

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

RESOLUTION NO. 21-

**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

NOES: Directors

ABSENT: Directors

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

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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