



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

January 2, 2026

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: 01/02/26
	<u>INCOMING BOARD CORRESPONDENCE</u>
5	Board Correspondence Weekly Report: 01/02/26
6	Letter from Judge Emede and Judge Geffon to the board, dated 12/24/25, sharing that the Superior Court of California, County of Santa Clara, is now recruiting volunteers for the 2026–27 Santa Clara County Civil Grand Jury and asking them to help spread the word and encourage participation in this important civic role. C-25-0212
9	Email from Don Sieling to the board, dated 12/24/25, mentioning that he has not received a response to an email dated 12/04/25, in which he requests that Valley Water remove the unhouse encampment behind his home. C-25-0213
11	Email from Patricia Courtney to the board, dated 12/28/25, reporting an encampment on the other side of the fence of her property located at 2592 Robinson Ave, in Santa Clara. C-25-0214
12	Email from Brian Fox to Director Ballard, dated 12/29/25. regarding flooding issues from stormwater runoff. C-25-0215
19	Email from Tracy Morrison, San Jose Unified School District, to Candice Kwok-Smith and the board, dated 12/30/25, Submitting a response to a notice about acquiring property by eminent domain at Selma Olinder Elementary School and a letter of intent to oppose it at the January 27, 2026, board meeting. C-26-0001
	<u>OUTGOING BOARD CORRESPONDENCE</u>
21	Email from the Clerk's Office to Don Sieling, dated 12/26/25, informing them that a response to their letter dated 12/4/25 was sent on 12/12/25, along with a copy of the email.
30	Email from Director Beall to John Hernandez, responding to their inquiry about Ross Creek Bryan Avenue bridge and its maintenance.
33	Email from Director Ballard to Patricia Courtney, dated 12/31/25, responding to their email about an encampment in Santa Clara.
34	Email from Director Varela to Limin Wang, dated 01/02/26, responding to their inquiry about water discharge from a water tank on their property at 3130 Springview Lane in San Jose.

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-25-0009	12/18/25	Eisenberg	Gibson	Lugo	How much money (if any) Valley Water paid (donation or otherwise) to the following organizations (including affiliates, sub-groups and/or parent organizations) over the past 5 years: Council on American-Islamic Relations (CAIR), American Israel Public Affairs Committee (AIPAC), National Association for the Advancement of Colored People (NAACP), and Anti-Defamation League (ADL). Have we donated or provided funds to an Asian American/AAPR/Chinese-American/Vietnamese-American/Japanese-American/Korean-American/Taiwanese-American/Philippino-American/Singaporean-American/and etc. group like this as well?	01/07/26		

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-25-0210	12/18/25	12/18/25	Beall	DAVID GUTHRIDGE	Letter from Light, Air & Space Construction to Director Jim Beall, received on 12/18/25, regarding Terraphase Engineering's award of the Environmental Sampling Services contract.	Refer to Staff	Yoke	Ndah	12/26/25	-	n/a	01/01/26
C-25-0215	12/29/25	12/30/25	Ballard	BRIAN FOX	Email from Brian Fox to Director Ballard, dated 12/29/25. regarding flooding issues from stormwater runoff. C-25-0215	Refer to Staff	Hakes	Codianne	01/07/26	-	n/a	01/13/26

December 24, 2025

Board of Directors
Santa Clara Valley Water District
5750 Almaden Expressway
San José, California 95118-3686

Sent via email: Board@valleywater.org

Dear Santa Clara Valley Water District Board of Directors:

We are pleased to share that the Superior Court of California, County of Santa Clara, is now recruiting volunteers for the 2026–27 Santa Clara County Civil Grand Jury. As part of our annual recruitment, we are reaching out to community members like you—elected officials, business leaders, and civic leaders—who can help spread the word and encourage participation in this important civic role.

The Civil Grand Jury plays an essential role in the Judicial Branch as an independent civil investigative body. This is a meaningful opportunity for residents to help improve the effectiveness and transparency of local government. Grand jurors have the authority to review the operations of county and city agencies, school districts, and special districts, and are legally empowered to inspect adult and juvenile detention facilities.

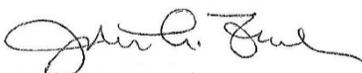
Each year, we aim to assemble a grand jury pool that is representative of our community. A broad range of viewpoints is vital to supporting the panel’s wide-ranging oversight responsibilities. With your help, we can continue to ensure that the Civil Grand Jury remains a strong source of accountability and positive change in Santa Clara County.

Eligible residents—U.S. citizens who are at least 18 years old and have lived in the County for at least one year—are encouraged to apply for a one-year term beginning July 1, 2026.

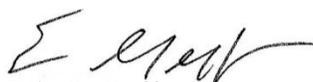
Applications may once again be submitted entirely online at <https://santaclara.courts.ca.gov/CGJ>. The deadline to apply is Friday, March 27, 2026. For questions or assistance, applicants may contact Britney Huelbig, Deputy Manager of the Civil Grand Jury, at 408-882-2721 or CGJ@scscourt.org. If you have upcoming events or outreach opportunities, Ms. Huelbig is available to coordinate court support as needed.

Thank you for assisting us in this important outreach. We welcome the opportunity to speak with those you help direct our way about the many rewards of Civil Grand Jury service.

Sincerely,



Julie A. Emede
Presiding Judge



Eric S. Geffon
Assistant Presiding Judge

Contact Information

Santa Clara County residents are encouraged to apply for service on the Civil Grand Jury.

Resident complaints are submitted to the Civil Grand Jury and may serve as the basis for a final report.

 Phone Number

408-882-2721

 Email Address

CGJ@scscourt.org

 Website

www.scscourt.org/CGJ



Those who are called to serve on the Civil Grand Jury are part of an independent arm of the Judicial Branch.

They voluntarily enter this service with interest and curiosity in learning more about the administration and operation of the government in the county in which they live in order to function as an investigatory body.



Santa Clara County
**Civil
Grand
Jury**



What is the Civil Grand Jury?

The U.S. Constitution's Fifth Amendment and the California Constitution call for grand juries. The Santa Clara County Civil Grand Jury investigates the operations of the various officers, departments, and agencies of local government, and is responsible for three main functions:

1. Civil Watchdog Agency
2. Reviewing Resident Complaints
3. Filing Accusations

Grand Jury service calls for diligence, objectivity, and courage.



Commitment and Remuneration

Service on the Civil Grand Jury requires a time commitment of approximately 25 hours per week. This can fluctuate based on a juror's involvement in committees and investigations. Each panel serves on a fiscal year basis. The exact schedule is determined by the Civil Grand Jury and includes the option for hybrid work.

Civil Grand Jurors receive a per diem payment for official grand jury business, as well as mileage reimbursement. Training, support, and supplies are also provided by the Court and County.

Qualifications

- Be a citizen of the United States;
- Be at least 18 years of age;
- Reside in Santa Clara County for at least one year before being selected;
- Be in possession of their natural faculties, of sound judgment and good character;
- Possess a working knowledge of the English language;
- Be willing to complete a Statement of Economic Interests Form 700 within 30 days of empanelment, annually, and within 30 days of leaving office for public review;
- Not presently serving as a trial juror;
- Not having been discharged as a grand juror within one year of being selected;
- Not having been convicted of a felony or of malfeasance in office;
- Not presently serving as an elected official.



From: [Don Sieling](#)
To: [Board of Directors](#); supervisor.ellenberg@bos.sccgov.org; [City Of san Jose Mayor's Office of San Jose Mayor's Office](#)
Subject: Re: Santa Clara Valley Water District Board of Directors Auto Reply
Date: Wednesday, December 24, 2025 5:03:15 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. *****

Board of Directors, Santa Clara valley water District/City of San Jose:

Thank you for the automated reply. I noticed that the automated reply states: "If your email necessitates a response, the Board will make every effort to do so within 14 calendar days." well, my previous email was dated Thursday, December 4, 2025 and today is December 24, 2025 which is 20 days and I have not received a response from you, so I guess my request to remove the homeless from behind my home at 3955 wellington Square, San Jose, CA 95136, which could potentially cost SCVWD/City of San Jose millions of dollars in compensation to residents and further tarnished reputation has been deemed not worthy of a response. I spoke with my neighbors and they feel the same way as I do, they are willing to enter into a class action law suit against SCVWD/City of San Jose and whoever else we need to include to make sure this very dangerous situation ends for good. I have been very patient with you for years and now it has come to a head and my patience has run out. I will give you a deadline of January 10, 2026 to evict the homeless from behind my home, for good, or I will contact my lawyer once again, who feels very confident that we have a solid case against SCVWD/City of San Jose, and will start proceedings. You should know that, in addition to my own video, camera and sound evidence, my neighbor has video footage of a fire started by the homeless which burned into his yard from the Guadalupe River. Again, I'm not sure what it is going to take to get your attention. will it take burning down several multi-million dollar homes, loss of life, tarnished SCVWD/City of San Jose reputation, etc. to get you to take this matter seriously? well, if I do not get a favorable response from you by the end of the day on January 10th, 2026, I will start proceedings against you including alerting the media. It is beyond me that you would firstly be so irresponsible to let homeless people build encampments that disrupt residents, pollute the Guadalupe River, put you at a risk of potentially millions of dollars of compensation to the local residents and put you into a very unfavorable spotlight in the public's eyes.

I have contacted SCVWD and the City of San Jose several times and both claim that my property is not within their jurisdiction. Come on. Really? Why do we have to pay the highest property taxes and water fees in the Country and no one claims that my property is within their jurisdiction? It is my understanding that SCVWD is responsible for maintaining the green belt along the Guadalupe River. We have contacted SCVWD several times over the years with no response. The trees and under brush have not been pruned nor maintained and it is causing a severe fire risk to the properties that back up to the Guadalupe River. I called San Jose Fire one day as the smoke was so bad that I literally thought my back fence and home were going to be burned to the ground. SJ Fire said that SCVWD will not maintain the green belt as they are mandated to do so and he instructed me to clear the low lying brush and trees so, if a fire did break out, it would not travel up the very large

Oak trees which could start our home on fire. Since we did not get a response from SCVWD, after multiple attempts, we decided to hire an arborist, that cost us more than \$1,500, to trim the very large oak trees that were hanging over our back fence and almost over our home. The homeless are constantly cutting down trees with a chain saw and axe and burn fires each day. The smoke from these fires is so bad that we cannot open the windows to our home as our family has gotten sick more often with the homeless constantly burning fires which does not smell like only wood. The homeless behind our home also have 2 off-leased dogs, a smaller one and a pit bull type breed running loose, which appear to be unfriendly and could attack someone who walks on the river path behind our fence, further opening you up to additional law suits.

I have performed my duty as a home owner by paying extraordinary property taxes, water rates, etc. only to have to waste my time and effort to continually contact you to request that you perform your duty as a Utility Company and City Government. Please take this last response seriously and make the needed change happen. Again, if I do not receive an acceptable response outlining the plan with dates to resolve this issue by January, 10, 2025, I will start court proceedings.

Sincerely,

Don Sieling, Utility Customer/Tax Payer

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

On Thursday, December 4, 2025 at 08:37:42 PM PST, 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
Santa Clara Valley Water District

From: [Patricia Courtney](#)
To: [Board of Directors](#)
Subject: 2592 Robinson Ave, Santa Clara
Date: Sunday, December 28, 2025 2:23:37 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 would appreciate your help.

I live in Foster City, but own a duplex at 2590-92 Robinson Ave in Santa Clara.

The tenant at 2592 (which is on the creek bed) reports a homeless encampment has sprung up on the other side of her fence.

Both she and I have contacted the police who say the encampment is under the authority of the Water District and they will act at your request. Unless there is trespassing or jumping the fence it is a Valley Water decision.

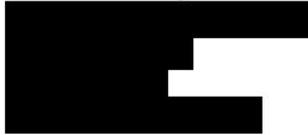
My tenant is concerned about her security and there is also a potential hygiene problem. I was unable to contact the "Homeless Encampment" site. I don't know what I did wrong.

I left a message at the 408-265-2600 number today.

If you could direct/expedite this request my tenant and I would be grateful.

Thank you.

Patricia Courtney



From: [Candice Kwok-Smith](#)
To: [Board of Directors](#)
Subject: FW: Water and mud slide on Christmas Eve
Date: Wednesday, December 31, 2025 10:24:06 AM
Attachments: [Street View Dec 2025.jpg](#)
[V Ditch and Storm Drain Dec 2025.jpg](#)
[Water Flow Over Storm Drain Dec 2025.jpg](#)

From: Brian Fox [REDACTED]
Sent: Tuesday, December 30, 2025 12:01 PM
To: Shiloh Ballard [REDACTED]
Cc: Shiloh Ballard <SBallard@valleywater.org>; Karen Lo Fox <[REDACTED]>; Mudasir Ahmad <[REDACTED]>
Subject: Re: Water and mud slide on Christmas Eve

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Hi Shiloh,
Thank you for your quick response.
We live in Almaden Valley. This is District 10 for the City of San Jose.
I don't recall speaking with anyone at the Water Board previously.
I believe I submitted a request through your online "Request for Help" system.
If I recall correctly, I received an email saying the subject area is not part of Valley Water, and there is nothing it can do.

I appreciate any help you can provide. If Valley Water cannot help us, is there someone else you could recommend?

Happy New Year and Warm Regards,

Brian

Brian Fox
[REDACTED]
[REDACTED]

On Tue, Dec 30, 2025 at 8:39 AM Shiloh Ballard [REDACTED] wrote:

Hi Brian,

Thanks for reaching out.

I've cc'd my Valley Water account so that this is marked as an official correspondence.

Quick question: What area do you live in? That way we can loop in the Director that represents that area.

I don't have an answer for you but I'll ask staff if they are familiar with this situation and can provide further direction. Can you tell me who you've worked with in the past? That might help speed things up.

Shiloh

On Mon, Dec 29, 2025 at 5:23 PM Brian Fox [REDACTED] wrote:

Hi Shilo,

I am Karen Fox's husband. She suggested that I contact you regarding a recurring flooding issue we have resulting from stormwater runoff above our home.

On Christmas morning we awoke to lots of water running through our front yard and washing away some of our landscaping and a rock river bed we installed to channel excess water.

Unfortunately, we don't have a video, but I have attached a few photos that show the aftermath of the flooding. Fortunately, this flood isn't as bad as prior ones that wiped away A Lot of dirt, bark and plants causing a river of mud down our street.

We maintain the V ditch above our lot, and it was clean before the recent storm. Once the water rushing above us caused enough erosion however, the debris filled the storm drain.

We understand that a long term solution might be to expand the current stormwater drain with something much more substantial. Just as importantly, this drain must be maintained regularly, and we do not have the resources to do this ourselves.

After prior events, we have reached out to Valley Water as well as The City, Open Space Authority and others. No one has been able to help us (or even gotten back to us).

We would like to work with the appropriate authorities to resolve this issue for the long term. Is there someone within your agency you can refer us to? If not at Valley Water, is there someone elsewhere you can refer us to?

We appreciate any help you can provide.

Regards,

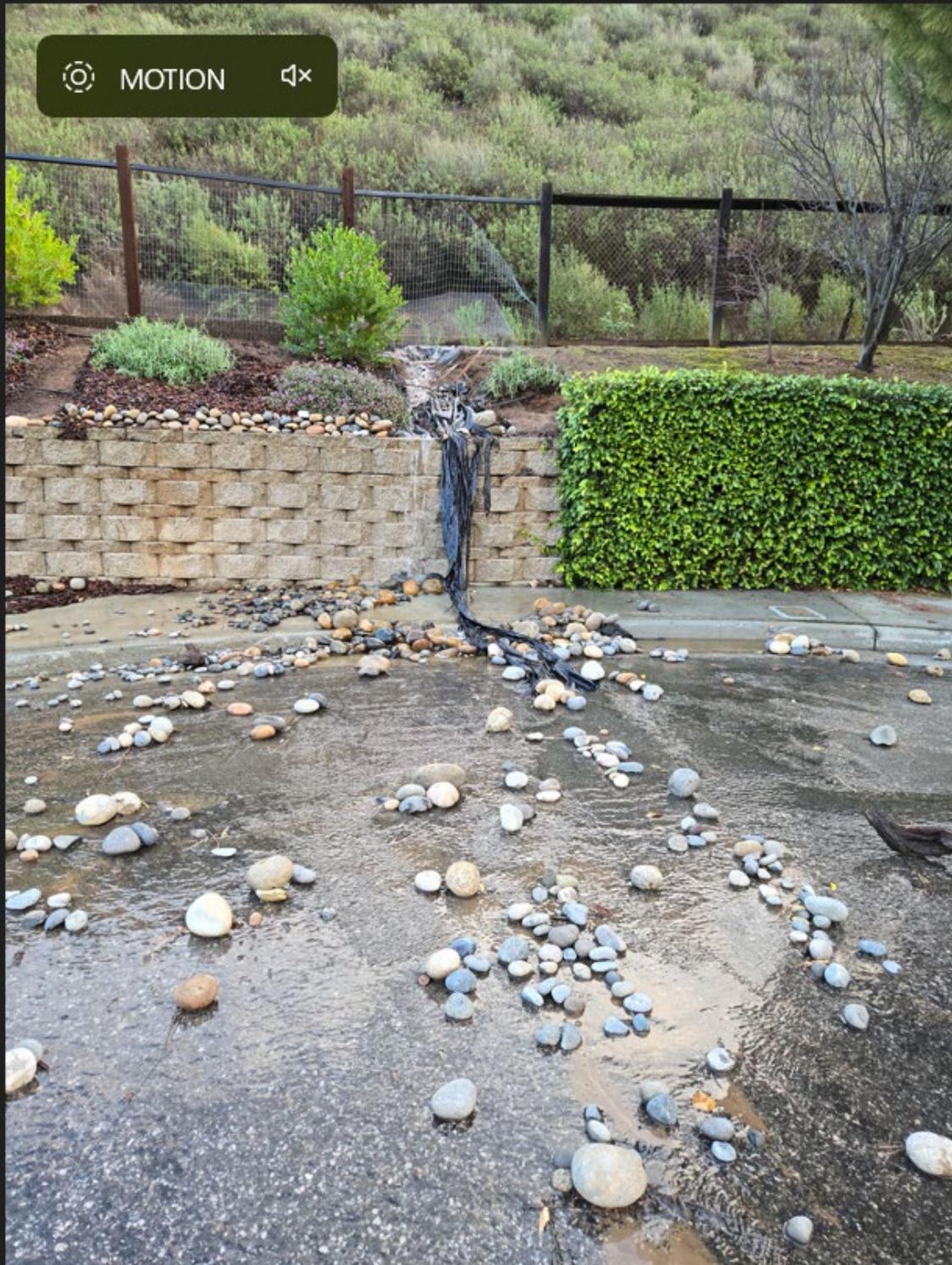
Brian

Brian Fox

[REDACTED]

[REDACTED]

Street View Dec 2025 (003).jpg





V Ditch and Storm Drain Dec 2025 (003).jpg

MOTION

Water Flow Over Storm Drain Dec 2025 (003).jpg





December 30, 2025

NOTICE OF INTENTION TO CONSIDER THE ADOPTION OF A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY BY EMINENT DOMAIN

Preparing
today's students
to be the
thinkers,
leaders,
and creators
of tomorrow.

VIA USPS MAIL & ELECTRONIC MAIL

Santa Clara Valley Water District
ATTN: Candice Kwok-Smith
Clerk, Board of Directors
5750 Almaden Expressway
San José, CA 95118
Phone: (408) 630-2749
Email: ckwok-smith@valleywater.org

Dear Ms. Kwok-Smith and Board Members:

This correspondence is in response to the Santa Clara Valley Water District's ("SCVWD") December 16, 2025, Notice of Intention to Consider the Adoption of a Resolution of Necessity to Acquire Property by Eminent Domain ("Resolution of Necessity") at Selma Olinder Elementary School ("School"), located at 90 E William Street, San José, CA 95116 ("Property").

Appearance at the January 27 Meeting

Please be advised that this correspondence serves as notice to SCVWD that the San José Unified School District ("SJUSD," and together with SCVWD, the "Parties") and its legal counsel will appear in person to be heard at the Board's January 27, 2026, meeting to oppose the Resolution of Necessity.

Indemnification

The Parties have engaged in substantive negotiations, the most recent of which occurred on December 18, 2025, with follow-up negotiations currently scheduled for January 9, 2026, regarding terms of the easement. Indemnification is one of SJUSD's highest priorities. SJUSD's position remains that any acquisition or grant of easement must include enforceable provisions requiring SCVWD to defend, indemnify, protect, and hold harmless SJUSD from any claim, liability, damage, loss, or expense arising from the SCVWD's improvements. SJUSD cannot bear responsibility for SCVWD's design, engineering, performance, or any impacts downstream from the Property. Final resolution of the indemnification terms remains a material component of the Parties' ongoing negotiations and must be fully resolved prior to the grant of the easement.

Responsibility for Flood Remediation and Debris Removal

During the December 18 negotiation meeting, the Parties discussed one of SJUSD's other material terms—maintenance, remediation, repair, and restoration obligations, particularly after a flood event. SJUSD believes that the Parties verbally agreed that SCVWD will be responsible to maintain, repair, and restore the project work and easement areas during construction of the improvements and immediately after (along with ongoing maintenance and repair obligations to the improvements and easement areas). However, SCVWD has proposed that it will enter into an agreement with the City of San José for cleaning, repairing, removing, restoring, and/or remediating any debris, sediment, damage, or other adverse impacts to the Property, including the Permanent Easement Area, resulting from flooding events. SJUSD requires that SCVWD remain responsible as a guarantor for flood-related remediation, field restoration, debris removal, and any

sjusd.org
408-535-6000
855 Lenzen Avenue
San José, CA 95126

other action required to restore the portion of the Property south and west of the easement after a flood event, in the event the City fails to perform those obligations when necessary.

Scope of Easement Compensation

As presented in SCVWD's offer packet, the proposed permanent and temporary construction easements do not adequately reflect the full scope of potential impacts to the Property as a result of the improvements, namely, damages to the portion of the Property south and west of the improvements during and/or after a flood event. SCVWD has offered to compensate SJUSD \$428,000 for one (1) permanent easement and one (1) temporary construction easement, yet the offer fails to account for the maintenance obligations and reduced use of the Property after a flood event.

The Property is an active elementary school, and the field south of the easement functions as an outdoor instructional station and daily student use area that remains in use by SJUSD or the City throughout the year. SJUSD students use the portions of the Property that will become subject to flooding more frequently throughout the school year.

It is for these reasons that SJUSD maintains that any agreement or compensation offer must include compensation for an easement encompassing the entire portion of the Property subject to flooding or diminished utility during flooding, and not only the areas delineated in the offer packet as the permanent and temporary construction easements. SJUSD is seeking an appraisal that considers the many unique factors of this situation.

Ongoing Negotiations

SJUSD stands ready to continue negotiating a mutually acceptable agreement with SCVWD, provided that such agreement fully accounts for: the long-term impacts to the Property; SJUSD's nondelegable obligations to protect its students and property; full compliance with applicable laws, regulations, and approvals for construction on a California public school site including approval of the design by the Division of the State Architect; required criminal background checks for workers; and full indemnification of SJUSD by SCVWD for any claims related to the project improvements. The next meeting between the Parties is set for Friday, January 9, 2026.

Should SCVWD have any questions or concerns, it should feel free to contact our office.

Sincerely,



Tracy Morrison
Director of Procurement
San José Unified School District

CC:

Orbach Huff & Henderson LLP - Philip J. Henderson, Esq., Stan M. Barankiewicz II, Esq., Reza Mohamadzadeh, Esq.

Valley Water - C. Achdjian, K. Anderssohn, J. Carrasco, R. Ruiz, C. Kwok-Smith, B. Yerrapotu, M. Thummaluru, R. Yamane, C. Kin-McAlpine

BDG Law Group - Brian Bergman, Esq.

OUTGOING BOARD CORRESPONDENCE

From: [Candice Kwok-Smith](#) on behalf of [Board of Directors](#)
To: [Don Sieling](#)
Cc: [Board of Directors](#)
Subject: RE: Santa Clara Valley Water District Board of Directors Auto Reply
Date: Friday, December 26, 2025 8:21:46 AM
Attachments: [Re Dangerous Homeless Encampment behind \[REDACTED\] Wellington Square San Jose.msg](#)

Good morning Mr. Sieling,

Please see the attached email in response to your December 4, 2025, email. This email was sent on December 12, 2025, on behalf of Director Beall.

Thank you,
Candice

From: Don Sieling [REDACTED]
Sent: Wednesday, December 24, 2025 5:03 PM
To: Board of Directors <board@valleywater.org>; supervisor.ellenberg@bos.sccgov.org; City Of san Jose Mayor's Office of San Jose Mayor's Office <mayor@sanjoseca.gov>
Subject: Re: Santa Clara Valley Water District Board of Directors Auto Reply

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Board of Directors, Santa Clara Valley Water District/City of San Jose:

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Sincerely,

Don Sieling, Utility Customer/Tax Payer

[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

On Thursday, December 4, 2025 at 08:37:42 PM PST, Board of Directors <board@valleywater.org> wrote:

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

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Sincerely,

Board of Directors

Santa Clara Valley Water District

From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Mark Bilski](#); [Jennifer Codianne](#); [Shanika Richards](#); [Breanne Roderick](#)
Cc: [Board of Directors](#)
Subject: FW: Dangerous Homeless Encampment behind [REDACTED] Wellington Square, San Jose
Date: Friday, December 12, 2025 4:48:54 PM
Attachments: [Encampment Response Protocol FAQ.pdf](#)
[image001.png](#)

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Friday, December 12, 2025 4:48 PM
To: don.sieling@yahoo.com
Subject: Re: Dangerous Homeless Encampment behind [REDACTED] Wellington Square, San Jose

Sent on Behalf of Director Beall:

Dear Don Sieling,

Thank you for reaching out to Valley Water and sharing your concerns regarding encampments of unsheltered people behind your home at [REDACTED] Wellington Square. Valley Water owns and manages 333 miles of the more than 800 miles of creeks in Santa Clara County, and we are committed to using the power we have as an environmental stewardship agency to protect our waterways in collaboration with the cities and the County as they fulfill their public safety and social service roles. For reference, this GIS map shows Valley Water-owned lands in green: <https://gis.valleywater.org/FeeEasement/>.

The land ownership and maintenance responsibility is mixed in the area behind your home. Directly behind the fenceline of your property, Valley Water owns a 37-foot wide strip that consists of a maintenance access road and the top of bank of the Guadalupe River. Beyond that, the County of Santa Clara owns and maintains about 100 feet that includes the river channel itself all the way to Almaden Expressway. Valley Water performs encampment management and vegetation management on our 37-foot right-of-way. Santa Clara County has a Memorandum of Understanding with the City of San Jose to manage encampments on county land.

Valley Water addresses encampments on our lands by performing large scale trash cleanups throughout jurisdictional areas countywide to prevent encampment-generated trash and debris from polluting the waterways. The Valley Water property behind your and your neighbors' homes is designated as a Water Resources Protection Zone, where camping is prohibited. On October 21, 2025, prior to the submission of your October 27 Access Valley Water case (AVW-020322), Valley Water staff inspected this area and observed three individual encampments. Staff confirmed that the location of these

encampments fell within the parcel owned by Santa Clara County beyond our maintenance road. Valley Water staff forwarded this information to the City of San Jose's BeautifySJ program and City staff verified receipt of the request and stated that they plan to abate the encampments on November 3.

In a meeting with BeautifySJ staff on December 9, Valley Water staff learned that the city is also planning to abate newly established encampments in the area behind Wellington Square sometime between December 15 and December 19 and will continue to monitor and address per their agreement with the County. Future encampment concerns on this section of County property can be reported to City of San Jose at:

<https://www.sanjoseca.gov/your-government/departments-offices/parks-recreation-neighborhood-services/report-an-encampment>. Valley Water will continue to regularly monitor and inspect our land here as well, and you can also report concerns to Valley Water via our online system at <https://access.valleywater.org/s/>.

More information on Valley Water's efforts to address the impacts of encampments is available on our Good Neighbor Program webpage, including info about Valley Water's Water Resources Protection Zones Ordinance: <https://www.valleywater.org/project-updates/good-neighbor-program-valley-water-addressing-encampments-unsheltered-people>. I have also attached our Encampment Response Protocol FAQ.

Regarding the trees behind your home and your fire concerns, the maintenance access road and managed top of bank area provide a fuel break to the homes along Wellington Square. Valley Water typically does not prune tree limbs overhanging fence lines unless the tree poses a hazard to the adjacent properties. Homeowners may request an assessment by a Valley Water arborist to determine if hazard pruning should be done on a case-by-case basis. Please reach out via the Access Valley Water system to make further requests regarding maintenance on the Valley Water owned property: <https://access.valleywater.org/s/>.

Thank you again for your message. Please contact Deputy Operating Officer Jen Codianne at jcodianne@valleywater.org with any follow-up information.

Sincerely,



Jim Beall
Director, District 4

C-25-0199

From: Don Sieling [REDACTED]

Sent: Thursday, December 4, 2025 8:37 PM

To: Board of Directors <board@valleywater.org>; supervisor.ellenberg@bos.sccgov.org;

mayor@sanjoseca.gov

Subject: Dangerous Homeless Encampment behind 3955 Wellington Square, San Jose

***** 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. *****

To whom it may concern:

I have been living at [REDACTED] Wellington Square for several years and the homeless problem behind our property along the Guadalupe River continues to be a dangerous problem. I have made several attempts to remove the homeless people and their unleashed dogs from behind my property for years now only to see the homeless come and go repeatedly. I called Valley water and the representative that I spoke to informed me that the property behind my home is not within the jurisdiction of Valley water and that it is within the jurisdiction of the City of San Jose or the County. I reached out to the Mayor's office and was informed that the land behind my home is not within the City's jurisdiction and is in the jurisdiction of Valley water. I find it interesting that neither party claims responsibility. I was told by the original owner of the home next to me (1974), that Valley water is supposed to maintain the green belt and trees behind our homes but nothing is ever done. After multiple attempts to have Valley water come and trim the very large trees overhanging into our yard and, only feet away from the roof of our home, we decided to call an arborist to come and trim the trees before a fire was set by the homeless and potentially destroy our home and the other homes in our neighborhood. We paid over \$1,500 to have the trees trimmed which should have been the responsibility of Valley water. This entire Summer we were unable to open our windows because of the fires that were, and continue to today, constantly burning behind our fence by the homeless. We have noticed our family members are getting sick which is not normally the case. Finally after repeated attempts to have Valley water/the City remove the homeless, they finally did, only to have the homeless return a week later which happens over and over again. This has gone on far too long and the problem has to end now. Do you want another Paradise on your hands with the potential of many homes and lives lost? I have contacted a lawyer who is confident that our group of homeowners has a good class-action case should we decide to take Valley water/the City to court. I would rather not do this but unless this problem is handled for good in a timely manner, then we have no choice. What would happen if several of these multi-million dollar homes burned down and lives were lost due to an out of control fire started by the homeless and fueled by the non-maintained green belt and trees behind our properties? Also, the burning smells coming from the river do not smell like wood being burned. They may be burning toxic materials which may be the cause of our abnormal bouts of sickness. The homeless create a lot of trash and no doubt fecal material which are probably polluting the Guadalupe River. There are at least 2 off-leash dogs running around back there also, one smaller dog but also a larger pit bull type breed which no doubt would protect the area and be a threat to whoever is walking on the trail between my property and the river. All of this is a recipe for a publicity nightmare. I appreciate the efforts to remove the homeless a few weeks ago. However, if there is no follow-up nor a no-return zone set up to prevent the homeless from coming back right after they are evacuated, you leave yourselves open to litigation and extremely bad press. I do not wish ill will on either Valley water nor the City of San Jose, however my family's health, my property and the lives of all the people along the Guadalupe River

and their properties are far too valuable to let this carelessness continue. I am looking forward to a rapid response from Valley Water and the City of San Jose on this matter. Thank you, Don Sieling

[REDACTED]



FREQUENTLY ASKED QUESTIONS

WHAT IS AN ENCAMPMENT?

Valley Water's **Water Resources Protection Zones Ordinance** defines an encampment as one or more structures operating as a single entity, occupied by an individual or group of individuals, that is located illegally on Valley Water or other public property. An area where there are no structures, but where personal property is stored or where animals are kept and or maintained without authorization from Valley Water, is also considered an encampment.

WHAT IS VALLEY WATER DOING TO ADDRESS ENCAMPMENTS?

Valley Water collaborates with local agencies, social service providers, and law enforcement officers to address the challenges posed by encampments located on Valley Water property and their impacts to waterways and water supply and flood protection facilities.

Valley Water's **Water Resources Protection Zones Ordinance** was adopted on Nov. 26, 2024, to address the environmental, health, and safety impacts of encampments. The ordinance established new regulations prohibiting encampments and encampment-related activities on Valley Water lands and outlining Valley Water's approach to encampment cleanup, removal, and enforcement related to violations of the regulations.

Enforcement of the ordinance using an educational approach and progressive enforcement model will begin Jan. 2, 2025. You can read the ordinance and Ordinance Implementation Plan and view a map of Valley Water lands at: valleywater.org/encampments.

HOW DO I REPORT A POTENTIAL ENCAMPMENT?

You can report encampment-related concerns to Valley Water via our online system at: access.valleywater.org/s/. If you have an immediate safety concern, call 911.

WHEN WILL VALLEY WATER REMOVE AN ENCAMPMENT?

Valley Water will prioritize encampment cleanup and removal as necessary to protect employee and public safety and to carry out Valley Water business.

Implementation of the ordinance uniformly across all Valley Water lands would displace unsheltered people from encampments before adequate safe relocation sites, shelter, and housing options are available in Santa Clara County. In consideration of this reality, Valley Water will establish priority levels for encampment cleanup and removal under the ordinance.

HOW DOES VALLEY WATER PRIORITIZE ENCAMPMENT CLEANUP?

HIGH PRIORITY FOR ENFORCEMENT

An encampment will be prioritized as high priority for cleanup and removal under any of the following conditions.

- The encampment is located in the path of or obstructing access to flood protection or water infrastructure facilities or projects; or designated restoration or vegetation management sites.
- The encampment is located within an area with posted signage listing restrictions on camping or re-encamping.
- The encampment poses an immediate safety risk, including situations that involve Valley Water staff safety or public safety issues, as determined by government agencies and their police or fire departments.
- The encampment is associated with extreme environmental hazards, including impacts to fish and wildlife or imminent human health or fire hazards.

In addition, unauthorized motor vehicles and trailers located within a Water Resources Protection Zone will be classified as high priority for cleanup and removal.

LOW PRIORITY FOR ENFORCEMENT

Valley Water's **Encampment Condition Guidelines** establish basic parameters by which unsheltered individuals living in

encampments on Valley Water lands can minimize negative environmental, health, and safety impacts by promoting positive camping practices and discouraging harmful actions.

Encampments that do not create operations or maintenance access issues and that meet the **Encampment Condition Guidelines** will be considered low priority for cleanup and or removal. You can read the Encampment Condition Guidelines at: valleywater.org/encampments.

WHAT IS VALLEY WATER'S ENCAMPMENT RESPONSE PROTOCOL?

When cleanup and removal action is warranted, per the priority levels described above, Valley Water staff will follow an **Encampment Response Protocol**:

 <p>Post the encampment for cleanup and removal.</p>	 <p>Provide 72 hours notice before cleanup and removal.</p>
 <p>Collaborate with local agencies for offers of available services and or housing or shelter.</p>	
 <p>Arrange for processing and storage of personal belongings.</p>	 <p>Perform encampment cleanup and removal.</p>

Valley Water may take one or more of the following enforcement actions in response to activities prohibited by the ordinance:

 <p>Request the violator cease the prohibited activity or activities.</p>	 <p>Request the violator relocate an encampment.</p>
 <p>Prioritize an encampment for cleanup and or removal.</p>	 <p>Request law enforcement involvement to address unlawful activity.</p>

CONTACT US

To find out the latest information on Valley Water projects or to submit questions or comments, use our **Access Valley Water** customer request system at access.valleywater.org.



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From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Breanne Roderick](#); [Christopher Hakes](#); [Jennifer Codianne](#); [Shanika Richards](#)
Cc: [Board of Directors](#)
Subject: FW: Ross Creek bridge water eddy
Date: Wednesday, December 31, 2025 10:10:47 AM
Attachments: [Rock and Creek Width 12-18-25.pdf](#)
[image001.png](#)

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Wednesday, December 31, 2025 10:08 AM
To: [REDACTED]
Subject: Re: Ross Creek bridge water eddy

Sent on Behalf of Director Beall:

Dear John Hernandez,

Thank you for your email. It's clear that you've taken time to observe the site and thoughtfully provide your comments, which we appreciate.

We are aware of the hydraulic issues at Cherry Avenue (see photo). The north-side barrel has been observed to flow backward during medium flows; however, it remains unclear whether this condition persists during higher flows, when the culvert is fully submerged.

The sediment issue is expected to be ongoing, as the creek is naturally attempting to reach its geomorphic equilibrium cross section. This behavior is extremely common at culverts. A typical capacity improvement—such as installing additional culverts—often results in sediment deposition due to a sudden decrease in velocity from flow expansion. Over time, the channel shape adjusts back toward its natural form. To maintain the flood capacity of the existing two-barrel culvert, Valley Water has been regularly removing sediment.

The primary benefit of a third barrel would be to better balance hydraulic forces on both sides of the culvert, which should eliminate the observed backflow. In addition, we would expect sediment to deposit in the culverts located to the left and right of center. Once a geomorphic equilibrium is reached, sediment deposition should stabilize. At higher water surface elevations, the two side barrels would then activate, effectively functioning like a floodplain. The third barrel would be designed to provide sufficient flood capacity once equilibrium conditions are reached, thereby significantly reducing the need for future sediment removal.

This represents our current intent; however, additional analysis and design work are still

required before finalizing the approach. We hope this explanation is helpful.

Please contact Deputy Operating Officer Jen Codianne at jcodianne@valleywater.org with any follow-up information.

Sincerely,



Jim Beall
Director, District 4

C-25-0211

From: John B Hernandez [REDACTED]
Sent: Thursday, December 18, 2025 12:04:31 PM
To: Scott Hughes <scott.hughes@sanjoseca.gov>; Jim Beall <JBeall@valleywater.org>
Subject: Ross Creek bridge water eddy

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Scott and Jim,

The rainy season is about to start. I am very concerned about the flood concerns that impact my district 9 neighborhood and the flood zone insurance that was assigned in or about 1991.

I want to know what the status of Ross Creek preventative maintenance is this year. The rock is accumulating and will surely increase.

I plan to send this email to SJ Mercury News as a record.

Regards,
John B Hernandez

John B Hernandez 12-18-25

I perceive the reason why water backs up and rises at Ross Creek Bryan Avenue bridge when raining is the lack of preventative maintenance of Ross Creek banks on the east side of the bridge banks. See the rock accumulation on 12-18-25 as shown in Valley Water online picture and the rainy season barely started.

It is obvious to me that the banks on the east of the bridge are narrow causing a water eddy to form and force water to reverse flow and push rock floating down creek to reverse and collect at the north channel of the Bryan Avenue bridge floor as shown in the picture below. As shown the bridge height is 9 feet. The collection of rock, almost 2 feet at times, reduces the height of the bridge opening and raises the height of the water passing under the bridge. The simple solution is to widen the creek dirt width on the east side of the bridge to be the same as the west side of the bridge to eliminate the water eddy and allow water to flow smoothly as other bridges in Ross Creek. The expensive plan of Valley Water to rework the bridge channels by adding a third channel from two channels may be an unneeded cost. I have reviewed the plans to add the third channel provided to me by Valley Water director.



From: [Candice Kwok-Smith](#) on behalf of [Board Correspondence](#)
To: [Mark Bilski](#); [Shanika Richards](#); [Jennifer Codianne](#); [Christopher Hakes](#); [Breanne Roderick](#)
Cc: [Board of Directors](#)
Subject: FW: 2592 Robinson Ave, Santa Clara
Date: Wednesday, December 31, 2025 4:59:54 PM

From: Shiloh Ballard <SBallard@valleywater.org>
Sent: Wednesday, December 31, 2025 3:23 PM
To: [REDACTED]
Cc: Board Correspondence <boardcorrespondence@valleywater.org>
Subject: Re: 2592 Robinson Ave, Santa Clara

Hi Patricia,

Thank you for reaching out to Valley Water to report encampment activity along Saratoga Creek near your duplex at 2590-92 Robinson Avenue in Santa Clara. Based on your report, Valley Water's Good Neighbor Program staff conducted an inspection of this area the week of December 29th and did observe one encampment on water district property. Staff posted the encampment for removal, which is scheduled for January 6, 2026.

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

Sincerely,

Shiloh Ballard
Director, District 2

C-25-0214

From: [Candice Kwok-Smith](#)
To: [Greg Williams](#); [Emelia Lamas](#); [Aaron Baker](#)
Cc: [Board of Directors](#)
Subject: FW: Water discharge
Date: Friday, January 2, 2026 8:50:14 AM
Attachments: [image001.png](#)

From: Candice Kwok-Smith **On Behalf Of** Board of Directors
Sent: Friday, January 2, 2026 8:48 AM
To: [REDACTED]
Subject: Re: Water discharge

Sent on Behalf of Director Varela:

Dear Limin Wang,

Thank you for your email and for providing additional information on the well equipment and possible leak conditions associated with the well system. The Supervising Well Inspector has already reached out to you to schedule a site visit to further look into the issue. We look forward to your response.

If you have additional questions or concerns, you may contact Greg Williams, Deputy Operating Officer of the Raw Water Division, at Gwilliams@valleywater.org.

Sincerely,



John Varela
Director, District 1

C-25-0207

From: wong cherry <[REDACTED]>
Sent: Saturday, December 13, 2025 3:56 PM
To: Board of Directors <board@valleywater.org>
Subject: Water discharge

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recognize the sender and know the content is safe. ***

To: Santa Clara Water Board / Watermaster

Subject: Ongoing Water Discharge and Property Damage at [REDACTED] Springview Ln San Jose CA 95140

Body:

Dear Water Board / Watermaster,

I am the property owner at [REDACTED] Springview Ln San Jose CA 95140 . I am formally reporting ongoing water discharge from a water tank located on my property, which has not been authorized by me and is causing visible property damage.

Details:

1. Continuous water discharge: The water tank has been releasing water daily, creating a saturated area and causing ground subsidence near my entrance and surrounding areas.
2. Potential risks: The ongoing water discharge raises concerns about soil stability, erosion, and long-term structural damage to my property.
3. Previous notifications: I have previously notified the HOA, who confirmed they do not handle these issues and copied your office. Attached are photos documenting the current conditions.

I request that your office review this matter and advise on any required corrective actions to prevent further damage and ensure compliance with applicable regulations. I have retained all photos and records as evidence.

Thank you for your attention and assistance.

Sincerely, Limin Wang

Email: [REDACTED]