



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

March 15, 202

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>
4		BMR/IBMR Weekly Reports: 03/15/24
		<u>INCOMING BOARD CORRESPONDENCE</u>
6		Board Correspondence Weekly Report: 03/15/24
13		Email from Fariba and Saeed Seyed to Director Eisenberg, dated 03/04/24, regarding a sinkhole located in street near their driveway. C-24-0056
15		Email from Rae Knapp to the board, dated 03/06/24, providing information on Keep Coyote Creek Beautiful April Events. C-24-0057
21		Emails from Albert Prunera to the board, dated 03/07/24, regarding unsheltered encampment at Willow and Lelong. C-24-0058
24		Email from Wendy Li to the board, dated 03/07/24, asking if Valley Water will be penalized by the Waterboard for not keeping creeks clean. C-24-0059
28		Email from Albert Prunera to the board, dated 03/11/24, regarding unsheltered encampment at Willow and Lelong. C-24-0060
31		Email from Karina Alvarez to the board, dated 03/12/24, regarding unsheltered encampment on Lelong. C-24-0061
33		Email from Jakob Jones to the board, dated 03/12/24, regrading Almaden-Guadalupe Creek unsheltered encampment. C-24-0062
37		Email from Jim Kuhl to the board, dated 03/11/24, requesting a response to his comments/questions about Pacheco during the 02/13/24 Board meeting. C-24-0063
		<u>OUTGOING BOARD CORRESPONDENCE</u>
40		Email from Director Keegan to Wendy Li, dated 03/06/24, regarding encampments of unsheltered people located along Los Gatos Creek.
43		Email from Director Keegan to Anthony Quijada, dated 03/06/24, regarding encampments of unsheltered people located along Los Gatos Creek Trail.
47		Email from Director Beall to Kathleen O'Connell, dated 03/06/24, regarding experiences with fires associated with encampments of unsheltered people located along the Guadalupe River and percolation ponds.

50		Email from Director Beall to Denis Valderrama, dated 03/06/24, regarding encampments of unsheltered people along Guadalupe River and percolation ponds.
53		Email form Director Santos to Stephen Meier, dated 03/08/24, regarding carpets along the South Bay Salt Ponds.
57		Email from Director Beall to Zachariah Zachariah, dated 03/08/24, regarding experiences related to the encampments of unsheltered people located near the percolation ponds.
61		Email from Director Beall to Jakob Jones, dated 03/12/24, regarding encampments of unsheltered people on Guadalupe Creek along Coleman Road.

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
R-24-0006	02/27/24	Keegan	Yoke	Ndah	Staff is asked to provide at least a hyperlink, if not copies of, original agreements and prior amendments on new agreement amendments board agenda items brought to the Board for approval.	03/18/24		

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-24-0063	03/11/24	03/11/24	All	JIM KUHL	Email from Jim Kuhl to the Board, dated 03/11/24, requesting answers to his questions/comments made at the 2/13/24 Board meeting about Pacheco.	Refer to Staff	Yoke	Mccarter	03/19/24	-	n/a	03/25/24
C-24-0062	03/12/24	03/12/24	Beall	JAKOB JONES	Email from Jakob Jones to Director Beall, dated 03/12/24, with additional questions regarding Almaden - Guadalupe Creek Homeless Encampment .	Refer to Staff	Hakes	Bilski Codianne	03/20/24	-	n/a	03/26/24
C-24-0061	03/12/24	03/12/24	All	KARIN ALVAREZ	Email from Karin Alvarez to the board, dated 03/12/24, regarding unsheltered encampment at Lelong in San Jose.	Refer to Staff	Hakes	Bilski Codianne	03/20/24	-	n/a	03/26/24

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-24-0060	03/11/24	03/12/24	All	ALBERT PRUNERA	Email from Albert Prunera to the board, dated 03/11/24, regarding unsheltered encampment at Willow and LeLong.	Refer to Staff	Hakes	Bilski Codianne	03/20/24	03/13/24	n/a	03/26/24
C-24-0059	03/07/24	03/07/24	All	WENDY LI	Email from Wendy Li to the Board, dated 03/07/24, asking questions of potential penalties imposed on Valley Water by water board and possible coordinate with the City of San Jose.	Refer to Staff	Hakes	Bilski Codianne	03/15/24	03/11/24	n/a	03/21/24
C-24-0058	03/07/24	03/07/24	All	ALBERT PRUNERA	Emails from Albert Prunera to the board, dated 03/07/24, regarding unsheltered encampment s at Willow and Lelong streets.	Refer to Staff	Hakes	Bilski Codianne	03/15/24	03/13/24	n/a	03/21/24
C-24-0055	03/05/24	03/05/24	All	STEPHEN MEIER	Email for Stephen Meier to the	Refer to Staff	Hakes	Codianne	03/13/24	03/07/24	n/a	03/19/24

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
					Board, dated 03/05/24, regarding remediation of the plastic and fabric carpets lining the bank of the salt pond.							
C-24-0054	03/03/24	03/04/24	All	BRIGITTE RINCE	Email from Mark Bolger and Brigitte Rince to the board, dated 03/03/24, regarding unsheltered near their home at 967 Chynoweth Avenue, San Jose.	Refer to Staff	Hakes	Bilski Codianne	03/12/24	03/11/24	n/a	03/18/24
C-24-0044	02/23/24	02/23/24	All	MEEKA MARTIN	Email from Meeka Martin to the board, dated 02/23/24, regarding trash along Sanchez Ponds near the Brookdale complex.	Refer to Staff	Hakes	Codianne	03/02/24	03/01/24	n/a	03/08/24
C-24-0017	01/25/24	01/26/24	Eisenberg	JOHN GUISLIN	Email from John Guislin to Director Eisenberg, dated 01/25/24, regarding SFCJPA reconsiderati	Refer to Staff	Hakes	Yerrapotu	02/03/24	02/01/24	n/a	02/09/24

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
					on of 6 foot cement walls by creek.							
C-24-0011	01/13/24	01/16/24	All	TIFFANY HOWARD	Email from Tiffany Howard to the board, dated 01/13/04, regarding the unhouse in the creek behind her home.	Refer to Staff	Hakes	Codianne	01/24/24	01/22/24	n/a	01/30/24
C-24-0007	01/11/24	01/11/24	Beall	ROGER CASTILLO	Email from Roger Castillo to Director Beall, dated 1/12/23, conveying a copy of the "12-29-23 101 Bayshore Chinook killed" document.	Refer to Staff	Hakes	Codianne	01/19/24	01/16/24	n/a	01/25/24
C-23-0293	12/04/23	12/07/23	Beall	AFSHIN ROUHANI	Email from Afshin Rouhani to Director Beall, dated 12/04/23, regarding Anderson Dam options.	Refer to Staff	Richardson	Mccarter	12/15/23	12/18/23	n/a	12/21/23
C-23-0267	11/03/23	11/03/23	Varela	ROCHELLE BEERLI	Email from Rochelle Beerli to Chair Varela, dated 11/03/23,	Refer to Staff	Richardson	Mccarter	11/11/23	11/16/23	n/a	11/17/23

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
					conveying questions about Pacheco Dam.							
C-23-0266	10/31/23	10/31/23	All	JOHN GUISLIN	Email from John Guislin to the board, dated 10/31/23, expressing concern for Creek Flooding mitigation along San Francisco Creek.	Refer to Staff	Hakes	Yerrapotu	11/08/23	11/06/23	n/a	11/14/23
C-23-0239	09/24/23	09/25/23	Beall	KATHLEEN O'CONNELL	Email from Kathleen O'Connell to the Director Beall, dated 9/24/23, regarding Water Resource Protection Zone at the upcoming Cherry Avenue EIH project.	Refer to Staff	Hakes	Codianne	10/03/23	09/27/23	n/a	10/09/23
C-23-0235	09/21/23	09/22/23	All	JESSICA CALDERON	Email from Jessica Calderon to the Board, dated 9/21/22 regarding the unhoustd at Church st./Howson Creek	Refer to Staff	Hakes	Codianne	09/30/23	09/25/23	n/a	10/06/23

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
					Monterey Road/Howson Creek, Gilroy.							
C-23-0212	08/24/23	08/24/23	Santos	ERIC HA	Email from Eric Ha to Director Santos, dated 8/24/23, regarding unhoused individual setting fire behind property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23
C-23-0211	08/24/23	08/24/23	Varela	LUIS RAMIREZ	Email from Luis Ramirez to Chair Varela, dated 8/24/23, regarding homeless in Gilroy on Valley Water property.	Refer to Staff	Hakes	Codianne	09/01/23	08/30/23	n/a	09/07/23
C-23-0101	05/12/23	05/12/23	All	STEVE KELLY	Email from Steve Kelly, to the Board, dated 5/12/23, regarding concern for unhoused that may cause threats to residents living near the creeks in Santa Clara.	Refer to Staff	Blank Yerrapotu	Codianne	05/20/23	05/22/23	n/a	05/26/23
C-23-0076	03/31/23	04/03/23	All	H.K. WILLARD	Email from H.K. Willard to the Board	Refer to Staff	Gibson	Rocha	04/11/23	04/07/23	n/a	04/17/23

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
					dated 3/31/23 regarding misleading information in March Water News.							
C-23-0045	02/23/23	02/24/23	All	MELISSA MALLORY	EMail from Melissa Mallory regarding unhouse along Los Gatos Creek Trail.	Refer to Staff	Blank	Codianne Yerrapotu	03/04/23	03/03/23	n/a	03/10/23

Michele King

Subject: FW: Urgent: Safety Hazard on Adobe Lane

From: Rebecca Eisenberg <Reisenberg@valleywater.org>

Sent: Monday, March 4, 2024 1:57 PM

To: Candice Kwok-Smith <ckwok-smith@valleywater.org>

Subject: Fwd: Urgent: Safety Hazard on Adobe Lane

Hi Candice, I already contacted the resident directly to say I want to learn more, but can you please ask staff to keep me in the loop about this? Thanks.

Sent from my iPhone

Begin forwarded message:

From: Rebecca Eisenberg <Reisenberg@valleywater.org>

Date: March 4, 2024 at 1:55:26 PM PST

To: fariba seyed [REDACTED]

Subject: Re: Urgent: Safety Hazard on Adobe Lane

Hi Fariba,

I'm sorry to hear about this. Is there a time that is convenient for you for me to come by and meet you? I want to do my best to represent you as your elected water district representative. This is the first I have heard of this issue, so I definitely want to stay on top of this if it turns out to be a big problem. Whether or not valley water claims responsibility, I want to know what's happening.

Please let me know if there is a day/time that is convenient for you. I live nearby, in Palo Alto.

Best,
Rebecca
415-235-8078

Sent from my iPhone

On Mar 4, 2024, at 12:11 PM, fariba seyed [REDACTED] wrote:

***** 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 am concerned about a public safety hazard on Adobe Lane in Los Altos Hills and am writing to provide additional details for your assistance. I appreciate your efforts to investigate and resolve this matter.

At the end of January, a concrete contractor examined our driveway because the concrete was uneven. While repairing the uneven piece, they informed me that the part of the driveway closest to the road has a sinkhole that is 20 feet deep and is caved in towards the street.

It was recommended by the contractor that I contact the City since we were losing a considerable amount of soil. I went to the City to inform them of the situation. Daniel Liang and a colleague came out and examined the hole in the sewer system. He informed me that the City is only responsible for the sewer system and that nothing of concern had been found. Daniel advised me to contact the water company.

My next step was to contact Valley Water, and Ray Bramer has come out twice to inspect the issue. I have been kept informed by him, and we are currently waiting to receive a response from Valley Water about who has jurisdiction on Adobe Lane.

According to a neighbor, there is an old 6-foot pipe beneath our street, which I was only recently made aware of. I am concerned that there may be a problem with that 6-foot-pipe that is affecting our street. I would like to have the street extensively checked for this potentially massive hazard and keep our residents, street, and the public safe. Your assistance is greatly appreciated.

Thank you,
Fariba & Saeed Seyed

[REDACTED]

Los Altos Hills, CA 94022

Michele King

From: Rae Knapp <rae@keepcoyotecreekbeautiful.org>
Sent: Wednesday, March 06, 2024 3:24 PM
To: Board of Directors
Subject: KCCB April Events
Attachments: 240407-Cleanup-IG Post.jpg; 240420-Trail Restoration-IG Post.jpg; 240420-Trail Restoration-Flyer.jpg; 240407-Cleanup-Flyer.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hello,

Here are the details for KCCB's April events. There will be a cleanup on 4/7 and a trail restoration event on 4/20. Thank you so much for helping KCCB get the word out, we hope to see you at these events!

Thanks!

Rae Knapp
Event Assistant
Keep Coyote Creek Beautiful
408-931-1892
www.keepcoyotecreekbeautiful.org

Everything we do is Driven by Litter! - Creek and Trail Cleanup

Location: TBD, San Jose
Sun Apr 7
9AM to 12PM

Come help us clean the Coyote Creek and Trail for National Wildlife Week!

Help us beautify Coyote Creek and surrounding trails through a community cleanup. Meet new people; improve a neighborhood park; watch the overwintering birds; build community around a shared sense of service.

Free litter kits!

Community service hours available.

Groups Welcome

RSVP: <https://240407-cleanup.eventbrite.com/?aff=vw>

Earth Day Trail Restoration at Alum Rock Park

Location: Alum Rock Park, San Jose

Sat Apr 20

9AM to 12PM

Come help us restore and maintain the trails at Alum Rock Park for Earth Day!

Help us beautify Coyote Creek and surrounding trails through a community cleanup. Meet new people; improve a neighborhood park; watch the overwintering birds; build community around a shared sense of service.

Community service hours available.

Groups Welcome

Hosted by Keep Coyote Creek Beautiful and City of San Jose - Parks, Recreation and Neighborhood Services - Volunteer Management Unit

RSVP: <https://240420-trail.eventbrite.com/?aff=vw>

COYOTE CREEK CLEANUP LOCATION PROVIDED AT REGISTRATION

**everything
we do is
driven by
litter!**



APRIL 7TH
9AM-12PM

RSVP
AT

KEEP COYOTE CREEK BEAUTIFUL



WWW.KEEPCOYOTECREEKBEAUTIFUL.ORG

Saturday 4.20

9am-12pm

Alum Rock Trail Restoration

15350 Penitencia Creek Rd, San Jose, CA 95127

What to Expect

- help widen eroded or grown over trails
- remove invasive vegetation
- moderately vigorous hike



RSVP
AT



WWW.KEEPCOYOTECREEKBEAUTIFUL.ORG



TRAIL RESTORATION

APRIL 20: 9-12PM



COYOTE CREEK CLEANUP

APRIL 7: 9-12PM

Michele King

From: Albert Colas Prunera [REDACTED]
Sent: Thursday, March 07, 2024 8:40 PM
To: Board of Directors; John Varela; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rebecca Eisenberg; City of San Jose Mayor's Office
Subject: Encampment in Willow and Lelong out of control - do we need another death to happen to get these people removed?

Follow Up Flag: Follow up
Flag Status: Flagged

*** 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 Mayor and Valley Water,

Burning plastics, illegal dumping, dogs, and more, what are we waiting for to get this encampment removed? Do we want to get our houses burnt? Do we want to get our community moving elsewhere cause our children and families can't be safe? Do we want another death? This is not the Willow Glen (and San Jose) I used to know. This needs to be addressed.

One of our community members has sent this

video: <https://www.alpha.facebook.com/reel/1592542024821275?fs=e&mibextid=TJsrHh>

-Albert

Michele King

From: Albert Colas Prunera [REDACTED]
Sent: Thursday, March 07, 2024 8:44 AM
To: City of San Jose Mayor's Office
Cc: Board of Directors; John Varela; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rebecca Eisenberg; homelessconcerns@sanjoseca.gov; beautifysj@sanjoseca.gov
Subject: Re: Unacceptable: Persistent Hazards from Willow St and Lelong St Homeless Encampment

Follow Up Flag: Follow up
Flag Status: Flagged

*** 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 Valley Water team and Mayor,

This is intolerable, the encampment in Lelong and Willow is out of control, we urge you to rectify the situation ASAP.

Recording from this morning: <https://photos.app.goo.gl/QnwddcQvfv8hX29z5>

Best,

On Fri, Feb 2, 2024 at 2:15 PM Albert Colas Prunera [REDACTED] wrote:
Thanks for your response.

What are the actions that we can expect as a community from Valley Water and the Mayor?

During our last town hall we were advised to connect you both and this is what we are doing, so we are awaiting for an action plan and timely response to this safety crisis.

Thank you

-Albert

On Fri, Feb 2, 2024 at 12:47 PM City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:
Hi Albert Colas Prunera,

I want to express our sincere gratitude for your email and the attention you bring to the ongoing safety crisis at the homeless encampment on Willow St and Lelong St.

We share your deep frustration and disappointment regarding the escalating issues, including relentless fires, the presence of firearms, and hazardous waste, which pose an intolerable threat to our community, especially our school children.

The safety of our children and residents is our top priority. I completely understand your sentiment, and I want to assure you that we take this matter very seriously.

We are committed to working closely with the appropriate departments to address this matter. Your concerns

have been documented, and the attached pictures and video link provide valuable insights into the gravity of the situation.

Thank you for your patience as we work diligently to find a solution. Your advocacy for the well-being of our community is invaluable. Thank you for bringing this matter to our attention.

Best,

On Wed, 24 Jan at 10:18 PM , Albert Colas Prunera [REDACTED] wrote:

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Valley Water team and Mayor,

I write to you today with a mixture of frustration and disappointment regarding the ongoing safety crisis at the homeless encampment on Willow St and Lelong St. The relentless fires, the presence of guns, and the hazardous waste have reached an intolerable level, and it is infuriating to witness the continued threat to our community, especially our school children.

I am beyond fed up with the situation, and the fact that our children have to navigate through these hazards on their way to school is simply unacceptable. It is disheartening to see repeated instances of negligence, and the time for immediate and effective action is long overdue.

I urge you to prioritize the safety of our residents, particularly our children, and take decisive steps to address this crisis without further delay. Our community deserves better, and the frustration among residents is reaching a breaking point.

I expect swift and meaningful action to rectify this situation promptly.

Please see attached pictures as an example and video [link here](#) showing you repeated illegal dumping. Multiple times a day, multiple cars a day dump trash, furniture and dangerous goods illegally.

Sincerely,
Albert

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Michele King

From: Wendy [REDACTED]
Sent: Thursday, March 07, 2024 11:29 AM
To: Board of Directors
Cc: Rebecca Eisenberg; Jim Beall; Barbara Keegan; Jennifer Codianne
Subject: Re: Inquiry into action plan and timeline for clean up of Los Gatos Homeless Trail and relocation

Follow Up Flag: Follow up
Flag Status: Flagged

*** 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 Ms. Keegan,

I saw recently on the news that the waterboard is planning to penalize the city of San Jose for not keeping the creeks clean and has a hard deadline of June 2025.

<https://www.mercurynews.com/2024/03/01/san-jose-to-clear-1000-homeless-people-from-creeks-and-waterways/>

Is Valley Water also under the same penalty and deadline? Are you moving forward with working with the city to relocate the encampments?

Jennifer mentioned in the last board meeting that they need funding from the City to build alternative housing, now that there is a financial motivation for the city to clear out the creeks, are any plans being made to build alternative housing?

Best,
Wendy

On Wed, Mar 6, 2024 at 12:10 PM Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Director Keegan:

Dear Wendy Li,

Thank you for reaching out to Valley Water and sharing your continued frustrations related to the encampments of unsheltered people located near your home along Los Gatos Creek. We are sympathetic to your concerns and are dismayed to hear of your recent experience involving harassment and racial profiling.

Valley Water is 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. However, as with all public agencies, Valley Water must adhere to applicable case law, which has

significantly affected how we can respond to encampments of unsheltered persons. There is a requirement that shelter be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives.

As you mentioned in your message, the Valley Water-sponsored State Assembly bill, AB 1469 (Katra) *Valley Water Assisting Unsheltered People*, took effect on January 1st of this year. Although AB 1469 did not provide Valley Water with any new funding, this legislation amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. AB 1469 is intended help Valley Water comply with the federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land. In February, Valley Water staff provided a presentation to the Environmental Creek Cleanup Committee and received feedback on what Valley Water's efforts under AB 1469 should look like. The next step is for our full Board to work through the annual budget-setting process to determine an amount of funding to devote to these efforts. Once a funding level is established, staff will bring back specific proposals to develop housing for unsheltered individuals residing on Valley Water property, which may include partnerships with developers of tiny homes and other interim and permanent housing communities.

We appreciate your comments and understand your concerns. As always, you may continue to contact Deputy Operating Officer Jennifer Codianne (jcodianne@valleywater.org) or Assistant Operating Officer Mark Bilski (mbilski@valleywater.org) with any follow-up information. Thanks again for your message.

Sincerely,



Barbara Keegan

Director, District 2

C-24-0046

From: Wendy [REDACTED]
Sent: Friday, February 23, 2024 6:29 PM

To: Barbara Keegan <BKeegan@valleywater.org>; Jennifer Codianne <JCodianne@valleywater.org>; Rebecca Eisenberg <Reisenberg@valleywater.org>; Board of Directors <board@valleywater.org>; Jim Beall <JBeall@valleywater.org>
Subject: Inquiry into action plan and timeline for clean up of Los Gatos Homeless Trail and relocation

*** 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 Valley Water board members + Jennifer,

It was great to hear from the last meeting that the members of the encampment committee recognize how frustrating it's been that there's been no change in the camping situation on many of the creeks including Los Gatos creek for over a year even though initial plans were started for a relocation set up for it.

In the last encampment meeting (set around August), Jim Bealle mentioned that he wanted to set up a timeline and action items for how to use the newly allocated funds for assisting the homeless that opened up in January. In the last meeting, he again expressed his desire for action items and to see results. Rebecca Eisenberg also expressed her desire to see action being taken and suggested working with a tiny home non-profit and providing funding for tiny homes to be built for relocation. **I wanted to check in with the council and ask if action plans were written up and a timeline established six months ago. I also wanted to check in with you guys and see if action items were planned from the last meeting and a time line established for the development of tiny homes.**

I am also writing this as I'm waiting on the police to arrive so I can file a police report. A homeless man just tried to hit me with his bike, screamed profanities at me and called me a fucking Korean (I am not ethnically Korean and am a US citizen). I just wanted to walk my dog quietly on the creek before the sun went down and it was still safe to do so. I was not expecting to be harassed and racially profiled and am sick and tired of these experiences becoming a common occurrence.

Like Ms.Eisenberg emphasized, people are dying outside from exposure and the rain, the creek is being severely eroded (which will then contribute to future risk of flooding) and the residents around the creeks are suffering. **Please treat this like the urgent matter that it is.**



Best,

Wendy

--

Wendy Li

[REDACTED]

--

Wendy Li

[REDACTED]

Michele King

From: Albert Colas Prunera [REDACTED]
Sent: Monday, March 11, 2024 8:08 PM
To: City of San Jose Mayor's Office; Board of Directors; John Varela; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rebecca Eisenberg
Subject: Re: Encampment in Willow and Lelong out of control - do we need another death to happen to get these people removed?

Follow Up Flag: Follow up
Flag Status: Flagged

*** 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. ***

We are disgusted with our neighborhood. You all are letting us down. We bought a property, established ourselves here and Willow Glen since we wanted to raise a family here and be part of the community. Our children are not safe in the street anymore. Have you seen SF and what has happened to it due to homelessness and encampments? Lots of business and residents are leaving and look at it now on whats it turned. Have you seen Oakland as well? It is the wild wild West and no one wants to live there.

Is this the Willow Glen we want? This is not what it was 10 years ago. You keep throwing the ball to each other and no action is taken. And the encampment is getting worse every day. We have an allowed encampment in Taylor street, so alternatively move them there. Can you let us know if any actions will be taken and if the encampment in Willow St and Lelong will be removed?

If no action will be taken, and if that's the unfortunate case, it's been enough and I am leaving Willow Glen and San Jose this year and many more families will follow suit after us.

Thanks

On Mon, Mar 11, 2024 at 10:48 AM City of San Jose Mayor's Office <mayor@sanjoseca.gov> wrote:

Hi Albert,

Thank you for reaching out and notifying the Mayor's Office of the situation.

Thank you for bringing your concerns regarding the encampment on Willow Street and Lelong Street to our attention. Mayor Mahan understands the gravity of the situation and has alerted the San Jose Police Department's Division Captains about the rising concerns in the area. However, it's essential to follow the proper procedure when reporting criminal activity to ensure effective action can be taken.

The District Attorney's Office has advised us that in order to build a strong case and take legal recourse, such as arrests or removal of hazards, an official report must be made to the Police Department. By doing so, we can track crime statistics in your specific area, which will help us advocate for increased police presence and

other necessary resources to your region. If you have not yet done so, please call emergency services at 9-1-1 to make an official report.

Mayor Mahan shares your frustrations and takes reports like yours seriously. With public safety as a core focus, we are actively working on initiatives to enhance public safety, including increasing staffing levels and retaining current levels within our Police Department, and working with our partners at Valley Water and Caltrans to address the challenges posed by several encampments like this one across the city.

We are committed to working with our community and law enforcement partners to address the challenges posed by the encampment on Willow and Lelong. And we appreciate your role in making an official complaint to the police so that we can take the appropriate measures for criminal activity. To learn more about Mayor Mahan plans to address this crisis, I invite you to [register](#) for the 2024 budget town hall tonight, March 11 at 7 p.m.

Your involvement is crucial in making our city a better place for all residents. Thank you again for bringing this matter to our attention, and please feel free to reach out if you have any further concerns or questions.

Best,
Team Mahan

On Fri, 8 Mar at 6:59 AM , Albert Colas Prunera [REDACTED] wrote:

[External Email]

You don't often get email from [REDACTED] [Learn why this is important](#)

Adding Barbara here as well.

Please explain how and when it is going to get resolved.

On Fri, Mar 8, 2024, 6:56 AM Albert Colas Prunera [REDACTED] wrote:
Richard, thanks for your reply. Can you explain me how and when?

Thanks

-Albert

On Fri, Mar 8, 2024, 6:14 AM Richard Santos <rsantos@valleywater.org> wrote:
Albert – your Valley Water District Director is Director Barbara Keegan, thank you for being our ears/eyes. This issue/concern is all over, and we are all addressing it.
Richard P. Santos, Director #3

From: Albert Colas Prunera [REDACTED]
Sent: Thursday, March 7, 2024 8:40 PM
To: Board of Directors <board@valleywater.org>; John Varela <jvarela@valleywater.org>; Barbara Keegan <BKeegan@valleywater.org>; Richard Santos <rsantos@valleywater.org>; Jim Beall <JBeall@valleywater.org>; Nai

Hsueh <NHsueh@valleywater.org>; Tony Estremera
<TEstremera@valleywater.org>; Rebecca Eisenberg
<Reisenberg@valleywater.org>; City of San Jose Mayor's Office
<mayor@sanjoseca.gov>

Subject: Encampment in Willow and Lelong out of control - do we need another death to happen to get these people removed?

***** 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 Mayor and Valley Water,

Burning plastics, illegal dumping, dogs, and more, what are we waiting for to get this encampment removed? Do we want to get our houses burnt? Do we want to get our community moving elsewhere cause our children and families can't be safe? Do we want another death? This is not the Willow Glen (and San Jose) I used to know. This needs to be addressed.

One of our community members has sent this video: <https://www.alpha.facebook.com/reel/1592542024821275?fs=e&mibextid=TJsrHh>

-Albert

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Michele King

From: Karina Alvarez [REDACTED]
Sent: Tuesday, March 12, 2024 1:01 AM
To: Board of Directors; John Varela; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Tony Estremera; Rebecca Eisenberg; mayor@sanjoseca.gov; beautifysj@sanjoseca.gov
Subject: Concerned tax payer and water consumer on Spencer and Lelong - Safety of our children/family

Follow Up Flag: Follow up
Flag Status: Completed

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

Hello,

I am writing to you today to express my concerns regarding the ongoing issues we are facing in our community, particularly on Lelong. While I acknowledge the strides that have been made in addressing concerns on county or city sections, I am increasingly dismayed by the lack of effort being put forth to resolve the situation comprehensively by the Water Company.

Our primary concern is the safety and well-being of our families. It deeply troubles me to report incidents of individuals walking around with knives at night, unlawfully rummaging through mailboxes, vehicles, and even our trash. Just recently, as my husband and boys were walking to Walgreens, I witnessed a man wielding a knife following closely behind them. This alarming incident underscores the urgency of the situation.

Furthermore, the deteriorating safety conditions have greatly impacted our daily lives. My sons, who have friends on the other side of the freeway, are now unable to walk to each other's homes due to safety concerns. Additionally, many families in our neighborhood used to walk to Willow Glen Elementary, but students living near Lelong are now deprived of this option due to safety risks. Our children have seen people take off their clothes and use the sidewalk as their facility to defecate as we drive home. I had to move their rooms as their bedroom faced the street, and we reported people showering at the El Paseo Dental Care before they were fully open. Our own water bill has increased, and we see our hose has been displaced.

In addition to safety concerns, the situation on Lelong within the Water Company jurisdiction has exacerbated traffic issues in our community. Illegal dumping of items only worsens the situation, creating a hazardous environment for residents and commuters alike.

I implore you to recognize the severity of these issues and take decisive action to address them promptly. It is crucial to understand that delaying action will only allow the problem to escalate, resulting in greater expenses and risks for our community. I firmly believe that the city and the Water Company must work together to find solutions and ensure the safety and well-being of all.

I urge you to reconsider your approach and actively engage to develop a shared responsibility and call to action plan. We, the residents, are willing to support the city in its efforts, but we need your leadership and the collaboration of the Water Company to make meaningful progress.

I have attended numerous town hall meetings where the city has emphasized that the cost of addressing these issues will fall on the shoulders of the Water Company and that the Water Company needs to reach out to the city for support. I urge you to heed this call and take proactive steps to address the pressing concerns on Lelong.

Lastly, calls to the police are not prioritized within our community. Therefore, if something happens to anyone in my family, the Water Company and the city will be liable as I have expressed my concern for our safety through this communication.

Thank you for your attention to this matter. I look forward to seeing concrete actions and initiatives aimed at improving the safety and quality of life in our community.

Karina Alvarez, Resident on Spencer Ave.

Michele King

From: Jakob Jones [REDACTED]
Sent: Tuesday, March 12, 2024 12:48 PM
To: Board of Directors
Subject: Re: Almaden - Guadalupe Creek Homeless Encampment

Follow Up Flag: Follow up
Flag Status: Flagged

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

Thank you for your response.

Have you considered removing the fence and creating a paved walkway / greenbelt there? Making this an accessible open space that people actively made use of for recreation, similar to the Los Alamitos creek trail, may be a relatively low-cost solution.

Regarding the sheltering of these individuals, I share everyone's concern for their well-being. But I think we do them the greatest disservice by encouraging / allowing them to camp wherever they can find. It increases environmental, health, and public safety risks, especially when they camp on parts of the watershed and it offers them no support. We'd be far better off grabbing several acres of public land to create an unofficially sanctioned tent-village with minimal VTA, sanitation, social, and safety services than to have them camp ad-hoc in this way.

But again, thank you for responding.

Regards,
Jakob Jones

On Tue, Mar 12, 2024 at 12:02 PM Board of Directors <board@valleywater.org> wrote:

Sent on Behalf of Director Beall:

Dear Jakob Jones,

Thank you for sharing your concerns related to the encampments of unsheltered people located on Guadalupe Creek along Coleman Road between Meridian Avenue and Almaden Expressway. Valley Water is 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. However, as with all public agencies, Valley Water must adhere to applicable case law, which has significantly affected how we can respond to encampments of unsheltered persons.

As you may be aware, a 2019 court ruling by the 9th Circuit Federal Court of Appeals in the case of Martin v. Boise has limited the ability of California public agencies to relocate unsheltered individuals who are camping on public lands. This ruling holds that governments in the court's jurisdiction (which includes California) cannot enforce ordinances that ban public camping or criminalize sleeping outdoors on public property if there is no real option for sleeping indoors. Shelter is required to be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives. Although encampment relocations are curtailed at this time, our crews continue to perform large scale trash cleanups throughout jurisdictional areas countywide to prevent encampment-generated trash and debris from polluting the waterways.

In terms of strategic solutions, a Valley Water-sponsored State Assembly bill, *AB 1469 (Kalra) Valley Water Assisting Unsheltered People*, took effect on January 1, 2024. AB 1469 amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. Specifically, the bill allows Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people. These facilities would be operated by a city, the County, or a non-profit with the appropriate expertise to provide shelter and services that can improve outcomes for unsheltered people. AB 1469 will help Valley Water comply with the federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

Regarding the breached chain-link fence that you reported, Valley Water is aware of this ongoing issue. Unfortunately, the fencing in this area suffers new breaches almost immediately after Valley Water repairs the holes. Nevertheless, we will send staff out as soon as possible to conduct an inspection and make repairs as necessary. And we will consider what can be done to achieve a more long-term solution. As always, if you witness illegal activity or a threat to public health and safety, please contact the police; and if you observe smoke or fire, please contact the fire department. Concerns relating to unwanted or illegal behaviors and fires are best handled by City resources. Since Valley Water is not a law enforcement agency, we must work in concert with cities and the County to address these types of activities.

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

Sincerely,



Jim Beall

Director, District 4

C-24-0053

From: Jakob Jones [REDACTED]

Sent: Friday, March 01, 2024 4:27 AM

To: homelessconcerns@sanjoseca.gov; Michele King MKing@valleywater.org

Cc: district10@sanjoseca.gov; mayor@sanjoseca.gov

Subject: Almaden - Guadalupe Creek Homeless Encampment

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and know the content is safe. ***

Dear San Jose City and Santa Clara Water District Representatives,

The homeless encampment on Guadalupe Creek along Coleman Road between Meridian Avenue and Almaden Expressway has grown exponentially over the past few months.

The chain-link fence along Coleman is perpetually being breached. We often see homeless persons moving groceries and supplies through the fence and parking cars along Coleman. The number of shelters inside the fence has grown rapidly.

As nearby residents we obviously have concerns about the implication of this on safety, crime, and the appearance of the area. We do see intermittent police activity along this area in response to acute issues.

Can you share anything regarding immediate plans to clear out the encampment and what plans are being discussed to permanently resolve the issue?

Thank you for the service you render.

Regards,

Jakob Jones

Almaden Meadows Neighborhood Resident

Michele King

From: jim.kuh [REDACTED]
Sent: Monday, March 11, 2024 10:28 AM
To: Clerk of the Board; Board of Directors; John Varela; Tony Estremera; Barbara Keegan; Richard Santos; Jim Beall; Nai Hsueh; Rebecca Eisenberg
Cc: 'Matt Mahan'; 'Rosemary Kamei'; 'Sergio Jimenez'; 'Omar Torres'; 'David Cohen'; 'Peter Ortez'; 'Devora "Dev" Davis'; 'Bien Doan'; 'Domingo Candelas'; 'Pam Foley'; 'Arjun Batra'; 'Sylvia Arenas'; 'D2 Supervisor Chavez'; 'SCC D3 Supervisor Lee'; 'D4 Supervisor Sussan Ellenberg'; 'Joe Simitian'; Rachael Gibson; Matt Keller; Michael Potter; 'Lorraine Gabbert'; 'Paul Rogers'; 'B.Sakura Cannestra'; 'Ramona Giwargis'; 'Joseph Geha'
Subject: FW: Valley Water 2/13/24 Pacheco Reservoir Expansion Project Status Review - Recommendations, Highlights and Assessment

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

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Dear Board Members,

Approximately a month has passed and I have not received, as yet, any feedback response to my 2/13/24 'Public Comment' regarding the development of the 2050 Water Supply Master Plan. I would like to know whether, when and how I will receive Valley Water's formal response to my 'Comment'. For your convenience, an abridged textual summary excerpt of the 2/13/24 "Public Comment" made is shown below. **Please indicate when and how will I receive feedback as there is broad community interest regarding Valley Water's response.**

Best Regards,

Jim

Jim Kuhl, Civic Issue Activist & Environmental Advocate

----- 2/13/24 Public "Comment" Excerpt regarding development of 2050 Water Supply Master Plan -----

From: jim.kuh [REDACTED]
Sent: Friday, February 16, 2024 12:39 PM
To: 'Clerk of the Board' <clerkoftheboard@valleywater.org>; 'Board of Directors' <Board@valleywater.org>; 'John Varela' <jvarela@valleywater.org>; 'Tony Estremera' <testremera@valleywater.org>; 'Barbara Keegan' <bkeegan@valleywater.org>; 'Richard Santos' <rsantos@valleywater.org>; 'Jim Beall' <jbeall@valleywater.org>; 'Nai Hsueh' <nhsueh@valleywater.org>; 'Rebecca Eisenberg' <reisenberg@valleywater.org>
Cc: 'Paul Rogers' <progers@bayareanewsgroup.com>; 'Lorraine Gabbert' [REDACTED] 'Romona Giwargis' <romona@sanjosespolight.com>; 'Rachael Gibson' <RGibson@valleywater.org>; 'Matt Keller' <mkeller@valleywater.org>; 'Mike Potter' <mpotter@valleywater.org>
Subject: Valley Water 2/13/24 Pacheco Reservoir Expansion Project Status Review - Recommendations, Highlights and

Assessment

Importance: High

Subject: Highlights and Assessment Report for Tuesday, 2/13/24 Valley Water Board of Directors Meeting with Focus on Pacheco Reservoir Expansion Project

Date: Friday, 2/16/24

To: Valley Water Board, Cc Distribution and Bcc's 12 Member Distribution List

Recommendation to Valley Water Board

In reviewing the information available to the public, such as the 2040 Water Supply Master Plan, an alternative project set evaluation comparison to Pacheco Reservoir Expansion has not been done by Valley Water and/or published.

The logical Pacheco expansion infrastructure project alternatives are:

- **Vaqueros Reservoir expansion** with VW being a partner. However, reservoir expansions continue the high dependency on importing the county's water needs from the Delta ($\approx 45\%$) and Hetch Hetchy ($\approx 16\%$). Delta sourced water is highly susceptible to droughts; thus, very unreliable.
- For less than VW's 65% planned investment share in Pacheco's expansion, with little investment uncertainty, Valley Water could **expand waste water recovery** beyond the planned (12%) to $\approx 85\%$, like Orange County has **and implement desalinization**, like San Diego's Carlsbad \$1B desalinization plant (water output 122,000 AF/yr. at \$2,000/AF), employing osmosis processes. Reverse osmosis plant processing of brackish water near Pittsburg^Δ from SF Estuary would be established generating potable water in partnership with other Water Districts. The project's cost would include an environmentally benign electric energy generation plant located elsewhere on the power grid to offset osmosis processes' high electrical energy operating requirement. Together these two osmosis-based projects and solar electrical energy plant, appropriately scaled, could statistically guarantee water supply reliability for the most demanding drought scenarios^Δ yet remain more affordable than the current planned Pacheco expansion.

◊ Link: https://purewater4u.org/wp-content/uploads/2022/08/Desalination_091119_RS.pdf

Δ Like San Francisco Utilities Commission has, a more demanding 7-year drought scenario than the current 1982-92 5-year period should be employed on WEAP for assessing drought water supply reliability.

The alternative project assessment to Pacheco expansion should be performed in the next 3 months. This could easily be accomplished by a small Valley Water analytical team. The team could obtain all the needed data from operators of Orange County's waste water recycling operation, San Diego's Carlsbad Desalinization Plant and other respected resources. The results should be published for public review and critique. **Immediately after the public review, a "Go/No Go" decision by VW's Board of Directors be made in public regarding continued pursuit of the Pacheco reservoir Expansion project versus the identified alternatives with rational.**

The impact on end consumer retail water rates must be projected and estimated from the ultimate project infrastructure mix pursued by VW in constant economics. Continued non-disclosure of this significant retail water rate impact is deceptive.

OUTGOING BOARD CORRESPONDENCE

Michele King

Subject: FW: Inquiry into action plan and timeline for clean up of Los Gatos Homeless Trail and relocation

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Wednesday, March 6, 2024 12:10 PM

To: Wendy [REDACTED]

Cc: Rebecca Eisenberg <Reisenberg@valleywater.org>; Jim Beall <JBeall@valleywater.org>

Subject: Re: Inquiry into action plan and timeline for clean up of Los Gatos Homeless Trail and relocation

Sent on Behalf of Director Keegan:

Dear Wendy Li,

Thank you for reaching out to Valley Water and sharing your continued frustrations related to the encampments of unsheltered people located near your home along Los Gatos Creek. We are sympathetic to your concerns and are dismayed to hear of your recent experience involving harassment and racial profiling.

Valley Water is 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. However, as with all public agencies, Valley Water must adhere to applicable case law, which has significantly affected how we can respond to encampments of unsheltered persons. There is a requirement that shelter be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives.

As you mentioned in your message, the Valley Water-sponsored State Assembly bill, AB 1469 (Kalra) *Valley Water Assisting Unsheltered People*, took effect on January 1st of this year. Although AB 1469 did not provide Valley Water with any new funding, this legislation amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. AB 1469 is intended help Valley Water comply with the federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land. In February, Valley Water staff provided a presentation to the Environmental Creek Cleanup Committee and received feedback on what Valley Water's efforts under AB 1469 should look like. The next step is for our full Board to work through the annual budget-setting process to determine an amount of funding to devote to these efforts. Once a funding level is established, staff will bring back specific proposals to develop housing for unsheltered individuals residing on Valley Water property, which may include partnerships with developers of tiny homes and other interim and permanent housing communities.

We appreciate your comments and understand your concerns. As always, you may continue to contact Deputy Operating Officer Jennifer Codianne (jcodianne@valleywater.org) or Assistant Operating Officer Mark Bilski (mbilski@valleywater.org) with any follow-up information. Thanks again for your message.

Sincerely,



Barbara Keegan
Director, District 2

C-24-0046

From: Wendy [REDACTED]
Sent: Friday, February 23, 2024 6:29 PM
To: Barbara Keegan <BKeegan@valleywater.org>; Jennifer Codianne <JCodianne@valleywater.org>; Rebecca Eisenberg <Reisenberg@valleywater.org>; Board of Directors <board@valleywater.org>; Jim Beall <JBeall@valleywater.org>
Subject: Inquiry into action plan and timeline for clean up of Los Gatos Homeless Trail and relocation

*** 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 Valley Water board members + Jennifer,

It was great to hear from the last meeting that the members of the encampment committee recognize how frustrating it's been that there's been no change in the camping situation on many of the creeks including Los Gatos creek for over a year even though initial plans were started for a relocation set up for it.

In the last encampment meeting (set around August), Jim Bealle mentioned that he wanted to set up a timeline and action items for how to use the newly allocated funds for assisting the homeless that opened up in January. In the last meeting, he again expressed his desire for action items and to see results. Rebecca Eisenberg also expressed her desire to see action being taken and suggested working with a tiny home non-profit and providing funding for tiny homes to be built for relocation. **I wanted to check in with the council and ask if action plans were written up and a timeline established six months ago. I also wanted to check in with you guys and see if action items were planned from the last meeting and a time line established for the development of tiny homes.**

I am also writing this as I'm waiting on the police to arrive so I can file a police report. A homeless man just tried to hit me with his bike, screamed profanities at me and called me a fucking Korean (I am not ethnically Korean and am a US citizen). I just wanted to walk my dog quietly on the creek before the sun went down and it was still safe to do so. I was not expecting to be harassed and racially profiled and am sick and tired of these experiences becoming a common occurrence.

Like Ms.Eisenberg emphasized, people are dying outside from exposure and the rain, the creek is being severely eroded (which will then contribute to future risk of flooding) and the residents around the creeks are suffering. **Please treat this like the urgent matter that it is.**



Best,
Wendy

--

Wendy Li

Michele King

Subject: FW: 1510 Bascom Encampment Concerns

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Wednesday, March 6, 2024 12:11 PM

To: [REDACTED]

Subject: Re: 1510 Bascom Encampment Concerns

Sent on Behalf of Director Keegan:

Dear Anthony Quijada,

Thank you for reaching out to Valley Water regarding the encampments of unsheltered people located along the Los Gatos Creek Trail near your home. Regarding trespassing enforcement, while Valley Water-owned land is considered public property, this does not mean that members of the public are authorized to access all Valley Water lands, as they would expect in a public park or on a trail. Valley Water lands or facilities with restricted access have been marked with the "No Trespassing" signs that you observed. These restrictions are important to make sure the public has access to safe recreation opportunities. However, enforcement of some rules and ordinances on the unsheltered community is not currently supported by the courts, as case law says that public agencies can't penalize unsheltered people for public camping if the local municipality cannot provide adequate offers of housing.

Specifically, the applicable 2019 court ruling by the 9th Circuit Federal Court of Appeals in the case of Martin v. Boise holds that governments in the court's jurisdiction (which includes California) cannot enforce ordinances that ban public camping or criminalize sleeping outdoors on public property if there is no real option for sleeping indoors. This ruling has limited the ability of California public agencies to relocate unsheltered individuals who are camping on public lands. Shelter is required to be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives.

Although encampment relocations are curtailed at this time, our crews continue to perform large scale trash cleanups throughout jurisdictional areas countywide to prevent encampment-generated trash and debris from polluting the waterways. Recently, Valley Water's Board of Directors approved new staffing resources to support greater service and coordination toward cleaning up trash, debris, and hazardous pollutants produced by encampments along waterways in Santa Clara County. This increased level of service means that Valley Water cleanup crews will be able to visit impacted areas more often. Our encampment cleanup crew visited the reach of Los Gatos Creek from Bascom Avenue to Meridian Avenue on February 26th through 28th and removed 26.4 tons of encampment-generated trash and debris.

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

Sincerely,



Barbara Keegan
Director, District 2

C-24-0048

From: Anthony Quijada [REDACTED]
Sent: Tuesday, February 20, 2024 11:10 PM
Cc: Board Correspondence <boardcorrespondence@valleywater.org>
Subject: Re: 1510 Bascom Encampment Concerns

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

Thank you for the response. The area that I am referring to has a fence with a no trespassing sign posted. I understand the homeless population have rights but this area does not appear open to the public. I do not understand how this is considered public property? Why would a fence with a no trespassing sign be present? How can someone be allowed to build a makeshift house on this property? Also, if these people cannot be removed. What efforts will be made to clean up the trash in this area? This will take weekly cleaning if this area is not secured from the public.

From: Barbara Keegan <BKeegan@valleywater.org>
Sent: Tuesday, February 20, 2024 10:18 PM
To: Anthony Quijada [REDACTED]
Cc: Board Correspondence <boardcorrespondence@valleywater.org>
Subject: 1510 Bascom Encampment Concerns

Dear Mr. Quijada,

I did drive out this afternoon to take a look at the concerns that you raised. Unsheltered encampments are the number one issue that I hear about from constituents. It is a problem throughout our County and my District and I am sadly aware of numerous locations where this is occurring.

Staff will provide a more detailed response to your specific concerns but there is not an easy answer. There are legal impediments to removing unsheltered individuals from public property if there is no place for them to go to. Unfortunately right now there isn't enough housing available for them.

There is an Environmental Creek Cleanup Committee at Valley Water that you may be interested in attending. Here is a link to our committee meetings page.

Board Committees | Santa Clara Valley Water
valleywater.org

Staff will get back to you with additional information and thank you again for contacting me.

Best regards,
Director Barbara Keegan
Valley Water District 2
Sent from my iPad

On Feb 20, 2024, at 11:53 AM, Anthony Quijada [REDACTED] wrote:

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

Hello Ms. Keegan,

Thank you for your response. I saw there is a zoom meeting this Thursday. I will possibly be attending but I wanted to bring this to your attention first.

I am resident at the River Walk Apartments located at 1510 S. Bascom Ave. directly next to the Los Gatos Creek Trail. You may be aware of the homeless encampment on the embankment near the corner of S. Bascom Ave and Southwest Expy. This embankment is property of the San Jose Valley Water District. I have attached videos to this email showing how much of a problem this area has become. There is a sign posted that says "No Trespassing". However, it seems this encampment is being allowed to form. Last week, I spoke to a group of officers that I saw walking this area. They informed me they were looking for anyone with warrants, but didn't have authorization to trespass anyone. Now that I see there is a no trespassing sign that makes no sense to me.

I am reaching out as a concerned resident looking for how to remove this encampment from the area. I could easily start a petition if you find that would be helpful to this cause. I am sympathetic towards the homeless population but also understand that Santa Clara County offers a ton of programs and assistance to those in need. I do see cleanup crews every couple of months to clean this area. However, I believe it's time for significant changes. One of the videos shows the fence has been opened to make an entrance. That fence appears to be property of the apartment complex next to it. There should be a joint effort made to secure this entrance point with new heavy-duty fencing.

Thank you for your time. I would appreciate any information that you can provide on this concern.

Take care,

Anthony Quijada

From: Barbara Keegan <BKeegan@valleywater.org>

Sent: Tuesday, February 20, 2024 10:56 AM

To: Anthony Quijada [REDACTED]

Subject: Re: Question/Concern

Dear Mr. Quijada,

Yes email is the easiest way to reach me.

Best regards,

Barbara Keegan

Sent from my iPhone

On Feb 20, 2024, at 9:40 AM, Anthony Quijada [REDACTED]
wrote:

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

Hello Ms. Keegan,

I have a question/concern regarding district 2. Is email the best way to contact you?

Thank you for your time.

Take care,

Anthony Quijada

<IMG_1722.MOV>

<IMG_1723.MOV>

Sent from my iPad

Michele King

Subject: FW: Encampment Fires Three Days Apart/ Under 85 at Perc Pond/ Erikson Neighborhood
Attachments: Jim Beall.png; Pam foley fire.png

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Wednesday, March 6, 2024 12:13 PM

To: [REDACTED]

Subject: Re: Encampment Fires Three Days Apart/ Under 85 at Perc Pond/ Erikson Neighborhood

Sent on Behalf of Director Beall:

Dear Kathleen O'Connell,

Thank you for sharing your experiences related to fires associated with the encampments of unsheltered people located along the Guadalupe River and near the percolation ponds in your neighborhood. Valley Water is very active on the lands we manage in this area, and we are aware of the fire incidents that you cited in your message. As part of Valley Water's encampment management efforts, our field staff conduct encampment risk assessments that consider factors such as recent fire activity and the presence of open flames adjacent to flammable structures. These assessments may lead to the removal of certain encampments on Valley Water property if it can be proven that they are responsible for causing wildfire or other fire dangers. Regarding your specific mention of the fires of February 23rd and 26th, these occurred on land underneath the Highway 85 overpass that is owned and managed by Caltrans. Valley Water staff responded to the scene and promptly reported these events to Caltrans.

Valley Water is 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. However, as with all public agencies, Valley Water must adhere to applicable case law, which has significantly affected how we can respond to encampments of unsheltered persons. There is a requirement that shelter be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives.

But as you may be aware, Valley Water is currently working with the City of San José to resolve the encampments of unsheltered people located on our property in your area. Valley Water and the City are actively negotiating the development of nearly 100 Emergency Interim Housing (EIH) units on Valley Water's undeveloped 2.52-acre lot along Cherry Avenue between the Guadalupe River and the Almaden Ranch shopping center. The project has been approved by both bodies, the site has been surveyed, and efforts are ongoing to develop a collaborative agreement to move forward toward construction. Importantly, once this EIH site has been established, and after safe relocation of unsheltered individuals living in this reach of the Guadalupe River into the EIH community has taken place, a Water Resources Protection Zone (WRPZ) will be established along Guadalupe River from Branham Lane in the north to Blossom Hill Road in the south. The WRPZ will be kept clear of camping, fires, damage to vegetation and wildlife, and pollution to the water, and joint City and Valley Water efforts will aim to protect this reach by ensuring that it remains clear of encampments in the future.

Finally, please continue to contact the police or fire department if you observe illegal activity, a threat to public health and safety, or smoke/fire. Concerns relating to fires and unwanted or illegal behaviors are best handled

by City resources. Since Valley Water is not a law enforcement agency, we must work in concert with cities and the County to address these types of activities.

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

Thanks again for your message.

Sincerely,



Jim Beall
Director, District 4

C-24-0051

From: Kathleen [REDACTED]
Sent: Tuesday, February 27, 2024 7:54 AM
To: Jim Beall <JBeall@valleywater.org>
Cc: Pam Foley <pam.foley@sanjoseca.gov>; 3699@sanjoseca.gov; Board of Directors <board@valleywater.org>
Subject: Encampment Fires Three Days Apart/ Under 85 at Perc Pond/ Erikson Neighborhood

*** 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 Leaders:

Enclosed are two pictures of our most recent homeless fire that occurred yesterday, 2/26/24 under HY 85 at the perc pond area behind the Senior Facility formerly known at the Atrium. The second pic captures the amount of resources deployed to combat this fire.

On Friday, 2/23/24, there was a similar fire in this same area.

Regularly, residents are experiencing pungent smell of toxic materials being burned by the homeless.

This is a TOTAL PUBLIC SAFETY HAZARD. We have recently had residents bordering that area list their home for sale and my understanding is they had to report the homeless situation surrounding them and sold the home at a LOSS.

I have been a 40 year resident in my home and I have also noticed a substantial increase in my Homeowner's Insurance Premiums.

I wanted to make sure you saw these pictures and have read what I have submitted to you. I know in times past, there were similar fires that some/all of you were not aware had occurred.

Homes have already been evacuated in the past on Tonino due to the fires lapping their backyard fences from the homeless encampments. What is going to happen next? What is it going to take to ensure our safety?

My family no longer walks the trails as it is just too dangerous and we fear for our safety.

Thank you.

Kathleen O'Connell
Corrales Drive Resident
Erikson Neighborhood
retired 911/EMD 35 years Santa Clara County Communications

Michele King

Subject: FW: Homeless Encampments Problems

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Wednesday, March 6, 2024 12:14 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Homeless Encampments Problems

Sent on Behalf of Director Beall:

Dear Denise Valderrama,

Thank you for sharing your experiences related to the encampments of unsheltered people located along the Guadalupe River and near the percolation ponds in your neighborhood. Valley Water is very active on the lands we manage in this area, and we are aware of the fire incidents that you cited in your message. As part of Valley Water's encampment management efforts, our field staff conduct encampment risk assessments that consider factors such as recent fire activity and the presence of open flames adjacent to flammable structures. These assessments may lead to the removal of certain encampments on Valley Water property if it can be proven that they are responsible for causing wildfire or other fire dangers. Additionally, in the case of the recent fires that occurred underneath the Highway 85 overpass, our staff promptly reported these events to CalTrans as that agency owns and is responsible for the land beneath the highway.

As with all public agencies, Valley Water must adhere to applicable case law, which has significantly affected how we can respond to encampments of unsheltered persons. The 2019 court ruling by the 9th Circuit Federal Court of Appeals in the case of *Martin v. Boise* has limited the ability of California public agencies to relocate unsheltered individuals who are camping on public lands. This ruling holds that governments in the court's jurisdiction (which includes California) cannot enforce ordinances that ban public camping or criminalize sleeping outdoors on public property if there is no real option for sleeping indoors. Shelter is required to be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives.

On a positive note, and as you mentioned, Valley Water is currently working with the City of San José to resolve the encampments of unsheltered people located on our property in your area. Valley Water and the City are actively negotiating the development of nearly 100 Emergency Interim Housing (EIH) units on Valley Water's undeveloped 2.52-acre lot along Cherry Avenue between the Guadalupe River and the Almaden Ranch shopping center. The project has been approved by both bodies, the site has been surveyed, and efforts are ongoing to develop a collaborative agreement to move forward toward construction. Importantly, once this EIH site has been established, and after safe relocation of unsheltered individuals living in this reach of the Guadalupe River into the EIH community has taken place, a Water Resources Protection Zone (WRPZ) will be established along Guadalupe River from Branham Lane in the north to Blossom Hill Road in the south. The WRPZ will be kept clear of camping, fires, damage to vegetation and wildlife, and pollution to the water, and joint City and Valley Water efforts will aim to protect this reach by ensuring that it remains clear of encampments in the future.


Finally, please continue to contact the police or fire department if you observe illegal activity, a threat to public health and safety, or smoke/fire. Concerns relating to fires and unwanted or illegal behaviors are best handled

by City resources. Since Valley Water is not a law enforcement agency, we must work in concert with cities and the County to address these types of activities.

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

Thanks again for your message.

Sincerely,



Jim Beall
Director, District 4

C-24-0050

-----Original Message-----

From: Mac User [REDACTED]
Sent: Monday, February 26, 2024 11:21 PM
To: Board of Directors <board@valleywater.org>
Cc: Bob Comcast Email <bob.valderrama@comcast.net>; pam.foley@sanjoseca.gov
Subject: Homeless Encampments Problems

*** 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 the Board of Valley Water,

I have lived 28 years on Fell Court. My husband and I raised 4 children and have loved this location. We often road bikes or walked to Almaden Lake and loved that we could do it on the path adjacent to the percolation ponds and stream totally avoiding any streets with cars. The last 7 years I was doing it with my grandkids, but not since the homeless community has multiplied. It is just not safe.

Today under the freeways on this island where about 25 tents are set up there was a large fire. It could be seen for miles. The firetrucks and police were out there as the fireman where trying to put it out. Last week there was another fire that was on the land to the right the percolation ponds where there is a huge encampment. The smell was so toxic!! It smelled like they were burning tires. The neighbors all started texting each other. There are fires large and small that we all have to deal with on a regular basis. My niece lives at the back of Dawnview Ct. and is always affected by these fires. So sad because her husband and her bought this over a million dollar home right before the homeless took over the land behind their house.

I'm sure you will know this name, Brigitte Rince, who constantly contacted you as she daily dealt with homeless community incidents since she lived on the end of Chynoweth on the right side of the street. She was traumatized by having to deal with a women screaming being raped, gun shots during the night, intruders from the homeless community in her yard yelling at her, numerous fires, and much more. Her husband Mark and her were long time residents and well liked and respected in our neighborhood. Well, they couldn't take it any more and moved out and

now their house is up for sale. It's going on 3 weeks, but no sale. Beautifully remodeled kitchen and bathroom, pool, and large lot, but who would want to buy that house when they see all the tents right by her yard and on the other side of the lake. Another family had to disclose the homeless encampment when they put there house for sale and it really affects property values.

In the last 5 year+ all my neighbors have bought security cameras or burglar alarms due to cars being broken into. Quite often we are calling each other to ask if they can look at the view from their camera's angle due to some type of intrusion or attempted break in. This is since the encampment.

We have had one man with a sword try to steal toys from a little boy on our block. We had to call the police because he disappeared and we knew he didn't leave the court. He ended hiding behind a garbage can and scared my female neighbor when he jumped out at her with his sword. He is well know as he had bothered others on other streets. He definitely has mental illness, like a lot of the homeless unfortunately suffer from.

I know that you are planning to put tiny homes by the bass shopping center, and I was glad to hear this, but it will definitely not be able to house all these people in tents. Plus, I understand some prefer living in the tents. Some may move, but what is going to keep more people moving into the spaces that become vacant? What is the plan to relocate these people and prevent them or new people moving on to this land?

I look forward to hearing from you
Thank you,
Denise Valderrama

Michele King

Subject: FW: Follow-up: Plastic Carpets Remediation Access Valley Water - Case #AVW-013712

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Friday, March 8, 2024 1:55 PM

To: [REDACTED]

Cc: Larry Klein <council@larryklein.com>; Linda Sell [REDACTED]

Subject: Re: Follow-up: Plastic Carpets Remediation Access Valley Water - Case #AVW-013712

Sent on Behalf of Vice Chair Santos:

Dear Stephen Meier,

Thank you for your email and concerns regarding the carpets along the South Bay Salt Ponds. Staff will respond separately to your questions submitted to our Public Records Request department.

Regarding public access and recreational use at the South Bay Salt Ponds, Valley Water is currently working in partnership with the South Bay Salt Pond Restoration Project (SBSPRP) on the Calabazas/San Tomas Aquino Creek-Marsh Connection Project which aims to restore creek-marsh connections and tidal flows to establish 1,800 acres of tidal marsh in the A8 Ponds and Pond A4. This project has been having public meetings, including meetings focused on public access.

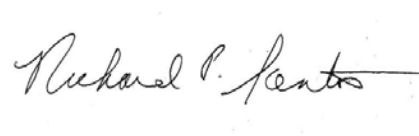
Information on the project can be found here: <https://www.valleywater.org/project-updates/calabazas-san-tomas-aquino-creek-marsh-connection-project>

In the future if you need to report other concerns to Valley Water, you may also use our online system at <https://access.valleywater.org/s/>.

Please contact Jennifer Codianne, Deputy Officer for Watersheds Operations and Maintenance at jcodianne@valleywater.org for follow up information.

Thanks again for contacting us.

Stay safe and healthy,



Richard Santos
Vice Chair, District 3

C-24-0055

From: Stephen Meier [REDACTED]

Sent: Tuesday, March 5, 2024 2:29 PM

To: Jennifer Codianne <JCodianne@valleywater.org>

Cc: Candice Kwok-Smith <ckwok-smith@valleywater.org>; Board of Directors <board@valleywater.org>; Larry Klein

<council@larryklein.com>; Linda Sell [REDACTED]; Richard Mehlinger [REDACTED]

Subject: Follow-up: Plastic Carpets Remediation Access Valley Water - Case #AVW-013712

***** 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 Jennifer and Valley Water Board:

CC: Sunnyvale officials including Mayor Klein, Councilmember Sell and Councilmember Mehlinger

I received notice that this case was closed so I made a site visit and found that while the bulk of carpets are removed there is substantial work to complete remediation.

Firstly, there are many carpet remnants still in place as well as many plastic spikes inserted into the soil. The carpet remnants are a bigger concern but they should all be removed at some point.

Secondly, there is now uncovered soil with no vegetation which is now subject to erosion by rain, wind and waves. There must either be some type of mulch fabric, or vegetation or a combination in order not to have excessive erosion enter the bay waters.

Lastly, I would like to ask more questions about how this carpet installation came about and the process steps which allowed the installation. It should be obvious to all parties that this installation is highly inappropriate and in my view is gross pollution and should not have been allowed.

Sunnyvale representative (Rohan A. WIKRAMANAYAKE, P.E. Division Manager, Water Pollution Control Plant) indicates that a group of kiteboarders did this installation and it is Valley Water jurisdiction. I feel that kitesurfing is or should not be permitted in this area as it would be quite disruptive to wildlife. <https://scvas.org/salt-ponds-of-santa-clara-county>. Kitesurfing is only appropriate in open areas of the bay and not in sensitive wildlife habitat.

Please consider the following questions per the California Public Records Act:

1) Authorization:

- 1.a) Did valley water authorize this installation ? (Yes, No)
- 1.b) If Yes, who are the individual(s) or organization responsible for the installation ?
- 1.c) If Yes, what was the process used to review the installation ?
- 1.d) If Yes Please share process documents, emails, approvals regarding the process.

2) Knowledge:

- 2.a) When did valley water become aware of the carpet installation ? (Date)
- 2.b) When valley water became aware of the installation what actions were taken ?
- 2.c) Please share communications, emails regarding actions taken regarding this installation

3) Recreation in Salt Ponds

- 3.a) What forms of recreation are allowed in the salt pond adjacent to this site (A4) ?
- 3.b) How does Valley Water provide public notice about permitted activities ?

I hope we can all agree that this matter requires more attention to complete remediation as well as more investigation to understand the process flaws by which it was allowed to be installed and left installed while the plastic material degraded and entered bay waters.

If you would like me to join you in a site visit with representatives I can show you the remaining issues.

For point of comparison please review the excellent mitigation being performed at Hamilton Field in Marin County.
<https://www.spn.usace.army.mil/Missions/Projects-and-Programs/Current-Projects/Hamilton-Airfield-Wetland-Restoration.aspx>

Please take action to address the site remediation as well as the process investigation.

Best Regards,
Steve

Steve Meier - All of my emails have this signature, beware of phishing scams

Cell: [REDACTED]

Email: [REDACTED]

On Thu, Feb 22, 2024 at 9:34 AM Jennifer Codianne <JCodianne@valleywater.org> wrote:

Hi Steve,

Thank you for your concern regarding the fabric carpets, those were installed by the City of Sunnyvale within their native plant mitigation site to reduce weed growth. Staff will remove them by the end of next week.

Thank you for your patience, we are catching up on storm response activities right now.

Jen

From: Stephen Meier [REDACTED]
Sent: Wednesday, February 21, 2024 7:13 PM
To: Richard Santos <rsantos@valleywater.org>
Subject: Fwd: Access Valley Water - Case #AVW-013712

***** 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 Mr. Santos: This issue is in your district. There are plastic and fabric carpets lining the bank of the salt pond.

I hope this matter gets resolved promptly.

Best regards,

Steve Meier - All of my emails have this signature, beware of phishing scams

Cell: [REDACTED]

Email: [REDACTED]

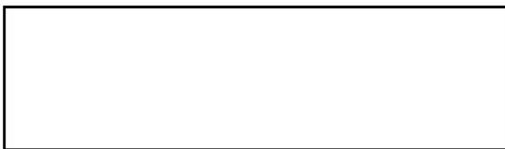
----- Forwarded message -----

From: Ray Bramer <rbramer@valleywater.org>

Date: Wed, Feb 21, 2024 at 6:14 AM

Subject: Access Valley Water - Case #AVW-013712

To [REDACTED]



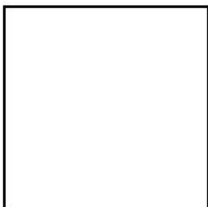
Clean Water • Healthy Environment • Flood Protection

Good morning, Mr. Meier,

Appreciate the report back to Valley Water. We'll check on said debris adjacent to the Pond along the trail feature as time allows. As our permits allow and with all the storm damage (down trees) we will have the debris removed as other priorities are handled first.

Thanks for taking the time, Ray

[Santa Clara Valley Water District](#) | 5750 Almaden Expressway, San Jose, CA 95118-3686 | www.valleywater.org



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Michele King

Subject: FW: Urgent Concerns Regarding Homeless Encroachers and a Fire Hazard at the Almaden Percolation Ponds

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Friday, March 8, 2024 4:32 PM

To: [REDACTED]

Subject: Re: Urgent Concerns Regarding Homeless Encroachers and a Fire Hazard at the Almaden Percolation Ponds

Sent on Behalf of Director Beall:

Dear Zachariah Zachariah,

Thank you for sharing your experiences related to the encampments of unsheltered people located near the percolation ponds in your neighborhood. Valley Water is 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. However, as with all public agencies, Valley Water must adhere to applicable case law, which has significantly affected how we can respond to encampments of unsheltered persons.

As you may be aware, a 2019 court ruling by the 9th Circuit Federal Court of Appeals in the case of Martin v. Boise has limited the ability of California public agencies to relocate unsheltered individuals who are camping on public lands. This ruling holds that governments in the court's jurisdiction (which includes California) cannot enforce ordinances that ban public camping or criminalize sleeping outdoors on public property if there is no real option for sleeping indoors. Shelter is required to be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives.

We want to assure you that Valley Water is actively working in concert with our agency partners and the community to address encampments of unsheltered people. We are currently working with the City of San José to resolve the encampments located on our property in your area. Valley Water and the City are negotiating the development of nearly 100 Emergency Interim Housing (EIH) units on Valley Water's undeveloped 2.52-acre lot along Cherry Avenue between the Guadalupe River and the Almaden Ranch shopping center. The project has been approved by both bodies, the site has been surveyed, and efforts are ongoing to develop a collaborative agreement to move forward toward construction. Importantly, once this EIH site has been established, and after safe relocation of unsheltered individuals living in this reach of the Guadalupe River into the EIH community has taken place, a Water Resources Protection Zone (WRPZ) will be established along Guadalupe River from Branham Lane in the north to Blossom Hill Road in the south. The WRPZ will be kept clear of camping, fires, damage to vegetation and wildlife, and pollution to the water, and joint City and Valley Water efforts will aim to protect this reach by ensuring that it remains clear of encampments in the future.

In terms of strategic solutions, a Valley Water-sponsored State Assembly bill, AB 1469 (Kalra) *Valley Water Assisting Unsheltered People*, took effect on January 1, 2024. AB 1469 amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. Specifically, the bill will allow Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to

work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people. These facilities would be operated by a city, the County, or a non-profit with the appropriate expertise to provide shelter and services that can improve outcomes for unsheltered people. AB 1469 will help Valley Water comply with the federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

Finally, Valley Water is aware of the recent fires that occurred underneath the Highway 85 overpass on land owned and managed by Caltrans. Valley Water staff responded to the scene and promptly reported these events to Caltrans. Concerns relating to fires and unwanted or illegal behaviors are best handled by local fire and police departments, which are City of San José resources. Please continue to contact the police or fire department if you observe illegal activity, a threat to public health and safety, or smoke/fire. Since Valley Water is not a law enforcement agency, we must work in concert with cities and the County to address these types of activities.

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

Thanks again for your message.

Sincerely,



Jim Beall
Director, District 4

C-24-0052

From: Zachariah Zachariah [REDACTED]
Sent: Wednesday, February 28, 2024 7:11 AM
To: Board of Directors <board@valleywater.org>
Subject: Urgent Concerns Regarding Homeless Encroachers and a Fire Hazard at the Almaden Percolation Ponds

*** 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. ***

Zachariah Zachariah

[REDACTED]

[REDACTED]

28 February 2024

Board of Directors ,

San Jose Water District

Subject: Urgent Concerns Regarding Homeless Encroachers and a Fire Hazard at the Almaden Percolation Ponds

Dear Directors,

I hope this letter finds you well. I am a resident of San Jose living near the 85 overpass by the Oak Ridge Mall for the past 10 years. I am writing to urgently bring to your attention a growing concern in our neighborhood regarding the presence of homeless encroachers around the Almaden Percolation Ponds. As a concerned resident and member of this community, I am deeply troubled by recent events that have disturbed the peace and safety of our area.

Over the past few months, the situation has escalated, and the impact on our neighborhood has been significant. We have experienced disturbances that have disrupted the tranquility of our community. Regrettably, this includes instances of gunshots during the night, causing fear and anxiety among residents. Furthermore, the constant noisy rantings have deprived people of their much-needed sleep, which has had a detrimental effect on their overall well-being.

It is disheartening to witness the decline in the sense of security and the negative impact this situation has had on the overall livability of our community. The Almaden Percolation Ponds have always been a cherished part of our neighborhood, providing a serene and picturesque environment. However, the presence of homeless encroachers has led to a rise in petty thefts and disturbances, posing a threat to the safety of our residents.

In addition to these distressing issues, a recent incident has further exacerbated our concerns. A growing fire broke out below the highway 85 overpass, emanating from the encampments of homeless individuals. The fire quickly spread, endangering not only the encampments but also surrounding areas and nearby homes. It was a situation that required immediate intervention from firefighters to prevent further damage and potential harm to residents.

I urgently request that the City Council take immediate action to address this multifaceted issue. It is crucial that we find a comprehensive and compassionate solution that considers the needs of both our residents and those experiencing homelessness. By working collaboratively with local organizations and service providers, we can explore options to provide shelter, support, and resources to these individuals while ensuring the safety and well-being of our community.

In light of the recent fire incident, I propose the following additional measures to address the situation:

- 1.
- 2.
3. Increase police presence and patrols
4. in the area to deter criminal activities and ensure the safety of residents, as well as to prevent fire hazards.
- 5.
- 6.
- 7.
8. Collaborate with local homeless service
9. providers to enhance outreach programs, connecting individuals with necessary resources such as emergency shelter, healthcare, mental health support, and fire safety education.
- 10.
- 11.
- 12.
13. Coordinate with the fire department

14. to conduct regular inspections of encampments, identify potential fire hazards, and enforce fire safety regulations.
- 15.
- 16.
- 17.
18. Evaluate the existing proposal for
19. housing solutions for homeless individuals and assess its adequacy in addressing the large number of individuals in need. Explore alternative options and strategies to ensure that the housing plan encompasses the diverse needs of the homeless population, including
20. those who may be resistant to traditional shelter options. Consider innovative approaches such as tiny homes, transitional housing, and supportive housing models that provide necessary support services to help individuals reintegrate into society successfully.
- 21.
- 22.
- 23.
24. Initiate community engagement programs
25. that promote awareness, understanding, and support for individuals experiencing homelessness, while also emphasizing fire prevention and safety practices.
- 26.

I believe that by working together as a community and with the guidance and support of the City Council, we can find a solution that addresses the concerns of both residents and those in need. It is crucial to prioritize the safety and well-being of our neighborhood while also offering compassion and support to individuals experiencing homelessness.

Thank you for your immediate attention to this matter. I kindly request your prompt action and look forward to hearing about the steps being taken to address this urgent issue. Should you require any additional information or assistance, please do not hesitate to contact me.

Yours sincerely,

--

Zachariah Z

Michele King

Subject: FW: Almaden - Guadalupe Creek Homeless Encampment

From: Candice Kwok-Smith <ckwok-smith@valleywater.org> **On Behalf Of** Board Correspondence

Sent: Tuesday, March 12, 2024 12:03 PM

To: Jennifer Codianne <JCodianne@valleywater.org>; Kathy Nguyen <KNguyen@valleywater.org>; Shanika Richards <SRichards@valleywater.org>; Mark Bilski <MBilski@valleywater.org>

Cc: Michele King <MKing@valleywater.org>

Subject: FW: Almaden - Guadalupe Creek Homeless Encampment

Good afternoon everyone,

C-24-0053 has been approved, sent and closed.

Thanks,

Candice

From: Candice Kwok-Smith **On Behalf Of** Board of Directors

Sent: Tuesday, March 12, 2024 12:02 PM

To: [REDACTED]

Subject: Re: Almaden - Guadalupe Creek Homeless Encampment

Sent on Behalf of Director Beall:

Dear Jakob Jones,

Thank you for sharing your concerns related to the encampments of unsheltered people located on Guadalupe Creek along Coleman Road between Meridian Avenue and Almaden Expressway. Valley Water is 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. However, as with all public agencies, Valley Water must adhere to applicable case law, which has significantly affected how we can respond to encampments of unsheltered persons.

As you may be aware, a 2019 court ruling by the 9th Circuit Federal Court of Appeals in the case of Martin v. Boise has limited the ability of California public agencies to relocate unsheltered individuals who are camping on public lands. This ruling holds that governments in the court's jurisdiction (which includes California) cannot enforce ordinances that ban public camping or criminalize sleeping outdoors on public property if there is no real option for sleeping indoors. Shelter is required to be offered before unsheltered people may be relocated from public lands; however, given the unprecedented need for transitional and long-term housing in Santa Clara County, there is currently only shelter capacity for approximately one quarter of the unsheltered population. For this reason, there is often little that Valley Water can do to relocate encampments until there are sufficient housing alternatives. Although encampment relocations are curtailed at this time, our crews continue to perform large scale trash cleanups throughout jurisdictional areas countywide to prevent encampment-generated trash and debris from polluting the waterways.

In terms of strategic solutions, a Valley Water-sponsored State Assembly bill, *AB 1469 (Kalra) Valley Water Assisting Unsheltered People*, took effect on January 1, 2024. AB 1469 amends the District Act to authorize Valley Water to assist unsheltered people living along streams, in riparian corridors, or otherwise in the district's jurisdiction, in consultation with a city or the County of Santa Clara, to provide solutions or improve outcomes for the unsheltered individuals. Specifically, the bill allows Valley Water more flexibility to use district land and a part of an existing ad valorem property tax for lasting encampment solutions. The intent is to work with local cities or the County to construct low-barrier navigation centers, supportive housing, transitional housing, affordable housing, or other facilities to assist unsheltered people. These facilities would be operated by a city, the County, or a non-profit with the appropriate expertise to provide shelter and services that can improve outcomes for unsheltered people. AB 1469 will help Valley Water comply with the federal case law that requires a legitimate offer of shelter before relocating an unsheltered person from public land.

Regarding the breached chain-link fence that you reported, Valley Water is aware of this ongoing issue. Unfortunately, the fencing in this area suffers new breaches almost immediately after Valley Water repairs the holes. Nevertheless, we will send staff out as soon as possible to conduct an inspection and make repairs as necessary. And we will consider what can be done to achieve a more long-term solution. As always, if you witness illegal activity or a threat to public health and safety, please contact the police; and if you observe smoke or fire, please contact the fire department. Concerns relating to unwanted or illegal behaviors and fires are best handled by City resources. Since Valley Water is not a law enforcement agency, we must work in concert with cities and the County to address these types of activities.

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

Sincerely,



Jim Beall
Director, District 4

C-24-0053

From: Jakob Jones [REDACTED]
Sent: Friday, March 01, 2024 4:27 AM
To: homelessconcerns@sanjoseca.gov; Michele King MKing@valleywater.org
Cc: district10@sanjoseca.gov; mayor@sanjoseca.gov
Subject: Almaden - Guadalupe Creek 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. *****

Dear San Jose City and Santa Clara Water District Representatives,

The homeless encampment on Guadalupe Creek along Coleman Road between Meridian Avenue and Almaden Expressway has grown exponentially over the past few months.

The chain-link fence along Coleman is perpetually being breached. We often see homeless persons moving groceries and supplies through the fence and parking cars along Coleman. The number of shelters inside the fence has grown rapidly.

As nearby residents we obviously have concerns about the implication of this on safety, crime, and the appearance of the area. We do see intermittent police activity along this area in response to acute issues.

Can you share anything regarding immediate plans to clear out the encampment and what plans are being discussed to permanently resolve the issue?

Thank you for the service you render.

Regards,
Jakob Jones
Almaden Meadows Neighborhood Resident