

**ENVIRONMENTAL CREEK CLEANUP COMMITTEE**  
**(formerly Homeless Encampment Committee)**

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# MINUTES

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**TUESDAY, OCTOBER 18, 2022**  
**2:00 PM**

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER.**

A regular meeting of the Santa Clara Valley Water District (Valley Water) Environmental Creek Cleanup Committee (Committee) was held on October 18, 2022, in the Headquarters Building Boardroom at the Santa Clara Valley Water District, 5700 Almaden Expressway, San Jose, California and by Zoom teleconference.

**1.1 Roll Call.**

Committee members in attendance were District 1 Director John L. Varela, District 2 Director Barbara F. Keegan, and District 3 Director Richard P. Santos, Chairperson presiding, constituting a quorum of the Committee.

Staff members in attendance were G. Adriano, A. Beaman, R. Bhudsabourgh, M. Bilski, R. Blank, K. Bradley, T. Chinte, J. Codianne, J. Downing, R. Gibson, A. Gschwind, B. Hopper, N. Ingram, M. King, E. Llamas, J. Lee, S. Medina, C. Orellana, M. Richardson, J. Randol, D. Rocha, R. Snyder, and E. Wilkinson.

Guests in attendance were: the Honorable Senator Jim Beall; John Davis, a San Jose resident; Susan AC, Ryan Castillo, Jeffrey Hare, Jamie Marcil, Don Smith of undisclosed affiliation; and Olympia Williams from City of San Jose.

Brian Hopper, Senior Assistant District Counsel, introduced Audrey Beaman, Assistant District Counsel, who will be assigned to this Committee starting at the next meeting of this Committee.

Chairperson Santos shared two commentaries related to the unsheltered: August 24, 2022 edition of the Mercury News (Doyle, Nancy. "*We Must Find a Better Way to Shelter Unhoused.*" Letters to the Editor, August 24, 2022, Page 111 A6); and November 26, 2022 edition of the New York Times (Thompson, Matthew. "*The Homelessness Emergency.*" Out From the Underpass, June 26, 2022, Page 2). Chairperson Santos mentioned that solutions mentioned in the articles would not appear to be easy had the needed funding and partnerships been considered.

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

Chairperson Santos declared time open for public comment on any item not on the agenda.

Don Smith and John Davis, Cities of Saratoga and San Jose residents, respectively, expressed frustration over the influx of camp sites closed to their properties that has affected their sense of security and safety and downgraded estate values, and suggested the creation of buffer zones, enhanced fencing, more cleanup frequencies, and more participation from the city.

### **3. APPROVAL OF MINUTES:**

#### **3.1. Approval of July 19, 2022 Environmental Creek Cleanup Committee Meeting Minutes.**

Recommendation: Approve the minutes.

The Committee considered the attached minutes of the July 19, 2022 Environmental Creek Cleanup Committee meeting. It was moved by Director Varela, seconded by Director Keegan, and approved as presented.

### **4. ACTION ITEMS:**

#### **4.1. Updates on Valley Water's Encampment Cleanup Operations.**

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

- A. Encampment cleanup schedule.
- B. Encampment cleanup costs and funding.
- C. Creek Safety Issues Report.
- D. Recent encampment cleanups.
- E. Fence repairs update.
- F. Creekside property owner outreach.

Jennifer Codianne, Deputy Operating Officer, reviewed the information on this item, per the attached Committee agenda memo, and per the information contained in Attachment 1.

The Committee noted the following without taking formal action:

- An informational letter was being considered for review by this Committee and would be brought to the full Board on the 600-plus miles creek cleanup responsibility among cities and private owners. Factsheets outlining responsibilities of each owner and regulatory agencies involved in permitting would be included with the letter.
- City of San Jose and Valley Water are collaborating on the homeless issue cleanup and are looking at a cost-sharing agreement on the Coyote Creek Flood Protection Project.

The Committee requested the following without taking formal action:

- Staff to consider outreach to the real estate industry to create awareness among buyers about required regulatory agencies' creek maintenance before purchasing properties.
- Staff to share data to the public on locations of fences that were being cast, locations of cleanups, as well as quantity of encampment trash removed, on a future Web map being developed with GIS staff.

Susan AC, Creekside Station at Berryessa Owners Association Boardmember, expressed frustration over the increased encampments in their area and complaints from homeowners, and asked the Committee's advice what more could homeowners do to ensure their safety and for Penitencia Creek to get the attention it deserves from all the involved agencies. Staff stated that they participated at a few HOA meetings and are aware of their concerns; that a weed abatement around the individual encampments had been performed; that San Jose Police Department (SJPd) have been patrolling the area regularly under the Stream Stewardship Law Enforcement (SSLE) and Coyote Creek Trail Patrol programs; and that the county might set up regular meetings among the HOA, the city, county, Valley Water, and SJPd.

4.2. Update on Current Encampment Abatement Protocols in Consideration of COVID-19 Guidance from the Centers for Disease Control and Prevention (CDC).

Recommendation: Receive an update on Valley Water's encampment abatement protocols in consideration of CDC COVID-19 guidance and current caselaw.

Jennifer Codianne reviewed the information on this item, per the attached Committee agenda memo, and added that the current CDC guidance to refrain from clearing encampments unless there were housing options available had remained in effect since the onset of COVID.

The Committee noted the following without taking formal action:

- Abatements will continue to be done only on certain conditions such as on the Coyote Creek Flood Protection Project; to clear right-of-way obstructions and ensure maintenance access during construction; to give public access to roadways or sidewalks; or when public safety is at risk following city recommendations for preventive actions.
- Instead of abatement, staff have been performing encampment management strategies such as daily cleanups of debris and hazardous pollutants guided by 12x12 footprint good neighbor policy, weed abatements to reduce fuel loading risk as was done with the Creekside Station at Berryessa Owners Association, and providing funds to the City of San Jose's Cash for Trash program.
- US Army Corps of Engineers had reached out to staff about actions a federal agency could take about the issues that affect our flood protection projects and levees. In Los Angeles, they have hired a "Homeless Liaison," and in northern California, a summit is planned that would include water districts experiencing similar issues on encampments.

Olympia Williams, City of San Jose Community Services Supervisor, informed the Committee that she would attend in-person at the next Committee meeting; and that she was taking meeting notes which would be shared across multiple departments in the city.

Arnold AOL.com, of undisclosed residency, appreciated learning in this meeting about the complex situation of Valley Water with responsibilities on encampments and without resources and power to enforce cleanup or police authorities.

The Committee requested staff to come back with a draft letter for recommendation to the full Board on cooperation and collaboration with cities and county on land use and police authorities on encampment cleanups and for the cities and county to have vested interests in trying to solve the problem. The letter would be signed by either Chairperson Santos or Chair Pro Tem Varela and addressed to all mayors and electeds that have creeks in their locations.

#### 4.3. Solutions-Based Proposals for Addressing Waterways Challenges Posed by Unhoused Encampments.

Recommendation: Receive staff proposals for addressing environmental challenges posed by unhoused encampments and make recommendations for implementation or further consideration by the Board of Directors, as necessary.

Jennifer Codianne reviewed the information on this item, per the attached Committee agenda memo.

The Committee brought up the issue of communication protocol during disaster from the 2017 event and reminded staff that when and how disaster notifications are sent should be from experts who are in the business of water. Jennifer Codianne stated that after the 2017 event, an inter-agency report was developed, *Joint Emergency Action Plan for Severe Storm and Flood Response in City of San Jose*, which documented responsibilities before and during a flood situation.

The Committee noted the following without taking formal action:

- In regard to a camping ban, Melanie Richardson, Assistant Chief Executive Officer, mentioned that a camping ban in Coyote Creek is being discussed with the city due to concerns of water releases increasing rapidly during and after construction;
- In regard to the suggestion of a Joint Powers Authority, it could still be considered with funding from agencies that would participate, and with a governing board with project decisions subject to votes from members.
- In regard to staffing solutions, Valley Water funds grants to groups that cleanup creek channels and pick up encampment trash while Valley Water crews pick up the larger trash. The Committee suggested the possibility of using volunteer non-profit groups, the current pool of 45 college/high school interns, or service groups such as Kiwanis, Rotary, or Lions.

The Committee made the following requests:

- Staff to come back with information about hiring one full time staff to oversee a program similar to City of San Jose's Cash for Trash program.
- Staff would report back at the next meeting in terms of status or next steps on the Memorandum of Agreement (MOA) on outreach with the County of Santa Clara. Staff added that MOA are specific to areas outside of the City of San Jose which are not as heavily encamped as areas within San Jose. Outreach services would be part of a

Coyote Creek MOA for construction and post-construction flood measures and with a five-year management period.

4.4. Review 2022 and 2023 Environmental Creek Cleanup Committee Work Plan and 2023 Meeting Schedule.

- Recommendation:
- A. Review the 2022 and 2023 Environmental Creek Cleanup Committee Work Plans and make adjustments as necessary; and
  - B. Review and confirm the 2023 Environmental Creek Cleanup Committee meeting schedule.

Chairperson Santos confirmed the next meeting on January 17, 2023 and that staff would go to the Board on two issues and to the Committee for input on a new position related to the Cash for Trash program.

**5. ADJOURN.**

Chairperson Santos adjourned the meeting at 3:50 p.m., to the next meeting on January 17, 2023.

Eva M. Sans  
Assistant Deputy Clerk

Approved:

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