



Santa Clara Valley Water District

File No.: 18-1135

Agenda Date: 1/22/2019
Item No.: 3.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Claim of Daniel Liu.

RECOMMENDATION:

Deny the claim.

SUMMARY:

The District received a claim on October 2, 2018 from San Jose resident, Daniel Liu. Mr. Liu resides at 6610 Camden Avenue (District 4). According to the claimant, a large branch from a tree on District property, fell into his backyard damaging the wooden fence, a metal fence, flowers and lamp post lights. The claimant is seeking unspecified monetary relief for these damages.

Risk Management has investigated this matter. Risk Manager conducted a site visit to assess the claim's validity.

The California Government Tort Claims Act and the California Government Claims Act 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. The Act provides sovereign immunity where the government would otherwise be liable under the general principles of tort law, such as negligence.

Staff has determined that there is no negligence on the part of the District. Therefore, there is no liability on the part of the District, and staff recommends that the claim be denied.

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.

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ATTACHMENTS:

Attachment 1: Claim

UNCLASSIFIED MANAGER:

Stan Yamamoto, 408-630-2755