



Santa Clara Valley Water District

File No.: 24-0542

Agenda Date: 6/25/2024

Item No.: 4.8.

BOARD AGENDA MEMORANDUM

Government Code § 84308 Applies: Yes No
(If "YES" Complete Attachment A - Gov. Code § 84308)

SUBJECT:

Denial of Claim of Brigitte Rince.

RECOMMENDATION:

Deny the Claim.

SUMMARY:

Santa Clara Valley Water District (Valley Water) received two claims on February 5, 2024, from property owner, Brigitte Rince regarding fence and gate damage at 967 Chynoweth Avenue in San Jose. According to the claimant, it is alleged that unhoused individual(s) damaged the property's front door and side gate.

For the first filed claim, the claimant sought \$2,986.00 for a new front door and labor installation. The second filed claim was for \$1,000.00 for a new gate and labor installation. The combined total for both claims was \$3,986.00. However, proof of payment was not included with either claim. Staff requested expense documentation and it was mutually agreed that the out-of-pocket expenses was \$1,450.00. Attempts to amicably resolve the claims were unsuccessful.

California law provides sovereign immunity to public entities. A public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person, except as otherwise provided by statute. Public entities like Valley Water are entitled to sovereign immunity even where non-public-entities would be liable under the general principles of tort law, such as negligence.

Specifically, Valley Water is not responsible for the acts of intentional acts of third parties. Here, the claims are based exclusively on intentional acts by individuals who are not employees of nor controlled by Valley Water. Therefore, Valley Water is not liable for these claims and their denial is recommended.

ENVIRONMENTAL JUSTICE AND EQUITY IMPACT:

There are no Environmental Justice Impacts associated with this item.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

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: Claim #1

Attachment 2: Claim #2

UNCLASSIFIED MANAGER:

J. Carlos Orellana, 408-630-2755