

## **COMMITTEE AGENDA MEMORANDUM**

### **Homeless Encampment Ad Hoc Committee**

#### **SUBJECT:**

Homeless Encampment Cleanup Partnerships.

#### **RECOMMENDATION:**

That the Ad Hoc Committee receive information and if required provide staff direction on the following:

1. District's Homeless Encampment Cleanup Partnerships
2. District Pilot Project to Provide Dumpsters Near Homeless Encampments
3. New Pollution Prevention Partnership Agreement with City of San José to Support Downtown Streets Team

#### **SUMMARY:**

As the agency responsible for managing an integrated water resources system in Santa Clara County, the District invests valuable public resources to address the impacts of homeless encampments along local waterways. Impacts on the waterways include:

- Increased trash and debris
- Degraded water quality
- Damage to creek banks and reduced flow conveyance
- Degradation of the health of watersheds

The Board's Homeless Encampment Ad Hoc Committee (Ad Hoc Committee) deliberates on homelessness and encampment issues and brings discussion and recommendations to the Board.

#### **1. District's Homeless Encampment Cleanup Partnerships**

Homelessness is on the rise, especially in California. The state experienced the largest increase in homeless population in the country between 2016 and 2017. Like many counties throughout the state, Santa Clara County is grappling with how to deal with these homeless encampments. A recent survey in Santa Clara County counted over 7,000 individuals as homeless in 2017, with 74% unsheltered. Many of the homeless in the county end up living in riparian areas along urban creeks and streams, thus contributing to water pollution and degradation of water quality. As a public agency providing water supply, flood protection and stream stewardship, the District is actively involved in reducing the number of homeless encampments in waterways and the pollution associated with them.

#### *Encampment Cleanups*

As defined in the Safe, Clean Water and Natural Flood Protection Program (Safe, Clean Water Program), an encampment consists of one or more structures occupied by an individual or family that is located on District or other public property. An area where there are no structures, but where personal property is stored is also considered an encampment. A cleanup consists of the removal of trash and debris resulting from encampments by the District or by the District in coordination with other agencies.

The District conducts creekside homeless encampment cleanups in coordination with cities and other agencies to reduce the amount of trash and pollutants entering local waterways, where it can harm water quality and wildlife as well as increase flood risk.

- Encampment cleanups in Fiscal Year (FY) 2018: 571\*
- District funds spent: \$1,435,298\*
- Trash removed: 1,194 tons\*
- Annual encampment cleanup target: 52
- Average number of cleanups annually during the last five years: 400\*

Since the District has neither police powers nor the supportive housing and social services, it partners with local cities, agencies and nonprofits to cleanup encampments along creeks. Through this cooperative effort, local agencies provide police and security support, and social services, while nonprofits also help provide assistance.

For example, under this partnership model, the City of San José provides 72-hour notice to encampment residents by posting notices at encampments, security during cleanup, sorting, bagging and storage of personal belongings as required by the State for at least 90 days following the cleanup, outreach and support services, landfill disposal costs and disposal of any hazardous wastes. The City's Department of Housing arranges for social service providers to offer shelter beds and other services to individuals found occupying the encampments, in hopes that they can use these services to help them permanently vacate the encampments. The District provides the cleanup crews and any protective equipment, transportation of the trash to the landfill, any other equipment needed at the site, and permit coverage. The District follows the same model with all partner cities, but most of the encampment cleanups by the District are carried out in San José and Gilroy. The District has an existing Memorandum of Agreement with the City of San José for encampment cleanup, trash removal and prevention, and will be developing a similar one with the City of Gilroy.

#### *Patrol and Enforcement*

The District has agreements in place to fund patrol and enforcement services provided by the City of San José Park Rangers and California Department of Fish and Wildlife officers to prevent re-establishment of homeless encampments along the Coyote Creek and Guadalupe River. The effort has been funded at \$245,000 per year by the Impaired Water Bodies Improvement project under the Safe, Clean Water Program priority to Reduce Toxins, Hazards and Contaminants in Our Waterways. The partnership had been effective in the early years of FY 2014-2016, but since then, staff shortages at the

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\* Preliminary data.

California Department of Fish and Wildlife and the San José Park Rangers Program have resulted in reduced efforts.

### Grants and Partnerships

The District currently has a partnership with the City of San José to support the San José Watershed Community Stewardship and Engagement Project. Funding for the project provides support for Downtown Streets Team (DST) to engage homeless individuals through outreach and education on the importance of clean waterways and participation in creek cleanups. The agreement was originally for \$196,250 and was later amended to add an additional \$350,000 to continue supporting DST's efforts. Funded by the Pollution Prevention Partnerships project of the Safe, Clean Water program, the one-time agreement ends in FY 2018. Under the Safe, Clean Water program, up to \$200,000 per year goes toward partnerships with municipalities for specific programs to reduce contaminants in surface or groundwater and reduce emerging contaminants.

The District recently awarded several Safe, Clean Water grants specifically related to engaging homeless individuals in cleanup and outreach efforts. Under the Support Volunteer Cleanup Efforts and Education (B7) program, the Water District awarded a \$15,000 grant to Gilroy Compassion Center to engage homeless individuals living along South County creeks to help keep the creeks free of toxic materials, garbage and other waste. Additionally, the District awarded two separate grants to Downtown Streets Team under the Pollution Prevention (B3) program to support their cleanup projects in San José (Penitencia Creeks Team) and Sunnyvale (El Camino Clean Up). Each grant award is for \$122,280. The District is currently working to execute the final agreements for each of the three grant-funded projects.

Additionally, the District is the co-chair of the Santa Clara Valley Zero Litter Initiative (ZLI), a consortium of public agencies and other stakeholders in Santa Clara County interested in eliminating litter and its impacts. ZLI is helping to coordinate a meeting in August 2018 for agencies that are addressing encampment cleanups in the county. The objective of the meeting is to provide a forum for discussing coordination among staff within these agencies and receive information on the activities conducted relating to homelessness and encampments. Planned presenters include the City of San José, County of Santa Clara, Valley Transportation Authority (VTA), Caltrans, Union Pacific Railroad and the District.

### Challenges

Homelessness is a growing problem and cleanup efforts are continuous and must be repeated constantly. It is challenging to prevent new encampments or re-encampments when homelessness is on the rise.

Furthermore, there has been a decline in shared duties. For example, over the last six months, the City of San José has not been able to provide police security at the cleanup events. This is happening at a time when there has been growing safety concern for

field staff conducting encampment cleanups due to multiple incidents. As a result, the District has been funding police presence at cleanups.

### Opportunities

Meanwhile, some new opportunities for partnerships and collaboration have also emerged following new initiatives by the District, Santa Clara County and the City of San José and these are:

- A. Stream Maintenance Program Mitigation:** As part of vigorous negotiations with regulators on the implementation of the Stream Maintenance Program 2 (SMP2), the District has proposed to the Regional Water Quality Control Board (RWQCB) that the District receive mitigation credit for carrying out homeless encampment cleanups along the local waterways.

To ensure flood protection projects continue to function as designed to protect homes and businesses along District streams, the District removes sediment, manages vegetation, clears trash and debris and stabilizes eroded stream banks. The District conducts these maintenance activities using best management practices to minimize undesired effects on the environment. The District is also required to mitigate or offset any potential environmental impacts by undertaking a variety of actions that include invasive plant management, riparian planting, installation of instream habitat features (such as Large Woody Debris), land acquisition and other measures.

In July, the District presented an initial proposal to the RWQCB that would allow the District to offset temporary impacts of stream maintenance on vegetation and wetlands by carrying out encampment cleanups.

The proposal provides the District another mitigation option that can be used to compensate for authorized impacts to aquatic resources. Under this proposal, the District would spend money doing encampment cleanups and providing resources, such as the ranger patrols, instead of doing more traditional mitigation such as revegetation or invasive plant management. The District currently spends about \$100,000-150,000 per acre each year on mitigation-related revegetation and the invasive plant management program, and this proposal is to allow the District to instead get credit for spending an equivalent amount of money on cleanups.

The RWQCB is supportive of the District doing the cleanups and has committed to working with District staff to refine the approach and assist the District in getting support from other regulatory agencies as the District moves through the SMP2 permit renewal process this fall. This approach would be most attractive to the state agencies and the EPA, while the US Army Corps of Engineers and other federal resource agencies would present a challenge.

RWQCB staff has offered some suggestions on how to modify the proposal and District staff will work on fleshing out the program in greater detail. The District plans

to present the revised proposal to the RWQCB September-October 2018, as part of the annual permit application.

**B. DA Task Force and Park Ranger Task Force Updates:** Recently, District staff began participating in two new efforts that have been initiated to address encampments. These are:

- The District Attorney's Office of Environmental Crimes Unit is coordinating meetings to begin discussion of the creation of a Watershed Protection Partnership. The Watershed Protection Partnership would address pollution and streambed alteration violations to local waterways, caused primarily by the existence of encampments.
- The City of San José has begun a Park Ranger Working Group to identify and develop recommendations for the Park Ranger Program, which includes the watershed team which was assigned to patrol creeks.

**2. District Pilot Project to Provide Dumpsters Near Homeless Encampments**

In late June 2018, the District began a pilot project to provide dumpsters near homeless encampments so that homeless campers can keep their sites clean. Under the pilot project, the District has placed dumpsters at three sites near areas of frequent encampments. Two of the sites are in San José, one each on Guadalupe River and Coyote Creek, and the third site is on Llagas Creek in Gilroy. The dumpsters are available 24 hours a day and these sites are monitored weekly, at a minimum. Staff will provide a more detailed report on the progress of the pilot project at the August 20, 2018, Ad Hoc Committee meeting.

**3. New Pollution Prevention Partnership Agreement with the City of San José to Support Downtown Streets Team**

The District is currently working with the City of San José's Housing Department to enter into a partnership to support their Encampment Abatement Program. The program provides resources to Downtown Streets Team to engage homeless individuals to assist with creek cleanups and conduct outreach in the creeks to inform them of the importance of keeping the creeks and other waterways clean. The District is contributing \$195,000 to the partnership. The total budget for the project is \$495,000. The partnership is for one year, beginning in FY 2019.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

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