

**MEMORANDUM**

FC 14 (01-02-07)

**TO:** Board of Directors**FROM:** Homeless Encampment Ad Hoc Committee Meeting**SUBJECT:** Homeless Encampment Ad Hoc Committee Meeting Summary for September 30, 2019**DATE:** November 12, 2019

This memorandum summarizes agenda items from the meeting of the Homeless Encampment Ad Hoc Committee Meeting held on September 30, 2019.

**Attendees:**

Board Members in attendance were: Director Tony Estremera-District 6, Director Richard P. Santos-District 3, and Director John L. Varela-District 1.

Staff members in attendance were: Mark Bilski, Glenna Brambill, Rick Callender, Domingo Candelas, James Choate, Ray Fields, Meenakshi Ganjoo, Chad Grande, Linh Hoang, Hieu Huynh, Jay Lee, Marta Lugo, Bill Magleby, Tracy Pena, Melanie Richardson, Mike Sawatzky, Kirsten Struve, Sue Tippetts and Jennifer Turner.

Elected/Representative in attendance were: Representative Helen Chapman (City of San José Council Member Sergio Jimenez-District 2), Deputy Manager Angel Rios, Jr. City of San José, Chief of Staff Donald Rocha, County of Santa Clara Office of Supervisor Dave Cortese.

Guests in attendance were: Robert Aguirre, Jan Bernstein Chargin, Charles Black, John Davis, Heather Ernst, Hernandez, Ed Howard, Deb Kramer, Bryan Murphy, Gail Osmer, Jeanne Serpa, Cris Unciano and Olympia Williams.

**ACTION ITEMS****4.1 ASSESSMENT OF OPERATIONAL APPROACH OF FUNDING THE SAFE, CLEAN WATER AND NATURAL FLOOD PROTECTION PROGRAM'S B4 GOOD NEIGHBOR PROGRAM: ENCAMPMENT CLEANUP PROJECT IN FISCAL YEAR 2020 AND BEYOND**

Ms. Melanie Richardson reviewed the following:

**Summary:****Encampment Cleanup Project Background**

The Safe, Clean Water and Natural Flood Protection Program's (Safe, Clean Water) Project B4 Good Neighbor Program: Encampment Cleanup (Encampment Cleanup Project) supports Santa Clara Valley Water District's (Valley Water) ongoing coordination with local cities and agencies to clean up large creekside encampments that contaminate waterways and damage Valley Water facilities.

The Key Performance Indicator (KPI) for the project is to perform 52 annual cleanups for the duration of the Safe, Clean Water Program. But in response to growing community demand for encampment cleanups, Valley Water has far exceeded the annual KPI by performing an average of 400 encampment cleanups a year during Fiscal Years 2014-2018 (FYs 14-18). As a result, the 15-year Safe, Clean Water Fund 26 funding allocation for the Homeless Encampment Cleanup Project was expended in the first five years of the program.

In FY18, the Board allocated approximately \$650,000 in additional funding from Safe, Clean Water Fund 26 reserves to help meet the community demand for homeless encampment cleanups. The \$650,000 had become available because of modification to another project that resulted in reducing the maximum funding for the Nitrate Treatment System Rebate Program due to low demand (this is KPI #2 of Project A2 Safe, Clean Water Partnerships and Grants). Meanwhile, the Board also directed staff to continue to meet the annual KPI of 52 cleanups by allocating \$175,000 a year from Safe, Clean Water Fund 26 reserves for the remaining 10 years of the program. As a result, over the 10-years, the project will draw a total of approximately \$1.75 million from Safe, Clean Water Fund 26 reserves. In addition, the Board had earlier directed staff to further supplement the project funding with 90 percent of the net rental income from properties purchased through Watersheds Fund 12.

On August 28, 2018, the Board of Directors approved the Ad Hoc Committee's recommended operational approach of funding for FYs 19-28. This approach was to limit the number of cleanups based on available funding and to monitor for one year. Per this approach, the FY19 project budget was established at \$925,000, which included \$175,000 from Safe, Clean Water Fund 26 and \$750,000 from the Watershed Stream Stewardship Fund (Fund 12) anticipated net rental income. The FY19 budget was a reduction from an adjusted budget of approximately \$1,500,000 in FY18.

To avoid exceeding the project budget in FY19, staff reduced the frequency and number of cleanups. The reduced funding had an impact on the level of service Valley Water provided to its agency partners and the community. As compared to FY18, FY19 saw 128 fewer encampment cleanups and 389 fewer tons of trash removed, as well as a reduction in cleanup days per week from between five and seven (5 and 7) to between two and three (2 and 3), with average response times increasing from two (2) weeks to six (6) weeks. Slower response times resulted in repeated complaints and an increase in Access Valley Water encampment cleanup requests from 388 in FY18 to 566 in FY19.

Homelessness continues to grow in Santa Clara County. As the community's encampment cleanup demand has continued to increase over the last five years, so has Valley Water's cost to satisfy that demand, reaching \$1.5 million in 2018. Valley Water staff anticipates that an annual budget of approximately \$925,000 for FYs 20-28 would be insufficient to address the water quality impacts from encampments or meet the community's demands for encampment cleanups.

### **Operational Approach to Meet Encampment Cleanup Project Expenses for FY20**

On August 5, 2019, the Homeless Encampment Ad Hoc Committee (Committee) favored the option to recommend to the full Board that the FY20 Encampment Cleanup Project budget be restored to FY18 level to meet anticipated community demand. The Committee asked that staff examine the potential funding sources, including Redevelopment Agency (RDA) revenues, to support this increased service level.

In FY18, to meet a highest-to-date level of demand, Valley Water expended \$1.5 million on encampment cleanups. To provide a similar level of service in FY20 will require supplementing the FY19 project budget of \$925,000 with an additional \$575,000. This measure of funding will best enable Valley Water to meet current demand and maintain a level of encampment cleanup service to deter re-encampments. So far in FY20, Valley Water has cleaned up 91 encampment sites and expended \$185,673. At this rate, adding \$575,000 to the annual project budget will enable Valley Water to clean up approximately 285 additional encampments during the fiscal year.

### **Safe, Clean Water Program (Fund 26) Reserves**

The project currently draws \$175,000 a year from the program reserves to meet the annual KPI of 52 cleanups. Regarding the availability of additional Safe, Clean Water Fund 26 reserve funding, early analysis indicates that some of the large-scale Safe, Clean Water capital projects will cost considerably more than initial estimates and may need to draw from Fund 26 reserves. A full analysis of these funding shortfalls and the strategies to address the funding gap will be presented to the Board's Capital Improvement Program Committee in November this year. In the meantime, Fund 26 will not be explored further as a source of funding for the FY20 Encampment Cleanup Project.

### **Redevelopment Agency (RDA) Revenues**

Staff's long-term financial projections by fund currently include anticipated Redevelopment Agency (RDA) asset sale proceeds, excess RDA revenue after ongoing obligations are paid, and excess Educational Revenue Augmentation Fund (ERAF) distributions. Staff is in the process of updating forecasted revenues related to RDA and ERAF, which may be higher or lower than the current forecast. These revenues are allocated to Valley Water funds similar to the 1% ad valorem tax revenue, with the vast majority (roughly 80%) going to the Watershed Stream Stewardship Fund 12, and the remainder going to the General Fund 11 and the Water Utility Funds 61 and 63 based on information provided by the County. The updated revenue forecast for RDA and ERAF related revenue should be available in the October 2019 timeframe, which would enable an analysis of the ability to use those monies for encampment cleanups.

### **Watershed Stream Stewardship Fund (Fund 12)**

Valley Water staff recommends drawing on Fund 12 reserves to provide the additional \$575,000 needed to return project funding back to \$1.5 million in FY20. Staff will analyze and identify long-term impacts on Fund 12 reserves

during the budget long-term forecast effort scheduled to be conducted in Fall 2019 as part of the FY21 annual budget development cycle. However, any potential long-term impacts on other projects and programs could be mitigated by the Board's annual reassessment of the Encampment Cleanup Project budget relative to available funding (see discussion below).

The reallocation of \$575,000 of Fund 12 reserves to Fund 26 would require a budget adjustment. Staff requests that the Homeless Encampment Ad Hoc Committee recommend this budget adjustment to the Board.

#### **Operational Approach to Determine Encampment Cleanup Project Funding for FYs 21-28**

On August 5, 2019, the Homeless Encampment Ad Hoc Committee considered staff's recommendation that going forward, the Board would determine Encampment Cleanup Project budgets FYs 21-28 on an annual basis as part of the budget development process. The Committee acknowledged that with homelessness continuing to grow, the demand for additional funding may increase and it would be beneficial to evaluate and determine encampment cleanup funding requirements and allocations annually. Annual consideration will allow adjustments based on community needs and the health of the fund.

In consideration of the present funding requirements and future uncertainties relating to ongoing efforts to perform the Safe, Clean Water Program's Project B4 Good Neighbor Program: Encampment Cleanup, staff requests that the Homeless Encampment Ad Hoc Committee present to the Board the foregoing recommendations regarding the project's operational approach of funding for FYs 20-28.

The following attendees spoke on this agenda item: Ms. Gail Osmer, Ms. Deb Kramer, Mr. Robert Aguirre and Mr. John Davis.

#### **The Homeless Encampment Ad Hoc Committee took the following action:**

The Committee unanimously approved that the Board consider the Committee's support of staff's recommendations noted in A and B:

- A. Receive operational approach of funding the Safe, Clean Water and Natural Flood Protection Program's B4 Good Neighbor Program: Encampment Cleanup Project for Fiscal Year 2020 by supplementing the current Encampment Cleanup Project budget with additional funding from Watersheds Stream Stewardship Fund reserves, with subsequent year Encampment Cleanup Project funding to be determined by the Board on an annual basis for Fiscal Years 2021-2028, and
- B. Recommend this operational approach of funding the Encampment Cleanup project for Board approval; or provide other feedback as the Homeless Encampment Ad Hoc Committee deems appropriate for Board consideration.

## **4.2 ANALYSIS OF CONCEPT, COST, AND POTENTIAL FUNDING FOR PROPOSED ENVIRONMENTAL CLEANUP DAY EVENT**

Mr. Mark Bilski reviewed the following:

#### **Summary:**

##### **Environmental Cleanup Day Proposal**

At the August 5, 2019 Homeless Encampment Ad Hoc Committee meeting, the Committee requested Valley Water staff to investigate the potential for hosting a special Environmental Cleanup Day event (Event). The Event would be a collaboration of organizations and volunteers working together to clean three sites along Coyote Creek in advance of winter rains, creating a positive environmental impact in Santa Clara County. Participants would include representatives of other government agencies, environmental advocacy groups, homeless advocacy groups, and citizen volunteers including homeless residents themselves.

Encouraging active participation of local homeless residents is a key characteristic of the Event. The increasing rate of homelessness in Santa Clara County has occasionally created tension between Valley Water, whose mission is to provide and maintain clean, safe creeks for the benefit of the community, and homeless county residents who camp along the creeks and may not have access to usual mechanisms for waste management.

The Event would serve as a pilot program intended to demonstrate a way for Valley Water to work directly with homeless residents and achieve cleaner creeks together. It also is a prime opportunity for other agencies and social services organizations to not only lend a hand with the cleanup, but to conduct outreach activities and offer services to any volunteers in need of it.

a) Alternate Scheduling (if necessary)

Due to the above scheduling challenges a reasonable backup plan, if necessary, would be to move the Event to the spring of 2020—possibly as part of National River Cleanup Day on Saturday, May 16 or Earth Day on Wednesday, April 22. By associating the Event with either of these larger efforts, Valley Water could still position the designated cleanup sites as a separate pilot program intended to demonstrate a way for the district to partner directly with homeless residents and achieve cleaner creeks together.

National River Cleanup Day is organized every year, so the Event could slot in and align with the already existing schedule. This would allow coordinators to leverage a pre-existing infrastructure and tap into the large pool of volunteers and organizations that are already primed to participate. This timing would reduce the concern of volunteer fatigue as most habitual volunteers will have regrouped from the Coastal Cleanup effort, revitalized and ready to serve once again.

Earth Day, another annual event, will celebrate its 50th Anniversary in 2020 and is celebrated around the world. Because of this, there would be a strong potential for community and media awareness of a creek cleanup event on that day. Staff could expect a greater-than-usual number of willing volunteers and partner organizations.

1. Site Locations

Valley Water's Watersheds Field Operations staff have assessed potential Coyote Creek cleanup sites based on expected need, ease of access, and nearby parking availability. Staff identified three sites that best fit those criteria, encompassing just over a mile of Coyote Creek. The three recommended sites along the creek are 1) Coyote Creek at Corie Court, 2) E. William Street to Interstate 280, and 3) Interstate 280 to Remillard Court. (see Attachment 1 for maps).

2. Participation

Valley Water would act as the host of the Event, with paid district staff or consultants taking on the role of site management. Each site would require one (1) Senior Maintenance Worker and two (2) Maintenance Worker II's to oversee trash removal, along with at least two (2) other staff or consultants to coordinate administrative tasks such as event registration and distribution of supplies.

Trash and debris removal activities would be performed by teams of volunteers made up of participants from Valley Water, other local government agencies, social services organizations, environmental and homeless advocacy groups, and any community members who want to help. Staff would access the district's volunteer network and work with community leaders to ensure a strong turnout. Local elected officials would be encouraged to engage as well and to get the word out to their constituents. A major purpose of the Event is to provide an opportunity for everyone in the community to stand together and show their commitment to clean, safe waterways. To this end, the participation of local homeless residents would be highly encouraged.

If directed to proceed with planning the Event, Valley Water External Affairs staff will reach out to local service providers to engage their unhoused clients who would want to participate in the cleanup. Service providers and other advocacy groups could be tasked with establishing and leading teams of volunteer homeless residents—organizing outreach, determining who is interested in participating, and disseminating logistical information about the Event. Refuse bags could be distributed to homeless residents in the week leading up to the event for advance collection of personal garbage. On the day of the Event, these residents and other volunteers would then carry full bags to collection spots for disposal in Valley Water compactor trucks. The local homeless community would benefit from the anticipated positive attention focused on their contributions to the cleanup. This could favorably influence public perception and lead to future collaborative opportunities.

External Affairs staff would also seek the involvement of County and City social services agencies, providing them an opportunity to not only to help with the cleanup, but to set up information booths at the sites and conduct outreach activities for any homeless individuals in need.

3. Safety Considerations

If the Board recommends Valley Water staff to proceed with planning the Event, it will be critically important to work with the San Jose Police Department (SJPD) to ensure a safe environment for all participants.

Depending on the overall participation numbers, each site would require the presence of between four and six (4 and 6) police officers to act in a security role. In addition, Valley Water will rely on SJPD to conduct site checks before the day of the Event to identify and address any known dangerous situations or potential public safety issues.

### **Projected Costs and Funding**

Considering the points discussed above, the following represents estimated costs for each cleanup site:

- Valley Water labor—overtime pay for four to five (4 to 5) staff (\$8,000 per site)
- Secondary employment of four to six (4 to 6) SJPd officers for site security (\$4,000 per site)
- Fee for consultants, plus one to two (1 to 2) external site coordinators to organize and oversee groups of volunteers (\$3,000 per site)
- Rental of one (1) additional dumpster for recyclables (\$500)
- Rental of two (2) portable restrooms (\$750 each)
- Rental of one (1) wash station (\$300)
- Estimated total cost for one site: \$17,300

With the addition of the cost to operate two (2) Valley Water compactor trucks for the day (\$750 each), and supplies such as refuse bags, safety gloves, trash pickers, and first aid kits (\$6,000) the total estimated cost of the Event for all three sites is \$59,400.

However, this estimated cost does not include the preemptive site checks by SJPd, which may amount to an additional several thousand dollars. If instructed to proceed further by the Board, staff will explore funding these sweeps under the existing agreement signed by Valley Water and SJPd which pays for police patrols to target criminal activities along local waterways, including Coyote Creek.

Valley Water funding for the Event could come from Watershed Stream Stewardship (Fund 12) reserves. However, it must be noted that at this Ad Hoc Committee meeting staff are also recommending that \$575,000 of Fund 12 reserves be allocated in Fiscal Year 2020 to supplement the Safe, Clean Water and Natural Flood Protection Program's B4 Good Neighbor Program: Encampment Cleanup project. It would be possible to use Fund 12 reserves to fund both the Encampment Cleanup Project and the proposed Event in FY20, but the committee should be aware that this may limit future-year Encampment Cleanup Project funding available for FYs 21-28.

If instructed to proceed by the Board, staff will explore and solicit donations from potential Event partners, which could further reduce the estimated costs.

### **Request for Further Direction from the Committee**

In consideration of the proposed Environmental Cleanup Day event, staff is requesting the Homeless Encampment Ad Hoc Committee's direction on any recommendations to be presented to the Board, as well as direction as to areas in which more research or analysis may be needed.

### **The Homeless Encampment Ad Hoc Committee discussed the following items:**

The following spoke on this agenda item regarding the proposed cleanup site, partnerships, police coverage available lands or sites for the homeless, inviting volunteers and community outreach: Mr. Angel Rios, Jr., Ms. Jan Bernstein Chargin, Director Richard P. Santos, Mr. Donald Rocha, Mr. Robert Aguirre, Director Tony Estremera, Mr. John Davis, Mr. Chad Grande, Mr. Rick Callender, Ms. Melanie Richardson, Ms. Deb Kramer and Ms. Gail Osmer.

### **The Homeless Encampment Ad Hoc Committee took the following action:**

The Committee unanimously approved that the Board consider the Committee's support of staff's recommendations below:

To host an Environmental Cleanup Day event to engage government agencies, environmental advocates, homeless advocates, volunteers, and local homeless populations in a collaborative effort to perform environmental cleanup activities along Coyote Creek in San Jose.

If you have any questions or concerns, you may contact me at, [gbrambill@valleywater.org](mailto:gbrambill@valleywater.org) or 1.408.630.2408.

Thank you.

Glenna Brambill, Management Analyst II,  
Board Committee Liaison  
Office of the Clerk of the Board

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