Enforcement (SSLE)* <i>*FY20-23 SSLE expenditures of \$524,160.21 were charged to SCW Priority B projects rather than Encampment Cleanup</i>	N/A	N/A	N/A	N/A	\$209,000
Utilities-Disposal <i>(Guadalupe Rubbish Disposal, Inc., Kirby Canyon & Newby Island landfills)</i>	\$10,699	\$6,566	\$42,525	\$25,115	\$57,180
Lease & Rental-Equipment <i>(Sixty-3 Trucking, Cresco Equipment Rental, DLE Equipment, Sunbelt Rentals, Inc., Harris Blade Rental, H&E Equipment Services, Inc., & United Rentals)</i>	\$1,829	\$10,148	\$11,711	\$10,699	\$12,664
Small Tools	\$3,429	\$71	\$1,342	\$3,428	\$3,071
Totals	\$516,335	\$220,409	\$1,252,953	\$1,358,346	\$1,646,823

Trash & Debris Impacts on Waterways

Encampment/Trash and Debris Cleanup Efforts

CY = cubic yards of trash, debris, and hazardous pollutants removed from waterways

Budget Year	SCW Project F5		SCW Project F6		SCW Priority B Projects
	Encampment Cleanup (CY)	Encampment Cleanup Cost	Litter Removal (CY)	Litter Removal Cost	Trash accumulation point mapping & removal, Trash Booms, Hot Spots, & Volunteer Cleanup Efforts (CY)
FY 2013-14	9,982	\$ 786,085	1,174	\$ 130,881	450
FY 2014-15	17,024	\$ 1,341,166	1,793	\$ 189,675	420
FY 2015-16	11,746	\$ 929,727	1,589	\$ 198,269	615
FY 2016-17	12,698	\$ 1,018,873	1,148	\$ 144,733	478
FY 2017-18	16,923	\$ 1,485,693	1,704	\$ 219,078	731
FY 2018-19	11,480	\$ 968,819	1,045	\$ 512,487	637
FY 2019-20	9,536	\$ 845,455	1,219	\$ 639,570	295
FY 2020-21	1,523	\$ 364,896	2,347	\$ 864,082	706
FY 2021-22	12,158	\$ 2,216,292	1,009	\$ 605,620	649
FY 2022-23	11,161	\$ 2,430,070	1,172	\$ 532,918	1,005
FY 2023-24 (As of 5/3/24)	12,330	\$ 2,962,590	824	\$ 268,725	194
Estimated Totals	126,561	\$ 15,349,666	15,024	\$ 4,306,038	6,179

Valley Water Encampment Management

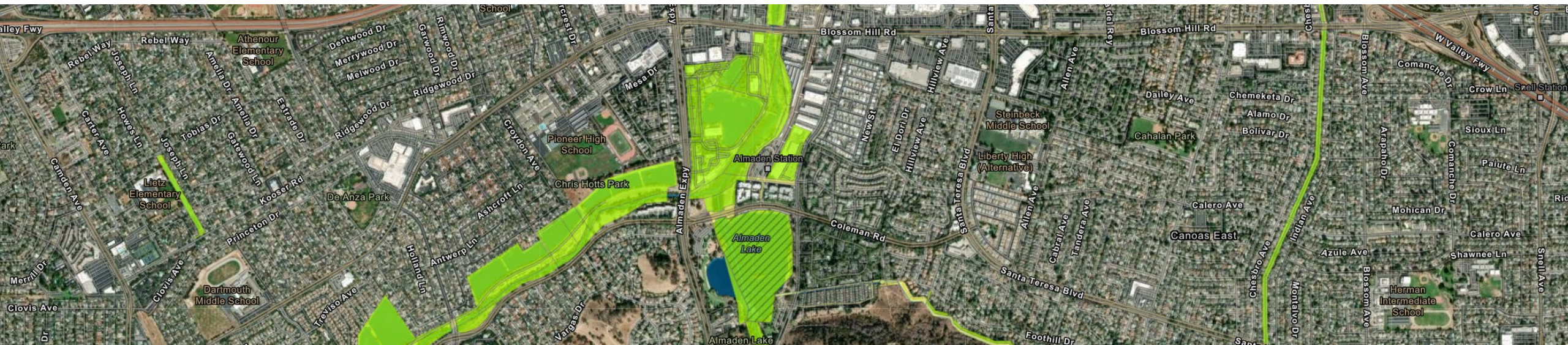
Property Owner Responsibilities

- Valley Water owns or has access to maintain approximately **295** miles of the **800** miles of the creeks and rivers in Santa Clara County.
- The remainder is owned by Santa Clara County, private entities, cities in which the creeks are located, and other public agencies.
- Valley Water performs encampment management activities only on the property where it has built flood protection projects and possesses land rights, including sections of Valley Water right-of-way.
- Management of encampments on land owned by other entities is the responsibility of those entities.

Valley Water Encampment Management Property Ownership Map

- This link provides a map showing Valley Water land ownership:

<https://gis.valleywater.org/FeeEasement/>



Guadalupe River – Downstream Willow Street



Before



After

Accomplishments:

- 90.21 Tons Removed
- 181.42 Acres Managed

Los Gatos Creek - Downstream Bascom Avenue



Before



After

Accomplishments:

- 81.57 Tons Removed
- 107.61 Acres Managed

Lower Silver Creek – King Road



Before



After

Accomplishments:

- 28.03 Tons Removed
- 18.91 Acres Managed

West Branch Llagas – Downstream Camino Arroyo



Accomplishments:

- 23.95 Tons Removed
- 184.09 Acres Managed

Fence Repairs

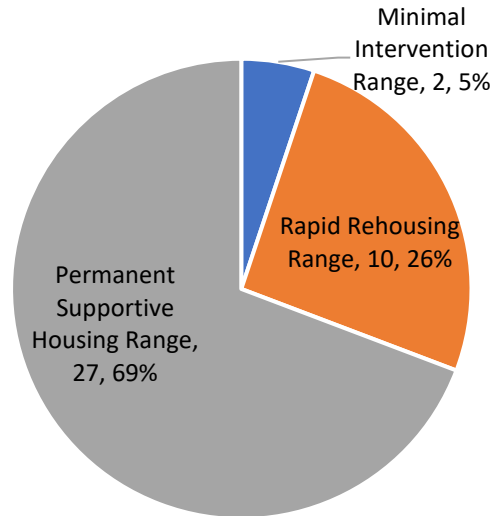


- Fence repairs completed by Watersheds Operations and Maintenance staff.
- Fence repair requests responded to within 1 business day.
- Work completed on average of 5 business days.
- 1,366 LF of Standard Chain-Link fence installed.
- 968 LF of Expanded Metal fence installed.

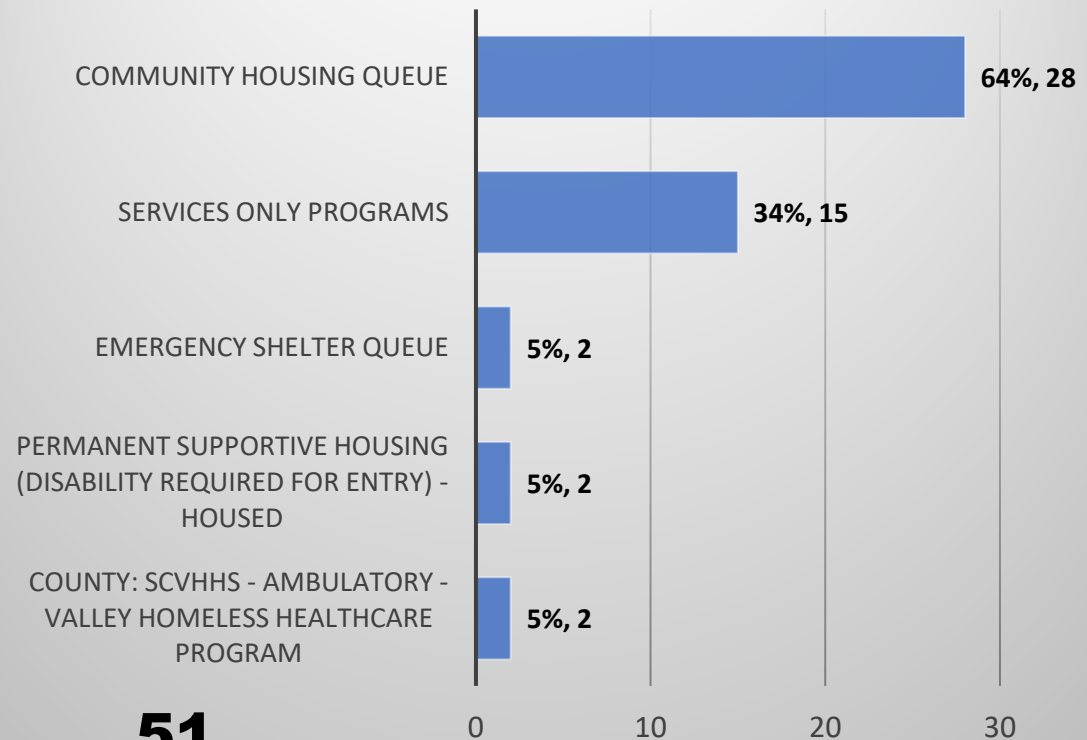
Valley Water Outreach Report– April 2024

- The following show characteristics for 44 households (47 individuals) currently enrolled in Community Hotline - Hotline Outreach (Valley Water OSH)
 - Enrollments are from August 2023 to March 2024
 - No clients have exited from the program yet
- 39 households have taken a VI-SPDAT assessment with 10 (26%) scoring in the Rapid Rehousing level of need and 27 (69%) scoring in the Permanent Supportive Housing level of need (based on their most recent VI-SPDAT assessment).
- 28 households are currently on the Community Housing Queue waiting for a housing opportunity.
- 2 households are currently enrolled and housed in a Permanent Supportive Housing program (housed in February and March 2024)
- 19 households were enrolled in an Emergency Shelter at some point, but none are actively enrolled as of April 19, 2024.

By VI-SPDAT Level of Intervention

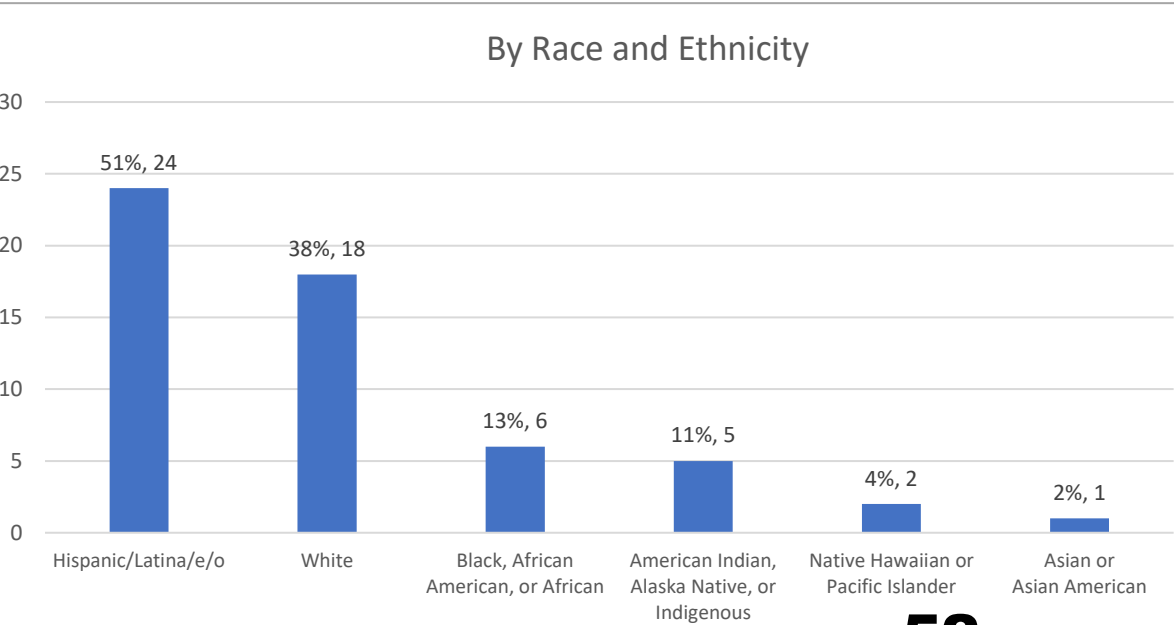
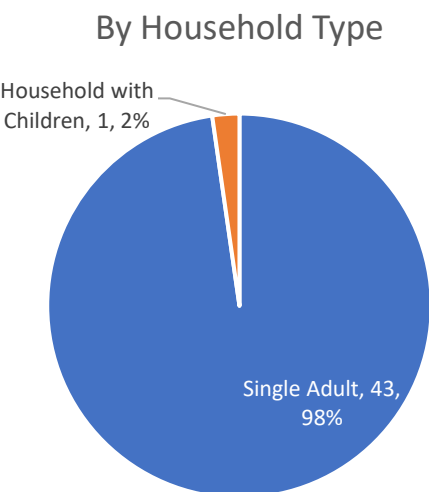
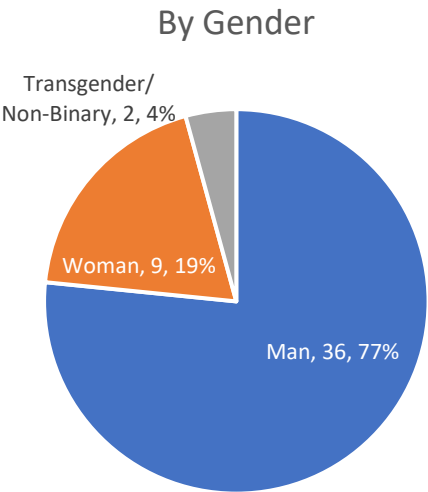
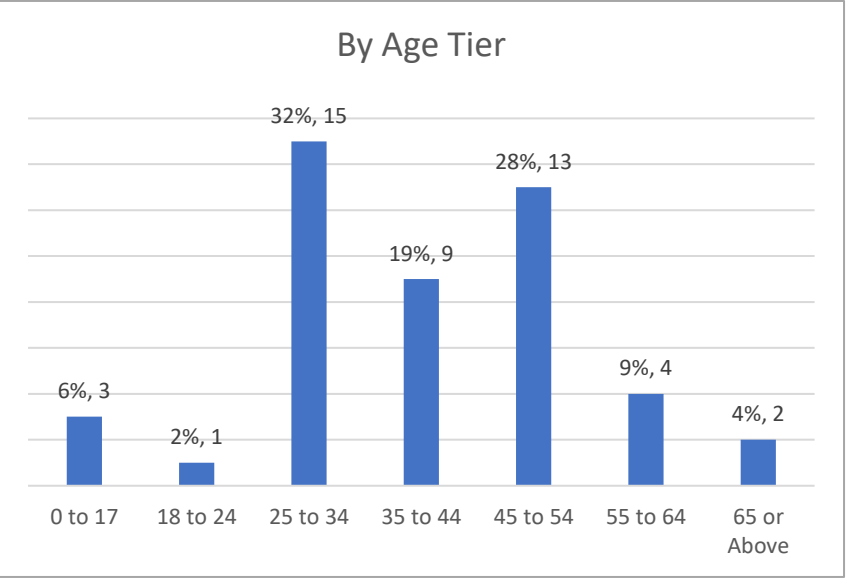


Valley Water Outreach Households Active on Community Queues or HMIS Programs (as of 4/19/2024)

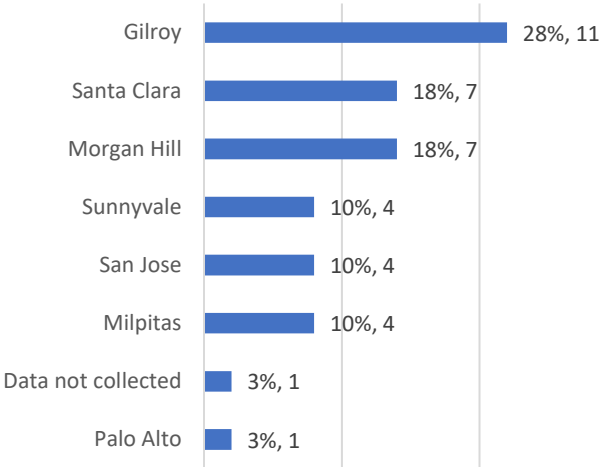


Valley Water Outreach Report– FY24 Q1 (Cont’d)

- The following are and demographics for 47 individuals currently enrolled in Community Hotline - Hotline Outreach (Valley Water OSH).



In which city do you spend most of your time (Most recent VI-SPDAT)



Stream Stewardship Law Enforcement (SSLE)

- **February 9 Statistics:** 2 arrests; 0 citations; 2 warrants associated to the individuals arrested/cited.
- **February 16 Statistics:** 7 arrests; 4 citations; 10 warrants associated to the individuals arrested/cited.
- **March 15 Statistics:** 1 arrests; 4 citations; 2 warrants associated to the individuals arrested/cited.
- **March 26 Statistics:** 1 arrests; 2 citations; 3 warrants associated to the individuals arrested/cited.

Outreach Services Update: CCFMMP MOA with CSJ

Census Count Description	Number of Individuals
Individuals identified by name in Project area	171
Individuals in the Project area with no identifying information	29
Total number of individuals counted in Project area	200
Individuals currently enrolled in HomeFirst outreach services	41
Individuals exited from HomeFirst outreach services	94
Total individuals provided outreach services to date (includes currently enrolled and exited)	135

During the course of its outreach, HomeFirst identified 13 children who are associated with households in the Project area. The children were not in the encampment when it was abated, but are connected to some of the households living in the Project area. HomeFirst will continue to support these children and households.

Housing Update: CCFMMP MOA with CSJ

Housing/Shelter Services	Total
Individuals exited to Guadalupe EIH site	43
Individuals exited to other destinations (e.g., other EIH sites, Bridge Housing Communities, etc.)	43
Remaining Unsheltered Individuals	77
Total individuals identified by name	163

The City's agreement with Valley Water allocates \$1,782,000 to implement housing strategies. To date, these funds have been used for the 30 units set aside at the Guadalupe EIH site; these units were established as a core component of the Project. The cost of the 30 set aside units is being used to spend down a portion of Valley Water funding at approximately \$75,000 per month. As units at the Guadalupe EIH site become available, HomeFirst's outreach team will continue to refer individuals from the Project area to the Guadalupe EIH site.

Cost Update: CCFMMP MOA with CSJ

Agreement Services	Current Expenditures	Budgeted Amount	Percentage Spent
Coordination of Abatement Activities, Personal Property, and Security Efforts	\$ 15,131	\$ 312,544	5%
Unhoused Services, Support, Outreach	\$ 649,051	\$ 3,611,870	18%
Trash Disposal	\$ 14,726	\$ 100,000	15%
SJPD Secondary Employment Unit - Initial Abatement	\$ -	\$ 100,000	0%
Tow Officers (SJPD)	\$ -	\$ 50,000	0%
Processing of Personal Property	\$ 25,780	\$ 75,000	34%
Conex boxes for storage of Personal Property	\$ -	\$ 20,000	0%
Removing/towing/disposing of vehicles - City Tow Vendors	\$ 20,130	\$ 225,000	9%
Installation and Repair of structural deterrents	\$ 124	\$ 350,000	0%
Grand Total:	\$ 724,941	\$ 4,844,414	15%

QUESTIONS



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Santa Clara Valley Water District

File No.: 24-0492

Agenda Date: 5/17/2024

Item No.: 4.3.

COMMITTEE AGENDA MEMORANDUM Environmental Creek Cleanup Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Update on State Funding Opportunities from the Passage of Proposition 1, Titled: "Authorizes \$6.38 Billion in Bonds to Build Mental Health Treatment Facilities for Those with Mental Health and Substance Use Challenges and Provides Housing for the Homeless. Legislative Statute."

RECOMMENDATION:

Receive information regarding state funding opportunities from Proposition 1 enacted by the voters in the March 5, 2024, statewide Primary Election.

SUMMARY:

During the Santa Clara Valley Water District (Valley Water) Board meeting on April 23, 2024, Vice Chair Santos requested staff provide an update to the Environmental Creek Cleanup Committee on potential state funding opportunities that may be available due to the enactment by the voters of Proposition 1 in the March 5, 2024, statewide Primary election.

Mental Health and Substance Abuse Treatment

Proposition 1 allocates up to \$4.4 billion to enhance state programs aimed at expanding access to mental health care facilities and substance abuse treatment centers through the Behavioral Health Continuum Infrastructure Program (BHCIP). The utilization of bond funds for constructing such facilities are contingent upon further state decisions. Notably, Proposition 1 mandates that a minimum of \$1.5 billion out of the allocated \$4.4 billion be earmarked for cities, counties, and tribal communities. The BHCIP program is intended to provide services for persons with mental health and substance abuse issues, the eligible entities are those authorized to provide mental health services and do not include independent special districts like Valley Water. However, to the extent that cities and the County of Santa Clara are able to access these funds, there is a potential for improved housing through mental health and substance abuse treatment for unsheltered people living along waterways in Valley Water's jurisdiction.

Homekey Project - Conversion, Rehabilitation, or New Construction of Permanent Supportive Housing

In addition to mental health and substance abuse services funding, Proposition 1 allocates \$2 billion for the conversion, rehabilitation, or new construction of permanent supportive housing through the Multifamily Housing Program, which is known by the moniker “the Homekey Program.” Under this bond provision, local governments may receive financial assistance in the form of either grants or loans from the state. The \$2 billion is split almost evenly, with \$922 million intended for individuals who are either experiencing homelessness or are at risk of homelessness. The other half, \$1.065 billion is allocated for initiatives specifically tailored for unhoused veterans and their families.

Can Valley Water Access Homekey Program Funding?

Opportunities for direct funding from the state are limited for all types of governmental entities due to the outsized need for housing, and typically more funding is available as loans rather than grants. Proposition 1 defines eligible entities as specified in [Health and Safety Code Section 50675.1.3](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=50675.1.3) https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=50675.1.3, which is the current definition used by the Department of Housing and Community Development (HCD) to administer the Multifamily Housing Program (Homekey Program). That section reads:

“...shall be disbursed in accordance with the Multifamily Housing Program, including as grants to cities, counties, cities and counties, and all other state, regional, and local public entities, including councils of government, metropolitan planning organizations, and regional transportation planning agencies designated in [Section 29532.1 of the Government Code](https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=50675.1.3) <https://1.next.westlaw.com/Link/Document/FullText?findType=L&originatingContext=document&transitionType=DocumentItem&pubNum=50675.1.3>....”

Based on a plain language reading of the above statute, it appears that “all other state, regional, and local public entities” would include public districts authorized to develop housing for low-income persons and families. Section 12.8 of the Santa Clara Valley Water District Act provides that authorization. However, HCD has the administrative authority to interpret the statute and eligibility. Staff is working to secure a determination from HCD as to whether Valley Water could qualify for funding through the Homekey Program and other HCD programs. Given that Valley Water is new to this type of public service, that these programs are very competitive, and that there is no dedicated source of Valley Water funding for housing over the long term, the strongest Valley Water proposals for state funds would be to partner with cities, the County, or non-profit housing entities because of their existing human services expertise.

Valley Water Funding Challenges

Valley Water receives revenue from the existing 1% ad valorem property tax for the purposes of the Santa Clara Valley Water District Act, which as of January 1, 2024, includes assisting unsheltered people living along waterways. This revenue is the primary source of funds for Valley Water’s Watershed and Stream Stewardship Fund (WSS Fund). The WSS Fund is oversubscribed due to its existing roster of flood risk reduction projects, water resources stewardship projects, subsidized groundwater rates for agriculture, and current encampment management efforts. Several WSS Fund projects already have been placed on hold until additional funding sources are identified for that fund. Consequently, any increased level of service associated with housing projects funded by Valley

Water will require a corresponding reduction in the funding of existing projects supported by the WSS Fund, including the possible delay or cancellation of other projects.

Continuing Efforts to Address Encampments of Unsheltered People

Valley Water continues to seek solutions to the rapid expansion of encampments of unsheltered people in recent years. These include the Good Neighbor Program, efforts to humanely remove encampments while complying with state and federal law, contracting for police and outreach services, partnering with cities and the County, as well as seeking grant funding where and when available. Homelessness is a complex social problem that requires collective efforts from communities, cities, the County, public and private landowners, non-profit service providers, and Valley Water. Securing Proposition 1 funding for our region is a high priority for staff and for our other municipal and nonprofit partners. The state has not yet appropriated Proposition 1 funding, but staff is carefully monitoring state budget negotiations and is hopeful more funding for the Homekey Program and other programs will be appropriated in FY 2024-25 State Budget.

ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:

There are no Environmental Justice impacts associated with this item as it is an informational item.

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

Marta Lugo, 408-630-2237

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Santa Clara Valley Water District

File No.: 24-0495

Agenda Date: 5/17/2024

Item No.: 4.4.

COMMITTEE AGENDA MEMORANDUM Environmental Creek Cleanup Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Receive an Update Regarding Assembly Bill 1469 Implementation.

RECOMMENDATION:

Receive an update on Santa Clara Valley Water District's efforts to exercise the authority granted by Assembly Bill 1469 to take certain actions to assist unsheltered people living along streams, in riparian corridors, or otherwise within the district's jurisdiction.

SUMMARY:

At the April 23, 2024, Santa Clara Valley Water District (Valley Water) Board meeting, Director Beall requested an update on the progress of Valley Water's planned actions to exercise the authority granted by Assembly Bill 1469 (AB 1469) Valley Water Assisting Unsheltered People, authored by Assemblymember Ash Kalra (D - San José), which took effect on January 1, 2024. The Valley Water-sponsored bill amends the Santa Clara Valley Water District Act (District Act) to authorize Valley Water to assist unsheltered individuals living along streams, in riparian corridors, or otherwise in Valley Water's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for unsheltered individuals.

AB 1469 amends the District Act and authorizes Valley Water to use revenue from an existing 1% ad valorem property tax to fund the activities authorized by the Bill. This revenue is the primary source of funds for Valley Water's Watershed and Stream Stewardship Fund (WSS Fund). Specifically, AB 1469 authorizes Valley Water to contract with a city, the County of Santa Clara, or the state to provide outreach, counseling, interim or long-term housing, public safety, or other services for unsheltered people. It authorizes contracting with nongovernmental entities for outreach, counseling interim or long-term housing, or other services, albeit in coordination with a city, if applicable, the Continuum of Care, and the County of Santa Clara. Finally, the law authorizes Valley Water to provide, develop, sell, or lease land for the construction of low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people.

As part of AB 1469 project implementation, staff have met with potential nonprofit development

partners to learn about their capabilities, the various types of housing community models, and the associated site development and operation costs. Staff have discussed specific Valley Water-owned properties with both nonprofit organizations and City and County departments. As these development discussions have been ongoing, other evolving conditions have necessitated that Valley Water act carefully in exercising the authority granted by AB 1469, including the following.

- A. Valley Water is aware of the City of San José's need to relocate encampments in its designated stormwater discharge areas to renew its Municipal Regional Stormwater NPDES Permit. In support of this effort, Valley Water is committed to partnering with the City to restore riparian habitat and assist unsheltered people currently living in waterways by securing sites for shelter and housing. As Valley Water and the City seek to engage in holistic encampment resolution actions, this will require more housing alternatives to be brought online. Any Valley Water housing efforts within the City of San José must be done in close coordination with the City's own housing efforts.
- B. Valley Water must also ensure that any housing efforts it pursues align with the needs of its proposed Water Resources Protection Zones Ordinance. In compliance with federal case law, Valley Water must be able to provide offers of adequate shelter or camping alternatives to unsheltered people who are displaced as a result of ordinance enforcement. It is imperative that Valley Water's housing efforts under AB 1469 are coordinated with implementation of the proposed ordinance.
- C. Budget constraints in the WSS Fund limit Valley Water's ability to make a large impact in housing development. Therefore, the pursuit of grant and loan funding is critical to support these projects. As detailed in a separate update on the May 17, 2024, Environmental Creek Cleanup Committee (ECCC) agenda, staff is investigating potential state funding opportunities that may be available due to the enactment by the voters of Proposition 1 in the March 5, 2024, statewide Primary Election.

More time is needed for staff to determine the full complement of funding resources that may be available to support Valley Water housing efforts. To secure state funding, a qualifying project would need to be developed, ideally through a partnership with a city, the County, or a non-profit service provider with human services expertise. Additionally, staff must fully understand the impacts of the City of San José's largescale encampment resolution strategy, as well as Valley Water's own potential implementation of its Water Resources Protection Zones Ordinance, before it can finalize housing development plans to support those initiatives. The City of San José intends to finalize its creekside encampment resolution strategy in late May 2024, and City staff will join Valley Water staff to present an overall collaboration approach at the next ECCC meeting. At that time, Valley Water staff will also be able to present more information on planned AB 1469 actions.

ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:

There are no Environmental Justice impacts associated with this update. However, the potential projects implemented under AB 1469 will impact the vulnerable unsheltered community as Valley

Water seeks to provide shelter and services to improve outcomes.

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

Jennifer Codianne, 408-630-3876

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Santa Clara Valley Water District

File No.: 24-0503

Agenda Date: 5/17/2024

Item No.: 4.5.

COMMITTEE AGENDA MEMORANDUM Environmental Creek Cleanup Committee

Government Code § 84308 Applies: Yes ☐ No ☒
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Review the Environmental Creek Cleanup Committee (ECCC) Work Plan.

RECOMMENDATION:

Review the Committee work plan to guide the committee's discussions regarding policy alternatives and implications for Board deliberation.

SUMMARY:

The attached Work Plan outlines the approved topics for discussion to be able to prepare policy alternatives and implications for Board deliberation. The work plan is agendaized at each meeting as accomplishments are updated and to review additional work plan assignments by the Board.

BACKGROUND:

Governance Process Policy-8:

The District Act provides for the creation of advisory boards, committees, or commissions by resolution to serve at the pleasure of the Board.

Accordingly, the Board has established Advisory Committees, which bring respective expertise and community interest, to advise the Board, when requested, in a capacity as defined: prepare Board policy alternatives and provide comment on activities in the implementation of the District's mission for Board consideration. In keeping with the Board's broader focus, Advisory Committees will not direct the implementation of District programs and projects, other than to receive information and provide comment.

Further, in accordance with Governance Process Policy-3, when requested by the Board, the Advisory Committees may help the Board produce the link between the District and the public through information sharing to the communities they represent.

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice impacts associated with this item.

ATTACHMENTS:

Attachment 1: ECCC 2024 Work Plan

UNCLASSIFIED MANAGER:

Candice Kwok-Smith, 408-630-3193

2024 ENVIRONMENTAL CREEK CLEANUP COMMITTEE WORK PLAN												
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Category												
Updates on Valley Water Encampment Cleanup Operations		X			X							
Subsection: Update on Fencing Issues and Repairs		X			X							
Subsection: County of Santa Clara Outreach Report		X			X							
Subsection: Creek Safety Issues Report		X			X							
Subsection: Encampment & Unsheltered Individual Count		X										
Subsection: Inter-agency Benchmarking		X										
Subsection: City of San José Update on Cherry Ave. Site					X							
Subsection: Update on CCFMMP Encampment Resolution					X							
Update on Countywide Collaboration – Consultant report		X										
Assembly Bill 1469 Implementation		X			X							
Water Resources Protection Zones Ordinance					X							
Update on Proposition 1 Funding					X							
Standing Items:												
Election of Officers					X							
Approval of Minutes		X			X							
Review of Committee Work Plan					X							

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