



Santa Clara Valley Water District

File No.: 22-1210

Agenda Date: 11/8/2022

Item No.: 3.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Denial of Claim of Cecilia Marosi.

RECOMMENDATION:

Deny the claim.

SUMMARY:

Santa Clara Valley Water District (Valley Water) received a claim on September 20, 2022, from property owner Cecilia Marosi regarding property damage at 1020 S. 12th St. in San Jose. According to the claimant, fires have been started several times by unhoused individuals living in an encampment behind the S. 12th Street property, and firefighters had to break down the backyard fence in order to gain access to combat fire(s).

The claimant is seeking reimbursement of \$802.00 for fence repairs.

Risk Management has performed research and determined that Valley Water is not responsible for the damage to the claimant's property for the following reasons. First, the fire(s) were not on Valley Water property but actually adjacent to Valley Water property. Second, the fire(s) were due to the conduct of a third party over which Valley Water had no control. It has therefore been determined that there is no negligence on the part of Valley Water.

Because there is no liability on the part of Valley Water staff recommends that the claim be denied.

ENVIRONMENTAL JUSTICE IMPACT:

There are no Environmental Justice Impacts associated with this item.

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, Cecilia Marosi

UNCLASSIFIED MANAGER:

Carlos Orellana, 408-630-2755