



# Santa Clara Valley Water District

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**File No.:** 22-1023

**Agenda Date:** 9/13/2022

**Item No.:** 3.6.

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## **BOARD AGENDA MEMORANDUM**

### **SUBJECT:**

Denial of Claim of Monarch Landscape, LLC. on behalf of Alan Araujo Algandar.

### **RECOMMENDATION:**

Deny the claim.

### **SUMMARY:**

Santa Clara Valley Water District (Valley Water) received a claim on June 14, 2022, from Danny Alvarenga, Risk Management Analyst representing Jensen Landscape dba Monarch Landscape, LLC. (Monarch). Monarch has paid Workers' Compensation on behalf of their employee, Alan Araujo Algandar, and seeks to recoup those funds from Valley Water. Mr. Algandar is a landscape gardener and on May 13, 2022, he was standing near a trash compactor operated by a Valley Water employee. Mr. Algandar was hit by the trash compactor and sustained injuries to his shoulder, back and chest. He has filed a Workers' Compensation claim against his employer, Monarch, who has filed a subrogation claim against Valley Water. The claim amount is unknown.

Risk Management conducted extensive research to locate contract documents in order to review contract language. After a thorough review, Risk Management affirms that the contract agreement contains our standard insurance clauses which include a waiver of subrogation for all Workers' Compensation claims in favor of Valley Water. This means that Monarch contractually cannot sue Valley Water for any injury to its employee. Therefore, Valley Water is not liable to Monarch, 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:**

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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