



# Santa Clara Valley Water District

## **CONFORMED COPY**

File No.: 21-0750

Agenda Date: 7/13/2021

Item No.: \*2.9.

### BOARD AGENDA MEMORANDUM

#### **SUBJECT:**

Public Hearing on Proposed Modifications to the Good Neighbor Program: Encampment Cleanup Project, Project F5 Under the Renewed Safe, Clean Water and Natural Flood Protection Program and Review and Approval of Corresponding Text Adjustments (PREVIOUSLY LISTED AS 2.8).

#### **RECOMMENDATION:**

- A. Open the public hearing to receive comments on the Renewed Safe, Clean Water and Natural Flood Protection Program's Project F5: Good Neighbor Program: Encampment Cleanup Project;
- B. Close the public hearing;
- C. Review and Approve the Proposed Text Adjustments; and
- D. Adopt the resolution APPROVING THE MODIFICATION TO THE GOOD NEIGHBOR PROGRAM: ENCAMPMENT CLEANUP PROJECT OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM.

#### **SUMMARY:**

##### **Background**

On November 3, 2020, Santa Clara County voters overwhelmingly approved Measure S, a renewal of Santa Clara Valley Water District's (Valley Water) Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program). Voters first approved a community-focused program to address our waterways and water supply in 2000 as the Clean, Safe Creeks and Natural Flood Protection Plan, then again in 2012 as the Safe, Clean Water and Natural Flood Protection Program.

The renewed Safe, Clean Water Program addresses the following six community priorities:

**Priority A:** Ensure a Safe, Reliable Water Supply

**Priority B:** Reduce Toxins, Hazards, and Contaminants in our Waterways

**Priority C:** Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters

**Priority D:** Restore Wildlife Habitat and Provide Open Space

**Priority E:** Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways

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**Priority F:** Support Public Health and Public Safety for Our Community

Each of these priorities has specific operational and capital projects, which have key performance indicators (KPIs) to keep them on track in meeting the overall Program priorities. KPIs are considered our measurement for delivery of each Project and represent our commitment to the voters.

To ensure transparency, accountability, and fiscal responsibility, the renewed Safe, Clean Water Program will continue to be monitored by an independent monitoring committee (IMC), an external citizen oversight committee. The renewed Program also requires that staff develop 5-year implementation plans and conduct independent audits every five years.

As changes may be required throughout the implementation of the Program, staff has developed a change control process, which outlines the differences between adjustments and modifications to the Program and identifies the different processes for implementing both. In summary, adjustments are project changes that do not impact KPIs, such as updates to text, financial allocation or schedule, and can be approved by the Valley Water Board of Directors (Board) during a public board meeting. Any changes to KPIs are considered modifications. Modifications to key performance indicators (KPIs) or decisions to not implement a project require a public hearing, which must be publicly noticed. Attachment 1 is the Notice of Public Hearing and Ad Placement Schedule, which was advertised per California Government Code § 6066 for the proposed modifications to the Good Neighbor Program: Encampment Cleanup Project.

**Good Neighbor Program: Encampment Cleanup Project**

The Good Neighbor Program: Encampment Cleanup project (Project F5) under the renewed Safe, Clean Water Program, is a countywide project. The primary objective of the project is to remove trash, debris, and hazardous pollutants generated from encampments near waterways or on Valley Water property. Under the current project, the cleanup of encampments is linked to the removal of structures. In turn, KPI 1 identified the number of encampments to be cleaned up annually as a success measurement.

While developing the 5-Year Implementation Plan for Fiscal Years 2022-2026 (FY22-26 5-Year Plan), in response to the changing legal, political and social climate as it relates to encampment sites and homelessness in Santa Clara County, staff has identified the need for text adjustments and modifications to the KPIs for Project F5 under the renewed Safe, Clean Water Program, and related Glossary definitions.

Prior case law made it illegal to persecute unhoused for sleeping on public lands when housing is unavailable. In response to the COVID-19 pandemic, there have been many new restrictions placed on the type of cleanup activities that can be performed in relation to encampments. In turn, it has been challenging to partner with agencies on encampment site cleanups.

Additionally, recent case law has highlighted legal limitations relating to the removal of illegal encampments. Recent cases have cited and relied upon guidance from the Center for Disease Control (CDC) regarding encampments during the COVID-19 pandemic to limit when encampment

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abatements can proceed. These limitations have curtailed the removal of illegal encampments and displacement of the people living in those encampments for the time being.

In effect, the CDC's COVID-19 pandemic restrictions and the associated legal restrictions on the removal of illegal encampments has currently halted the work of the Good Neighbor Program: Encampment Cleanup project under the 2012 Safe, Clean Water Program.

This has resulted in a buildup of trash, debris, and hazardous pollutants that contribute to contamination of waterways and damage to Valley Water facilities. To address this, Valley Water needs to be able to perform work, either independently or through ongoing coordination with local cities and agencies, to clean up trash, debris and hazardous pollutants generated by encampments near waterways or on Valley Water property.

Furthermore, through education and increased awareness, staff has recognized that people living in illegal encampments may identify the encampment site as their home and feel a sense of community there. In turn, while these individuals are without a house or lacking a place to live, they prefer not to be referred to as homeless.

To align the renewed Safe, Clean Water Program with these changing conditions, staff is proposing a modification to both KPIs, along with text adjustments to both Glossary definitions and the Project's description and benefits. It is important to note that the proposed modification to KPI 1 does not impact Valley Water's level of service, but rather changes the way the service is measured. Further, the modified KPI 1 will allow Valley Water the flexibility to operate both under these new restrictions and beyond.

Attachment 2 shows the proposed adjustments to the glossary definitions, project description and benefits and the proposed modifications to the KPIs, with all proposed changes shown with strike-through for removed text and red font for new text. Attachment 3 is a clean copy of the glossary definition and project descriptions, benefits and KPIs with the proposed changes incorporated.

The proposed text adjustments and KPI modifications were presented for review and input to the Homeless Encampment Committee (Committee) on April 20, 2021. The Committee, comprised of three Board members, is tasked with discussing homelessness and encampment issues and bringing discussion and recommendations to the Board. The Committee agreed to bring the proposed modifications and text adjustments to the Board and asked that staff work with Committee Chairperson on an alternative terminology for "homeless" or "unhoused."

Staff also presented the proposed adjustments and modifications to Project F5 to the IMC as part its review of the FY22-26 5-Year Plan and the IMC expressed its support of the proposed changes.

In a follow-up discussion with the Homeless Encampment Committee Chair, Richard Santos, the recommendation was not to use a qualifying term before referring to an "encampment," because it is not necessary. Additionally, rather than refer to the "homelessness crisis" in KPI #2, Committee Chair Santos recommended using the term "socio-economic crisis."

After opening and closing the public hearing, staff is recommending that the Board first approve the proposed text adjustments and then adopt the resolution APPROVING THE MODIFICATION TO THE GOOD NEIGHBOR PROGRAM: ENCAMPMENT CLEANUP PROJECT OF THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM (Attachment 4).

**FINANCIAL IMPACT:**

The financial impact associated with this item is the cost of placing the public notice ad. The cost for the public notice ad is approximately \$10,000 and there is sufficient budget in FY21 budget for the Good Neighbor Program: Encampment Cleanup project (Project No. 26771027). There is no change to the financial allocation of Project F5 should the proposed adjustments and modifications be approved.

**CEQA:**

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

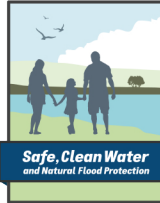
**ATTACHMENTS:**

Attachment 1: Notice of Public Hearing, Ad Placement Schedule  
Attachment 2: Proposed Adjustments/Modifications, Redlined  
Attachment 3: Proposed Adjustments/Modifications, Final  
Attachment 4: Resolution

**UNCLASSIFIED MANAGER:**

Jennifer Codianne, 408-630-3876

**Safe, Clean Water and Natural Flood Protection Program  
Project F5: Good Neighbor Program: Encampment Cleanup  
Notice of Public Hearing**



**Modification to the  
Good Neighbor Program:  
Encampment Cleanup**



**PRIORITY F** Support public health and public safety for our community.

**What: Public Hearing on Proposed  
Modification to the  
Good Neighbor Program:  
Encampment Cleanup Project**

**When: July 13, 2021 at 1:00 p.m.**

**Where: Teleconference via Zoom link  
<https://valleywater.zoom.us/j/89277884503>**



The Good Neighbor Program: Encampment Cleanup project (Project F5) under the renewed Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program), is a countywide project. The primary objective of the project is to remove trash, debris, and hazardous pollutants generated from encampments near waterways or on Valley Water property.

Under the project, the cleanup of encampments is linked to the removal of structures. However, in response to the COVID-19 pandemic, many restrictions have been placed on the type of cleanup activities that can be performed in relation to encampments. In turn, it has been challenging to partner with agencies on encampment site cleanups.

Additionally, recent case law has highlighted legal limitations relating to the removal of illegal encampments. Recent cases have cited and relied upon the Center for Disease Control (CDC) guidance regarding encampments during the COVID-19 pandemic to limit when encampment abatements can proceed. These limitations have curtailed the removal of illegal encampments and displacement of the people living in those encampments for the time being.

In effect, the CDC's COVID-19 pandemic restrictions and the associated legal restrictions on the removal of illegal encampments has currently halted the work of the Good Neighbor Program: Encampment Cleanup project, under which an encampment cleanup is associated with the removal of encampment structures.

Furthermore, through education and increased awareness, staff has recognized that people living in illegal encampments may identify the encampment site as their home and feel a sense of community there. In turn, while these individuals are without a house or lack a place to live, they prefer not to be referred to as homeless.

To align the renewed Safe, Clean Water Program with these changing conditions, staff is proposing a modification to both key performance indicators (KPIs), along with text adjustments to both Glossary definitions and the project's description and benefits.

For more information on the public hearing, please contact **Jennifer Codianne** at **(408) 630-3876** or by email at **[JCodianne@valleywater.org](mailto:JCodianne@valleywater.org)**.

**Proposed Modifications for Renewed Safe, Clean Water**

As per the Safe, Clean Water Program's Change Control Process, staff is recommending the proposed modifications as shown below. It is important to note that the proposed modification to KPI 1 does not impact Valley Water's level of service, but rather changes the way the service is measured. Further, the modified KPI 1 will allow Valley Water the flexibility to operate both under these new restrictions and beyond.

**Modified text: KPIs 1 and 2**

1. Manage 300 acres annually to clean up trash, debris, and hazardous pollutants generated from encampments and to reduce the amount of these pollutants entering streams.
2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the socio-environmental crisis with the goal of reducing the need for encampment cleanups.

The board agenda memo regarding this hearing will be posted online on July 2, 2021, at **[www.valleywater.org](http://www.valleywater.org)**.

**Safe, Clean Water and Natural Flood Protection Program  
Project F5: Good Neighbor Program: Encampment Cleanup  
Notice of Public Hearing cont...**

**IMPORTANT NOTICES**

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Valley Water Board of Directors, Valley Water staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

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

Esta reunión se realiza bajo la Ley Brown actualmente en vigor según la Ley de Servicios de Emergencia del Estado, la Declaración de Emergencia del Gobernador relacionada con el COVID-19 y la Orden Ejecutiva del Gobernador N-29-20 emitida el 17 de marzo de 2020, que permite la asistencia de los miembros de la Junta Directiva de Valley Water, el personal de Valley Water y el público para participar y llevar a cabo la reunión por teleconferencia, videoconferencia o ambas. Valley Water, en cumplimiento con la Ley de Estadounidenses con Discapacidades (ADA), solicita que las personas que requieran adaptaciones especiales para acceder o participar en las reuniones de la Junta de Valley Water se comuniquen con el secretario de la oficina de la Junta al (408) 630-2711, al menos 3 días hábiles antes de la reunión programada de la Junta, para asegurarse de que el personal de Valley Water pueda ayudarles.

Cuộc họp này được tổ chức theo Đạo luật Brown, hiện có hiệu lực theo Đạo Luật Dịch Vụ Khẩn Cấp Của Tiểu Bang, Tuyên Bố Khẩn Cấp Của Thống Đốc liên quan đến COVID-19 và Sắc Lệnh Số N-29-20 Của Thống Đốc ban hành vào ngày 17 tháng 3 năm 2020, cho phép sự tham dự của các thành viên Hội Đồng Quản Trị Của Valley water, nhân viên của Valley Water, và công chúng để tham gia và tiến hành cuộc họp bằng hội nghị từ xa, hội nghị truyền hình, hoặc cả hai cách này. Theo Đạo Luật Người Mỹ Khuyết tật (ADA), Cục Nước Trung Lũng yêu cầu những cá nhân cần sự hỗ trợ đặc biệt để truy cập và/hoặc tham gia vào các Cuộc Họp Hội Đồng Quản Trị Của Valley Water xin hãy liên hệ với Thư ký văn phòng ng Hội Đồng Quản Trị theo số (408) 630-2711 ít nhất 3 ngày làm việc trước khi diễn ra cuộc họp hội đồng theo lịch để đảm bảo rằng nhân viên của Valley Water có thể hỗ trợ quý vị.

此次会议依据《国家紧急服务法》、《与COVID-19相关的州长紧急声明》以及2020年3月17日发布的N-29-20号州长行政命令而现行的《布朗法案》举行。Valley Water理事会成员、Valley Water工作人员及社会公众可出席会议，并通过电话会议、电视会议或同时使用以上两种方式来参加该会议。按照《美国残疾人法案》(ADA)规定，Valley Water要求出席或参与Valley Water理事会会议的有特殊住宿需要的个人，在理事会会议之前至少3个工作日致电(408) 630-2711，与理事会办公室工作人员联系，以确保Valley Water员工可以为您提供帮助。

**YOUR TAX DOLLARS AT WORK**



**Safe, Clean Water and Natural Flood Protection Program  
Project F5: Good Neighbor Program: Encampment Cleanup  
Ad Placement Schedule**

<b>Newspaper</b>	<b>Publishing Schedule</b>	<b>Run Dates</b>
Chinese News	Biweekly	7/1
El Observador	Fridays	7/2
Mercury	Daily	7/1, 7/7
SVCN	Fridays	7/9
Vietnam Daily	Tues. - Sat.	7/10

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# Glossary

## Cleanup

The removal of trash and debris **generated** ~~resulting~~ from encampments **or other illegal dumping**; by Valley Water or by Valley Water in **partnership or** coordination with other agencies.

## Encampment ~~(homeless)~~

**A site where people are living or storing personal property** ~~1 or more structures occupied by an individual or family~~ that is located illegally on Valley Water **property** or other public property. **Encampments may generate trash, debris, and hazardous pollutants. Such encampments contribute to contamination of waterways and damage to Valley Water facilities.** ~~An area where there are no structures, but where personal property is stored is also considered an encampment.~~

## Encampment cleanup

Valley Water, independently or in partnership and coordination with cities and local agencies, will seek to remove trash, debris and hazardous pollutants generated from encampments near waterways or on Valley Water property.

## PROJECT F5

### GOOD NEIGHBOR PROGRAM: ENCAMPMENT CLEANUP

This project supports Valley Water's independent efforts and ongoing coordination with local cities and agencies to clean up trash, debris and hazardous pollutants generated by encampments near waterways or on Valley Water property. ~~This project supports Valley Water's ongoing coordination with local cities and agencies to clean up trash from encampments near waterways or on Valley Water property.~~ Such encampments contribute to contamination of waterways and damage to Valley Water facilities. This project includes ~~is a cooperative effort partnering~~ cooperative efforts to partner with local municipalities and other agencies for services related to encampment cleanups and to help provide alternatives to homelessness.

This project will also provide funding for local municipalities' services supporting staff safety as they work around encampments and discouraging re-encampments along waterways.

#### Benefits

- Reduces the accumulation of trash, debris, and hazardous ~~other~~ pollutants in local waterways, including streams, ~~reservoirs and~~ wetlands, and water utility facilities (e.g. percolation ponds)
- Protects Valley Water facilities and reduces flood risk
- Improves the aesthetics of creeks in neighborhoods and along trails
- Coordinates Valley Water's efforts with multiple agencies to create lasting solutions to reduce ~~homeless~~ encampments near waterways

#### Key Performance Indicators (FY22-36)

1. ~~Manage Perform~~ 300 acres annually to cleanups trash, debris, and hazardous pollutants generated from encampments and to reduce the amount of these pollutants ~~of trash and pollutants~~ entering streams.
2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the socio-environmental ~~homelessness~~ crisis with the goal of reducing the need for encampment cleanups.

#### Geographic Area of Benefit:

Countywide

# Glossary

## **Cleanup**

The removal of trash and debris generated from encampments or other illegal dumping; by Valley Water or by Valley Water in partnership or coordination with other agencies.

## **Encampment**

A site where people are living or storing personal property that is located illegally on Valley Water property or other public property. Encampments may generate trash, debris, and hazardous pollutants. Such encampments contribute to contamination of waterways and damage to Valley Water facilities.

## **Encampment cleanup**

Valley Water, independently or in partnership and coordination with cities and local agencies, will seek to remove trash, debris and hazardous pollutants generated from encampments near waterways or on Valley Water property.

## PROJECT F5

### GOOD NEIGHBOR PROGRAM: ENCAMPMENT CLEANUP

This project supports Valley Water's independent efforts and ongoing coordination with local cities and agencies to clean up trash, debris and hazardous pollutants generated by encampments near waterways or on Valley Water property. Such encampments contribute to contamination of waterways and damage to Valley Water facilities. This project includes cooperative efforts to partner with local municipalities and other agencies for services related to encampment cleanups and to help provide alternatives to homelessness.

This project will also provide funding for local municipalities' services supporting staff safety as they work around encampments and discouraging re-encampments along waterways.

#### Benefits

- Reduces the accumulation of trash, debris, and hazardous pollutants in local waterways, including streams, wetlands, and water utility facilities (e.g. percolation ponds)
- Protects Valley Water facilities and reduces flood risk
- Improves the aesthetics of creeks in neighborhoods and along trails
- Coordinates Valley Water's efforts with multiple agencies to create lasting solutions to reduce encampments near waterways

#### Key Performance Indicators

1. Manage 300 acres annually to cleanup trash, debris, and hazardous pollutants generated from encampments and to reduce the amount of these pollutants entering streams.
2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the socio-environmental crisis with the goal of reducing the need for encampment cleanups.

#### Geographic Area of Benefit:

Countywide

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

**RESOLUTION NO. 21-73**

**APPROVING THE MODIFICATION TO THE GOOD NEIGHBOR PROGRAM:  
ENCAMPMENT CLEANUP PROJECT OF THE SAFE, CLEAN WATER AND  
NATURAL FLOOD PROTECTION PROGRAM**

WHEREAS, on July 21, 2020, the Board of Directors of the Santa Clara Valley Water District (Valley Water) adopted Resolution No. 20-64 Providing for the Continuation and Levy of a Special Tax to Pay the Cost of the Safe, Clean Water and Natural Flood Protection Program in the Combined Flood Control Zone of the Santa Clara Valley Water District Subject, Nevertheless, to Specified Limits and Conditions (Resolution No. 20-64); and

WHEREAS, the purpose of the special tax is to supplement other available but limited revenues to keep Valley Water's flood protection system of levees, channels, drains, debris basins, and other improvements in a safe and effective condition; to enable Valley Water to respond to emergencies; to perform maintenance and repair; to acquire, restore, and preserve habitat; to provide recreation; to conduct environmental education; to protect and improve water quality; and, to construct and operate flood protection storm drainage facilities; including in each case the cost of financing such activities; support public health and public safety as it relates to Valley Water's mission; and

WHEREAS, in November 2020, Valley Water's Measure B was overwhelmingly approved by more than a two-thirds majority vote of the electorate of Valley Water, renewing a special tax, the proceeds of which are used solely for the purpose of supporting the six funding priorities of the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program), which are as follows: Priority A: Ensure a Safe, Reliable Water Supply; Priority B: Reduce Toxins, Hazards, and Contaminants in Our Waterways; Priority C: Protect Our Water Supply and Dams from Earthquakes and Other Natural Disasters; Priority D: Restore Wildlife Habitat and Provide Open Space; Priority E: Provide Flood Protection to Homes, Businesses, Schools, Streets, and Highways; and Priority F: Support Public Health and Public Safety for Our Community; and

WHEREAS, the Good Neighbor Program: Encampment Cleanup, Project F5 (Project) is included under Priority F of the Safe, Clean Water Program; and

WHEREAS, the Safe, Clean Water Program describes the primary objective of the Project as follows: "This project supports Valley Water's ongoing coordination with local cities and agencies to clean up trash from encampments near waterways or on Valley Water property. Such encampments contribute to contamination of waterways and damage to Valley Water facilities."; and

WHEREAS, the Safe, Clean Water Program defines the Key Performance Indicators (KPIs) for the Good Neighbor Program: Encampment Cleanup, Project F5 as follows:

- "1. Perform 300 annual cleanups to reduce the amount of trash and pollutants entering streams."; and

- “2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the homelessness crisis with the goal of reducing the need for encampment cleanups.”; and

WHEREAS, under the current project, the cleanup of encampments is linked to the removal of structures, and in turn, KPI #1 identified the number of encampments to be cleaned up annually as a success measurement; and

WHEREAS, in response to the changing legal, political, and social climate as it relates to encampment sites and homelessness in Santa Clara County, staff has identified the need for text adjustments and modifications to the KPIs for the Good Neighbor Program: Encampment Cleanup, Project F5 under the renewed Safe, Clean Water Program, and related Glossary definitions; and

WHEREAS, prior case law made it illegal to prosecute unhoused for sleeping on certain public lands when housing is unavailable; and

WHEREAS, in response to the COVID-19 pandemic, there have been many new restrictions placed on the type of cleanup activities that can be performed in relation to encampments, and in turn, it has been challenging to partner with agencies on encampment site cleanups; and

WHEREAS, recent case law has highlighted legal limitations relating to the removal of illegal encampments and recent cases have cited and relied upon guidance from the Center for Disease Control (CDC) regarding encampments during the COVID-19 pandemic to limit when encampment abatements can proceed; and

WHEREAS, these limitations have curtailed the removal of illegal encampments and displacement of the people living in those encampments for the time being; and

WHEREAS, in effect, the CDC's COVID-19 pandemic restrictions and the associated legal restrictions on the removal of illegal encampments has currently halted the work of the Good Neighbor Program: Encampment Cleanup, Project F5; and

WHEREAS, this has resulted in a buildup of trash, debris, and hazardous pollutants that contribute to contamination of waterways and damage to Valley Water facilities; and

WHEREAS, to address this, Valley Water needs to be able to perform work, either independently or through ongoing coordination with local cities and agencies, to clean up trash, debris, and hazardous pollutants generated by encampments near waterways or on Valley Water property; and

WHEREAS, through education and increased awareness, staff has recognized that people living in illegal encampments may identify the encampment site as their home and feel a sense of community there, and in turn, while these individuals are without a house or lacking a place to live, they prefer not to be referred to as homeless; and

WHEREAS, to align the renewed Safe, Clean Water Program with these changing conditions and to allow for flexibility in the future, Valley Water desires to modify the Good Neighbor Program: Encampment Cleanup, Project F5, KPIs #1 and #2, maintaining the level of service, but changing the way the deliverables are measured from focusing on removal of structures to management of acres and changing the reference of “homelessness crisis” to “socioeconomic crisis”; and

WHEREAS, the Project has adequate funding to meet the level of service commitments for KPI #1 and to maintain the annual cost-share commitments in KPI #2; and

WHEREAS, Valley Water’s Resolution No. 20-64 authorizes modifications to proposed projects. Paragraph N. reads as follows: “The Board of Directors may direct that proposed projects in the Safe, Clean Water and Natural Flood Protection Program be modified or not implemented depending upon a number of factors, including federal and state funding limitations and the analysis and results of CEQA environmental review and permitting by state and federal regulatory agencies. The Board of Directors must hold a formal, public hearing on the matter, which will be noticed by publication and notification to interested parties, before adoption of any such decision to modify or not implement a project”; and

WHEREAS, at its regular Board meeting conducted on June 22, 2021, Valley Water’s Board of Directors set a time and place for a formal public hearing to occur on July 13, 2021, at which time the Board considered the Proposed Adjustments and Modifications to the Good Neighbor Program: Encampment Cleanup, Project F5 of the renewed Safe, Clean Water and Natural Flood Protection Program; and

WHEREAS, during the July 13, 2021 regular Board meeting, the Board of Directors voted to approve the Proposed Adjustments to the Good Neighbor Program: Encampment Cleanup Project, Project F5 description and benefits and corresponding Glossary definitions.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District as follows:

1. Pursuant to the requirements stated in California Government Code section 6066, staff prepared and published advertisements in Santa Clara County newspapers of general circulation.
2. Pursuant to the requirements stated in Valley Water’s Resolution No. 20-64, Paragraph N. a noticed public hearing was held.
3. Modify the KPI #1 for the Good Neighbor Program Encampment Cleanup Project under Priority F, as set forth in the Safe, Clean Water Program, as follows:

“Manage 300 acres annually to clean up trash, debris, and hazardous pollutants generated from encampments and to reduce the amount of these pollutants entering streams.”

4. Modify the KPI #2 for the Good Neighbor Program Encampment Cleanup Project under Priority F, as set forth in the Safe, Clean Water Program, as follows:

“Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the socio-environmental crisis with the goal of reducing the need for encampment cleanups.”

5. Valley Water’s Safe, Clean Water and Natural Flood Protection Program Category of Priority F, Support Public Health and Public Safety for Our Community, Good Neighbor Program: Encampment Cleanup, Project F5, KPIs #1 and #2, is hereby modified as stated in Exhibit A: Adjusted Glossary Definitions, Project Description and Benefits; and Modified Key Performance Indicators, hereto, which includes the approved text adjustments to the Project description and benefits and to the corresponding Glossary definitions.

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by the following vote on July 13, 2021:

AYES: Directors Santos, Keegan, LeZotte, Varela, Estremera

NOES: Directors

ABSENT: Directors Hsueh, Kremen

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT



TONY ESTREMER  
Chair, Board of Directors

ATTEST: MICHELE L. KING, CMC



Clerk, Board of Directors



# **EXHIBIT A COVERSHEET**

## **ADJUSTED GLOSSARY DEFINITIONS, PROJECT DESCRIPTION AND BENEFITS; AND MODIFIED KEY PERFORMANCE INDICATORS**

No. of Pages: 2

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# Glossary

## **Cleanup**

The removal of trash and debris generated from encampments or other illegal dumping; by Valley Water or by Valley Water in partnership or coordination with other agencies.

## **Encampment**

A site where people are living or storing personal property that is located illegally on Valley Water property or other public property. Encampments may generate trash, debris, and hazardous pollutants. Such encampments contribute to contamination of waterways and damage to Valley Water facilities.

## **Encampment cleanup**

Valley Water, independently or in partnership and coordination with cities and local agencies, will seek to remove trash, debris and hazardous pollutants generated from encampments near waterways or on Valley Water property.



## Safe, clean Water and Natural Flood Protection Program



### PROJECT F5

## GOOD NEIGHBOR PROGRAM: ENCAMPMENT CLEANUP

This project supports Valley Water's independent efforts and ongoing coordination with local cities and agencies to clean up trash, debris and hazardous pollutants generated by encampments near waterways or on Valley Water property. Such encampments contribute to contamination of waterways and damage to Valley Water facilities. This project includes cooperative efforts to partner with local municipalities and other agencies for services related to encampment cleanups and to help provide alternatives to homelessness.

This project will also provide funding for local municipalities' services supporting staff safety as they work around encampments and discouraging re-encampments along waterways.

### Benefits

- Reduces the accumulation of trash, debris, and hazardous pollutants in local waterways, including streams, wetlands, and water utility facilities (e.g. percolation ponds)
- Protects Valley Water facilities and reduces flood risk
- Improves the aesthetics of creeks in neighborhoods and along trails
- Coordinates Valley Water's efforts with multiple agencies to create lasting solutions to reduce encampments near waterways

### Key Performance Indicators

1. Manage 300 acres annually to cleanup trash, debris, and hazardous pollutants generated from encampments and to reduce the amount of these pollutants entering streams.
2. Provide up to \$500,000 per year in cost-share with local agencies for services related to encampment cleanups, including services supporting staff safety, discouraging re-encampments along waterways or addressing the socio-environmental crisis with the goal of reducing the need for encampment cleanups.

### Geographic Area of Benefit:

Countywide