



Santa Clara Valley Water District

File No.: 17-0811

Agenda Date: 12/12/2017

Item No.: 3.6.

BOARD AGENDA MEMORANDUM

SUBJECT:

Claim of Mary Rea, et al.

RECOMMENDATION:

Deny the Claim of Mary Rea, et al.

SUMMARY:

The District received a claim (Attachment 1) on October 18, 2017 from attorney John J. Garvey, III who represents claimants Mary Rea, David Ronald Flores, Jr., and Benjamin Elias Flores as the surviving wrongful death heirs of decedent, David Ronald Flores.

On April 19, 2017, David Ronald Flores was operating a 2005 Harley Davidson motorcycle and was fatally struck by a 2017 Honda Accord at the intersection of Leavesley Road and Holsclaw Road in an unincorporated area of Santa Clara County near Gilroy, California. Claimants allege that the District owns, maintains, etc. a concrete bridge approaching the above intersection, and that the bridge was maintained in a dangerous condition that contributed to the accident.

Claimants are seeking damages for funeral and burial expenses, loss inter alia, of father's care, comfort, society, companionship, guidance and support. No monetary amount specified.

Staff has investigated this matter and found that the District neither owns nor maintains the bridge in question. Further, there is no negligence on the part of the District. Therefore, there is no liability on the part of the District.

The District is not responsible for the death of David Ronald Flores and 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

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potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: Claim

UNCLASSIFIED MANAGER:

Stan Yamamoto, 408-630-2755