



Santa Clara Valley Water District

File No.: 18-0708

Agenda Date: 8/28/2018

Item No.: *4.2.

BOARD AGENDA MEMORANDUM

SUBJECT:

Homeless Encampment Ad Hoc Committee's Recommendation and Associated Staff Analyses from the Committee's August 20, 2018 Meeting.

RECOMMENDATION:

Consider the Homeless Encampment Ad Hoc Committee's recommendations:

- A. Regarding the Operational Approach for the Safe, Clean Water and Natural Flood Protection (Safe, Clean Water) Project B4 Good Neighbor Program: Encampment Cleanup, that the Board consider for Fiscal Years 2019 - 2028 (FYs 19-28), the District limit the number of cleanups each fiscal year based upon the funding available, which would include 52 cleanups funded through Fund 26 reserves and funding from the Board's prior commitment to utilize 90 percent of the net rental income from properties purchased through Watersheds Fund 12 (Fund 12 rental properties), and monitor the approach for one year; and
- B. Regarding Homeless Encampment Cleanup Partnerships, that the Board approve the Board Chair send letters to city mayors and Santa Clara County Board of Supervisors President urging increased police and security support for homeless encampment cleanups and to patrol waterways to prevent re-encampments.

SUMMARY:

Committee Recommendation A:

The Homeless Encampment Ad Hoc Committee unanimously approved recommending that the Board consider that for FYs 19-28, the District limit the number of cleanups each fiscal year based upon the funding available, which would include 52 cleanups funded through Fund 26 reserves and funding from the Board's prior commitment to utilize 90 percent of the net rental income from properties purchased through Watersheds Fund 12 (Fund 12 rental properties), and monitor the approach for one year;

Staff Analysis:

The staff concurs with the Committee's recommendation.

The Safe, Clean Water Program's Project B4 Good Neighbor Program: Encampment Cleanup (Encampment Cleanup Project) supports the District's ongoing coordination with local cities and

agencies to clean up large creekside encampments that contaminate waterways and damage District facilities.

This cooperative effort includes local police departments, social services and nonprofit advocacy groups that help provide alternatives to homelessness. The project benefits include reducing trash and other pollutant loads in surface water, including streams, reservoirs and wetlands; improving the aesthetics of creeks in neighborhoods and parks; and coordinating efforts among multiple agencies to create lasting solutions.

The key performance indicator (KPI) for the project is to perform 52 annual cleanups for the duration of the Safe, Clean Water Program. As defined in the 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.

However, in response to growing community demand for encampment cleanups, the District has far exceeded the annual KPI by performing an average of 400 encampment cleanups a year during the last five years. As a result, in the first five years of the program the project has exhausted the funds that were planned to be expended over a 15-year period.

At the May 23, 2018 special board meeting, the Board approved utilizing 90 percent of the FY 18 net rental income from Fund 12 rental properties to fund the Encampment Cleanup Project in FY 19. Previously, on August 8, 2017, the Board had approved utilizing up to 90 percent of each fiscal year's net rental income from Fund 12 rental properties to fund the project for FY 20 through FY 28.

The Committee considered the following three Operational Approaches for FYs 19-28 and the associated pros and cons (Attachment 1), and selected Operation Approach #2:

1. Limit the number of cleanups each year to the Key Performance Indicator (KPI) target of 52, which may be funded through Safe, Clean Water Fund (Fund 26) reserves;
2. Limit the number of cleanups each fiscal year based upon the funding available, which may include 52 cleanups funded through Fund 26 reserves and funding from the Board's prior commitment to utilize 90 percent of the net rental income from properties purchased through Watersheds Fund 12 (Fund 12 rental properties); or
3. Supplement FY 19 budget to increase funds to cover the anticipated community demand and moving forward, budget for anticipated community demand through Fund 12 for FYs 20-28, which may include 52 cleanups funded through Fund 26 reserves.

As per the recommended action (Operational Approach #2), the District will have approximately \$925,000 available and would be able to conduct between approximately 200-280 cleanups in FY 19. This is because in FY 18, 90 percent of the net rental income from Fund 12 rental properties equates to approximately \$750,000 and this would be supplemented with \$175,000 in Fund 26 reserves. Each fiscal year the funds available through the net rental income from Fund 12 rental properties may vary depending on whether there are rent increases, tenant defaults in rent payments, or

increased costs of maintaining and managing the properties. The available net rental income will also depend upon the District's flood improvement project schedule for demolishing residences along the Upper Guadalupe River, as that rental income will discontinue once residences are removed.

In the first two months of FY 19, the District has already conducted 66 cleanups and spent over \$207,000. To avoid overspending the FY 19 budget and to address the proposed funding limitation in future years, the frequency and number of cleanups will need to be reduced relative to the current rate.

The Committee recommendation included monitoring the approach for a period of one year.

Committee Recommendation B:

The Homeless Encampment Ad Hoc Committee recommended that the Board approve the Board Chair send letters to city mayors and Santa Clara County Board of Supervisors President urging increased police and security support for homeless encampment cleanups and to patrol waterways to prevent re-encampments.

Staff Analysis

The staff agrees with the Committee's recommendation.

Homelessness is growing, especially in California. In 2017, Santa Clara County had the third-highest homeless population in California at 7,394 homeless individuals with 74% being unsheltered.

Because of the influx of homeless and growing public requests, the District has been carrying out increasing number of annual cleanups, which have risen from 131 cleanups FY 14 to 571 in FY 18. Although cleanup efforts are continuous and repeated constantly, it is a challenge to prevent new encampments or re-encampments when homelessness is on the rise.

There is an increasing need for police support at cleanup events and for patrolling to prevent re-encampments. Yet, there has been a decline in shared duties either due to lack of resources or lack of staff. For example, over the last six months, the City of San José has not been able to provide police security at the cleanup events. As a result, the District has been funding police presence at cleanups. The District also initiated an agreement with County sheriff to assist with funding for police support, but they were unable to provide the staff.

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

This is happening at a time when there is a growing concern about safety of District field staff and

volunteers conducting cleanups. Safety concerns have heightened due on multiple incidents with homeless individuals and discovery of weapons, live ammunition and drug production facilities. Volunteer groups have also indicated that recruiting volunteers is becoming more difficult due to safety concerns.

Recently, some new opportunities for partnerships and collaboration have emerged and these include the City of San José initiating a Working Group to modify the Park Ranger Program, which includes the watershed team that was assigned to patrol creeks. Similarly, 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.

There is certainly a need to step up current partnerships, specifically in terms of providing police security during cleanups and to patrol waterways, and a letter (Attachment 2: Sample Letter) from the Board Chair to city mayors and the Santa Clara County Board of Supervisors President urging increased participation would be helpful.

FINANCIAL IMPACT:

Approval of Recommendation A is anticipated to cost approximately \$925,000 a year. Funding for this item is included in the FY 19 Budget under the Encampment Cleanup Project.

There are no costs associated with the approval of Recommendation B.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: Pros and Cons Table
Attachment 2: Sample Letter

UNCLASSIFIED MANAGER:

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