



# Santa Clara Valley Water District

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**File No.:** 20-0163

**Agenda Date:** 3/10/2020

**Item No.:** 3.2.

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## BOARD AGENDA MEMORANDUM

### **SUBJECT:**

Deny Claim of Kiara Jones. (Continued from January 28, 2020)

### **RECOMMENDATION:**

Deny the claim.

### **SUMMARY:**

The District received a claim on December 5, 2019 from Gilroy resident, Kiara Jones. Claimant resides at 200 East 10th St. The claimant works for Creative Security Company and was providing security at Stevens Creek Dam at the time of the incident.

On the morning of December 5, the claimant's car was parked near the front gate of the Stevens Creek Dam. A District employee needed access to the road on top of the dam, but a gate was lying on its side in his way. The employee asked the claimant to help move the gate while he backed up and then drove onto the dam. The claimant left the scene on foot to continue her work duties and was not aware of vehicle damage until she returned later during her work shift. She asserts the District driver caused the damage, "because the hole (in her car) wasn't there this morning, as is there now." Claimant believes that the District employee must have caused the damage.

The claimant is seeking reimbursement for approximately \$6,500.00 for the repair of her vehicle.

Risk Management has performed an investigation and determined the District is not responsible for the damage to the claimant's vehicle, in that there is no evidence that District vehicle hit the claimant's car. First, at the time of the incident, the claimant was standing in proximity to her vehicle. Given the damage to the vehicle (including gashes and a hole), either she or the District employee would have heard or seen impact to the claimant's vehicle had there been any. Second, an examination of the District vehicle shows no paint transfer, which would have occurred had there been impact. Last, the height of the bumper of the District vehicle is lower than the main damage to the claimant's vehicle. Based on these facts, staff has concluded that the District vehicle did not cause the damages in question.

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.

**ATTACHMENTS:**

Attachment 1: Claim

Attachment 2: Repair Estimate

**UNCLASSIFIED MANAGER:**

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