



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

May 31, 2024

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: 05/30/24
	<u>INCOMING BOARD CORRESPONDENCE</u>
5	Board Correspondence Weekly Report: 05/30/24
6	Emails from constituents to the board dated between May 23-25, 2024, addressing increasing debt interest and other Valley Water challenges.
7	Email from Scott Katric to the board, dated 05/22/24, submitting a recommendation letter for district 7 Youth Commission opening. C-24-0131
9	Email from Jim Kuhl to Director Beall, dated 05/22/24, referencing the May 22nd VW Recycled Water Committee Meeting. C-24-0132
16	Email from Gloria Whitaker-Daniels to Director Santos, dated 05/23/24, regarding vegetation growth along Lower Penitencia Creek. C-24-0133
17	Email from Sali Schille to Director Keegan, dated 05/23/24, about the mayor's post townhall addressing the encampment on Lelong and Willow Streets. C-24-0134
26	Email from Connie De La Cruz to the board, dated 05/23/24, requesting a call back. C-24-0135
27	Email from Joann Pascual to the board, dated 05/23/24, regarding encampment concerns. C-24-0136
43	Email from Connie De La Cruz to the board, dated 05/24/24, regarding Ricardo Richard Nalawagan's consideration of late filing. C-24-0137
46	Email from Jim Wiley to Derek Sproat, City of Palo Alto, copied to Chair Nai Hsueh, dated 05/24/24, concerning dead trees and brush in the Timothy Hopkins Creekside Park in Palo Alto. C-24-0138
	<u>OUTGOING BOARD CORRESPONDENCE</u>
60	Email from Director Keegan to Patricia Courtney, dated 05/24/24, replying to concerns about an encampment near Robinson Avenue in Santa Clara.
63	Email from Director Keegan to Eric Heckman, dated 05/24/24, replying to concerns about a flood wall being constructed as part of Coyote Creek Flood Management Measures Project and confirming a meeting on 05/29/24.
66	Email from Director Estremera to Matt Karnes, dated 05/28/24, replying to concerns about encampments of unsheltered people along Silver Creek near San Antonio Street.

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-24-0004	04/30/24	Santos	Hakes	Infante Bourgeois	Director Santos asked if we own any land that is currently zoned or can be zoned for residential apartments?	05/20/24		

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-24-0107	04/24/24	04/24/24	Cc: Beall	PAUL MONACO	Email from constituent regarding CRC R322 floodplain requirements	Refer to Staff	Hakes	Infante	05/02/24	05/01/24	n/a	05/08/24
C-24-0134	05/23/24	05/24/24	Cc: Keegan	SALI SCHILLE	Email from Sali Schille to Director Keegan, dated 05/23/24, regarding the mayor's post townhall addressing the encampment on Lelong and Willow streets.	Refer to Staff	Hakes	Bilski Codianne	06/01/24	-	n/a	06/07/24

Dear Valley Water Board Members,

I want to express my concerns and suggestions regarding the management of our region's water resources and the operations of the Valley Water Board.

Please prioritize an audit of the annual \$2 billion capital improvement budget, the most significant part of your OpEx. DO NOT WAIT to begin this audit please. Given the increasing interest on outstanding debt and the likelihood of financial strain in the near future, it is imperative that we identify opportunities for greater efficiency and optimization in this significant expenditure. An audit will provide valuable insights and recommendations to ensure that our investments in infrastructure are both efficient and sustainable over the long-term.

Furthermore, I strongly suggest that rate increases or tax increases for our ratepayers should only ever be a last resort. San Jose Water Company has increased their water rates and we have been hurting for years. Instead, I propose that we explore and invest in alternative approaches, such as water recycling, groundwater recharge, and percolation. These sustainable practices not only reduce our reliance on imported water, which can be costly, but also contribute to the replenishment of our local water sources.

Now is the time that we develop a comprehensive plan to address the critical need for upgrades to our reservoirs, pipelines, and water treatment plants. With at least four dams requiring seismic retrofitting, we cannot afford to neglect the safety and integrity of our water infrastructure. Let's get the maintenance done, before we think of other glamorous projects that are capital intensive. Your priority should remain with projects that directly benefit the residents of Santa Clara County. The proposed delta tunnel project does not align with that objective.

Additionally, I firmly believe in the importance of establishing a consumer advocate group within Valley Water. Such a group would serve as a watchdog, actively involved in the decision-making processes and ensuring transparency and accountability. **For example: the 2022 Measure A proposal by the Valley Water Board Members, which extended term limits for yourself**, has raised concerns about the potential for overreach and a lack of public oversight. The Valley Water Board in 2022 appeared to have an ethical lapse, where principles of good governance are sacrificed at the altar of self-interest and obfuscation. To maintain public trust and ensure that the interests of ratepayers are adequately represented and such happenings don't repeat, it is crucial to have a dedicated consumer advocate group within the Valley Water agency.

Moreover, I commend the principled stance taken by Board Member Barbara Keegan, who chose not to run for a fourth term as she had opposed Measure A. This ethical approach should be upheld by all board members. It would be especially unethical for them to seek an additional term granted by Measure A they had previously opposed.

I implore you to agendize these items after carefully considering these concerns. By prioritizing efficiency, sustainability, transparency, and ethical conduct, we can ensure that the Valley Water Board serves the best interests of our community and safeguards our precious water resources for generations to come.

The following members of the public submitted the above email:

Jeff and Cheri Barco, Saratoga
Pavi Kamath, Santa Clara
Nathan M. Szajnberg, MD, Palo Alto
Vishwanath Nayak, Saratoga
Keith & Lene Brumbaugh, San Jose
Pranav Kotamraju & Deepika Ummethala, Saratoga
Susan Swensson, Saratoga
Rajat P Garg, Saratoga

Members of undisclosed location:

Vivian Tseng,	Adele Salle	Gloria Hayes
Jean LaMarca	Haideh Karkha	George Stuckert
Bhavesh Mehta	Varun Walia	Michele Stefan
John Easterbrook	Ray Froess	Dan Rhoads
John Chang	Shonna Larson	Matt Murdock, Berkley
Sam Hawkins	Judy Holtzman	Chi-Mei Wang
Sima Geller	Shivaram Mysore	Doris Dougherty
Mario & Sylvia Ernani	Nilesh Parate	Kanaka Sriram
Anthony Chan	Richard A. Young	
Ronald T. Dickson	Jean Young	

From: [Scott Katric](#)
To: [Board of Directors](#)
Cc: [Rebecca Eisenberg](#)
Subject: Recommendation for District 7 Youth Commission Opening
Date: Wednesday, May 22, 2024 2:06:15 PM
Attachments: [JackThompsonRecommendation.pdf](#)

***** 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. *****

Honorable Board Members,

Please find attached my recommendation for the District 7 youth commission opening. The youth commission is an important board advisory committee and I'm sure there are many good candidates to consider. I am hopeful that my recommendation for Jack Thompson to be selected for this opening is helpful as I know that his environmental awareness of the area he lives in will serve him and the youth in his neighborhood well.

Thank you for considering Jack for this opportunity.

Scott Katric

May 22, 2024

SCVWD Board of Directors
5750 Almaden Expressway
San Jose, CA 95118-3686

Subject: Recommendation letter for Youth Commission

Dear Honorable Board Members,

I am pleased to write this letter of recommendation on behalf of Jack Thompson for the Youth Commission position in District 7. In my view, Jack is an excellent candidate for this commissioner's role.

I've known Jack for 7 years, we first got acquainted during a weekend long fishing trip when he was 9 years old and I have had the great pleasure of spending dozens of weekends with him and his family over the years. Since we first met, Jack has shown a keen interest in the creek near his home, Los Alamitos Creek. His interest in the creek near his home has expanded tremendously over the years to include the entire Guadalupe River system, and the adjacent watersheds he accesses using his bike. I am personally aware of hundreds of hours he has spent exploring our valley's creek systems, regularly finding unique aspects to quiz me on, such as the Almaden Lake project and the operation of the downstream fish ladder, the canal system connecting Almaden Reservoir to Calero Reservoir, the lakes located upstream of Lexington Reservoir, and most recently inquiring about the Ogier Ponds complex and Anderson Dam retrofit. I find it refreshing to talk with a young person so passionate about understanding the history and improving the current status of the watersheds in our valley.

In addition to Jack's tremendous interest in the watersheds, he is also involved in the South Bay Creeks Coalition, often participating in creek cleanups with his father and active in reporting concerns he has observed while biking along the public trails. I am also aware of Jack's volunteer efforts to help teach young children how to fish, working with the County of Santa Clara program to mentor kids.

From my observation, I found Jack to be a smart, hardworking, well spoken, and dedicated person full of positive energy and great enthusiasm. He will be a tremendous asset to the youth commission.

I would strongly recommend Jack be considered for the open District 7 youth commissioner position once again. In case you need additional information, please feel free to reach me at 408-210-2397, or you may drop an email at skatric@yahoo.com.

Thank you

Sincerely,



Scott Katric
Retired SCVWD Employee

From: [Michele King](#)
To: [Board of Directors](#)
Subject: FW: Wednesday, May 22nd VW Recycled Water Committee Meeting - Word-class "Benchmarks" for Desalinization and Wastewater Recycling
Date: Thursday, May 23, 2024 9:31:53 AM
Attachments: [PREPEconomicOptnsAnalysis PDF R3 5-19-24.dot](#)

From: Kirsten Struve <KStruve@valleywater.org>
Sent: Wednesday, May 22, 2024 7:53 PM
To: Candice Kwok-Smith <ckwok-smith@valleywater.org>; Nicole Merritt <NMerritt@valleywater.org>; Ryan McCarter <RMcCarter@valleywater.org>; Jing Wu <JWu@valleywater.org>; Julianne O'Brien <JulianneOBrien@valleywater.org>
Subject: Fwd: Wednesday, May 22nd VW Recycled Water Committee Meeting - Word-class 'Benchmarks' for Desalinization and Wastewater Recycling

Sent from my iPhone

Begin forwarded message:

From: jim.kuh [REDACTED]
Date: May 22, 2024 at 7:49:11 PM PDT
To: Jim Beall <JBeall@valleywater.org>
Cc: Kirsten Struve <KStruve@valleywater.org>, Aaron Baker <ABaker@valleywater.org>
Subject: **FW: Wednesday, May 22nd VW Recycled Water Committee Meeting - Word-class 'Benchmarks' for Desalinization and Wastewater Recycling**

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Jim,

My apology. This email was sent prematurely before I had a chance to edit it. My left wrist hit the ctrl key as I pressed another key and away the document went. I have edited the input to you below.

Jim

From: jim.kuh [REDACTED] <jim.kuh [REDACTED]>
Sent: Wednesday, May 22, 2024 7:26 PM

To: 'Jim Beall' <jbeall@valleywater.org>

Cc: Kristen Struve <kstruve@valleywater.org>; Aaron Baker (Abaker@valleywater.org) <Abaker@valleywater.org>

Subject: Wednesday, May 22nd VW Recycled Water Committee Meeting - Word-class 'Benchmarks' for Desalinization and Wastewater Recycling

Jim,

Per the discussion in the Committee meeting, attached is a document (i.e., PREPEconomicOptns Analysis) that contains operational cost with and without investment and interest amortization performance information for the world class San Diego Carlsbad desalinization plant and Orange County wastewater recycling plant - **Reference page 2's Table A.** The page 1 analysis summary and pages 3-4 with references you can skip over for your benchmarking information purposes.

'Best-In-Class' benchmarking in commercial operations is used in economic and financial studies to evaluating how well one's business is performing in comparison to competition. The comparison analysis would typically red-flag financial deficiencies where your operation was underperforming such as operational cost per unit produced or in level of Research and Development investment, etc.

For Valley Water (VW), 'Best-In-Class' benchmarking would enable projecting financial performance expectations when planning projects and set standards for comparative determination of whether VW actual operating costs efficient and required investment levels are reasonable. If not, additional analyses conducted to determine the reason for the deficiency. When a water district's operation's product is producing potable water using reverse osmosis process, the operational cost and facility construction cost should be comparable with benchmarks from California ~~when possible~~. However, the land acquisition, right-of-way easement, and import/export piping/pumping infrastructure cost could be very different depending on location and the degree the operation is centralized or disbursed among multiple facilities.

A few qualification statements need to be made about the benchmarks on Table A.

1. The data shown is derived from the respective Water District's (i.e., San Diego's or Orange County) website and may be dated. It is recommend on Kristen Struve's staff contact the respective agencies and obtain up-to-date performance information.
2. Brackish water desalinization is being pursued by San Diego as they have an aquifer that contains brackish water. Phase I ($\Phi 1$) is underway
3. The San Diego County Carlsbad Desalinization Plant generates potable water directly at an operational cost of 0.5 cents per gallon.
4. Since 2008, Orange County's wastewater recycling facility employing a reverse osmosis process has been inserting recycled water into 23 wells along the coast line in front of the Orange County aquifer. This fresh water bubble blocks saltwater incursion into the aquifer's stored groundwater. The Orange County's wastewater

recycling facility's reverse osmosis process employed appears to be capable of generating potable water directly. However, no website information was identified on plans to pursue direct potable water in the website search.

Best regards,

Jim

Jim Kuhl, Civic Issue Activist and Environmental Advocate



Pacheco Reservoir Expansion Project (PREP) Alternative Infrastructure Projects Economic Comparison

To: Director Richard Santos, Director Barbra Keegan and Director Nai Hsueh

Email Date: Tuesday, May 14, 2024

From: Jim Kuhl

Meeting Date: Friday, May 17, 2024

Subject: Water Supply & Demand Management Committee Meeting – Pacheco Reservoir Expansion Project Update
“Comment”

Topic: Pacheco Reservoir Expansion Project (PERP) versus Recycling Wastewater to Direct Potable Water Project
Economic Comparison

“Comment Summary”

World-famous Orange County’s Water District’s wastewater to potable water recycling plant and San Diego’s Carlsbad Desalination Plant infrastructure investment and operating cost data have been employed as benchmark references. The economic analysis on Table A, in the “Comment Supporting Information with References, has determined that **the amortized operating cost converting wastewater to potable water would be 30% less than the projected estimated amortized operating cost of water stored in the Pacheco Reservoir Expansion Project (PERP)**. Three north county wastewater treatment plants are currently processing 179,000AF/Y treated wastewater annually that could be recycled into potable water to cumulatively exceed the average Delta imported water requirement of 133,000AF/Y with 100% confidence as identified in the 2040 Water Supply Master Plan. **With more severe droughts caused by climate change, the strategic advantage of using wastewater recycling aggressively in water supply planning is enormous. Aggressive recycling wastewater would be a more cost-effective alternative to PREP and would provide a solution regarding future water supply resilience issues associated with drought susceptible Delta imported water allocations.** PREP could be terminated and a portion of its planned funding employed to expand the planned wastewater to potable water recycling from the current planned 33,000AF/Y up to 152,000AF/Y by 2035 plus make water more affordable.

The following actions need to be pursued by Valley Water (VW) Staff in developing the 2050 Water Supply Master Plan:

1. Before more funding and time are committed to PREP, conduct a rigorous scoping comparison analysis between: (i) VW’s PREP’s proposed 140,000AF storage capacity, (ii) increasing VW’s wastewater to potable water planned project capacity goal to 133,000AF/Y by 2035 and (iii) Orange County’s Wastewater Recycling Plant to potable water with 145,000AF/Y conversion capacity as a world class performance benchmark. In the report, provide economic comparisons of investment requirements and operational costs coupled with alternative project strategic pros and cons. Publish the results for critical review.
2. If step 1’s comparison analysis verifies the conversion of wastewater into potable water is more economic and strategically superior to PREP, in the development of the 2050 Water Supply Master Plan, eliminate Delta allocation water supply drought concerns using wastewater recycling to achieve sustainable water supply resiliency.

===== “Comment” Supporting Information with References =====

Pacheco Reservoir Expansion Project (PREP) is a very expensive \$2.7B Valley Water (VW) infrastructure project intended to improve water supply resiliency given longer deeper droughts due to climate change. **PREP is the prime planned infrastructure cost driver for a projected 12 X⁰ increase between FY23 and FY34 for M&I groundwater ‘North County Valley Zone W2’ wholesale water rates.** Retail water utilities meter rates serving 1.6M northern Santa Clara County residents will reflect those cost increases. This PREP driven projected wholesale water price increase projection results in **significant long-term water affordability concerns** for consumers and **the need to examine PREP alternative water supply reliability solutions.**

Table A, on page 2, assesses whether there are potential economic superior project alternatives to PREP and identifies relevant water supply planning strategic considerations. No VW comparable study to Table A has been performed and published by VW. **Developing the 2050 Water Supply Master Plan should contain a Table A type economic evaluation of wastewater to direct potable water alternative as a prerequisite prior to seeking PREP additional funding.**

PREP Alternative Infrastructure Projects Economic Comparisons

Table A: Pacheco Reservoir Expansion Alternative Projects Economic Comparisons

Economic Parameter	Pacheco Reservoir Expansion	Creating Potable Water Options Providing Supply Resiliency						
		Wastewater Conversion		Brackish Water desalination		Seawater Desalination		
	Valley Water	Orange County		Oceanside		Carlsbad		
	Imports water from Delta	Groundwater Replacement Program		Two Phase Project Φ1 Underway		Desalination Plant		
Conversion to Potable Water Process	Fresh Runoff Water	Reverse Osmosis		Reverse Osmosis		Reverse Osmosis		
Imported Water Cost from SWP & CVP								
Delta - Average	\$301/AF	1						
Delta - 1987-92 Drought Average	\$453/AF							
Delta Imported Water Average	133,000AF/Y	2	0	0		0		
Project Investment								
Original Bonds and/or Loans	\$2.7B		\$487M		insufficient info	\$1B	10	
Date Issued	Future		2008			2015		
Adjusted to 2023 Economics	\$2.7B	3	\$700M	6		\$1.43B	11	
Bond payback plus interest	\$4.1B		\$1B			\$2.17B	12	
Bond Payments	\$137M/Y		\$35.5M/Y			\$72.5M/Y	13	
Water Storage Capacity	140,000AF	4	0		0	0		
Plant Design Water Production Capacity			145,000 AF/Y		Varies	56,000 AF/Y		
North Valley Wastewater Portable Water Capacity			152,000AF/Y	7				
Operational Cost								
Cost without Loan Amortization	\$301/AF	5	\$750/AF	8	\$1,336/AF	9	\$1,629/AF	14
Cost with 30-year Loan Amortization	\$1,330/AF	5	\$1,036/AF	8	Estimate		\$2,923/AF	
Cost over Asset Life Amortization	\$610/AF	5	\$922/AF				\$2,405/AF	
Estimated Asset Life	100 years		50 years				50 years	

Table A Conclusions

- Orange County’s wastewater conversion to potable water amortized operational cost is **\$1,036/AF**, 30% less than the projected Pacheco Reservoir amortized operational cost of **\$1,330/AF**.
- At Santa Clara County’s 3 northern wastewater treatment plants, sufficient wastewater is now processed that would yield up to 152,000AF/Y of potable water. This potential potable water yield amount exceeds the planned average Delta imported water requirements of 133,000AF/Y.
- Urban Water Conservation by recycling wastewater can cost-effectively eliminate all future water supply resiliency concerns regarding Delta imported water constraints caused by droughts, given climate change.

PREP Alternative Infrastructure Projects Economic Comparisons

Table A: Informational Notes and References

2040 Water Supply Master Plan's water supply strategy states: Employ excess imported water from wet years and store it in ground water banks and reservoirs for dry years. This simplistic strategy curtailed and diminished examination of alternatives to increase water supply. Wastewater recovery to potable water nor brackish San Francisco Baywater wasn't pursued by VW as a significant potential solution to water supply resiliency.

Information shown on Table A is derived from internet research using Water District website material and other creditable sources. However, the publicized website operating costs needs to be reverified and made current by VW Staff by contacting the sources.

- ◇ 12X is a simple year to year mathematical calculation of VW's total % projected ground water wholesale growth from FY23 to FY34. Reference: "Staff Report" Exhibit 3 titled 5-Year Water Charge and Financial Indicator Projection North County (W-2 M&I GWP charge (\$/AF) Y-Y Growth %. See link: [VWGrdWaterZoneW2-2024-25Charge 4-8-24.pdf](#)
- 1. Delta water is acquired from SWP and CWP under a \$40M/Y contract that can provide a maximum allocation of 252,000AF/Y. **Underestimated \$301/AF** is equal to \$40M/Y divided by the average of 133,000AF/Y Delta imported water but excludes needed additional 'allocated' costs. Cost 'allocation' is the accounting practice of adding to direct water acquisition contract cost an appropriate fair assignment of local Santa Clara County area infrastructure import/export pipes & pumps investments' amortization, pumping energy cost and relevant infrastructure repair & maintenance cost that enables Pacheco Reservoir's expanded operation. The goal is to spread costs fairly to measure financial performance and improve decision making. **The understated \$301/AF PREP water contract acquisition operating cost was used in the economic comparison analysis on Table A.** On 4/26/24, VW was requested to provide Delta fully 'allocated' water cost into and out of PREP.
- 2. In the 2040 Water Supply Master Plan, VW receives an average of 133,000AF/Y of Delta water. 2006 was the last year VW received their full Delta water desired allocation of 252,500AF/Y. **Given an extended (e.g., 8 years) severe drought cause by climate change, the amount of SWP+CVP delta water would receive per year is highly speculative and likely insufficient.**
- 3. The total bond + loan investment, including interest, for PREP keeps growing. **Significant risk exists that the investment requirement for PREP will surge when underground problems are encountered after breaking ground.** As an example, Anderson Reservoir's seismic repair costs increased 58%, from \$1.2B to \$1.9B, once construction began and problems surfaced.
- 4. Large Northern California reservoir water storage and groundwater (aquifers) banked stored water for future use are the most essential elements in VW's water supply strategy. In the 5-year 1987 to 1992 'Design Drought' period (i.e., reference 2040 Water Supply Master Plan page 14) analysis, the stored water diminishes to zero. PREP's capacity expansion from 6KAF to 140KAF was identified as a major required project, among others, to solve that deficient water supply problem. However, 45% of PREP's stored water, is allocated to uncommitted but planned Pacheco Pass Water District and San Benito County Water District Pacheco Reservoir partners. The year-to-year transfer amount from PERP is small (i.e., 24,000AF), as verbally expressed by VW Staff in recent Board meetings. PERP's expanded storage year to year transfer capacity benefit seems highly questionable in extended (i.e., beyond 5-years) drought periods, diminishing PREP's strategic value. **PREP's investment cost of \$29,000/AF for expanded capacity is just too high, at ≈5.7X to 2.5X, compared to the capacity expansion cost of Los Vaqueros cost at \$5,100/AF and San Luis Reservoir's at \$11,800/AF.** PERP's basin terrane characteristics appear to be much less favorable for expansion.
 - Expanding 5,000 AF Pacheco Reservoir by 135,000 AF [to total capacity 140K AF] for \$2.7B (Payment total of ≈\$4.1B total with 3% interest) yields \$29,500/AF for additional stored water capacity.
 - Expanding 160,00 AF Los Vaqueros Reservoir by 275,000 AF [to total capacity 435K AF] for \$1.25B (Payment total of ≈\$1.4B with 3% interest) yields ≈\$5,100/AF for additional stored water capacity.
 - Expanding 2,000,000 AF San Luis Reservoir (B.F. Sisk Dam Raise) by 130,000 AF [to total capacity 2.13 MAF] for \$1B (Payment total of ≈\$1.5B with 3% interest) yields ≈\$11,800/AF for additional stored water capacity.
- 5. **To make an accurate comparison, the additional cost to convert Delta fresh water to drinking water should be added as the alternative reverse osmosis process provides directly potable drinking water.** Information hasn't

PREP Alternative infrastructure Projects Economic Comparisons

been received, as yet, on a 5/8/24 VW Staff request for the operational cost with needed 'allocation' costs to convert imported non turbid Delta water to drinking water

6. Wastewater recycling plant infrastructure cost will vary due to import/export piping pumping requirements and whether the treatment is in one centralized facility or dispersed. The north Santa Clara County wastewater treatment operations under consideration are San Jose Santa Clara Regional Wastewater Facility (123KAF/Y), Palo Alto Regional Water Quality Plant (22.4 KAF/Y) and Donald Somers Water Pollution Control Plant (33K AF/Y).
7. The 3 north county wastewater treatment plants are currently processing $\approx 179,000$ AF/Y of wastewater. VW 2040 Water Supply Master Plan calls for only 33,000AF/Y^A (22%) potable water conversion versus north county's $\approx 152,000$ AF/Y potential. California Water Resources Board now deems it safe[®] for humans to directly drink potable water recovered from waste water. The brine to dispose of is unchanged by water reverse osmosis conversion directly to potable water but must be diluted to comply with California's Clean Water Act. **Obtaining acceptable business agreements between Valley Water and the municipally owned wastewater treatment plant operators to achieve cost-effective operations remains an obstacle. VW should consider purchasing the sewerage treatment plants from the municipalities and fairly charge for their operating costs. Bay Area and statewide political leadership is needed to overcome the obstacles.**

Wastewater recycling directly to potable water is a great example of urban water conservation that can benefit Santa Clara County residents by assuring the water supply.

Δ See 2040 Water Supply Master Plan page 9 section 2.1 Baseline Water Supplies Systems 4th bullet down on link: https://www.valleywater.org/sites/default/files/Water%20Supply%20Master%20Plan%202040_11.01.2019_v2.pdf

Ⓒ See link: <https://www.epa.gov/waterreuse/summary-californias-water-reuse-guideline-or-regulation-potable-water-reuse>

8. See Project Benefits, second to last bullet in the document text link: About GWRS - Orange County Water District (ocwd.com)
9. The main cost difference between seawater and brackish water conversion to potable water is energy cost. The less salt content the less energy required.
10. 30-year payback period.
11. Adjusted for inflation.
12. 30-year loan at $\approx 3\%$ interest. Multiple CA bonds, grants, FWRIA loans, etc. are obtained from federal and state agencies that have different interest rates (e.g., range 1% to 4.04%). An average of 3% was selected as most representative.
13. 30 payments once per year.
14. In link www.carlsdaddesal.com ; See video titled: "Desalinated water costs half a penny per gallon." Convert \$/G to \$/AF.

An attached PDF format file copy of the "Comment" document is attached for your convenience to replicate.

If you have any questions or concerns regarding this "Comment" or the "Comment's" Supporting Information with References, please contact the author (email: jim.kuhl@ [REDACTED]).

Best regards,

Jim Kuhl

Jim Kuhl, Civic issue activist and Environmental Advocate

From: [Gloria Whitaker-Daniels](#)
To: [Bill Sanchez](#); [Richard Santos](#)
Cc: [Board of Directors](#); [Gloria Whitaker-Daniels](#)
Subject: Lower Penitencia Creek Improvements Project- Vegetation Growth
Date: Thursday, May 23, 2024 11:44:21 AM

***** 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. *****

Mr Sanchez and Mr Santos,


Mr. Sanchez, I left you a voicemail earlier today.

I appreciate the improvements and significant effort Valley Water made via the Lower Penitencia Creek Project to protect Milpitas residents from flooding. I lived through that event that occurred in the 1990s that flooded our streets and neighborhood. So I was glad to hear of the improvements made behind our fence line at 306 Summerwind Drive in Milpitas.

In January/February'24, Santa Clara County visited the area and began to boom mow the area after the completion of the project and celebration back in June'23. I understand that the objectives of the project were achieved, but the vegetated bench built in the creek and the easement along the creek is poorly maintained. Each day when I look out the windows along the back of the house the only things I can notice is the overgrowth of 8-10' weeds running the entire length of the floodwalls rather than the beautiful, well maintained space that photos implied we would see. My neighbors express the same disappointment. This space in no way (based on the photo renderings shared) is what was envision just overgrowth of dead weeds and the lack of maintenance. Though a repaved trail and planting of native vegetation was suppose of provide a peaceful area, I was still expecting a well maintained landscape. What is your pruning schedule for this area?

We are the original owners (35+ years) and would like to see this area looking nice when we either look out of our windows or drive by on Milmont Drive. We understand that it may not look as landscaped back in 1990, but we do remember how well it was maintained when the area was new. I hear too many people shooting off fireworks along this walkway, this is very concerning, and we don't want any of the dry vegetation to catch on fire. This is a fire hazard with little or no buffer to our fence line.

I appreciate your feedback and await your timely response.

Gloria Whitaker-Daniels


From: [Michele King](#)
To: [Board of Directors](#)
Subject: FW: Follow up post townhall
Date: Thursday, May 23, 2024 12:01:13 PM
Attachments: [Letter To Mayor.docx](#)

From: Sali Schille <sinolean>
Sent: Thursday, May 23, 2024 1:46 AM
To: Barbara Keegan <BKeegan@valleywater.org>
Cc: Board Correspondence <boardcorrespondence@valleywater.org>
Subject: Re: Follow up post townhall

*** 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. ***

Dear Ms. Keegan and Valley Water Board,

Many in the Willow Glen community received an email from the mayor today stating his desire to proceed with his proposal to move the encampment on willow and belong across the street on your fenced property.

From your website - The mission of Valley Water is to "provide Silicon Valley safe, **clean water** for a healthy life, **environment**, and economy." The first two Value Statements of Valley Water are "Valley Water is entrusted to serve the public by carrying out its mission **for the benefit of the community**" and "Valley Water is committed to providing excellent service to all **customers**."

As you know, on 04/17, the mayor called a townhall to give the community two options. Do nothing or move the unsanctioned encampment across the street onto your fenced property. You heard firsthand the community's response. It was a strong response and it loudly said "**No to the move onto your fenced property**".

There was a follow up survey (you know the Mayor is data-driven) asking the same question. The city has, so far, refused to share the survey results. I have spoken to many and I am confident the survey reflects the community sentiment from the townhall – It was another **No to the move onto your fenced property on Lelong and Willow**. I am attaching a letter sent to the Mayor post-survey for your reference.

In addition, many in the community have asked, how can the water be safe to drink

when human waste and rodent infestations (and the diseases they carry) are allowed next to the water? Why is ValleyWater allowing rodents to infest nearby houses? What is ValleyWater doing for the environment?

The community has seized any opportunity it had to voice its sentiment. When the opportunity for public comments was provided during your meeting on Friday 05/17, it voiced its support of your agenda considering banning encampments. This was really encouraging and it is also in line with ValleyWater's mission and values.

Given the above, how does Valley Water justify allowing the city to use the fenced area when it is clear that a) This is not benefiting the community, b) it is not providing excellent service to all customers and c) it will not prevent new/more homeless to take root once they are removed from the current area? How can be providing clean water for a healthy life and environment?

I speak for many in the community and we are encouraging Valley Water rescinds its offer to the city to use its fenced area for housing and proceed with its proposal to ban encampments. Please let us know **how we can support you** in continuing to be nationally recognized as a leading water resources management agency.

Looking forward to your reply.

Best Regards,

Sali Schille on behalf of the Minnesota Neighbors Group

On Sat, Apr 20, 2024 at 2:48 PM Barbara Keegan <BKeegan@valleywater.org> wrote:

Dear Ms. Schille,

I saw in your email that you questioned why Valley Water couldn't use Good Neighbor Funds to clean up the Lelong encampment. The answer is that we do use those funds for that purpose. The issue is that, unlike a City, we don't have police powers. That means we cannot remove people from encampments even when it's on our property. We need the city of San Jose to remove people from the encampment and then we can go in and clean up the site using our Good Neighbor funds. So we are unable to do any remediation until the city has cleared the site.

I did state at the meeting that I think the City needs to have a plan to provide permanent housing. An authorized encampment should not be a long term solution.

Please feel free to contact me if you have any additional questions. I want to make sure that Valley Water can provide the public with accurate information.

Best regards,
Director Barbara Keegan
District 2

- **Valley Water District:**
 - bkeegan@valleywater.org / Barbara Keegan represented the Water District last night
 - A question I plan to ask Barbara, "Why can't they use the Good Neighbor funds to help clean up the encampment?"
 - <https://www.valleywater.org/project-updates/f5-good-neighbor-program-encampment-cleanup>

----- Forwarded message -----

From: **Sali Schille** <sinolean>
 Date: Thu, Apr 18, 2024, 6:56 PM
 Subject: Re: Follow up post townhall
 To:

And one more call for action. Please don't hesitate to forward

Hi Neighbors,

I'm part of another elist specific to my street, Prevost, and sent the below to them as a follow up from last night. Some are repeated to what was shared earlier but I've also included who you can email to oppose the encampment.

Here are the main bullet points:

- **The city wants to move the encampment across the street to the Water District's paved, fenced area as a sanctioned encampment.**
 - Additional services to support the encampment will be provided as well as military style tents and cots.
 - Today they have clean hand stations, portable toilets, and trash pick up.
 - There will be no background checks, no drug enforcement, no Megan's Law checks, no requirements to look for work.
 - This would be an experiment for the city, as they have never managed a homeless tent community.
 - **The city will pull additional encampments along the creek and move them to the sanctioned encampment on Lelong/Willow.**
 - Planning is still underway so they have no idea of how many people would ultimately be moved to the area.
- **What happens if they don't create a sanctioned encampment?**
 - The mayor was wishy washy going from calling it "status quo" to "marginally better" to "it may take up to a year to ebate the encampment".

- The City will start to be fined in 2025 for allowing pollution from homeless in the creek. Likely part of their desire to move the encampment across the street away from the creek but also means they'd have to clean up the encampment or get fined:
 - <https://www.nbcbayarea.com/news/local/south-bay/san-jose-homeless-encampments-waterways/3469132/>
- **Arguments from Mayor Mahan and Councilmember Dev Davis:**
 - There is nowhere for the homeless to go.
 - There is a federal law (Martin v City of Boise) that requires any city to offer an alternative bed to any homeless forced to move. Note this is being challenged by California and other states at the Supreme Court. Someone mentioned it was happening next week but doing a quick Google search, I couldn't confirm that.
 - Everyone has to do their part to help with this humanitarian crisis.
- **News report with some video of the meeting:** <https://abc7news.com/san-jose-residents-voice-opinions-on-homeless-encampment-at-community-forum-with-mayor-matt-mahan/14686164/>
- Stay informed:
 - You can join a **neighborhood Google Group** created by our neighbor Sali on Minnesota. She's working to pull together a way to communicate with the larger neighborhood versus just our street via this email group. Here's the link to join: <https://groups.google.com/g/minnesota-neighbor-group>

Ready to take action?

YOUR voice can make the difference. Email your thoughts on sanctioning an encampment to the following people:

- **Valley Water District:**
 - bkeegan@valleywater.org / Barbara Keegan represented the Water District last night
 - A question I plan to ask Barbara, "Why can't they use the Good Neighbor funds to help clean up the encampment?"
 - <https://www.valleywater.org/project-updates/f5-good-neighbor-program-encampment-cleanup>
- **Mayor Matt Mahan:**
 - mayor@sanjoseca.gov
 - Aden.kassaye@sanjoseca.gov / I would copy Aden on an email to the Mayor's alias. He works in the Mayor's office as "Council Community Relations Representative"
 - 408.535.4856
- **Our City councilmember:** dev.davis@sanjoseca.gov
- **Santa Clara County Board of Supervisors -**
 - Our Supervisor: cindy.chavez@bos.sccgov.org
 - I did not see Cindy in attendance last night and for those

that remember Hope Village, she was not present to support our community or even defend the city plans.

- o Additional County Supervisors: Why email all of them? The County also needs to be responsible for what's happening in our neighborhoods. San Jose doesn't have enough power or influence to best support our communities. Clearly, areas like Los Gatos, Saratoga, and Mountain View are not taking their share of solving the homeless crisis.
 - District 1 - district1@bos.sccgov.org
 - District 3 - Supervisor.Lee@bos.sccgov.org
 - District 4 - supervisor.ellenberg@bos.sccgov.org
 - District 5 - Supervisor.simitian@bos.sccgov.org

On Thu, Apr 18, 2024 at 6:51 PM Sali Schille <sinolean@redacted.com> wrote:

Hi, Thanks for joining the Minnesota Neighbor list - Since you joined after the conversation started, I pasted it below for your reference

Additionally the point was made that there is no way to keep drugs out of the monitored camps.

They also made the point that they would keep the current area clean IF they had somewhere to put them. However the whole Lelong area was populated in the last year, there is no guarantee that more homeless would not come and occupy the space.

Very disappointed with mayor mahan. I voted for him over Davis based on his willingness to solve this issue now he's adopting dev's stupid plan from 5 years ago.

He needs to do a better job,

Jeff

Sent from my iPhone

Thanks Russell first for being there and for the great summary. I have taken off a couple of names from the distribution of folks who have left the neighborhood and asked to be removed. Couple of things I would like to add:

1. The city has never managed homeless in tents. So they are asking for us to acquiesce to an unproven housing concept on a floodplain
2. The site would be used to consolidate many other encampments - We never received an answer on how many tents the site would

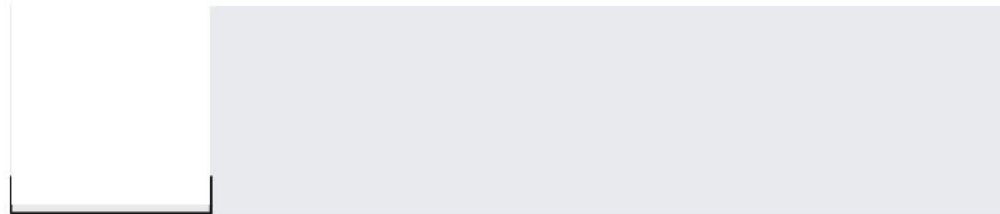
accommodate. I am imagining 800 tents floating away in a flood.

3. The water board is tightening its enforcement to ensure trash doesn't get in the creek - The city could be fined up to \$60K/person per day?? for having homeless by the creek. Unlike last time, the waterboard offered the land until they are ready to renovate that area 2026. A neighbor made the point that renovation start date keeps getting delayed - meaning that once established, the encampment is likely to stay there possibly for next 10 years.
4. The Mayor is very concerned about us organizing similar to last time - he shared this in his opening remarks. He also seemed surprised at the turnout
5. The Mayor made it look like he was giving us a choice: Option 1 is status quo - Keep the encampment where it is . And Option 2: move it to the larger site across the street. Dev Davis in her wording made it sound like it was decided

I hope I am right but my assessment is that this is the mayor's decision and that by the end of evening, he was smart enough politically to see that this is a tight knit community that will not easily be convinced to do something that is not likely to be managed properly by the city way after his term ends.

I wish I had been able to take everyone's contact information at the meeting so we can keep each other informed. Feel free to let me know if you would like to add anyone to the list.

- Sali



On Thu, Apr 18, 2024 at 12:20 PM Russell Dover <russell.dover> wrote:

Belmont/Minnesota neighbors,

I had to leave by 6:40pm just as they were getting into neighborhood feedback.

For any not there here is a summary of what they are proposing.

- The city has to clear encampments along the river or be fined by the state for clean water violations.
- They do not want to simply clear the encampment under the 280/87 bridge on Willow with nowhere for the homeless to go, and have a policy that any homeless problem in a neighborhood has to be dealt with within that neighborhood and not shuffled to someone else.

- They want to get our neighborhood to form a community of action (COA) with the city to support moving the tents and campers to the Valley Water lot diagonally from where it is now.
- Essentially what Dev proposed for the Tiny Homes 3 years ago, but worse, as a tent slum.
- They are trying to spin it as 'it will be orderly with tents in a row, toilets and garbage pick-up, but it will still be essentially the blight that is under the freeway but solves the budget problem for the city.

For anyone there in person, did I miss anything?

Thanks,
Russell Dover



Thanks Russell first for being there and for the great summary. I have taken off a couple of names from the distribution of folks who have left the neighborhood and asked to be removed. Couple of things I would like to add:

1. The city has never managed homeless in tents. So they are asking for us to acquiesce to an unproven housing concept on a floodplain
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Very disappointed with mayor mahan. I voted for him over Davis based on his willingness to solve this issue now he's adopting dev's stupid plan from 5 years ago.

He needs to do a better job,

Jeff

Sent from my iPhone

Dear Mayor Mahan,

On behalf of many of my Willow Glen neighbors, thank you for reaching out to the community regarding the Lelong/Willow encampment. It was good to hear from you and Dev directly. And thank you for your efforts in tackling homelessness in the city.

At the recent town hall, you gave the community a choice – “Option 1”, being the Status Quo, and “Option 2” being a Safe Sleeping site. We feel strongly that being offered these two choices ignores the fact that there are other options. Additionally, choosing from among these two options is premature, given the possibility of changes in the law that may soon come to pass.

At the town hall, given only the options suggested on that evening, many in the community voiced their support for Option 1 and strong opposition to any move onto the Valley Water lot. While there were some voices advocating for Option 2, I am not convinced that those voices were those living in the immediate areas surrounding the encampment.

Besides the false choice that the options presented, it seems we were being asked to seriously consider an option (Option 2) that had not yet been fully thought through. As Dev indicated, there were many unknowns about how a safe sleeping site would operate. In addition, and importantly, the US Supreme court is currently considering the Grants Pass case, which would provide our city with authority to take actions beyond Option 1 and Option2. Therefore, making a decision to go with Option 2 while more options may become available in just 6 months is not prudent.

Subsequent to the town hall meeting, your office sent us a survey, again outlining the same two options. We trust that what you heard in the town hall will be consistent with the survey results. Please let us know the city’s decision with respect to the encampment as soon as possible to put the community at ease.

There are too many examples to cite here of how our community is being relentlessly subjected to crime and a general feeling of vulnerability as a result of its proximity to homelessness. Just yesterday, a neighbor informed me that although he loves our tight knit community, he has made the difficult decision of moving his young family out of fear for their safety. We do not want to be painted as inhumane for choosing Option 1, but we cannot ignore that we have the interests of the entire community in mind when we say “no” to a city-sanctioned tent encampment in our neighborhood.

Regards,

From: [Dorothy Dora](#)
To: [Board of Directors](#)
Date: Thursday, May 23, 2024 3:49:17 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. *****

I truly suggest someone from the board of directors gives me a call. If you're not familiar with my case or everything that's going on with a creek my name is Connie De La Cruz you can contact me at [REDACTED] I do believe it's through your interest or maybe not I hope it is I have audio video and I'm turned into the right thing here but I'm exhausting my patience with medical problems and other things please contact me I know that I'm going to receive an email stating that I will probably be contacted but that hasn't happened anytime too soon I'd appreciate it thank you very much Connie De La Cruz

From: [Joann Collier](#)
To: [Board of Directors](#); [Jennifer Codianne](#)
Subject: Re: Encampment Concerns
Date: Friday, May 24, 2024 11:24:04 AM
Attachments: [CA_SUP_SAN_202300020419_d153267811e471_Complaint_filed_by_ESTATE_OF_GABRIEL_PRITCHARD_QTE.pdf](#)

*** 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. ***

I wanted to include two additional, reference items to my previous email:

-This article outlines the connection between hypersexual behavior and stimulant drugs such as Methamphetamine and Cocaine (two predominant street drugs in the Bay Area):
<https://recoveryoptions.us/stimulant-drugs-and-hypersexual-behavior/#:~:text=What%20is%20the%20connection%20between,results%20in%20compulsive%2C%20hypersexual%20behaviors>.

-The following case was opened against CITY OF OCEANSIDE, a public entity; COUNTY OF SAN DIEGO, a public entity; STATE OF CALIFORNIA, a public entity; CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION in San Diego County in May of last year over the death of a homeless individual in an encampment fire. See attached PDF. I am not sure the current status of this case but suffice to say, if this case does rule in favor of the plaintiff, this could become a precedence for further cases against public entities such as Valley Water. Allowing encampments on your property poses such a financial risk to Valley Water as encampment fires that kill homeless residents and possibly other neighboring residents is a very real legal threat. Think of the grief and guilt the families of especially homeless young adults feel just by having their loved one on the streets and when an encampment fire kills that loved one, all of that grief and guilt must go somewhere and I believe in our State, it will go into lawsuits. These families will want resolution and will seek to hold someone responsible for their family tragedy and I am afraid that that someone held responsible will be public entities such as Valley Water if proper boundaries for encampments are not put into place.

On Thursday, May 23, 2024 at 09:40:02 PM PDT, Joann Collier <jcollier2004@yahoo.com> wrote:

Hello there! Thank you for reading my email.

My name is Joann Pascual and I work for the State Department of Aging as a patient advocate for nursing home residents without mental capacity and family or friend representation. Most of the residents I work with are formerly homeless persons from the greater Bay Area. I share this background as context for my perspective, but my views do not represent and are not endorsed by my employer.

I have seen how well the homeless population has done in nursing homes. Granted, most of the residents I work with are the aging of our homeless population, but many are actually quite young, in their 50s and 60s. I have seen that they are able to live communally, make friends, "get clean," and find purpose. Many of the residents have greatly benefited from getting their medications regularly and having regular psychosocial support from nurses and staff.

I share this to say that the "freedom" to roam and camp in the creeks and streets of our Valley does not actually make for a quality of life for our homeless neighbors. Much like with children, I have seen great value in boundaries and structure for our homeless neighbors. I think that if encampment restrictions are put in place, our homeless neighbors will be more open to other options such as nursing homes, board and care homes, transitional care homes and shelters.

I think the "boundary" that you are working to establish for the homeless population by restricting them from Valley Water's waterways, reservoirs and creeks is an appropriate, healthy and potentially quite uplifting boundary for all parties!

Beyond the benefit the boundary you are seeking is to the homeless, I also care deeply about the water and environmental concerns of our Valley as well as the most vulnerable of our population which are the elderly and children. Most of the people I see camping along the creeks are men-younger, able-bodied men to an ever-increasing degree. I speak from a place of statistics and not from a sexist standpoint, but the likelihood of sexual assault among this population of men taking varying degrees of street drugs that can often make them hypersexualized, poses a great risk to the children, elderly and women walking our trails.

I live in the Almaden Lake Apartments just next store to your Valley Water headquarters and with the encampments along the creek next to my apartment, I am regularly encountering men on bikes from these encampments. Just the other night, I was followed into my parking garage by a man on a bike searching our trash bins at 11:30 at night. Suffice to say, allowing the creek encampments puts children, elderly and women especially at risk. I think the homeless might feel the creek provides a certain sort of "shelter" or escape from accountability to the laws of the land. I am not saying that all of our homeless neighbors are breaking the law, but it is very well documented that many of them are. Unfortunately, addiction can make a criminal out of any of us and the creeks are a place homeless neighbors can retreat to and no one will see the drugs they are taking, the property they have stolen, assaults committed, etc. I believe that coming out of the creeks will provide a certain degree of accountability to the laws of our County.

I also live quite close to the La Mirador apartments which are senior apartments. This past fall, here was a massive fire in one of the encampments along the creek and adjacent to this senior apartment. I am very concerned that one of these fires could easily set this senior apartment on fire and many of the residents living there are not very mobile, putting them at great risk for getting stuck in a burning apartment building. I spoke to one of the staff at La Mirador apartments and they expressed similar concerns of encampment fire risk to their residents.

I appreciate the careful and thorough attention your Board has given to this very sensitive matter.

Thank you again for reading my email!

-Joann Pascual

1 **Edward M. Morgan, Esq. - State Bar No. 273336**
2 **DOWNTOWN L.A. LAW GROUP**
3 910 S. Broadway
4 Los Angeles, CA 90015
5 Tel: (213) 389-3765
6 Fax: (877) 389-2775
7 Email: Edward@downtownlalaw.com

8 Attorneys for Plaintiffs,
9 ESTATE OF GABRIEL PRITCHARD, et. al.

10 **SUPERIOR COURT OF CALIFORNIA**
11 **COUNTY OF SAN DIEGO**

12 ESTATE OF GABRIEL PRITCHARD;
13 DEBORAH OTERO, an individual and
14 successor in interest of Decedent GABRIEL
15 PRITCHARD; MANUEL CONTRERAS, an
16 individual and successor in interest of
17 Decedent GABRIEL PRITCHARD

18 Plaintiffs,

19 v.

20 CITY OF OCEANSIDE, a public entity;
21 COUNTY OF SAN DIEGO, a public entity;
22 STATE OF CALIFORNIA, a public entity;
23 CALIFORNIA DEPARTMENT OF
24 FORESTRY AND FIRE PROTECTION, a
25 public entity; and Does 1 to 50, inclusive.

26 Defendants.

Case No.:

(UNLIMITED CIVIL ACTION)

COMPLAINT FOR DAMAGES

1. **DANGEROUS CONDITION OF PUBLIC PROPERTY – WRONGFUL DEATH**
2. **NEGLIGENCE**

****DEMAND FOR JURY TRIAL****

27 COME NOW, Plaintiffs ESTATE OF GABRIEL PRITCHARD; DEBORAH
28 OTERO, an individual and successor in interest of Decedent GABRIEL PRITCHARD;
MANUEL CONTRERAS, an individual and successor in interest of Decedent GABRIEL
PRITCHARD and submit their Complaint and alleges as follows:

GENERAL ALLEGATIONS

1
2 1. At all times relevant herein, Plaintiffs ESTATE OF GABRIEL
3 PRITCHARD; DEBORAH OTERO, an individual and successor in interest of Decedent
4 GABRIEL PRITCHARD; MANUEL CONTRERAS, an individual and successor in interest
5 of Decedent GABRIEL PRITCHARD (“Plaintiffs”), were residents of the County of San
6 Diego, State of California.

7 2. Plaintiff DEBORAH OTERO, is a surviving parent of Decedent GABRIEL
8 PRITCHARD (hereinafter referred to as "GABRIEL PRITCHARD"). GABRIEL
9 PRITCHARD’s date of birth is November 20, 1988, and his date of death is May 15, 2022.

10 3. Plaintiff MANUEL CONTRERAS, is a surviving sibling of Decedent
11 GABRIEL PRITCHARD (hereinafter referred to as "GABRIEL PRITCHARD"). GABRIEL
12 PRITCHARD’s date of birth is November 20, 1988, and his date of death is May 15, 2022.

13 4. Plaintiffs ESTATE OF GABRIEL PRITCHARD; DEBORAH OTERO, an
14 individual and successor in interest of Decedent GABRIEL PRITCHARD; MANUEL
15 CONTRERAS, an individual and successor in interest of Decedent GABRIEL
16 PRITCHARD, are asserting causes of action for the wrongful death of Decedent GABRIEL
17 PRITCHARD.

18 5. Plaintiffs believe all heirs of Decedent GABRIEL PRITCHARD, are named
19 herein. If others are discovered, Plaintiff will seek leave of Court to amend this Complaint to
20 reflect such unknown heirs.

21 6. Plaintiffs ESTATE OF GABRIEL PRITCHARD; DEBORAH OTERO, an
22 individual and successor in interest of Decedent GABRIEL PRITCHARD; MANUEL
23 CONTRERAS, an individual and successor in interest of Decedent GABRIEL
24 PRITCHARD are informed and believe, and based upon such information and belief allege
25 that they are the decedent’s lawful heirs, and therefore this complaint does not name any
26 adverse heir in connection with this complaint for wrongful death.

27 ///

28 ///

1 7. Plaintiffs ESTATE OF GABRIEL PRITCHARD; DEBORAH OTERO, an
2 individual and successor in interest of Decedent GABRIEL PRITCHARD; MANUEL
3 CONTRERAS, an individual and successor in interest of Decedent GABRIEL
4 PRITCHARD are informed, believe and thereupon allege that Defendants CITY OF
5 OCEANSIDE, a public entity; COUNTY OF SAN DIEGO, a public entity; STATE OF
6 CALIFORNIA, a public entity; CALIFORNIA DEPARTMENT OF FORESTRY AND
7 FIRE PROTECTION, a public entity; and Does 1 to 50, inclusive, are and, at all times
8 mentioned herein, were and are corporations/public entities organized and existing under the
9 law of the State of California, having its principle place of business in the State of California,
10 County of San Diego.

11 8. Plaintiffs are ignorant of the true names and capacities, whether individual,
12 corporate, associate, or otherwise, of Defendants sued herein as DOES 1 through 50,
13 inclusive, and, therefore, sues these Defendants by such fictitious names. Plaintiffs will
14 amend this complaint to allege their true names and capacities when ascertained. Plaintiffs
15 are informed and believe and thereon allege that each of these fictitiously named Defendants
16 are responsible in some manner for the occurrences herein alleged, and that Plaintiffs'
17 damages, as herein alleged, were proximately caused by such Defendants.

18 9. Plaintiffs are informed and believe and thereon allege that each of the
19 Defendants designated herein as a DOE is responsible, negligently or in some manner, for
20 the events and happenings herein referred to, and thereby proximately caused the death and
21 damages to the Plaintiff as herein after alleged.

22 10. Plaintiffs is informed, believe and thereupon allege that Defendants,
23 including those sued herein as DOES 1 through 50, inclusive, and each of them, were and are
24 the tenants, agents, employees, officers, directors, principals, managing agents, managers,
25 members, subsidiaries, affiliates, joint ventures, partners, subcontractors, alter egos, co-
26 conspirators or representatives of each other with respect to the events and transactions
27 alleged herein. Plaintiff are informed, believe and thereupon alleges that Defendants,
28 including those sued herein as DOES 1 through 50, inclusive, and each of them, were

1 involved in the acts, transactions, and omissions alleged herein below and are responsible in
2 whole or in part for the injuries and damages herein alleged. Plaintiff are informed, believe
3 and thereupon alleges that, at all times herein mentioned, each of the Defendants, including
4 those named herein as DOES 1 through 50, in addition to action for himself and itself at all
5 material times was acting as the agent, servant, employee and representative of each of the
6 other defendants, and in doing the things herein after alleged, was acting within the course
7 and scope of such relationship and with the permission, consent and ratification of each and
8 every other Defendant. All of the references made herein below to Defendants, and each of
9 them, include a reference to the fictitiously named Defendants. Defendants DOES 1 through
10 50 identified in the complaint are fictitiously named Defendants, and Plaintiff reserves the
11 right to amend this complaint to identify those parties' true names once discovered.

12 11. Defendants at all times mentioned herein were the agents, servants,
13 employees, partners, members, shareholders, officers, directors, joint venturers, and alter
14 egos of each other, and in doing for failing to do the things hereinafter mentioned were acting
15 within the purpose and scope of their agency and employment and with the knowledge and
16 consent of each other.

17 12. As used herein the term "Defendant" means all Defendants, both jointly and
18 severally, and references by name to any named Defendant shall include all Defendants, both
19 jointly and severally.

20 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

21 13. "Pursuant to the Government Code, any party with a claim against a public
22 entity must first present the claim to the entity; only if the governmental claim is denied or
23 rejected may the claimant then institute civil litigation. (Government Code § 945.4.)"

24 **ESTATE OF GABRIEL PRITCHARD**

25 14. Defendants, CITY OF OCEANSIDE; and DOES 1 through 50, were served
26 with a claim for damages pursuant to Government Code Section 911.2 on or about
27 November 11, 2022 and was rejected on December 15, 2022.
28

1 15. Defendants, COUNTY OF SAN DIEGO; and DOES 1 through 50, were
2 served with a claim for damages pursuant to Government Code Section 911.2 on or about
3 November 11, 2022 and was rejected on November 18, 2022.

4 16. Defendants, STATE OF CALIFORNIA; DEPARTMENT OF FORESTRY
5 AND FIRE PROTECTION; and DOES 1 through 50, were served with a claim for damages
6 pursuant to Government Code Section 911.2 on or about November 11, 2022 and has not
7 been rejected by an agent for Defendants STATE OF CALIFORNIA, DEPARTMENT OF
8 FORESTRY AND FIRE PROTECTION.

9 DEBORAH OTERO

10 17. Defendants, CITY OF OCEANSIDE; and DOES 1 through 50, were served
11 with a claim for damages pursuant to Government Code Section 911.2 on or about
12 November 11, 2022 and was rejected on December 15, 2022.

13 18. Defendants, COUNTY OF SAN DIEGO; and DOES 1 through 50, were
14 served with a claim for damages pursuant to Government Code Section 911.2 on or about
15 November 11, 2022 and was rejected on November 18, 2022.

16 19. Defendants, STATE OF CALIFORNIA; DEPARTMENT OF FORESTRY
17 AND FIRE PROTECTION; and DOES 1 through 50, were served with a claim for damages
18 pursuant to Government Code Section 911.2 on or about November 11, 2022 and has not
19 been rejected by an agent for Defendants STATE OF CALIFORNIA, DEPARTMENT OF
20 FORESTRY AND FIRE PROTECTION.

21 MANUEL CONTRERAS

22 20. Defendants, CITY OF OCEANSIDE; and DOES 1 through 50, were served
23 with a claim for damages pursuant to Government Code Section 911.2 on or about
24 November 11, 2022 and was rejected on December 15, 2022.

25 21. Defendants, COUNTY OF SAN DIEGO; and DOES 1 through 50, were
26 served with a claim for damages pursuant to Government Code Section 911.2 on or about
27 November 11, 2022 and was rejected on November 18, 2022.
28

1 26. Plaintiffs are informed and believe, and thereupon allege, that Defendants
2 CITY OF OCEANSIDE, a public entity; COUNTY OF SAN DIEGO, a public entity;
3 STATE OF CALIFORNIA, a public entity; CALIFORNIA DEPARTMENT OF
4 FORESTRY AND FIRE PROTECTION, a public entity; and Does 1 to 50, inclusive,
5 created, owned, built, drafted, engineered, designed, inspected, regulated, modified, directed,
6 supervised, planned, contracted, constructed, managed, serviced, repaired, maintained, used,
7 occupied, and controlled the SUBJECT LOCATION, including the subject hillside
8 encampment, and owed non-delegable duties to Decedent and other members of the public in
9 connection with the SUBJECT LOCATION and, pursuant to *Government Code* sections
10 815.2, 815.4 820(a) *et seq.*, 830, and 835(b) are vicariously liable for torts of their agents,
11 associates, employees, contractors (independent or otherwise), consultants, partners, vendors
12 and/or joint venturers including, but not limited to, Does 1 to 50, inclusive, for negligently,
13 carelessly and/or recklessly planning, owning, building, installing, reviewing, evaluating,
14 directing, designing, maintaining, allowing, permitting, regulating, contracting, controlling,
15 servicing, inspecting, repairing, modifying, altering, monitoring, managing, constructing,
16 controlling, warning or failing to warn of, failing to remove, allowing to remain, and/or
17 supervising the SUBJECT LOCATION, including the subject hillside encampment, and said
18 negligent, careless and reckless acts or failures to act created said dangerous and defective
19 conditions of said properties which legally caused the subject incident, Decedent's untimely
20 death, and the injuries and damages to Plaintiffs as herein alleged.

21 27. Plaintiffs are informed and believe, and thereupon allege, that at all times
22 mentioned herein, and at the time of Decedent's death, the SUBJECT LOCATION,
23 including the hillside encampment, was defective and contained various dangerous
24 conditions and defects pursuant to *Government Code* section 835, including, but not limited
25 to, hazardous trees and dry bushes, brush, and/or other vegetation that was highly flammable
26 and created a substantial and reasonably foreseeable fire risk when the SUBJECT
27 LOCATION was used with due care in a reasonable manner.

28 ///

1 28. Based on the aforementioned facts, the SUBJECT LOCATION, including the
2 hillside encampment, constituted a dangerous condition of public property at the time of the
3 subject incident that created a reasonably foreseeable risk of injury to persons using the
4 SUBJECT LOCATION, including the hillside encampment, in a reasonable manner.

5 29. Plaintiffs are informed and believe, and thereupon allege, that CITY OF
6 OCEANSIDE, a public entity; COUNTY OF SAN DIEGO, a public entity; STATE OF
7 CALIFORNIA, a public entity; CALIFORNIA DEPARTMENT OF FORESTRY AND
8 FIRE PROTECTION, a public entity; and Does 1 to 50, inclusive, had, within the meaning
9 of *Government Code* section 835.2, actual and/or constructive knowledge of said dangerous
10 and defective conditions at the SUBJECT LOCATION, including the hazardous trees and
11 dry bushes, brush, and/or other vegetation at and/or near the hillside encampment area
12 surrounding and within the SUBJECT LOCATION, for a sufficient period of time prior to
13 the subject fire to have taken measures to prevent such incidents due to the longstanding
14 physical appearance and conditions of the SUBJECT LOCATION, including the hillside
15 encampment, as well as the trees and/or vegetation surrounding and within the SUBJECT
16 LOCATION, which showed obvious signs of, among other things, fire hazard. These
17 dangerous and defective conditions at the SUBJECT LOCATION, including the hillside
18 encampment, existed for a sufficient period of time prior to the subject fire for Defendants to
19 have taken reasonable measures to prevent the subject incident. However, Defendants, and
20 each of them, negligently, carelessly, and recklessly failed to do so.

21 30. Plaintiffs are informed and believe, and thereupon allege, that said dangerous
22 conditions were not nor would not have been reasonably apparent to, and were not nor would
23 have been anticipated by, persons exercising due care, such as Decedent. Plaintiffs are
24 further informed and believe, and thereupon allege, that said dangerous conditions were a
25 legal, direct, and proximate cause of Decedent's death and Plaintiffs' injuries and damages
26 alleged herein.

27 31. Plaintiffs further allege that Defendants CITY OF OCEANSIDE, a public
28 entity; COUNTY OF SAN DIEGO, a public entity; STATE OF CALIFORNIA, a public

1 entity; CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION, a
2 public entity; and Does 1 to 50, inclusive, and their employees, agents, servants, and
3 contractors (independent or otherwise) are liable for Plaintiffs' damages pursuant to
4 *Government Code* sections 815.2, 815.4, 820(a) *et seq.*, 830, and 835(b) for negligently,
5 carelessly, and/or recklessly owning, occupying, designing, maintaining, allowing,
6 permitting, regulating, controlling, servicing, inspecting, repairing, modifying, altering,
7 monitoring, improving, constructing, warning, and/or failing to warn, and/or supervising the
8 SUBJECT LOCATION, including the subject hillside encampment, and said negligent,
9 careless and/or reckless acts or failures to act created said dangerous and defective conditions
10 at the SUBJECT LOCATION, including the subject hillside encampment, which legally
11 caused the subject fire, Decedent's death, and Plaintiffs' injuries and damages herein alleged.

12 32. Plaintiffs are informed and believe, and thereupon allege, that Defendants
13 CITY OF OCEANSIDE, a public entity; COUNTY OF SAN DIEGO, a public entity;
14 STATE OF CALIFORNIA, a public entity; CALIFORNIA DEPARTMENT OF
15 FORESTRY AND FIRE PROTECTION, a public entity; and Does 1 to 50, inclusive, and
16 their employees, agents, servants, and contractors (independent or otherwise), knew, or in the
17 exercise of ordinary care, should have known of the dangerous conditions present at the
18 SUBJECT LOCATION, including the subject hillside encampment, and each of them, had
19 sufficient time, resources and funds available prior to the subject fire to have taken measures
20 to protect against the dangerous conditions, correct the dangerous conditions, and/or warn
21 members of the public, including Decedent, of said dangerous conditions. Nonetheless,
22 Defendants, and each of them, failed to properly maintain and/or remove the SUBJECT
23 LOCATION, including the subject hillside encampment, as well as the trees and/or
24 vegetation surrounding and within the SUBJECT LOCATION and hillside encampment, so
25 as to minimize the risk of injury, damages, and/or death to reasonably careful individuals
26 and/or correct the dangerous conditions. This failure to correct and/or alleviate such
27 dangerous conditions proximately caused and/or contributed to Decedent's death and the
28 injuries and damages sustained by Plaintiffs.

1 otherwise), owed a duty to the general public, including Decedent and Plaintiffs, to plan,
2 facilitate, own, build, design, inspect, regulate, use, modify, review, evaluate, direct,
3 supervise, contract, construct, install, manage, service, repair, occupy, control, allow, permit
4 and maintain the SUBJECT LOCATION, including the subject hillside encampment, in a
5 reasonable manner.

6 39. Plaintiffs are informed and believe, and thereupon allege, that at all times
7 mentioned herein, Defendants CITY OF OCEANSIDE, a public entity; COUNTY OF SAN
8 DIEGO, a public entity; STATE OF CALIFORNIA, a public entity; CALIFORNIA
9 DEPARTMENT OF FORESTRY AND FIRE PROTECTION, a public entity; and Does 1 to
10 50, inclusive, owed the foresaid duties, and thereupon face liability for Plaintiffs' damages,
11 pursuant to *Government Code* sections 815.2, 815.4 and 820(a) *et seq.*

12 40. Plaintiffs are informed and believe, and thereupon allege, that at all times
13 mentioned herein, Defendants CITY OF OCEANSIDE, a public entity; COUNTY OF SAN
14 DIEGO, a public entity; STATE OF CALIFORNIA, a public entity; CALIFORNIA
15 DEPARTMENT OF FORESTRY AND FIRE PROTECTION, a public entity; and Does 1 to
16 50, inclusive, and their employees, agents, servants and contractors (independent or
17 otherwise) carelessly, negligently, and/or recklessly planned, owned, built, installed,
18 reviewed, evaluated, directed, designed, maintained, allowed, permitted, regulated, used,
19 contracted, controlled, serviced, inspected, repaired, modified, altered, monitored, managed,
20 occupied, improved, constructed, warned or failed to warn of, removed or failed to remove,
21 and/or supervised the SUBJECT LOCATION, including the subject hillside encampment,
22 where the subject fire occurred.

23 41. Plaintiffs are further informed and believe, and thereupon allege, that at all
24 times mentioned herein, Defendants Does 1 to 50, inclusive, were retained by or on behalf of
25 Defendants CITY OF OCEANSIDE, a public entity; COUNTY OF SAN DIEGO, a public
26 entity; STATE OF CALIFORNIA, a public entity; CALIFORNIA DEPARTMENT OF
27 FORESTRY AND FIRE PROTECTION, a public entity, for construction, maintenance,
28 inspection, placement, supervision, repairs, design, modification, risk assessment, of the

1 SUBJECT LOCATION, including the subject hillside encampment, including but not
2 limited to, inspection and maintenance of the trees and other vegetation within the SUBJECT
3 LOCATION for the specific purpose of detecting and preventing fires and/or other similar
4 dangerous and/or hazardous conditions, such as the subject fire incident of May 15, 2022,
5 and each were on-site at the SUBJECT LOCATION on one or more occasions during the
6 two year period preceding the subject fire.

7 42. Said defendants, and each of them, owed a duty of care to Decedent and to
8 Plaintiffs to ensure that the construction, maintenance, inspection, placement, supervision,
9 repairs, design, modifications, risk assessment, and other work performed by said defendants
10 at the SUBJECT LOCATION, including the hillside encampment, was done in a
11 workmanlike manner and in a reasonably safe condition so as to not expose persons such as
12 Decedent to an unreasonable risk of injury or death, as well as in compliance with all
13 applicable statutes, ordinances, regulations and industry standards.

14 43. Said defendants, and each of them, failed in their duty of reasonable care by
15 failing to properly inspect, maintain, own, control, supervise, permit, and/or remove the
16 SUBJECT LOCATION, including the subject hillside encampment, to detect any hazardous
17 conditions including, but not limited to, highly flammable and dry bushes, brush and/or trees,
18 and to prevent the risk of harm from such dangerous conditions to persons such as Decedent.

19 44. Plaintiffs are further informed and believe, and thereupon allege, that at all
20 times mentioned herein, Defendants' CITY OF OCEANSIDE, a public entity; COUNTY OF
21 SAN DIEGO, a public entity; STATE OF CALIFORNIA, a public entity; CALIFORNIA
22 DEPARTMENT OF FORESTRY AND FIRE PROTECTION, a public entity; and Does 1 to
23 50, inclusive, said careless, negligent and/or reckless and unlawful conduct was the direct,
24 legal, and proximate cause of the subject fire and the injuries and damages to Plaintiffs as
25 herein alleged.

26 45. As a legal, direct and proximate result of the reckless and negligent conduct
27 of Defendants, and each of them, Plaintiffs have sustained damages resulting from the loss
28 of love, affection, society, service, comfort, support, right of support, expectations of future

1 support and counseling, companionship, solace and mental support, as well as other benefits
2 and assistance of Decedent, all to their general damages in a sum in excess of the
3 jurisdictional limits of this Court, which will be stated according to proof, pursuant to Section
4 425.10 of the California *Code of Civil Procedure*.

5 46. As a legal, direct and proximate result of the conduct Defendants, Plaintiffs
6 will be deprived of the financial support and assistance of Decedent, the exact amount of
7 such losses to be stated according to proof, pursuant to Section 425.10 of the California *Code*
8 *of Civil Procedure*.

9 47. As a legal, direct and proximate result of the conduct of Defendants,
10 including DOES 1 through 50, inclusive, as aforesaid, Plaintiffs have incurred funeral and
11 burial expenses in an amount to be stated according to proof, pursuant to Section 425.10 of
12 the California *Code of Civil Procedure*.

13 **PRAYER FOR RELIEF**

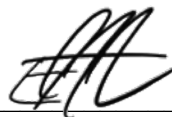
14 WHEREFORE, Plaintiffs pray for judgment against Defendants as follows:

15 On All Causes of Action

- 16 1. General "non-economic" damages according to proof;
17 2. Costs of suit, interest, and attorney's fees, according to proof to the extent allowed by
18 law;
19 3. Pre-trial interest allowable at law; and
20 4. Such other and further relief as the court deems proper.

21 DATED: May 10, 2023

DOWNTOWN L.A. LAW GROUP

22 

23 _____
24 Edward M. Morgan, Esq.
25 Attorney for Plaintiffs,
26 ESTATE OF GABRIEL PRITCHARD, et.
27 al.
28

JURY TRIAL DEMAND

Plaintiffs demand trial by jury of all issues so triable.

DATED: May 10, 2023

DOWNTOWN L.A. LAW GROUP



Edward M. Morgan, Esq.
Attorney for Plaintiffs,
ESTATE OF GABRIEL PRITCHARD, et.
al.

Downtown L.A. Law Group
910 S. Broadway
Los Angeles, CA 90015

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From: [Dorothy Dora](#)
To: [Board of Directors](#)
Subject: Re: Santa Clara Valley Water District Board of Directors Auto Reply
Date: Friday, May 24, 2024 10:27:26 AM

***** 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. *****

Board of Directors, I have contacted valley water's CEO Rick Calander and spoke with Chief of Staff Teresa regarding Ricardo Richard Nalawagan's CONSIDERATION OF LATE FILLING. I explained all and they will be contacting you, or Lillian. IT HAS BEEN MORE THAN PASSED THE DEADLINE WHEN YOU WERE SUPPOSED TO LET US KNOW YOUR DECISION CONCERNING MR NALAWAGAN. WHAT CAN I SAY EXCEPT FOR THE BOARD OR COMMITTEE AREN'T PAYING ATTENTION TO ANY OF THIS. I AM A SICKLY PERSON THAT CAN'T WALK VERY WELL. I HAVE TRIED TO GET TO ONE OF THE MEETINGS, BUT! CAN'T SEEM TO MAKE IT THERE I DON'T UNDERSTAND REALLY WHAT THE ZOOM THING IS BUT WHY CAN'T YOU JUST PAY ATTENTION TO THE SITUATION. I believe it would be BETTER that WE handel THIS RIGHT AWAY. I DON'T KNOW IF WHAT I'M WRITING TO YOU IS PUBLIC, I REALLY TRIED VERY HARD TO MAKE IT DISCREET WHICH WOULD BE TO YOUR BENEFIT SOMEBODY NEEDS TO REACH OUT TO ME AND COME TO A SETTLEMENT. I WILL REACH OUT TO LILLIAN (WHO HAS DAVID KAHEN'S POSITION NOW) AS TO REACH A SETTLEMENT.

I'M NOT GOING TO INCLUDE MY CASE WHICH WAS ALREADY RESOLVED A COUPLE YEARS AGO FOR CONNIE DE LA CRUZ WHICH I WAS REJECTED FOR ADDITIONAL MONEYS BASED ON UNFAIR LOW-BALLING OFFER SETTLEMENT. THERE IS SUCH A THING AS UNREASONABLE, UNFAIR CLAIM PRACTICES THEN PROPER AVOIDANCE OF A CLAIM (WHICH YOU DID NOT DO!) HOWEVER DAVID KAHEN'S ATTEMPT TO REDUCE THE SIZE OF MY CLAIM, WHICH WAS 13,000 BY ENGAGING IN UNFAIR CLAIMED PRACTICES WHICH HE PROCEEDED TO OFFER ME \$3,000 IN HOME DEPOT CARDS, "RIDICULOUS" I HAD TO FIGHT FOR THE \$2,000 FOR THE CHECK I RECEIVED. I WILL NOT BE PURSUING THIS CASE AGAIN BECAUSE I HAVE TOO MUCH ON MY PLATE. I'M BASICALLY VERY TIRED. I NEED TO TELL THE COMMITTEE WHAT IS TO BE THE TRUTH. DAVID KAHAN, AFTER HE HAD MET WITH BOARD MEMBERS COMMITTEE WHICHEVER ONE PRACTICED UNFAIR CLAIM PRACTICES AFTER DISCUSSING IT ATTEMPTED TO REDUCE THE SIZE OF MY CLAIM AND IN CALIFORNIA THAT DOESN'T GO VERY WELL.

THERE WAS ALSO PROCRASTINATION WHICH LIES ON THE KEY TAKEAWAYS IF YOU LOOK IT UP.

I REALIZE THE VALLEY WATER OPERATES AS A STATE OF CALIFORNIA SPECIAL DISTRICT THE POWERS AND PURPOSES OF VALLEY WATER INCLUDES (WHICH IS A VERY SAD THING FOR ME) THAT STATES THAT IN NOVEMBER 2020, WAS VOTED THE RENEWED SAFE CLEAN WATER PROGRAM REPLACING THE PROGRAM THE VOTERS APPROVED IN 2012 VERY, VERY SAD FOR ME BECAUSE IT'S A CREATION OF THE INDEPENDENT MONITORING COMMITTEE, APPOINTED BY THE VALLEY WATER BOARD OF DIRECTORS THAT "IMC" RENEWED

INDEPENDENT MONITORING COMMITTEE WILL ANNUALLY, ANNUALLY REVIEW THE PROGRAM PROGRESS AND REPORT IT'S FINDINGS TO MAKE RECOMMENDATIONS TO THE BOARD . I DON'T KNOW WHO VALLEY WATER HIRED TO DO THAT, BUT!! I CAN PROVE OTHERWISE. IM VERY DISAPPOINTED IN VALLEY WATERS TRAINING METHODS, VALLEY WATERS LACK OF SUPERVISION AND MAKING SURE THE CLEAN UP'S OF OUR CREEKS HAVE BEEN PROPERLY PERFORMED. NEVER MIND THE ILLEGAL CONTINUEOUS ELEAGLE ENTERING/ STEALLING HOMELESS PERSONS BELONGINGS AND DISRESPECING. I WANT THIS TO BE OVER I WILL BE CONTACTING LILLIAN AND IF YOU OR ONE OF YOU IN THE COMMITTEE OR THE BOARD OF DIRECTORS WOULD LIKE TO GIVE ME A CALL I THINK IT MIGHT JUST WORK OUT BETTER FOR ALL OF US. I DO BELIEVE I'M NOT BEING TREATED FAIRLY OR VALUED AND I HAVE TRIED VERY HARD I DOUBT VERY MUCH AND I AM NOT 100% SURE THAT YOU HAVE EVEN VIEWED THE PICTURES. I HAVE NOT EVEN SENT YOU THE AUDIO WHICH I AM SAVING AND AS WE CAN COME TO AN AGREEMENT AND LET'S MAKE IT FAIR. YOU KNOW THAT I HAVE TEXTS FROM YOUR EMPLOYEES WHO ARE SUPPOSED TO BE THE HEAD OF CERTAIN DEPARTMENTS CONTRADICTING THEMSELVES AT LEAST TWICE CONCERNING THE CREEKS LOCATION OF YOUR EMPLOYEES HAVING TO CLEAN AND ARE ALLOWED TO CLEAN UP? WHICH BELONG TO SAN JOSE COUNTY AND THEY ARE NOT RESPONSIBLE FOR ,AND CONTRADICT THEMSELVES BECAUSE THEY DON'T EVEN KNOW WHERE THE LINE IS .V.W SENT ME A MAP OF THE CREEK WHICH I LOOKD AT.YOU WOULD THINK THAT THE HEAD OF THAT DEPARTMENT WOULD BE ABLE TO AS WELL. I BELIEVE THE COMMEETTY IS NOT VERY INTERESTED IN LOOKING AT WHAT HAS TRASPIRED WITH YOUR EMPLOYEES AND I WILL HAVE TO SUBMIT IT TO THE PUBLIC ,I REALLY DON'T WANT TO DO THAT, BUT JUST DO WHAT'S RIGHT I WILL WORK WITH YOU LET'S JUST GET THIS OVER WITH AND YOU DON'T HAVE TO SPEAK WITH ME AGAIN BECAUSE I'M ACTUALLY A LITTLE TIRED OF ALL THIS PICTURE TAKING ALL OF THE THINGS THAT I HAVE YOU DON'T UNDERSTAND LET'S JUST TALK OKAY THANK YOU CONNIE DELACRUZ.

On Tue, Apr 23, 2024, 5:43 PM Board of Directors <board@valleywater.org> wrote:

Thank you for contacting the Board of Directors of the Santa Clara Valley Water District!

Please be assured that any and all emails addressed to the Board are distributed promptly. If your email necessitates a response, the Board will make every effort to do so within 14 calendar days. The Board appreciates hearing from their constituents, and thanks you for your time.

Sincerely,

Board of Directors

Adelina Del Real

From: Michele King
Sent: Tuesday, May 28, 2024 8:18 AM
To: Board of Directors
Subject: FW: Overgrowth clearing along the creek

Follow Up Flag: Follow up
Flag Status: Completed

Michele

From: Jim Wiley <jim.wiley>
Date: May 24, 2024 at 11:53:15 AM GMT-5
To: "Sproat, Derek" <derek.sproat@cityofpaloalto.org>
Cc: "Miljkovic, Svetlana" <Svetlana.Miljkovic@cityofpaloalto.org>, "Croft, Bill" <bill.croft@cityofpaloalto.org>, Greer Stone <Greer.Stone@cityofpaloalto.org>, pwd@cityofpaloalto.org, Public Works Public Services <pwps@cityofpaloalto.org>, parks@cityofpaloalto.org, mbruce <mbruce@sfcjpa.org>, Tess Byler <tbyler@sfcjpa.org>, Miyko Harris Parker <mhparker@sfcjpa.org>, dcombs@menlopark.gov, Nai Hsueh <NHsueh@valleywater.org>
Subject: Re: Overgrowth clearing along the 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. ***

Derek,

It's been a few weeks since I first reached out and nobody has responded to this issue.

Have you had a chance to inspect the multiple dead trees and the brush in the Timothy Hopkins Creekside Park in the 1100 block of Palo Alto Avenue yet?

Many of the dead trees are on the bank of the creek - but the Timothy Hopkins Creekside Park extends to the centerline of the creek.

The homeless campsite is thankfully still vacant, but perhaps some of the logs from the dead tree removal could finish the job of making the homeless campsite unsuitable for future camping.

I would be happy to meet you to lead you through the issues. Call or text me at [REDACTED]

Warm regards,

- Jim

PS: I have CC'd Vice Mayor Greer Stone and SFCJPA members since I addressed the dead trees issue at the SFCJPA meeting yesterday.

EXHIBIT A-21.4 TIMOTHY HOPKINS CREEKSIDE PARK

That portion of a certain parcel of land conveyed to the Board of Trustees of the Town of Palo Alto, by deed from Timothy Hopkins and Mary Kellogg Hopkins, his wife, dated June 7, 1907, recorded June 18, 1907 in Book 319 of Deeds, page 474, Santa Clara County Records. Said portion of the deeded parcel is shown on the map attached hereto and is described as that certain strip of land in the City of Palo Alto, County of Santa Clara, State of California, adjoining and adjacent to and on northwesterly side of that certain street or avenue known as Palo Alto Avenue and lying between said Avenue and the center line of San Francisquito Creek (said center line being also the division line between the Counties of Santa Clara and San Mateo), said strip of land extending from a line corresponding to a prolongation of the center line of Emerson Street in a general northwesterly direction to the limits of the City of Palo Alto, in a general northeasterly direction to the northwesterly line of the town limits of the Town of Palo Alto as of June 7, 1907, which line is now slightly west of Marlowe Avenue; Said deed excepting and reserving, however, unto the grantors and to their respective heirs and assigns all the gravel now or at any times thereafter in that part of said Creek between the railroad bridge of the Southern Pacific Company and that certain road known as and called the Middlefield Road and the right to enter upon said demised premises and Creek at any and all times to remove the same; and also excepting and reserving to the said grantors and to their respective heirs and assigns forever the perpetual right to use and occupy as much of the land demised as may be necessary for abutments, roadways and approaches for bridges across said Creek from any and all portions of said street or avenue known as Palo Alto Avenue to the property owned by the grantors, or either of them, in San Mateo County, and the right to construct as many of such bridges, approaches and abutments as either of them may desire. By said deed, the right for such abutments, roadways and approaches is and shall be a covenant running with and appurtenant to said lands in San Mateo County so owned by the said grantors or either of them.

- Jim

On Mon, May 20, 2024 at 8:44 AM Jim Wiley <jjim.wiley@paloalto.gov> wrote:

Derek,

Have you had a chance to inspect the multiple dead trees and the brush in the Timothy Hopkins Creekside Park in the 1100 block of Palo Alto Avenue yet?

I would be happy to meet you to lead you through the issues. Call or text me at [REDACTED]

- Jim

Some updates:

Last Thursday, Palo Alto Police and Palo Alto Public Works worked together to remove the homeless camp in the 265 foot deep bulge in the Timothy Hopkins Creekside Park in the 1100 block of Palo Alto Avenue.

(Interesting to note that this appears to be the deepest bulge in the nearly two mile long Timothy Hopkins Creekside Park.)

The Palo Alto Public Works crew reported that they were instructed to cut down three trees and leave the large debris in the campsite.

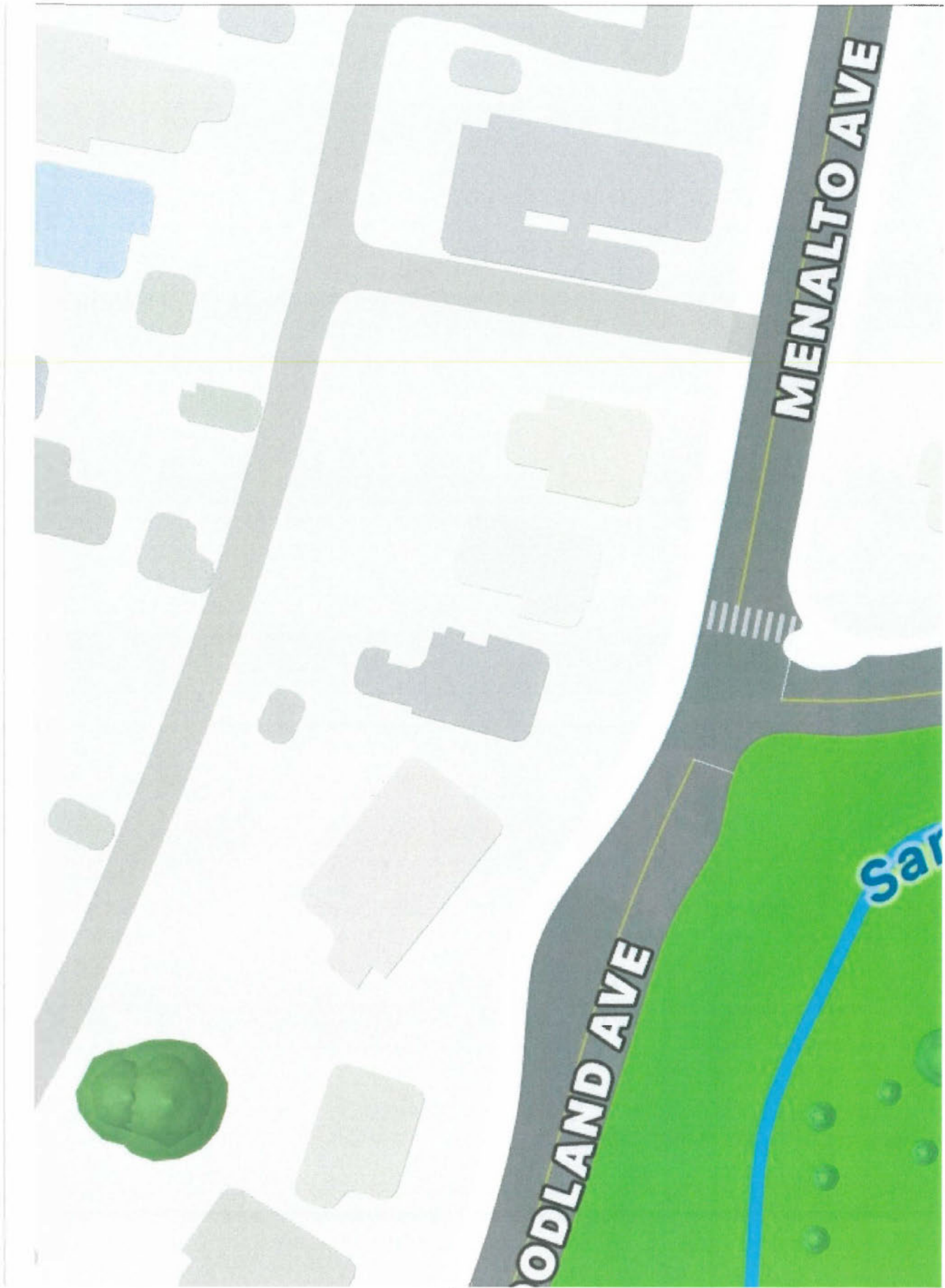
There is now a large view of blue sky at the campsite and the large debris does seem to have discouraged the homeless from returning.

However, nothing was done to remove the brush hiding the campsite from Palo Alto Avenue. In fact, the homeless group hid all of their very large camping gear in the brush before Palo Alto Public Works arrived on Thursday.

I discovered and photographed the camping gear stash in the brush Friday evening.

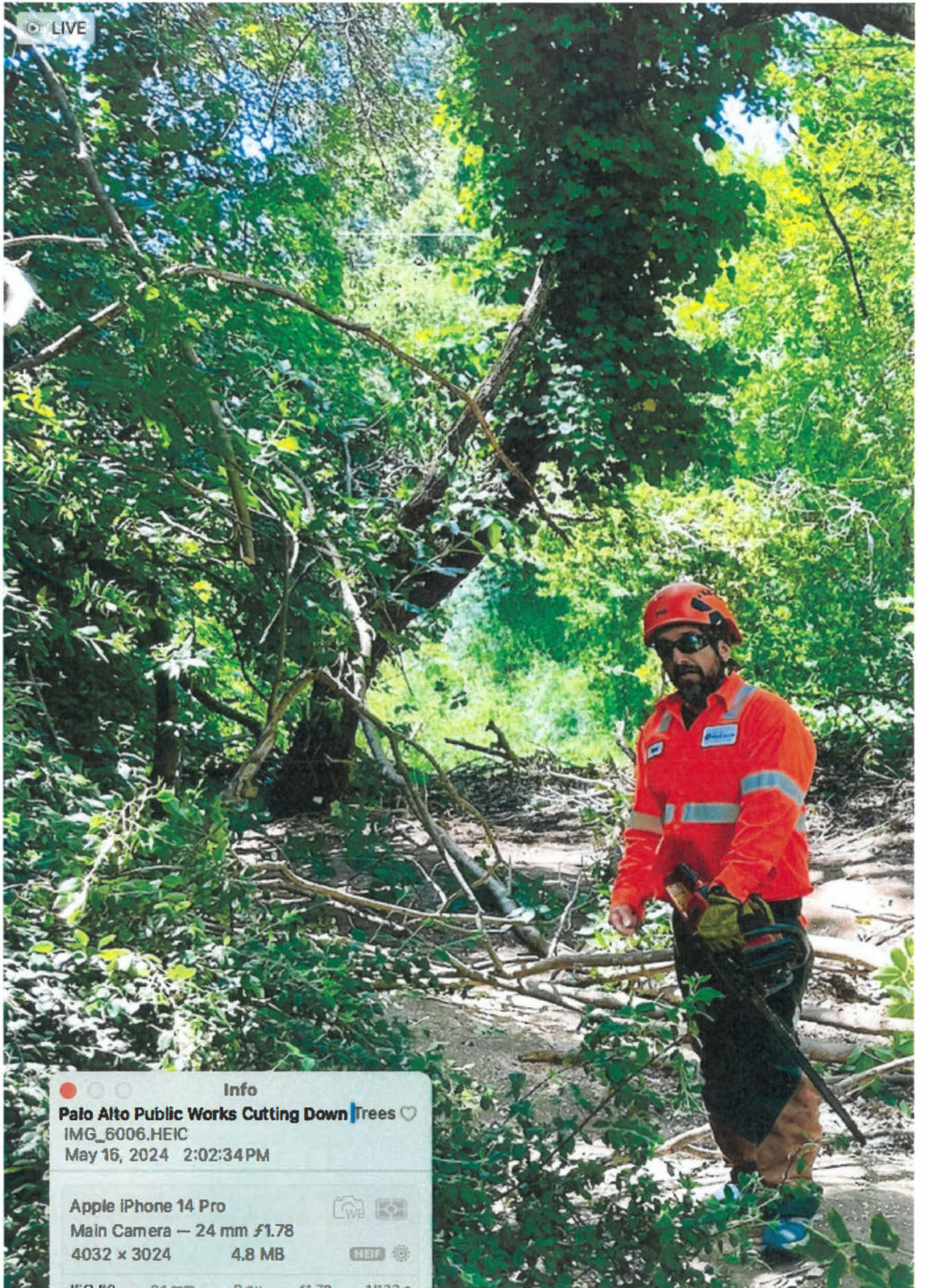
The camping gear stash in the brush was retrieved on Saturday.

For now, the campers and their gear have moved elsewhere.

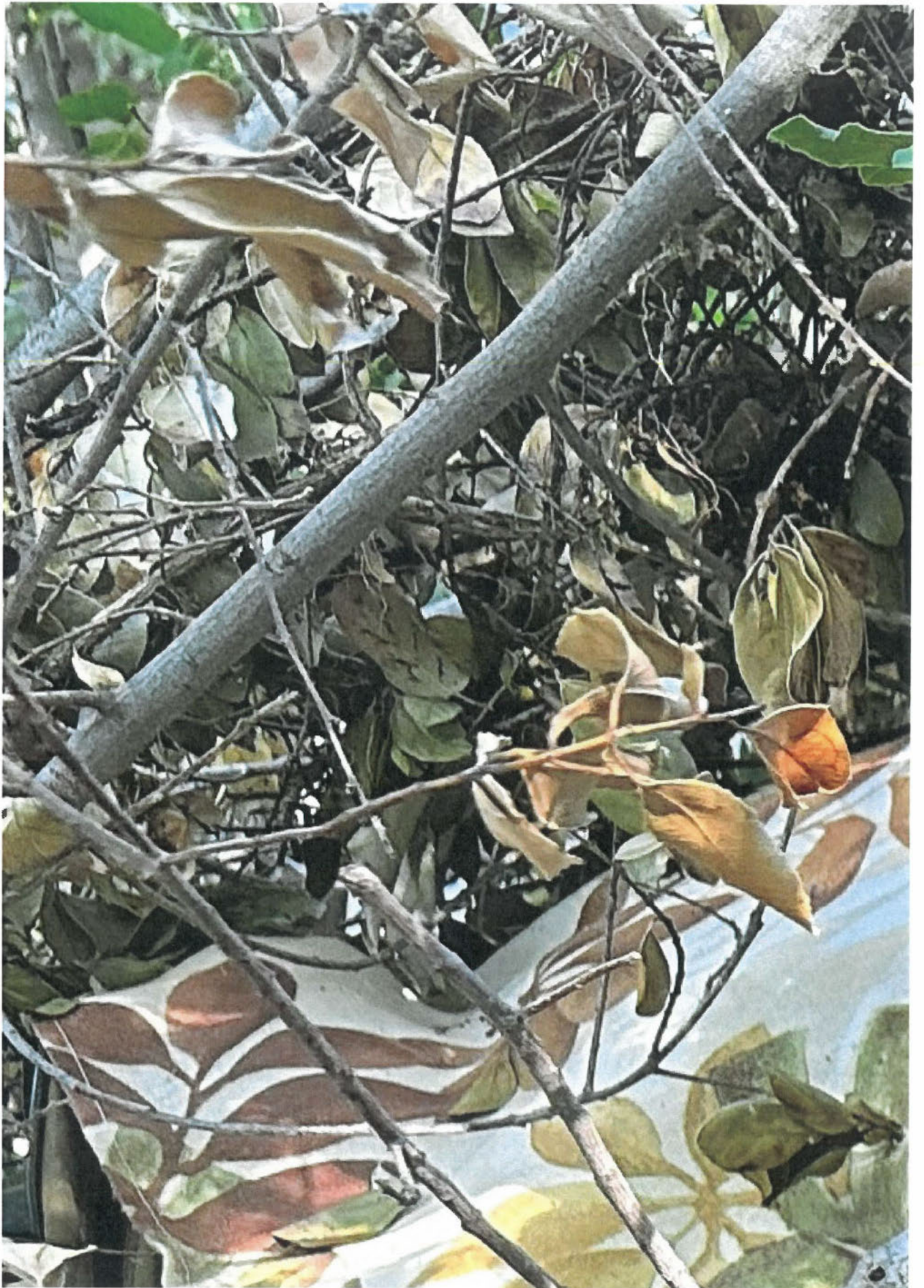


Location of homeless camp in Timothy Hopkins Creekside Park.
(The Apple map above incorrectly shows both sides of the creek as part of the Timothy Hopkins Creekside Park)

LIVE



Palo Alto Public Works cutting down trees at the homeless campsite.



Camping gear stashed in the brush - photographed Friday evening more than 24 hours after Palo Alto Public Worked cut down the three trees.

On Mon, May 13, 2024 at 2:56 PM Croft, Bill <Bill.Croft@cityofpaloalto.org> wrote:

Derek will check this out, It's more than just the tree department.

From: Jim Wiley <jim.wiley>
Sent: Monday, May 13, 2024 1:48 PM
To: Croft, Bill <Bill.Croft@CityofPaloAlto.org>
Cc: Miljkovic, Svetlana <Svetlana.Miljkovic@CityofPaloAlto.org>
Subject: Re: Overgrowth clearing along the creek

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

Hi Bill,

The part of the Timothy Hopkins Creekside Park that needs some inspection and maintenance is the section shown in grey below.

There has been plenty of tree maintenance along the Palo Alto Avenue frontage but little to none inside the park itself since the large City of Palo Alto Public Vegetable Garden was decommissioned over 20 years ago.

There are now quite a few large dead trees that need to be removed.



Without any maintenance, the area has become overgrown enough to attract homeless people to set up camps in the area hard to see from Palo Alto Avenue.

**The Camp in the Timothy Hopkins Creekside Park
1100 Block of Palo Alto Avenue in the Crescent Park Neighborhood**



Please give me a call.

Thanks and warm regards,

Jim Wiley [REDACTED] mobile of [REDACTED] home.

On Mon, May 13, 2024 at 12:44 PM Miljkovic, Svetlana <Svetlana.Miljkovic@cityofpaloalto.org> wrote:

Hello Bill,

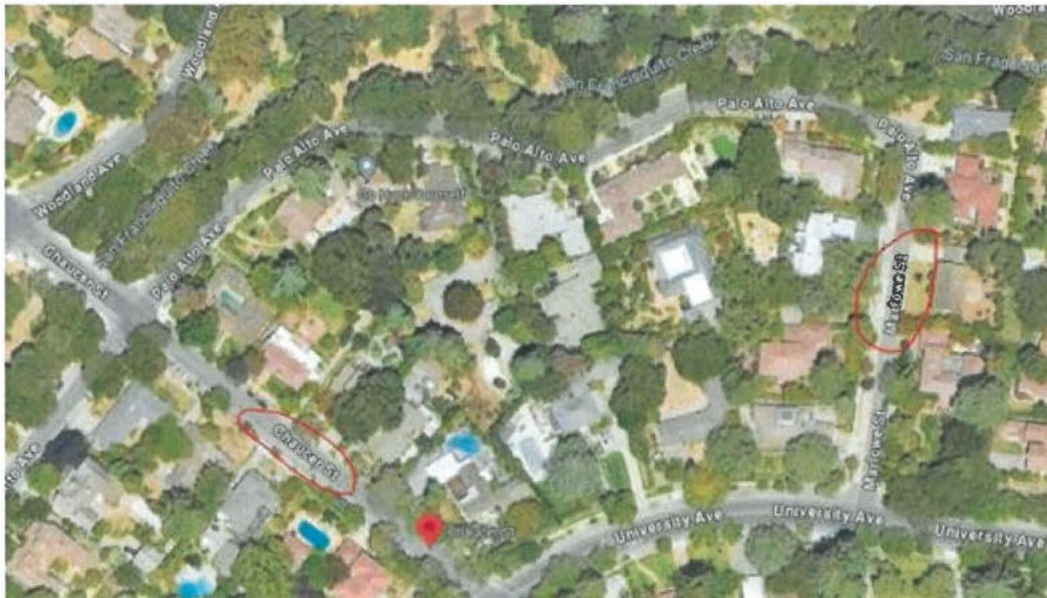
I spoke over the phone with Mr. Jim Wiley who has concerns regarding the overgrowth of trees and bushes along the San Francisuito Creek, specifically the area between Chaucer and Marlow Streets. According to Mr. Wiley, the trees have received little to no care for some time resulting in lots of overgrowth which the transient population has taken advantage of.

Mr. Wiley would like to speak to someone either over the phone or preferably in person regarding trimming and clearing the area. He would like to be able to point to what area he is speaking. I have put a screen shot of the area for a general reference only.

Bill, can you, please, give Mr. Wiley a call [REDACTED] to see how the Department can assist with this matter.

Thank you,

Svetlana



Svetlana Miljkovic
Management Analyst
Public Works Department

(650) 329 2270

www.cityofpaloalto.org

OUTGOING BOARD CORRESPONDENCE

From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Mark Bilski](#); [Jennifer Codianne](#); [Shanika Richards](#); [Kathy Nguyen](#)
Cc: [Michele King](#); [Board of Directors](#)
Subject: FW: 2590-92 Robinson Ave, Santa Clara
Date: Friday, May 24, 2024 1:45:58 PM
Attachments: [image001.png](#)

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Friday, May 24, 2024 1:29 PM
To: courtneypatricia [REDACTED]
Subject: Re: 2590-92 Robinson Ave, Santa Clara

Sent on Behalf of Director Keegan:

Dear Patricia Courtney,

Thank you for reaching out to Valley Water regarding the encampments of unsheltered people located near your property on Robinson Avenue in Santa Clara. Valley Water is aware of these encampments and our staff have discussed potential public safety concerns with Santa Clara Police Department. Staff also recently conducted an encampment risk assessment that pointed toward a need for abatement. An encampment abatement was scheduled and completed on May 23.

Valley Water is actively working in concert with our agency partners and the community to find solutions to address unsheltered homelessness. While Valley Water is not a law enforcement agency, nor do we provide direct homelessness/housing services, 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 public safety and social service roles.

Thank you again for your message. Please contact Assistant Operating Officer Mark Bilski at mbilski@valleywater.org with any follow-up information.

You can also report concerns to Valley Water via our online system at <https://access.valleywater.org/sl/>.

Sincerely,



Barbara Keegan
Director, District 2

C-24-0129

Begin forwarded message:

From: Patricia Courtney <[courtneypatricia\[REDACTED\]](mailto:courtneypatricia[REDACTED])>
Date: May 20, 2024 at 4:11:30 PM PDT
To: Barbara Keegan <BKeegan@valleywater.org>
Cc: police@santaclaraca.gov
Subject: 2590-92 Robinson Ave, Santa Clara

*** 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. ***

My name is Patricia Courtney. I live in Foster City, but my family owns a duplex at the above address. The back is on a creek bed
We are trying to rent out the unit at 2592(I was there Sunday for an open house), but there are 2 pop up tents with homeless living behind the gate. Of course it scares and concerns prospective tenants. It is both a health and safety problem.

I am forwarding this to Sgt. Deeger of the Santa Clara police. I've discussed this matter with him and I know he forwarded my letter to Valley Water which I appreciate.

I had the fence gate padlocked years ago due to the same problem. The encampment was cleared then.

I would appreciate any help. I could meet Valley Water employees/police at the property and bring a small ladder. Otherwise, it has to be accessed by way of El Camino.

Thank you.

Patricia Courtney

[REDACTED]
[REDACTED]

Cel [REDACTED]

Landline- [REDACTED]
[courtneypatricia](#) [REDACTED]

From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Katrina Holden](#); [Bhavani Yerrapotu](#); [Christopher Hakes](#); [Kathy Nguyen](#)
Cc: [Michele King](#); [Board of Directors](#)
Subject: FW: Urgent meeting needed for the Alley around the outdoor classroom flood wall
Date: Friday, May 24, 2024 2:31:36 PM
Attachments: [image001.png](#)

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Friday, May 24, 2024 2:28 PM
To: thewealthcreator [REDACTED]
Subject: Re: Urgent meeting needed for the Alley around the outdoor classroom flood wall

Sent on Behalf of Director Keegan:

Dear Eric Heckman,

Thank you for reaching out to Valley Water expressing your concerns about the flood wall being constructed as part of Coyote Creek Flood Management Measures Project. As you know the primary objective of the Coyote Creek Flood Management Measures Project is to provide protection from a flood event like the 2017 flood. We appreciate your feedback on this important project and I look forward to our meeting on Wednesday, May 29 at 6pm.

In the meantime, Valley Water staff will be responding with more details to your email below.

Sincerely,



Barbara Keegan
Director, District 2

C-24-0125

From: thewealthcreator@valleywater.org <thewealthcreator@valleywater.org>
Sent: Monday, May 13, 2024 3:22 PM
To: 'Office of Supervisor Susan Ellenberg' <supervisor.ellenberg@bos.sccgov.org>; 'Trayer, Todd' <TODD.TRAYER@sanjoseca.gov>; Jose Villarreal <JVillarreal@valleywater.org>; Rafael Turcios <RTurcios@valleywater.org>; Robert Yamane <RYamane@valleywater.org>
Cc: 'David Fernandez' <david.fernandez01@bos.sccgov.org>; bryan.reyes@sanjoseca.gov; 'District3' <district3@sanjoseca.gov>; Barbara Keegan <BKeegan@valleywater.org>; Board of Directors <board@valleywater.org>; 'Jean-Marie White' <jmwhite70@valleywater.org>
Subject: Urgent meeting needed for the Alley around the outdoor classroom flood wall
Importance: High

***** 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. *****

The original plan was to have the flood wall be the back of our properties with an easement. Even two months ago, I was told we would get to pick our concrete style. Now, an alley will open to criminals and the unhoused will roam the 4-foot alley between our 7-foot rear fence and the 8-10 foot flood wall. This gap will be closed with a gate behind my garage. I have never seen a gate or fence not cut and opened along Coyote Creek and Guadalupe Rivers. I know the gate will be opened and be unseen by anyone including SJPD. This gives unrestricted access to the backs of our houses. We have had our garage and home broken into several times and every time; it was from the backyard. I don't believe there is any precedent of such an alley being installed behind homes in the valley. The water district states it is to "service" the concrete wall. Our rear redwood fences have been falling down for 7 years after the flood, and the district doesn't service them much. I doubt a cement wall need much in terms of service. We need the local government to step up and help the residents with our concerns. There have not been any specific plans, drawings, or renderings of this gap and the gates, yet it is being built as we speak. I hope the city of San Jose and the County can help us or at least the Valley Water board.

Eric Heckman, CFP®

(Do not use this email for Heckman Financial business)

Owen, Ethan & Aidan's Dad Heckman Financial

WealthCreator.com

Rotary Club of San Jose: Chair-Scout Committee, Troop 116

Treasurer

Author "[Worry Less Wealth](#)" – Radio Show host [Wealth Creator](#)

Radio 860 AM The Answer

From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Mark Bilski](#); [Kathy Nguyen](#); [Shanika Richards](#); [Jennifer Codianne](#)
Cc: [Michele King](#); [Board of Directors](#)
Subject: FW: Homeless encampment
Date: Tuesday, May 28, 2024 9:24:21 AM

Good morning,

C-24-0127 has been approved, sent and closed.

Thanks,
Candice

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Tuesday, May 28, 2024 9:23 AM
To: matt.karnes [REDACTED]
Subject: Re: Homeless encampment

Sent on Behalf of Director Estremera:

Dear Matt Karnes,

Thank you for reaching out to Valley Water regarding the encampments of unsheltered people located along Silver Creek near San Antonio Street. While applicable case law has significantly affected how Valley Water can respond to encampments on our property, we are actively working in concert with our agency partners and the community to find solutions to address unsheltered homelessness. Valley Water is not a law enforcement agency, nor do we provide direct homelessness/housing services, 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 public safety and social service roles.

At an upcoming public meeting, Valley Water's Board of Directors will consider enacting a proposed Water Resources Protection Zones ordinance intended to address our agency's responsibility to protect water quality, fish, and wildlife as well as community concerns and concerns about the workplace safety of Valley Water's field staff. The ordinance will aim to reduce encampments and prevent re-encampments along creeks and waterways and is intended to protect water resources, endangered species, and other ecological resources. Because Valley Water does not possess police powers, local law enforcement agencies will have the authority and responsibility to enforce this ordinance. Valley Water staff expect to bring this item to the Board on July 9, 2024. More information on Board meetings and agendas can be found on our website: <https://www.valleywater.org/how-we-operate/board-directors>.

Regarding your observation of potentially criminal activities, if you witness illegal activity or a threat to public health and safety, please contact the police

and, if possible, file an official report. If you observe smoke or fire, please contact the fire department. Concerns relating to fires and unwanted or illegal behaviors are best handled by City resources. Regarding your cholera concerns, contaminated water supplies are the main source of cholera infection. As the primary wholesale water supplier in Santa Clara County, Valley Water is dedicated to assuring a reliable supply of healthy, clean drinking water. Water brought into the county through canals and pipelines from the Sacramento-San Joaquin Delta, or collected in local reservoirs, undergoes an extensive treatment process. Valley Water operates three water treatment plants that clean and disinfect imported water and/or water captured in four of our local reservoirs. Additional information on water quality is available here: <https://www.valleywater.org/your-water/water-quality>.

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

Sincerely,



Tony Estremera
Director, District 6

C-24-0127

From: Matt Karnes <matt.karnes@valleywater.org>
Sent: Monday, May 20, 2024 3:18 PM
To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; Board of Directors <board@valleywater.org>; disease@phd.sccgov.org; phinternt@phd.sccgov.org; so.website@shf.sccgov.org; supervisor.ellenberg@bos.sccgov.org; testremera@valleywater.org
Subject: Homeless encampment

***** 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, over the last 4 years I've watched a homeless encampment grow in San Jose on land governed by Valley Water. The land I am talking about is on the left bank of Silver creek at East San Antonio street, beside the Virgin of Guadalupe Catholic Church. It started out as 1 person who was hanging up a tarp for shelter. Then it was two people. Then they started stealing electricity from Mayfair community center. Then they built more permanent structures. And other people joined them. And they acquired dogs. Have the dogs been vaccinated? Are they licensed? There are now 5

structures there. They used power tools to build them. Are they using Silver Creek as their toilet? Are we going to have a cholera outbreak? Who has to pay the bill if one of those people living in one of those structures gets hurt if it falls on them during an earthquake? Are the taxpayers going to pay for them? I do not understand why it has been YEARS since they have been living there and none of you who have authority in this situation has done anything to get those people, their animals, and their structures off of that land.

--

Matt Karnes

iPhone: [REDACTED]

[REDACTED]