



Santa Clara Valley Water District

File No.: 21-0241

Agenda Date: 4/13/2021

Item No.: 3.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Deny Claim of Lawrence and Roberta Drake.

RECOMMENDATION:

Deny the claim.

SUMMARY:

The District received a claim on December 3, 2020 from Lawrence and Roberta Drake, Santa Clara residents regarding their property at 2095 Morrison Avenue (District 2). The claimants are seeking unspecified monetary relief for property damages. The claim (Attachment 1) alleges that their home's interior doors do not properly close, and the ground pool is cracked and leaking as a result of Valley Water's sediment removal project by nearby Saratoga Creek.

Risk Management has investigated this matter by retaining subject matter experts and consulting with Valley Water Watershed staff. Risk Management staff hired EFI Global Engineering (EFI) to perform a forensic engineering investigation of the subject property. On January 5, 2021, EFI conducted an extensive site visit of the claimant's property and thereafter filed a report with the District's property adjuster, Sedgwick. Their report is attached (Attachment 2). Five home photos were redacted for privacy issues.

The forensic engineer concluded there was no damage to the claimant's property related to any operations of the District. The interior cracks above the doors and windows were caused by differential movement of the claimant's foundation from expansive clay soils exacerbated by disjointed or inadequately connected floor frame and plumbing issues.

Similarly, the forensic engineer concluded that the cracks in the pool were too far away from where the work was being performed in the creek to have been caused by the District's work.

Based on these findings, staff has determined that there is no damage caused by the District. 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: EFI Global Forensic ER (Certain Photos Redacted)

UNCLASSIFIED MANAGER:

Stan Yamamoto, 408-630-2755