



Santa Clara Valley Water District

File No.: 22-0946

Agenda Date: 9/13/2022
Item No.: 3.5.

BOARD AGENDA MEMORANDUM

SUBJECT:

Denial of Claim of Andres Carrasco.

RECOMMENDATION:

Deny the claim.

SUMMARY:

Santa Clara Valley Water District (Valley Water) received a claim on July 19, 2022, from San Jose resident, Andres Carrasco. Claimant resides at 4649 Hampton Falls Place in San Jose which is near the Guadalupe River Trail. According to the claimant, on June 11, 2022, at approximately 7:05 pm, a large double paned window was broken by a vandal using a rock thrown from Guadalupe River.

The claimant is seeking reimbursement for \$1,695.00 for the repair of the window.

According to this claim, two previous claims had been submitted previously for broken windows, however our records indicate only one previously filed claim. That particular claim was received on October 29, 2019, for a window broken on June 6, 2019 and that claim was denied by the Board of Directors on November 26, 2019.

Risk Management has investigated this matter and determined that Valley Water is not responsible for the damage to the window. The damage was caused by the criminal conduct of a third party, and there was no negligence on the part of Valley Water. Therefore, there is no liability on the part of Valley Water, and staff recommends that the claim be denied.

ENVIRONMENTAL JUSTICE 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

UNCLASSIFIED MANAGER:

Carlos Orellana, 408-630-2755