



Santa Clara Valley Water District

File No.: 20-0200

Agenda Date: 3/10/2020

Item No.: 3.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Claim of David Walter Wessel and Karen Michele Platt.

RECOMMENDATION:

Deny the claim.

SUMMARY:

The District received a claim for damages on January 9, 2020 and a duplicate claim on January 17, 2020 for claimants David Walter Wessel and Karen Michele Platt. Mr. Wessel and Ms. Platt are represented by Gail J. Lamchick Esq. of the Boris E. Efron Law Office. The claimants reside at 925 Chehalis Drive in Sunnyvale (District 5). The reported date of loss was July 14, 2019. Mr. Wessel sustained personal injuries while riding his bicycle in the marked bicycle lane on N. Tantau Ave, south of Homestead Road near Calabazas bridge. The claimants are seeking damages in an amount more than \$25,000.00.

Upon review, the City of Cupertino is responsible for the bicycle lanes, not Valley Water. Further, there is absolute immunity to public entities for injuries sustained on public trails. Accordingly, Risk Management found no liability on the part of the District 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 potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: Claim

File No.: 20-0200

Agenda Date: 3/10/2020
Item No.: 3.3.

UNCLASSIFIED MANAGER:
Stan Yamamoto, 408-630-2755