



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: John Stufflebean

**SUBJECT: AGREEMENT WITH WATER
DISTRICT FOR TRASH
PREVENTION AND REMOVAL**

DATE: 01-22-08

Approved

Date

2/1/08

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Approval of a Memorandum of Agreement with the Santa Clara Valley Water District for Trash Prevention and Removal to supersede the agreement executed in 2004 and include City support for cleanup of illegal creekside encampments within City boundaries.

OUTCOME

This Memorandum of Agreement (MOA) will supersede the existing MOA between the City and the Santa Clara Valley Water District (District) for Trash Prevention and Removal, continuing existing coordination efforts and partnered trash cleanup events, and expanding the partnership to restore illegal encampment cleanup efforts within San José to FY 2006-07 levels.

BACKGROUND

The 2007 Santa Clara County Homeless Count identified approximately 4,300 homeless individuals in San José. Of that number, 3,200 are unsheltered. It is not uncommon for unsheltered homeless individuals and families to establish encampments along creeks and streams, which provide tree cover and some shelter and privacy for the campsites. The 2007 count indicated that there were 712 people living in a total of 163 homeless encampments, with an average of 4.4 people in each site. These encampments by their nature are ad hoc affairs, built of whatever materials are available, and lack sanitation and garbage collection. Because they are generally built in the riparian corridors, the encampments are damaging the ecosystem by polluting the streams with human waste and garbage, eroding the banks by digging more permanent tent sites, interfering with mitigation efforts, and destroying the riparian vegetation and habitats.

Numerous efforts are currently underway to address the myriad issues associated with this problem. For example, the Countywide Blue Ribbon Commission on Ending Homelessness and Solving the Affordable Housing Crisis is developing a plan to provide appropriate and affordable housing for all residents. The Silicon Valley Anti-litter Campaign, the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program), the City's Anti-Graffiti and Litter Program, various City, County, and the District programs, and groups of creek advocates are all attempting to address the broader issue of trash along the streets and creeks.

The District recently reduced program resources for the cleanup of illegal encampments. One aspect of the District's Clean Safe Creeks program is the cleanup of illegal encampments near streams. Since 2000, the District has been cleaning up trash including abandoned or small active encampments an average of one weekday per week, approximately 45 days per year. In coordination with the San José Police Department Metro Unit, the District also has been helping to dismantle and clean large active encampments one Saturday per month, approximately 10 days per year. In the 2007-08 District budget, funds for the weekday program were cut to implement only 22 days per year, and limited to only abandoned encampments. In addition, participation in the weekend cleanup program was eliminated.

Cleaning up trash and illegal encampments in creeks is just one of many efforts to address both litter and homelessness in the City. Partnership between the City and District to remove illegal encampments on creeks is needed to ensure that the cleanup facet of the overall trash management efforts is done both safely and efficiently. Both agencies bring unique resources to bear, ensuring that this important cleanup service is implemented with the utmost safety for City and District staff performing the work by providing Police services, the utmost sensitivity for the homeless individuals by offering emergency housing services and storing personal property for later retrieval, and the utmost environmental stewardship by removing sources of pollution from the City's creeks.

ANALYSIS

The City and District both have a strong interest in cleaning up illegal encampments along the City's creeks for multiple reasons. In addition to the paramount concern for the health and safety of residents of encampments, is the need to address the generation of trash and other pollutants in streams, which potentially degrade water quality and the health of the watershed. The District's cleanup efforts are, in large part, funded by a parcel tax passed by the voters in 2000 to "*protect, enhance and restore healthy creek and bay ecosystems; provide additional open space trails and parks along creeks; and provide clean, safe water in our creeks and bays...*" In addition, the City and District, together with the County and the rest of the cities in the county north of Cochrane Road, are partners in the Program. The Program manages and implements a joint NPDES permit designed to improve the quality of the water flowing into local creeks and the Bay. Trash is one of the pollutants of concern for the Program.

In September 2004, the City and District approved a MOA to increase the coordination of trash removal and prevention programs in order to improve the efficiency and effectiveness of each agency's individual efforts. The 2004 MOA included the following activities:

- creation of a Joint Trash Team comprised of staff from both agencies to evaluate and implement partnership opportunities;
- development of a program contact list to facilitate efficient handling of program and service inquiries across agencies;
- evaluation of maintenance, enforcement, and outreach efforts related to trash to improve coordination and identify partnership activities; and
- implementation of up to three partnered cleanups of trash accumulations in and near creeks, beyond those cleanups normally conducted by each agency.

Since the MOA was adopted, the City and District have collected approximately 57 tons of trash in ten partnered cleanup events. The proposed MOA will continue the efforts listed above and substantially increase the level of partnership by adding coordinated support for the illegal encampment cleanup programs, with the goal of restoring the 2006-07 level of cleanup efforts.

The District has used funds from its Clean Safe Creek program to clean up creek-side homeless encampments. However, the extent of the needed cleanups exceeds the resources available for these efforts. The District in its 2007-08 budget reduced the cleanup program significantly, eliminating the cleanup of active encampments and reducing the frequency of inactive encampment cleanups from approximately 45 times per year to 22 times per year. The City and District are interested in working cooperatively in order to restoring the FY 2007-08 frequency to the FY 2006-07 levels.

	FY 2006-07 Frequency	FY 2007-08 Frequency District Budget	Proposed MOA
Inactive and small active encampments	1 day/week x 45 weeks per year	1 day/week x 22 weeks per year	1 day/week x 45 weeks per year (Weekly program)
Large active encampments	1 Saturday per month x 10 months/year	District participation cancelled	1 Saturday per month x 10 months/year (Monthly program)

In order to restore the 2006-07 level of service, the City and District will need to partner on the cleanups within San José. The City's Police, Housing, Transportation and Environmental Services Departments will continue to provide a coordinated response to ensure that during the encampment cleanups, camp users are offered appropriate assistance, their possessions are properly managed, and operations conducted are effective and efficient. The District will lead the planning effort and supervise the San José Conservation Corps crew for the weekly cleanups. The monthly cleanups will continue to be done by the Alternate Work crews provided by the County Department of Corrections, obtained and supervised by Police staff. The Police

Department will post notices of cleanups a minimum of 72 hours in advance, and store personal possessions that are found to give the owners the opportunity to reclaim them. The Housing Department will be notified of all cleanups so that they can coordinate the delivery of homeless services to the camp users. For both the weekly and monthly programs, the City will provide disposal of trash and bulky items collected. The City has already been responsible for disposal from the monthly program, approximately 300 tons per year. The maximum amount of additional waste to be disposed of by the City as a result of the partnership on the weekly program is 200 tons per year. The District will provide disposal of hazardous waste and provide supplies and equipment. In addition, the new MOA proposes to increase the maximum number of partnered cleanups for trash sites not necessarily associated with encampments from three to five. Both the City and District feel that these partnered cleanups are important, and increasing the upper threshold will allow both agencies to respond to cleanup needs in a coordinated and timely manner. A summary of roles and responsibilities for the cleanup programs is shown in Attachment A.

In recognition that the problem of homeless encampments will not be eliminated in the immediate future, the City will explore methods of working with homeless individuals to mitigate the impact of creekside activities. The City will also encourage the participation of environmental advocacy groups in outreach services to the homeless, such as the Project Homeless Connect events, to foster understanding of the issue from the perspective of homeless campers, as well as involve them in raising community awareness of the broader issue of homelessness and the need for multiple resources to solve this problem in the long term.

EVALUATION AND FOLLOW-UP

This partnership will improve the riparian habitat by removing approximately 550 tons of trash along creeks. In addition, by restoring the prior level of cleanup efforts, the aesthetics of the City will improve. The results will be tracked annually; the results will be reported through the District and City's annual reports for Urban Runoff Management Plans, through the Clean Safe Creeks Program Oversight Committee report, and through the annual update on City-District partnerships provided to the Board and Council. These reports will recommend changes to the program if appropriate, and next steps.

PUBLIC OUTREACH/INTEREST

This MOA was developed in close conjunction with District staff, with collaboration occurring in person and via e-mail communication. Public outreach on the importance of creek cleanups has been part of City and District watershed education efforts since 1995. The City and District sponsor creek cleanups, adopt-a-creek groups, media campaigns, and education to school children, all to reinforce this message. Information on this proposed cooperative effort has been shared with the stakeholders from the Watershed Management Initiative and with other groups interested in protecting the creeks. Recently, some of these creek advocates have also

approached the Silicon Valley Anti-Litter Campaign, requesting that litter in the creeks be added to the Campaign's areas of concern. Staff worked with these advocates as this program has been developed.

Although this action does not meet any of the criteria below, this memorandum is posted on the City's website for the Council Agenda of December 11, 2007.

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

This recommendation and the MOA has been coordinated with the Departments of Housing; Police; Transportation; and Parks, Recreation and Neighborhood Services; and the City Attorney's Office.

It was also coordinated with program staff at the Water District. On January 8, 2008, the Water District Board of Directors unanimously approved execution of this Trash MOA.

COST SUMMARY/IMPLICATIONS

The costs of this agreement can be addressed within the adopted 2007-08 budget. No additional funds are requested at this time.

All of the City costs associated with the MOA are currently managed within existing budgets, including staff time and disposal costs for the existing monthly cleanup program led by the Police Department and the existing partnered cleanup and coordination efforts. The following are the estimated additional City costs associated with the expanded scope of this MOA:

City Costs	Prior to 7/07	Proposed	Funded by	Cost Changes
Disposal tonnage	\$7,000	\$13,000	General Fund 001	+ \$6,000
Bulky Item Disposal	Minimal	\$ 4,515	Storm Sewer Fund 446	+ \$4,515
Supervision - ESD	0	\$20,893	General Fund 001	+ \$20,893
Supervision - PD	\$70,000	\$70,000	General Fund 001	0
Police Posting Notices	\$3,200	\$8,000	General Fund 001	+ \$4,800
Police Property Management	Minimal	Minimal	General Fund 001	Minimal
Housing Intervention	\$15,000	\$25,000	Low and Moderate Income Housing Fund 443	+ \$10,000

CEQA

Exempt, File No. PP04-248


JOHN STUFFLEBEAN
Director, Environmental Services

For questions please contact Melody Tovar, Deputy Director, Environmental Services Department, at 408-277-3892.

Attachment

Attachment A

CITY-DISTRICT TRASH MOA – TRASH CLEANUP PROGRAM CHANGES

	Weekly Encampment Program (Inactive and small active encampments)		Monthly Encampment Program (Large active encampments)		Partnered Cleanups	
	Prior to 7/07	Proposed	Prior to 7/07	Proposed	Prior to 7/07	Proposed
Frequency	1 day/week x 45 weeks per year	1 day/week x 45 weeks per year	1 Saturday per month x 10 months/year	1 Saturday per month x 10 months/year	Up to 3 per year	Up to 5 per year
Source of workers	SJ Conservation Corps	SJ Conservation Corps	Dept of Corrections	Dept of Corrections	SJ Conservation Corps or Dept of Corrections	SJ Conservation Corps or Dept of Corrections
Workers funded by	District	District	Dept of Corrections	Dept of Corrections	District	District
Supervision	District	District + City	District + City PD	District + City + City PD	District + City	District + City
Cleaning gear & supplies	SJ Conservation Corps	SJ Conservation Corps	District	District	District	District
Posting notices	District	City PD	City PD	City PD	Either party as needed	Either party as needed
Housing intervention	NA	SJ Housing	SJ Housing	SJ Housing as needed	None	SJ Housing as needed
Hauling responsibility	District	District	District	District	District or City	District or City
Trash Disposal	District	City	City	City	City	City
Tonnage (per year)	150 tons	200 tons maximum	298 tons	350 tons estimated	13 tons	20 tons estimated
Bulky Item Transport and Disposal	District	City	District transport, City disposal	City	District or City	District or City