



Santa Clara Valley Water District

File No.: 19-0131

Agenda Date: 2/12/2019

Item No.: *2.7.

BOARD AGENDA MEMORANDUM

SUBJECT:

Application for Leave to File Late Claim of Susan Landry. (Previously Item 2.2)

RECOMMENDATION:

Approve the application to file a late claim.

SUMMARY:

Susan Landry filed a claim on December 20, 2018 claiming that she was denied a contract employment opportunity March 19, 2018 due to a conflict of interest related to CalPERS. Ms. Landry stated that she had asked CEO Norma Camacho and Director Richard Santos to look into this matter and subsequently filed a claim against the District.

The claim (Attachment 1) was received by the Clerk of the Board on December 20, 2018 and was returned to Ms. Landry as untimely. In response, Ms. Landry called Risk Management requesting an Application for Leave for Late Filing. On January 14, 2019, Ms. Landry filed with the Board for Leave for Late Filing for damages less than \$10,000.00 (Attachment 2). On January 29, 2019, Ms. Landry amended her Leave for Late Filing for damages in excess of \$10,000.00 (Attachment 3).

Government Code Section 911.2 states that a claim relating to . . . injury or to personal property . . . shall be presented . . . not later than six months after the accrual of the cause of action. Government Code Section 911.4-911.6 states that, when a claim is not presented within the six-month window, the claimant can apply to the Board and that the board shall grant an application for a late claim where the failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the public entity was not prejudiced in its defense of the claim.

Staff believes that, since Ms. Landry was in communication with CEO Camacho and Director Santos, there was excusable neglect in this instance. Therefore, the Board should approve the application to file a late claim. If the Board grants applicant leave to file a late claim, staff will investigate and process the claim, which would include discussing this matter with the relevant people and will make a decision on the claim.

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

Attachment 2: Application for Leave for Late Filing

Attachment 3: Amended Application for Leave for Late Filing

UNCLASSIFIED MANAGER:

Stan Yamamoto, 408-630-2755