Santa Clara Valley Water District
Homeless Encampment Committee Meeting

Teleconference Zoom Meeting

REGULAR MEETING
AGENDA

Tuesday, October 19, 2021
2:00 PM

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

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. 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.

Note: The finalized Board Agenda, exception items and supplemental items will be posted prior to the meeting in accordance with the Brown Act.
This meeting is being held in accordance with the Brown Act as currently in effect and Santa Clara Valley Water District Resolution 21-85, adopted on September 28, 2021, in compliance with the provisions of AB361 (Rivas), that allows attendance by members of the Board of Directors, Board Committees, District staff, and the public to conduct and participate in meetings of the legislative bodies by teleconference, videoconference, or both.

In accordance with the requirements of Gov. Code Section 54954.3(a), members of the public wishing to address the Board/Committee at a video conferenced meeting, during public comment or on any item listed on the agenda, should use the “Raise Hand” tool located in the Zoom meeting link listed on the agenda, at the time the item is called. Speakers will be acknowledged by the Board Chair in the order requests are received and granted speaking access to address the Board.

Santa Clara Valley Water District (Valley Water) in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access and/or participate in Valley Water Committee meetings to please contact the Clerk of the Board’s office at (408) 630-2711, at least 3 business days before the scheduled meeting to ensure that Valley Water may assist you.

This agenda has been prepared as required by the applicable laws of the State of California, including but not limited to, Government Code Sections 54950 et. seq. and has not been prepared with a view to informing an investment decision in any of Valley Water’s bonds, notes or other obligations. Any projections, plans or other forward-looking statements included in the information in this agenda are subject to a variety of uncertainties that could cause any actual plans or results to differ materially from any such statement. The information herein is not intended to be used by investors or potential investors in considering the purchase or sale of Valley Water’s bonds, notes or other obligations and investors and potential investors should rely only on information filed by Valley Water on the Municipal Securities Rulemaking Board’s Electronic Municipal Market Access System for municipal securities disclosures and Valley Water’s Investor Relations website, maintained on the World Wide Web at https://emma.msrb.org/ and https://www.valleywater.org/how-we-operate/financebudget/investor-relations, respectively.
Under the Brown Act, members of the public are not required to provide identifying information in order to attend public meetings. Through the link below, the Zoom webinar program requests entry of a name and email address, and Valley Water is unable to modify this requirement. Members of the public not wishing to provide such identifying information are encouraged to enter “Anonymous” or some other reference under name and to enter a fictional email address (e.g., attendee@valleywater.org) in lieu of their actual address. Inputting such values will not impact your ability to access the meeting through Zoom.

Join Zoom Meeting:

https://valleywater.zoom.us/j/83937945203

Meeting ID: 839 3794 5203

Join by Phone: 1 (669) 900-9128, 83937945203#

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 July 20, 2021 Homeless Encampment Committee Meeting Minutes. 

   Recommendation: Approve the minutes.

   Manager: Michele King, 408-630-2711

   Attachments: Attachment 1: 072021 HEC Meeting Minutes

   Est. Staff Time: 5 Minutes

4. **ACTION ITEMS:**
4.1. Review and Consider Homeless Encampment Committee Name and Purpose.

**Recommendation:**
A. Review and discuss the Homeless Encampment Committee name and purpose;
B. Update the Committee purpose to remove obsolete language and align with current approaches; and
C. Choose one of three (3) staff-recommended options to address whether to update the Committee name.

*Manager:* Sue Tippets, 408-630-2253  
*Est. Staff Time:* 5 Minutes

4.2. Update on Fencing Repair Contractor Response Times.

**Recommendation:** Receive information regarding the expected response time of Valley Water’s recently retained fencing repair contractor.

*Manager:* Sue Tippets, 408-630-2253  
*Est. Staff Time:* 5 Minutes

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

**Recommendation:** Receive an update on Valley Water's ongoing 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


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

*Manager:* Michele King, 408-2630-2711  
*Attachments:*  
Attachment 1: 2021 HEC Work Plan  
Attachment 2: 2022 HEC Work Plan - Draft

*Est. Staff Time:* 5 Minutes

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 the next Regular Meeting to be called to order by the Committee Chair in compliance with the Brown Act as currently in effect and Santa Clara Valley Water District Resolution 21-85, adopted on September 28, 2021, in compliance with the provisions of AB361 (Rivas).
COMMITTEE AGENDA MEMORANDUM

Homeless Encampment Ad Hoc Committee

SUBJECT:
Approval of July 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: 072021 HEC Meeting Minutes

UNCLASSIFIED MANAGER:
Michele King, 408-630-2711
1. CALL TO ORDER.

A regular meeting of the Santa Clara Valley Water District (Valley Water) Homeless Encampment Committee (Committee) was called to order via Zoom teleconference at 1:38 p.m.

1.1 Roll Call.

Committee members in attendance via Zoom teleconference were District 1 Director John L. Varela and District 2 Director Barbara F. Keegan. District 3 Director Richard P. Santos, Chairperson presiding, attended from Valley Water Headquarters Building, Conference Room A-124, 5700 Almaden Expressway, San Jose, California, constituting a quorum of the Committee.


Guest attendance: Mr. John Davis, San Jose resident.

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.

Mr. John Davis, San Jose resident, expressed concern for the continued destruction of the Coyote Creek embankment near his property and notification of planned creek cleanup events to the unhoused.
3. **APPROVAL OF MINUTES:**

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

Recommendation: Approve the Minutes.

The Committee considered the attached minutes of the April 20, 2021 Homeless Encampment Committee meeting. It was moved by Director Varela, seconded Director Santos, and carried that the minutes be approved as presented.

4. **ACTION ITEMS:**

4.1. 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.

Ms. Sue Tippets, Chief Operating Officer, reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Attachment 1 were reviewed by Ms. Jennifer Codianne, Deputy Operating Officer.

Mr. Davis asked for and received an explanation of Valley Water’s process for purchasing property and related budget information.

Director Keegan expressed appreciation for staff’s efforts to coordinate an expedited, responsive process to repair fences to secure Valley Water property.

The Committee requested to receive updates regarding the contractor’s fence repair response time.

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.

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.

Ms. Tippets reviewed the information on this item, per the attached Committee Agenda Memo, and the corresponding presentation materials contained in Handout 4.1-A were reviewed by Mr. Donald Rocha, Deputy Administrative Officer. Staff explained the activities and challenges regarding notification of planned creek clean up events, and activities to obtain Santa Clara County Board of Supervisors’ input on the proposed MOU.
Chair Santos requested that the MOU include a provision to enable the agencies to cross boundaries for the purpose of coordinated cleanups.

The Committee requested to receive regular updates on the development of an MOU for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.

4.3. 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.

Ms. Tippets and Mr. Mark Bilski, Senior Management Analyst, reviewed the information on this item, per the attached Committee Agenda Memo.

The Committee requested that staff research common terminology used by other agencies to describe the homeless community and bring this information back to the next meeting for further discussion.


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.

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 noted the information without formal action.

5. INFORMATION ITEMS.

None.

6. CLERK’S REVIEW AND CLARIFICATION OF COMMITTEE REQUESTS AND RECOMMENDATIONS.

Ms. Dominguez confirmed there were no formal requests or recommendations for Board consideration and reviewed Committee requests as follows:

Regarding Item 4.1:

The Committee requested to receive updates regarding the contractor’s fence repair response time.
Regarding Item 4.2:

The Committee requested to receive regular updates on the development of an MOU for the purpose of coordinated responses to challenges around waterways throughout Santa Clara County.

Regarding Item 4.3:

The Committee requested that staff research common terminology used by other agencies to describe the homeless community and bring this information back to the next meeting for further discussion.

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 2:35 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:
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 name and purpose;
B. Update the Committee purpose to remove obsolete language and align with current approaches; and
C. Choose one of three (3) staff-recommended options to address whether to update the Committee name.

SUMMARY:
At the March 30, April 20, and July 20, 2021 meetings of Valley Water’s Homeless Encampment Committee (Committee), the Committee considered staff analysis and engaged in a study session to review the Committee’s purpose and consider an update to its name. Discussion of this topic originated with an anonymous employee suggestion via the CEO Inbox to update the name by removing or replacing the term “homeless.” The following examination represents staff’s analysis and recommendations.

Committee Purpose

The Committee was established to discuss homelessness and encampment issues and to bring discussion and recommendations back to the Board. It 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 Valley Water property for housing of the homeless;
(4) Discuss the Valley Water’s approach to homeless encampment abatement (sanitation vs. clean up); and
(5) Discuss and/or prepare a Valley Water response to the County Housing Task Force’s request for a Resolution, for presentation to the Board.

Of the original chartered purposes, (2) and (5) have been completed. The remaining purposes (1), (3), and (4) remain critical topics, especially as the number of individuals experiencing homelessness has increased and the community approach to treatment of these individuals has evolved since the Committee was formed.
Regarding purpose (1), public participation and participant roles will always be relevant topics of discussion for this Committee. Similarly, under purpose (4), discussion of Valley Water’s approach to encampments remains essential as it relates to Valley Water’s environmental stewardship goals. But in regard to purpose (3), while discussion of the potential use of Valley Water property for housing is an important and recurring topic, staff recommends folding it into a broader solutions-based discussion of Valley Water’s approach to encampments rather than specifically delineating it as a primary point of discussion for the Committee.

Recommendation 1: In consideration of the above analysis, staff recommends updating the Committee purpose and refining the language to the following:

The purpose of the Homeless Encampment Committee is to discuss homelessness and encampment issues and bring discussion and recommendations back to the Board. The Committee is chartered to:

(1) Discuss public participation and public participant roles in addressing the socio-environmental crisis caused by lack of housing in Santa Clara County; and
(2) Discuss Valley Water’s approach to preventing or mitigating the negative environmental effects of encampments located near waterways or on Valley Water property, including but not limited to consideration of solutions that might result in fewer individuals residing in these locations.

Committee Name

The CEO Inbox received an anonymous suggestion to change the Committee name to Houseless Encampment Committee. This suggestion exemplifies a shifting viewpoint regarding the use of the term “homeless,” which has become outdated in some circles as a way to describe groups of individuals experiencing homelessness-e.g., collectively “the homeless.” Anecdotally, through media reports and interviews, staff observes that this term may contribute to personal distress as well as stigma against individuals who are experiencing homelessness.

However, there is a lack of consensus as to whether the term “homeless” has become wholly inappropriate. Locally, neither the County of Santa Clara nor the City of San Jose utilize an official glossary of terms nor have they outright rejected the use of the term “homeless.” Among some in the media and in various communities and organizations, the use of “unhoused” has gained favor over “homeless” when referring to individual persons-e.g., an “unhoused teenager.” But in general, there is no public agreement as to a single preferred term.

More relevant to the current analysis, references to “homeless encampments” are still widely considered appropriate. At the federal level, the U.S. Department of Housing and Urban Development commissioned a 2020 report entitled Exploring Homelessness Among People Living in Encampments and Associated Cost, in which the term “homeless encampment” is used interchangeably with the simplified “encampment.” The Cities of San Jose and Santa Clara still utilize the term “homeless encampment” on their respective websites and in written materials. And Valley Water’s own Office of Racial Equity, Diversity & Inclusion (REDI) advised that “homeless
encampment” remains an appropriate descriptive term because it does not refer to a person or persons. Therefore, because the Committee’s current name is a reference to homeless encampments in particular, the Committee would be justified in recommending no change to its name.

Nonetheless, while perhaps not imperative, staff believe that removing the word “homeless” from the Committee name would be a sensible decision at this time. Such an update would allow the Committee to stay ahead of evolving public discourse and align with similar changes elsewhere. For example, as recommended by the Committee, the Board recently approved text modifications to “The Good Neighbor Program: Encampment Cleanup project (Project F5)” under the renewed Safe, Clean Water and Natural Flood Protection Program. These modifications removed the term “homeless” as a qualifier before “encampment” as it was deemed unnecessary.

Recommendation 2: Staff recommends that the Committee address the anonymous suggestion to update the Committee name by choosing one of the following options:

Option 1: Recommend no change and continue as the Homeless Encampment Committee. As discussed above, the Committee would have sufficient justification in choosing this option.

Option 2 (staff-preferred option): Recommend that the Board update the Committee name to staff’s recommendation of Encampment Committee, which eliminates the unnecessary qualifying term “homeless.”

Option 3: Recommend that the Board update the Committee name to any other name that the Committee may choose at its discretion.

ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Sue Tippets, 408-630-2253
COMMITTEE AGENDA MEMORANDUM

Homeless Encampment Committee

SUBJECT:
Update on Fencing Repair Contractor Response Times.

RECOMMENDATION:
Receive information regarding the expected response time of Valley Water’s recently retained fencing repair contractor.

SUMMARY:
At the July 20, 2021 Homeless Encampment Committee meeting, the Committee received an update on Valley Water’s current strategies for securing its real property. In order to expedite the repair of breached fences throughout the county, Valley Water has recently entered into a contract with a fencing repair service. The Committee requested additional details regarding the fencing contractor’s response time and how long it may take to complete repair jobs.

Watersheds Operations and Maintenance staff report that the fencing repair contractor is still working out preliminary logistical details and will be ready to begin the contracted work soon. While there is no actual data on response times yet, relevant language had previously been inserted into the contract:

Contractor shall:

a. Respond to Valley Water staff within two business days confirming receipt of request for services and complete repair within five business days.

b. After a fence repair is complete, return to site in 5 to 10 business days to ensure the fence wasn’t recut. If a repair is needed on the return visit, vendor will perform a second fence repair and bill Valley Water. Each inspection and repair will continue until fence remains in secure, proper condition.

As staff waits for the contractor to begin the contracted activities, Valley Water supervisors have been filling in the gaps to fix holes in fencing during the Stream Maintenance Program season, usually completing repairs within a day or two of receiving a complaint. Once the contractor’s operation is in full swing, this will allow for a more proactive approach to fence repair and for staff to focus on core flood protection work during busy times where staff availability is typically limited.
ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Sue Tippets, 408-630-2253
COMMITTEE AGENDA MEMORANDUM

Homeless Encampment Committee

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

RECOMMENDATION:
Receive an update on Valley Water's ongoing 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 continues to engage in 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.

Valley Water and County staff have met and discussed possible roles, responsibilities, costs, and desired outcomes of the proposed MOU. Staff will provide the Committee with a verbal update regarding any relevant developments and details that are appropriate to disclose from the ongoing negotiations.

ATTACHMENTS:
None.

UNCLASSIFIED MANAGER:
Sue Tippets, 408-630-2253
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 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 (Attachment 1) and 2022 HEC Work Plan - Draft (Attachment 2) are presented for the Committee's review and to discuss and determine additional topics for discussion.

Meeting Schedule:

The Committee will discuss and select a date and time for the next HEC 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
Attachment 2: 2022 HEC Work Plan - Draft
UNCLASSIFIED MANAGER:
Michele King, 408-2630-2711
## Homeless Encampment Committee 2021 Workplan

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### Standing Items:

- **Election of Officers**: x
- **Approval of Minutes**: x x x x x
- **Review of Committee Work Plan**: x x x x x
Homeless Encampment Committee 2022 Workplan

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<td>Update on Contractor Fence Repairs and Response Time</td>
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<td>Update on Discussions with SCCO re Development of an MOU to Coordinate Responses to County Waterways Challenges</td>
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**Standing Items:**

- Election of Officers
- Approval of Minutes
- Review of Committee Work Plan

**Proposed 2022 HEC Meeting Dates:**

- January 18, 2022
- April 19, 2022
- July 19, 2022
- October 18, 2022