



# Santa Clara Valley Water District Homeless Encampment Committee Meeting

Zoom Teleconference

## REGULAR MEETING AGENDA

Tuesday, July 20, 2021  
1:30 PM

**District Mission: Provide Silicon Valley safe, clean water for a healthy life, environment and economy.**

**HOMELESS ENCAMPMENT  
COMMITTEE**

Committee Chair:  
Director Richard P. Santos, District 3

Committee Vice Chair:  
Director Tony Estremera, District 6

Director John L. Varela, District 1

During the COVID-19 restrictions, all public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body, will be available to the public through the legislative body agenda web page at the same time that the public records are distributed or made available to the legislative body, or through a link in the Zoom Chat Section during the respective meeting. Santa Clara Valley Water District will make reasonable efforts to accommodate persons with disabilities wishing to participate in the legislative body's meeting. Please advise the Clerk of the Board Office of any special needs by calling (408) 265-2600.

COMMITTEE LIAISON:  
Sue Tippets

COMMITTEE CLERK:  
Natalie Dominguez, CMC  
Assistant Deputy Clerk II  
408-265-2659  
ndominguez@valleywater.org  
www.valleywater.org

**Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.**

**Santa Clara Valley Water District  
Homeless Encampment Committee**

**REGULAR MEETING  
AGENDA**

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Tuesday, July 20, 2021

1:30 PM

Zoom Teleconference

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**IMPORTANT NOTICES**

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the Committee, staff, and the public to participate and conduct the meeting by teleconference, videoconference, or both.

Members of the public wishing to address the Committee during a video conferenced meeting on an item not listed on the agenda, or any item listed on the agenda, should use the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in the order requests are received and granted speaking access to address the Committee.

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**Join Zoom Meeting:**

<https://valleywater.zoom.us/j/85953148407>

**Meeting ID: 859 5314 8407**

**Join by Phone: 1 (669) 900-9128, 85953148407#**

**1. CALL TO ORDER:**

1.1. Roll Call.

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

*Notice to the Public: Members of the public who wish to address the Committee on any item not listed on the agenda should access the "Raise Hand" tool located in Zoom meeting link listed on the agenda. Speakers will be acknowledged by the Committee Chair in order requests are received and granted speaking access to address the Committee. Speakers comments should be limited to three minutes or as set by the Chair. The law does not permit Committee action on, or extended discussion of, any item not on the agenda except under special circumstances. If Committee action is requested, the matter may be placed on a future agenda. All comments that require a response will be referred to staff for a reply in writing. The Committee may take action on any item of business appearing on the posted agenda.*

**3. APPROVAL OF MINUTES:**

3.1. Approval of April 20, 2021 Homeless Encampment Committee Meeting [21-0733](#)  
Minutes.

Recommendation: Approve the minutes.

Manager: Michele King, 408-630-2711

Attachments: [Attachment 1: 042021 HEC Meeting Minutes](#)

**4. ACTION ITEMS:**

- 4.1. Update on Current Strategies for Securing Valley Water Property. [21-0758](#)  
Recommendation: Receive information regarding the strategies and practices that Valley Water employs to secure its real property.  
  
Manager: Sue Tippets, 408-630-2253  
Attachments: [Attachment 1: Fencing Examples](#)  
Est. Staff Time: 5 Minutes
- 4.2. Update on Discussions with the County of Santa Clara Related to Potential Creation of a Memorandum of Understanding to Coordinate Responses to County Waterways Challenges. [21-0759](#)  
Recommendation: Receive an update on Valley Water's recent discussions with the County of Santa Clara (County) related to the potential creation of a Memorandum of Understanding (MOU) for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.  
  
Manager: Sue Tippets, 408-630-2253  
Est. Staff Time: 5 Minutes
- 4.3. Review and Consider Homeless Encampment Committee Name and Purpose. [21-0760](#)  
Recommendation: A. Review and discuss the Homeless Encampment Committee's name and purpose; and  
B. Provide input and recommendations as necessary.  
  
Manager: Sue Tippets, 408-630-2253  
Attachments: [Attachment 1: HEC Agenda Item 5.4 \(3-30-21\)](#)  
[Attachment 2: HEAHC Agenda Item 5 \(3-30-16\)](#)
- 4.4. Review 2021 Homeless Encampment Committee Work Plan. [21-0735](#)  
Recommendation: A. Review the 2021 Homeless Encampment Committee Work Plan, and make adjustments as necessary; and  
B. Select a date for the next 2021 Homeless Encampment Committee meeting.  
  
Manager: Michele King, 408-2630-2711  
Attachments: [Attachment 1: 2021 HEC Work Plan](#)

**5. INFORMATION ITEMS:**

**6. CLERK REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS.**

*This is an opportunity for the Clerk to review and obtain clarification on any formally moved, seconded, and approved requests and recommendations made by the Committee during the meeting.*

**7. ADJOURN:**

- 7.1. Adjourn to next meeting to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

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# Santa Clara Valley Water District

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**File No.:** 21-0733

**Agenda Date:** 7/20/2021  
**Item No.:** 3.1.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

**SUBJECT:**

Approval of April 20, 2021 Homeless Encampment Committee Meeting Minutes.

**RECOMMENDATION:**

Approve the minutes.

**SUMMARY:**

A summary of Committee discussions, and details of all actions taken by the Committee, during all open and public Committee meetings, is transcribed and submitted for review and approval.

Upon Committee approval, minutes transcripts are finalized and entered into the District's historical records archives and serve as historical records of the Committee's meetings.

**ATTACHMENTS:**

Attachment 1: 042021 HEC Meeting Minutes

**UNCLASSIFIED MANAGER:**

Michele King, 408-630-2711

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HOMELESS ENCAMPMENT COMMITTEE MEETING

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# MINUTES

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April 20, 2021  
2:00 PM

(Paragraph numbers coincide with agenda item numbers)

**1. CALL TO ORDER.**

A regular meeting of the Santa Clara Valley Water District (Valley Water) Homeless Encampment Committee (Committee) was called to order in the Valley Water Headquarters Board Room, 5700 Almaden Expressway, San Jose, California at 1:00 p.m.

1.1 Roll Call.

Committee members in attendance were District 1 Director John L. Varela, District 2 Director Barbara F. Keegan, and District 3 Director Richard P. Santos, Chairperson presiding, constituting a quorum of the Committee.

Staff members in attendance were J. Abbatelli, L. Bankosh, R. Barajas, M. Bilski, G. Brambill, D. Candelas, T. Chinte, J. Codianne, J. Collins, N. Dominguez, R. Fields, M. Ganjoo, L. Hoang, M. Keller, C. Kwok-Smith, J. Lee, C. Pilson, E. Serrano, S. Tippets, S. Tran.

Also, in attendance: Ms. Olympia Williams, City of San Jose.

**2. TIME OPEN FOR PUBLIC COMMENT ON ANY ITEM NOT ON THE AGENDA.**

Chairperson Santos declared time open for public comment on any item not on the agenda.

Ms. Gail Ann Osmer, of undisclosed residency, expressed concern for removal of portable toilets from encampment areas. The Committee referred Ms. Osmer's concerns to staff for follow-up and to respond to Ms. Osmer.

Mr. John Davis, San Jose resident, expressed concern for the continued destruction of the Coyote Creek embankment near his property and urged Valley Water to consider installing a natural rock retaining wall to prevent further erosion of the creek embankment.

### **3. ELECTION OF COMMITTEE OFFICERS.**

#### **3.1. Approval of Minutes.**

Recommendation: Approval of March 30, 2021 Homeless Encampment Committee Meeting Minutes.

The Committee considered the attached minutes of the March 30, 2021 Homeless Encampment Committee meeting. It was moved by Director Varela, seconded Director Keegan, and carried by roll call vote that the minutes be approved as presented.

### **4. ACTION ITEMS**

#### **4.1. Update on May 1, 2021 Coyote Creek Cleanup Event.**

Recommendation: A. Receive an update from staff regarding the planning for Valley Water's Coyote Creek Cleanup event scheduled for May 1, 2021; and  
B. Provide input and feedback to staff as necessary.

Mr. Mark Bilski, Senior Management Analyst, reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachment 1 were reviewed by Mr. Jason Imamura of Trash Punx.

Director Varela asked and received an explanation of how the unhoused would be notified of the upcoming clean up event.

Director Varela left the meeting.

Mr. Davis asked to receive information on the volunteer group that participates in clean up events with regard to cleaning within the stream flow and how Valley Water plans to follow-up on its cleanup efforts. Mr. Bilski explained that Valley Water would continue to monitor the creeks and schedule additional cleanup events as necessary. Mr. Davis's information request was referred to staff for a response.

Ms. Olympia Williams, City of San Jose, briefed the Committee on additional strategies being considered to protect resources, including the deployment of additional park rangers.

The Committee requested a discussion regarding strategies to secure Valley Water properties following cleanup events be added to its Work Plan.

Ms. Shawn, of unidentified residency, expressed concern for the potential increase in the homeless population upon expiration of temporary eviction protections and the impacts it could have to encampments.

Ms. Osmer suggested that Valley Water consider partnering with the City of San Jose to create housing opportunities.

Mr. Davis briefed the Committee on his activities to partner with the City and County to create housing opportunities.

4.2. Proposed Adjustments to Modifications to the Good Neighbor Program: Encampment Cleanup Project, Project F5 Under the Renewed Safe, Clean Water and Natural Flood Protection Program.

Recommendation: Review proposed text adjustments and Key Performance Indicator modifications for the Good Neighbor Program: Encampment Cleanup Project, Project F5 under the Renewed Safe, Clean Water and Natural Flood Protection Program, and provide feedback as necessary; and consider whether to recommend that the Board of Directors approve the text adjustments and set a time and place for a public hearing to modify Project F5.

Ms. Jessica Collins, Watersheds Business Planning and Analysis Manager, and Ms. Jennifer Codianne, Acting Deputy Operating Officer, reviewed the information on this item, per the attached Committee Agenda Memo.

Ms. Shawn expressed her opinion regard the continued breach of Valley Water properties following cleanup events and sweeping versus cleanup of encampments, and suggested that Valley Water consider sanctioned encampments and partnering with the local municipalities and other agencies to develop housing opportunities.

Chairperson Santos expressed concern for the use of the terms unhoused and homeless and suggested finding other terminology, e.g., encampment areas, and will work offline with staff to finalize text adjustments.

It was moved by Director Keegan, seconded by Chairperson Santos and carried by roll call vote to recommend that the Valley Water Board of Directors approve the amended text adjustments to the Good Neighbor Program: Encampment Cleanup Project, Project F5 Under the Renewed Safe, Clean Water and Natural Flood Protection Program and set a time and place for a public hearing to modify Project F5. Director Varela was absent.

4.3. Review Homeless Encampment Committee Name and Purpose.

Recommendation: A. Review and discuss the Homeless Encampment Committee's name and purpose; and  
B. Provide recommendations to staff as necessary.

Ms. Sue Tippetts, Interim Chief Operating Officer, reviewed the information on this item, per the attached Committee Agenda Memo.

Director Keegan suggested that action on this item be postponed to a time when all Committee members are present for a more comprehensive discussion and study of the Committee's purpose, to consider the root cause of the problem and identify responsibilities to engage other local agencies to collaborate on addressing the problem; and to provide Committee members an opportunity to discuss with Valley Water's Chief Executive Officer how to best orchestrate external agency participation.

Chairperson Santos continued Item 4.3, Review of Homeless Encampment Committee Name and Purpose to a future meeting.

4.4. Review 2021 Homeless Encampment Committee Work Plan.

- Recommendation:
- A. Review the 2021 Homeless Encampment Committee Work Plan, and make adjustments as necessary; and
  - B. Discuss and determine the 2021 Homeless Encampment Committee meeting schedule.

Ms. Natalie Dominguez, Assistant Deputy Clerk II, reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachment 1.

The Committee made the following additions to its Work Plan:

- Discuss Strategies for Securing Valley Water Property
- Review Homeless Encampment Committee Name and Purpose  
(Continued from 4/20/21)

**5. INFORMATION ITEMS.**

None.

**6. CLERK'S REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS AND RECOMMENDATIONS.**

Ms. Dominguez reviewed Committee Requests and Recommendations as follows:

Regarding Item 4.1: The Committee requested a discussion regarding strategies to secure Valley Water properties following cleanup events be added to its Work Plan.

Regarding Item 4.2: The Committee recommends that the Valley Water Board of Directors consider approving amended text adjustments to the Good Neighbor Program: Encampment Cleanup Project, Project F5 Under the Renewed Safe, Clean Water and Natural Flood Protection Program and set a time and place for a public hearing to modify Project F5.

Regarding Item 4.3: The Committee continued discussion of Item 4.3, Review of Homeless Encampment Committee Name and Purpose to a future meeting.

**8. ADJOURN.**

- 8.1. Adjourn to next regular meeting to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

Chairperson Santos adjourned the meeting at 2:30 p.m., to the next meeting to be called to order in compliance with the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20.

Natalie F. Dominguez, CMC  
Assistant Deputy Clerk

Approved:

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# Santa Clara Valley Water District

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**File No.:** 21-0758

**Agenda Date:** 7/20/2021

**Item No.:** 4.1.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Committee

**SUBJECT:**

Update on Current Strategies for Securing Valley Water Property.

**RECOMMENDATION:**

Receive information regarding the strategies and practices that Valley Water employs to secure its real property.

**SUMMARY:**

Valley Water is tasked with monitoring and assessing the need for securing approximately 275 miles of waterways throughout Santa Clara County. These waterways feature varying degrees of openness to access due to fragmented ownership, the existence of 70 miles of public creekside trails, and various other adjacent land uses.

In certain areas, Valley Water uses fencing to secure portions of creeks that it owns in fee title or where it has exclusive easement rights. Criteria and protocol for fencing is documented in Valley Water Quality and Environmental Management System (QEMS) instructions. Criteria for cost sharing with the adjacent property owner for property line fencing is accomplished through the Good Neighbor Fence Cost Sharing Program. Typical reasons to secure a location with fencing include preventing or limiting access to unsafe areas (e.g. steep banks or drop-offs), prohibiting vehicle or pedestrian access which could cause erosion, preventing vandalism and trash or debris dumping, limiting trespassing and the proliferation of illegal encampments, and in locations where Valley Water infrastructure precludes public use. A variety of fencing materials have been used including black vinyl coated fencing and 42-inch high fencing, but the predominant fencing employed is a standard 72-inch galvanized chain link in either 2-inch fabric for typical applications, or 1-inch fabric for areas more prone to cutting attempts. For areas that experience repeated fence cutting and illegal entry, Valley Water may use 3/4-inch #9 flat expanded metal attached to existing galvanized posts and rails. In all applications, galvanized frame gates are secured with chains and locks. See Attachment 1 for images of the different fence styles. Additionally, Valley Water posts "No Trespassing" signs on gates and fence lines along waterways and certain facilities. These signs are scripted per Valley Water standards and California Penal Code section 602(o), under which a person may be cited for refusing to leave land that is not open to the general public after being requested to do so.

Unsecured gates, cut fences, and other security issues are noted through staff inspections and notices received through Valley Water's Watershed Hotline, its Security Office, and online requests submitted via the Access Valley Water customer portal. Members of the public also call staff directly

to report access issues. In the past, if a fence were breached, it would be fixed as staff time allowed. Recognizing the time lapse of this practice, Valley Water recently entered into a contract with a fencing repair service to respond to cut fences throughout the County within 5 working days. This contract will allow staff to focus on core flood control work during typically busy times where staff availability is limited, such as during the Stream Maintenance Program season.

**ATTACHMENTS:**

Attachment 1: Fencing Examples

**UNCLASSIFIED MANAGER:**

Sue Tippets, 408-630-2253



## Types of Fencing Used to Secure Valley Water Property



2" Galvanized fence fabric with "No Trespassing" sign installed on gate



1" Galvanized fence fabric (barbed wire on top not typical)



$\frac{3}{4}$ " #9 flat expanded metal attached to gate frames

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# Santa Clara Valley Water District

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**File No.:** 21-0759

**Agenda Date:** 7/20/2021  
**Item No.:** 4.2.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Committee

**SUBJECT:**

Update on Discussions with the County of Santa Clara Related to Potential Creation of a Memorandum of Understanding to Coordinate Responses to County Waterways Challenges.

**RECOMMENDATION:**

Receive an update on Valley Water's recent discussions with the County of Santa Clara (County) related to the potential creation of a Memorandum of Understanding (MOU) for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.

**SUMMARY:**

Per direction given at the May 11, 2021 Board of Directors meeting, Valley Water staff have begun initial discussions with the County regarding development of an MOU to address challenges around waterways across Santa Clara County - including but not limited to the public health and environmental impact of homeless encampments. The Homeless Encampment Committee (Committee) has requested regular updates on these discussions.

Following that Board meeting, Valley Water staff met with County representatives to consider the goals and desired outcomes of the proposed MOU. Since May, staff has engaged in additional discussions with the County to identify possible roles, responsibilities, and costs. A follow-up meeting is scheduled for July 14; staff will provide the Committee with a verbal update regarding any relevant outcomes and details that are appropriate to disclose from the ongoing negotiations.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Sue Tippets, 408-630-2253

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# Santa Clara Valley Water District

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**File No.:** 21-0760

**Agenda Date:** 7/20/2021

**Item No.:** 4.3.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Committee

**SUBJECT:**

Review and Consider Homeless Encampment Committee Name and Purpose.

**RECOMMENDATION:**

- A. Review and discuss the Homeless Encampment Committee's name and purpose; and
- B. Provide input and recommendations as necessary.

**SUMMARY:**

At the March 30, 2021 meeting of Valley Water's Homeless Encampment Committee (Committee), under Agenda Item 5.4, the Committee considered staff's analysis and recommendation related to an anonymous suggestion to change the committee name. (See Attachment 1). The Committee requested a study session to consider a potential name change and, more broadly, to review and discuss the Committee's purpose.

### Committee Purpose

The Committee was established to discuss homelessness and encampment issues, and to bring discussion and recommendations back to the Board. The Homeless Encampment Ad Hoc Committee was initially chartered to: (1) Discuss public participation and public participant roles; (2) Discuss the Santa Clara County Housing Task Force request to adopt a Resolution; (3) Discuss use of District property for housing of the homeless; (4) Discuss the District's approach to homeless encampment abatement (sanitation vs. clean up); and (5) Discuss and/or prepare a District response to the County Housing Task Force request for Resolution, for presentation to the Board. On February 11, 2020, the Board of Directors made this a standing committee. In discussion of the Committee's purpose, committee members may wish to consider that several of the original chartered purposes have been completed or are no longer applicable, and that the number of individuals experiencing homelessness and the community approach to treatment of these individuals has evolved since the committee was formed.

At the Committee's March 30, 2016 meeting, under Agenda Item 5, staff and outside legal counsel presented an overview of Valley Water's legal authority to confront encampments (see Attachment 2). A key portion of staff's analysis states the following:

Unlike cities and counties that have broad powers to protect public health, safety and welfare of its residents, special districts only have powers to carry out the purposes granted to them.

Therefore, when evaluating proposals to address homelessness, the District must be mindful that expenditure of District resources advances only the purposes set forth in District Act. In advancing these purposes, the District not only has the powers expressly identified in the District Act, but also has implied powers essential in carrying out those powers. When relying on its implied powers to support the expenditure of District resources to address issues resulting from homeless encampments, the District must ensure its actions are meaningfully connected to the advancement of at least one of the purposes of the District Act.

The referenced purposes of the District Act are 1) water resources management for all beneficial uses; 2) flood protection; and 3) watershed stewardship in connection with the two purposes above.

### **Committee Name**

Staff's recommendation at the March 30, 2021 meeting was to change the Committee name to "Encampment Committee" (see Attachment 1). The Committee requested a study session to consider this recommendation within the context of a review of the Committee's purpose. The ultimate name that the Committee recommends may depend in large part on the outcome of its discussion of the purpose.

Pending that outcome, the Committee may consider staff's original recommendation of "Encampment Committee," which was underpinned by the observation that the term "homeless" is losing favor in some usage cases. Staff reached out to local agencies and service providers and learned that while references to "homeless individuals" are still generally acceptable, there is a conscious effort to avoid referring to "the homeless" as a singular group. Similarly, in news media, AP Stylebook editors presented guidance at the 2020 American Copy Editors Society conference recommending that journalists stop using the term "the homeless," which they deemed dehumanizing. Though the editors still consider the use of "homeless people" to be acceptable.

However, there is no current consensus as to universally acceptable terminology. There are many recent instances of local news publications making reference to "the homeless." Some quoted individuals self-identify as "homeless." One article even implied that a majority of people living on the streets self-identify in this way. Nonetheless, it is just as easy to find feedback from others who prefer alternate terms for their situation, such as "unhoused." There are myriad alternate terms that could be used in place of "homeless," as the American Copy Editors Society demonstrated with suggestions such as "unhomed," "people experiencing homelessness," "street involved," and "houseless."

Despite the lack of consensus, the observed fact that the term "homeless" may contribute to distress and stigmas against individuals who are themselves experiencing homelessness is enough to put its continued use into question. "Unhoused" and other alternatives have varying levels of acceptance, but it is likely that no single approach will be satisfactory to all. It is for this reason that staff recommended removing the qualifier altogether, leaving the name as "Encampment Committee," and avoiding the choice of a new term that itself could eventually be seen as unsuitable.

### **Recommendation**



In consideration of this analysis, staff requests that the Committee engage in its own discussion of the Committee's purpose and name and provide feedback or recommendations to staff as necessary. Any recommended changes to the purpose of the Committee will need to be brought to the full Board for consideration and approval.

**ATTACHMENTS:**

Attachment 1: HEC Agenda Item 5.4 (3/30/21)

Attachment 2: HEAHC Agenda Item 5 (3/30/16)

**UNCLASSIFIED MANAGER:**

Sue Tippets, 408-630-2253

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# Santa Clara Valley Water District

File No.: 21-0344

Agenda Date: 3/30/2021  
Item No.: 5.4.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

#### SUBJECT:

Receive CEO Input Box Suggestion to Rename the Homeless Encampment Committee to “Houseless Encampment Committee”.

#### RECOMMENDATION:

- A. Receive the CEO Input box suggestion to rename the Homeless Encampment Committee to “Houseless Encampment Committee”;
- B. Receive staff’s recommendation to change the committee name to “Encampment Committee”; and
- C. Provide input to staff.

#### SUMMARY:

On February 22, 2021 Valley Water’s ‘CEO Input’ email inbox received an anonymous suggestion to change the name of the Homeless Encampment Committee (Committee). The precise text of the request is as follows:

“Hello, Would the "Homeless Encampment Committee" ever consider updating the name to "Houseless Encampment Committee"? It would show compassion and Valley Water could be a leader and maybe other organizations would follow? I think it's a simple, yet profound statement in supporting and respecting humans that are experiencing so many challenges in life. Thanks for listening! :-)”

Staff conducted internal research and informally reached out to local organizations to gauge this topic. Valley Water’s Office of Racial Equity, Diversity & Inclusion (REDI) offered initial guidance that is backed up by the current trends on acceptable terminology:

While the term “homeless” is still commonly used among government agencies and various private groups in the sector, it may be losing favor. The term “unhoused” is often preferred when describing individuals experiencing homelessness-because although a person may lack housing, many in this situation do not feel that they lack a home. Incidentally, an internet keyword search suggests that “unhoused” is more often used over the functionally equivalent “houseless”. For the purposes of further analysis, staff will consider “unhoused” as the preferred alternative.

It is true that “homeless” continues to be used by many government organizations, including locally by the City of San José and County of Santa Clara. Although this is currently the case, public discourse continues to evolve around the topic. For the Committee (and Valley Water in general), it would appear both compassionate and forward-looking to use “unhoused” in place of “homeless” wherever possible. And as the CEO Input suggestion mentions, Valley Water could take a leadership stance in this regard.

Yet when referring to encampments, most sources will still use the term “homeless encampment.” Staff encountered examples of news outlets, blogs, and local service providers that strive to use “unhoused” when referring to people but still use the term “homeless encampment” when it is applicable. The REDI Office similarly advised that it could be acceptable to continue to use the term “homeless encampment” because it is not in reference to any individual person. Therefore, “Homeless Encampment Committee” can be understood as an acceptable name and the Committee would have justification in deciding not to make any changes at this time.

However, one local service provider offered advice that is both reasonable and proactive-while “homeless” is acceptable when used in the right context, it is always safer to pivot to “unhoused” when possible. In all, the Committee may want to consider erring on the side of safety by excising the use of the term “homeless” in favor of the term “unhoused” wherever feasible.

Regarding the matter at hand, staff’s ultimate recommendation is to update the name of the Committee. Such an update would show compassion as well as the Committee’s responsiveness to evolving conceptions of the unhoused community. While “Unhoused Encampment Committee” is one option to be considered, staff suggests removing the qualifier altogether and simplifying the name to “Encampment Committee”. This change would remove any current or prospective controversy and ensure that the focus will remain on the Committee’s work rather than its name.

**ATTACHMENTS:**

None.

**UNCLASSIFIED MANAGER:**

Sue Tippets, 408-630-2253



Committee: Homeless Encampment Ad Hoc  
Meeting Date: 03/30/16  
Agenda Item No.: 5  
Unclassified Manager: Anthony Fulcher  
Email: [afulcher@valleywater.org](mailto:afulcher@valleywater.org)

## COMMITTEE AGENDA MEMO

**SUBJECT:** Overview of District's Legal Authority to Confront Homeless Encampments

### RECOMMENDED ACTION:

Receive a presentation from outside counsel regarding the District's authority to address homeless encampments.

### SUMMARY:

The Santa Clara Valley Water District ("District") is a multi-purpose special district created by an enabling act of the State Legislature ("District Act"). The District Act sets forth the following purposes the District may pursue within its jurisdiction:

- Water resources management for all beneficial uses;
- Flood Protection; and
- Watershed stewardship in connection with the two purposes above

Unlike cities and counties that have broad powers to protect public health, safety and welfare of its residents, special districts only have powers to carry out the purposes granted to them. Therefore, when evaluating proposals to address homelessness, the District must be mindful that expenditure of District resources advances only the purposes set forth in District Act. In advancing these purposes, the District not only has the powers expressly indentified in the District Act, but also has implied powers essential in carrying out those powers. When relying on its implied powers to support the expenditure of District resources to address issues resulting from homeless encampments, the District must ensure its actions are meaningfully connected to the advancement of at least one of the purposes of the District Act.

### ATTACHMENT(S):

Attachment 1: Presentation: District Authority to Confront Homeless Encampments

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# District Authority to Confront Homeless Encampments

## Homeless Encampment Ad Hoc Committee Meeting March 30, 2016



**Adam W. Hofmann**, Senior Counsel  
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# The Long-Term Goal

Engage with the Santa Clara County Housing Task Force and others in their effort to address the ongoing issue of homelessness in Santa Clara County as part of a Santa Clara Valley Water District effort to reduce the financial costs and water-quality impacts of homeless encampments along local waterways



## The Santa Clara Valley Water District Act

The District Act establishes the District's public mission and its authority to pursue that mission.

# Express Authority Under the District Act

Section 5 of the District Act allows the District:

- To hold, use, enjoy, sell, let, and dispose of real and personal property of every kind . . . necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers;
- To prevent contamination, pollution, or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in the district;
- To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in the district or any of the officers thereof;

## Implied Authority Under the District Act

- The problem of homeless encampments in Santa Clara County waterways was not anticipated by the District Act
- Under California law, the District also has implied powers that are “essential to the limited, declared powers provided by its enabling act.”

## Implied Authority Under the District Act

- The District Act and the District's role in promoting water quality are the guiding principles
- The District's Board of Directors should evaluate a specific proposal and determine whether it necessarily advances that public mission
- The stronger the connection to water quality management, the clearer the authority

## Other Considerations

Depending on the specific nature of the project and the roles and responsibilities of all participants and stakeholders:

- Address risk of tort liability
- Ensure compliance with District’s “Water Resources Protection Ordinance” and all other permitting requirements
- Ensure compliance with any applicable environmental laws, *i.e.* CEQA, NEPA, CWA, ESA, etc.
- Need for further legal analysis once specific project roles are proposed

## Next Steps

- Engage with Santa Clara County Housing Task Force and other stakeholders to develop a specific project proposal
- Define roles and responsibilities amongst participants consistent with each participant's mission and core competencies
- Evaluate in detail homeless encampment impacts on District's public mission and resources and the anticipated benefits from the project proposal
- Present the proposal to the District's Board with detailed staff evaluation
- Develop plans for ongoing monitoring to evaluate success

# Questions?

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# Santa Clara Valley Water District

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**File No.:** 21-0735

**Agenda Date:** 7/20/2021  
**Item No.:** 4.4.

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## COMMITTEE AGENDA MEMORANDUM

### Homeless Encampment Ad Hoc Committee

**SUBJECT:**

Review 2021 Homeless Encampment Committee Work Plan.

**RECOMMENDATION:**

- A. Review the 2021 Homeless Encampment Committee Work Plan, and make adjustments as necessary; and
- B. Select a date for the next 2021 Homeless Encampment Committee meeting.

**SUMMARY:**

Work Plans are created and implemented by all Board Committees to increase Committee efficiency, provide advanced public notice of intended Committee discussions, and enable staff to prepare for meetings and respond to Committee direction. Work Plans are dynamic documents managed by Committee Chairs and are subject to change. Committee Work Plans also serve to assist in the preparation of Annual Committee Accomplishments Reports.

The 2021 Homeless Encampment Committee (HEC) Work Plan contains topics for discussion based on information from the following sources:

- Items referred to the Committee by the Board;
- Items requested by the Committee to be brought back by staff;
- Items scheduled for presentation to the full Board of Directors; and
- Items identified by staff.

The 2021 HEC Work Plan contained in Attachment 1 is presented for the Committee's review and to discuss and determine additional topics for discussion in 2021.

2021 Meeting Schedule:

The Committee will discuss and select a date and time for the next meeting. Establishing a meeting schedule is necessary to provide staff a basis for meeting planning, preparation and coordination of logistics.

**ATTACHMENTS:**

Attachment 1: 2021 HEC Work Plan

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**UNCLASSIFIED MANAGER:**  
Michele King, 408-2630-2711

## Homeless Encampment Committee 2021 Workplan

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
<b>Category</b>												
Update From Destination Home Regarding the 2020-2025 Community Plan to End Homelessness.			X									
Update on Rescheduled Coyote Creek Cleanup Event.			X	X								
Receive CEO Input Box Suggestion to rename the Homeless Encampment Committee to "Houseless Encampment Committee".			X									
Review HEC Name and Purpose				X			X					
Proposed adjustments and modifications to Good Neighbor Program				X								
Strategies for Securing Valley Water Property							X					
Update on Discussions with SCCO re Potential creation of MOU to coordinate Responses to County Waterways Challenges							X					
<b>Standing Items:</b>												
Approval of Minutes			X	X			X					
Review of Committee Work Plan			X	X			X					

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