



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: Richard P. Santos
ECCC Chair

SUBJECT: Environmental Creek Cleanup Committee
(ECCC) October 18, 2022 Meeting Summary

DATE: November 22, 2022

This memorandum summarizes the Environmental Creek Cleanup Committee (ECCC) meeting held on October 18, 2022, where discussion occurred on the following items:

1. Approval of July 19, 2022 Environmental Creek Cleanup Committee Meeting Minutes.

The Committee unanimously approved the July 19, 2022 meeting minutes as presented.

2. Updates on Valley Water's Encampment Cleanup Operations.

The Committee received updates since the last meeting on the encampment cleanup schedule, costs and funding, arrest statistics on Stream Stewardship Law Enforcement activities and Coyote Creek Trail Patrol, before- and after-clean ups on West Branch Llagas Creek, Los Gatos Creek and Coyote Creek, fence repair, and outreach to private property owners. In regard to outreach, an informational letter is being considered to provide clarity and awareness of responsibility and will include civil liability, owner responsibility and permitting and property management factsheets. Distribution would be to all city/agency or private owners of the 600-miles of creeks, and after review by this Committee and full approval by the Board.

John Davis, City of San Jose resident, inquired if the informational letter would list items that are required for property owners to remove and asked whose responsibility are the trash made by encampments. Staff responded that the letter would not recommend what to do or not to do, and more about creating awareness of responsibilities including information on regulatory agencies involved; that trash is a landowner responsibility; and that Valley Water would take action where they have land rights for large trash that could create flow obstructions.

Susan AC, Creekside Station at Berryessa Owners Association Boardmember, expressed frustration over the increased encampments in their area and over complaints from homeowners, and asked for Committee's advice as to what more could homeowners do to ensure their safety and for Penitencia Creek to get the attention it deserves from all the involved agencies. Chairperson Santos confirmed that calling 911 is needed to ensure safety. Staff stated that they have 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 plans to setup regular meetings among the HOA, the city, Valley Water, and SJPd.

In response to Committee inquiry on cleanup responsibility for 225 miles of creek managed by Valley Water, staff stated that these are either constructed flood protection projects or areas where flow conveyance maintenance are routinely performed by Valley Water while the remaining 600 plus miles are maintained by each of the respective city/agency or private owners.

In regard to coordination with the City of San Jose, the Committee received information that there would be a cost-sharing agreement between the city and Valley Water on the Coyote Creek Flood Protection Project.

The Committee noted the information without taking formal action.

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

The Committee was informed 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. However, abatements will continue on certain conditions such as the Coyote Creek Flood Protection Project, right-of-way clearance, or risk to public safety. Instead of abatement, staff have been performing encampment management strategies through continuous daily cleanups, weed abatement around encampments, and participation in the city's Cash for Trash program.

The Committee expressed appreciation for staff efforts in responding to US Army Corps of Engineer's interest to discuss encampment issues and their effects on Valley Water's flood protection projects and levees.

The Committee requested staff to draft a letter to mayors and other elected in the county regarding cooperation and collaboration with agencies that have land use and police authority on encampment cleanups and for the said agencies to have vested interest in solving the problem.

Olympia Williams, City of San Jose Community Services Supervisor, informed the Committee that she was taking notes on this meeting which would be shared across multiple departments with 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 and police authorities.

The Committee received the information without taking formal action

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

The Committee brought up the issue of communication protocol during a disaster after 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: a camping ban in Coyote Creek is being discussed with the city due to concerns of water releases increasing during and after construction; a Joint Powers Authority could still be considered, funded from agencies that would participate, and would need a governing board with project decisions subject to votes from members; that staff would report back at the next meeting on the status or next steps on the Memorandum of Agreement (MOA) on outreach with the County of Santa Clara which reached a negotiating impasse. Staff added that MOA is 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; and in regard to staffing solutions, Valley Water funds grants to groups that clean up creek channels and pick up encampment trash while Valley Water crews pick up the larger

trash and debris. The Committee suggested 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.

Jay Lee, Watersheds Field Management Operations Unit Manager, and Ron Snyder, Field Operations Manager, introduced themselves to the Committee and informed the Committee that crews are rotated to allow for career enhancements and avoid job burnout from experiences encountered in the encampments.

The Committee requested 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.

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

Chairperson Santos confirmed that staff would go to the Board on two issues and to the Committee on additional Cash for Trash positions for Committee input.

6. Adjourn

Chairperson Santos confirmed that the next Committee meeting would be on January 16, 2023 and adjourned the meeting at 3:35 p.m.

Board member comments and suggestions can be forwarded to Eva Sans, Assistant Deputy Clerk II, by email to esans@valleywater.org or phone at (408) 630-2306.

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