



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

February 11, 2022

Board Policy EL-7 Communication and Support to the Board
The BAOs shall inform and support the Board in its work.

Page		<u>CEO BULLETIN & NEWSLETTERS</u>
		CEO Bulletin: None
		<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
4		BMR/IBMR Weekly Reports: 02/10/22
5		Memo from David Cahen, Risk Manager, to the Board of Directors, dated 02/07/22, regarding Risk Management Communication.
		<u>INCOMING BOARD CORRESPONDENCE</u>
20		Board e Weekly Report: 02/10/22
21		Email from Annette Batey, to Vice Chair Varela, dated 02/03/22, regarding Input from the Public on all matters before the Board of Directors, Including Claims (C-22-0021).
24		Email from Laurie Alaimo, to the Board of Directors, dated 02/04/22, regarding Coyote Creek Flood Prevention Meeting (C-22-0022).
25		Email from Doug Benton, to the Board of Directors, dated 02/06/22, regarding Homeless Activity along the Creeks (C-22-0023).
		<u>OUTGOING BOARD CORRESPONDENCE</u>
27		Email from Vice Chair Varela, to Annette Batey, dated 02/02/22, regarding Risk Management Claim (C-22-0017).
30		Email from Director Hsueh, to Kathleen Herington, dated 02/03/22, regarding Encampments located along Saratoga Creek (C-22-0019).

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/ attachments are available by submitting a public records request to publicrecords@valleywater.org.

CEO BULLETIN

BOARD MEMBER REQUESTS and Informational Items

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
R-22-0002	01/25/22	Santos Varela	Baker	Williams	Staff to look at enhancing the Uvas/Llagas pipeline for water recharge and additional supply and fishery usage in south county. This was requested during discussion of Item 6.1 at the 01/25/2022 Board meeting.	02/14/22		



MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: February 7, 2022

The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with parties/individuals that have filed a claim against Valley Water

Please find the following:

- 1) January 12, 2022 – Receipt of Claim to Tran Law firm on behalf of Nga Tran
- 2) February 1, 2022 – Receipt of Claim to Mr. Atul Agare (District 3)

For additional information, please contact me at 408-630-2213.

DocuSigned by:

David Cahen

388768200CF4482...
David Cahen
Risk Manager



Clean Water • Healthy Environment • Flood Protection

February 1, 2022

Atul A. Nagare
152 Cheltenham Way
San Jose, CA 95139

Re: Receipt of Potential Claim – L2120013

Dear Mr. Nagare:

We received your claim regarding property damage due to water drainage failure.

We are currently investigating the claim and will notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at dcahen@valleywater.org

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "David Cahen".

David Cahen
Risk Manager





CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following

<p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	<p>Clerk of the Board's Date Stamp 1/31/22</p> <p align="center">For SCVWD Use Only</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Date Received: 1/31/22</td> <td style="width:50%;">ROUTING</td> </tr> <tr> <td><input type="checkbox"/> Via U.S. Mail:</td> <td><input checked="" type="checkbox"/> CEO:</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered:</td> <td><input checked="" type="checkbox"/> District Counsel</td> </tr> <tr> <td><input checked="" type="checkbox"/> E-mail: COB</td> <td><input checked="" type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other:</td> <td><input checked="" type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input checked="" type="checkbox"/> BOD (District #): 3</td> </tr> </table>	Date Received: 1/31/22	ROUTING	<input type="checkbox"/> Via U.S. Mail:	<input checked="" type="checkbox"/> CEO:	<input type="checkbox"/> Hand Delivered:	<input checked="" type="checkbox"/> District Counsel	<input checked="" type="checkbox"/> E-mail: COB	<input checked="" type="checkbox"/> Risk Management	<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> COB		<input checked="" type="checkbox"/> BOD (District #): 3
Date Received: 1/31/22	ROUTING												
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<input type="checkbox"/> Other:	<input checked="" type="checkbox"/> COB												
	<input checked="" type="checkbox"/> BOD (District #): 3												

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: ATUL A. NAGARE				
Address of Claimant: 152 Cheltenham Way		City: San Jose	State: CA	Zip: 95139
Mailing Address to Which Notices Should be Sent if Different From Above: N/A.		City:	State:	Zip:
Home Phone Number: 408-603-8993	Cell Phone Number: 408-835-7133	Work Phone Number:		
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: _____ Relationship to the minor: _____		
Date and time of incident or loss: 12/24/2021	Location of incident or loss (address): 152 cheltenham way San Jose, CA, 95139		Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: <input type="checkbox"/> No	

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (Please attach additional sheets if necessary):

After filling 'n' number of complaints, valley water ignored the fix to the east hill water drainage failure caused damage to my backyard - Retaining wall, Lawn, sprinkler system & land seeping on 12/24/2021 at 4am. please see attached youtube link of event happening & pictures



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following

In detail, describe the damage or injury (Please attach additional sheets if necessary):

please see above

List Name(s) and contact information of any witness(es) or District employee involved (if any):

- 1) David, Vincent
- 2) David Cahen
- 3) Cindy Thames (Sedgwick)
- 4) Lilion Dennis

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000? Yes No
Court Jurisdiction: (Check One) Limited Civil Unlimited Civil

ITEMS	CLAIM AMOUNT
1. Landscape Services (Rebuild wood retaining wall)	\$ 9500
2. Landscape Service replace lawn & irrigation	\$ 5500
3.	\$
4.	\$
TOTAL AMOUNT	\$ 15000.00

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 30 day of Jan, 2022

Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:







Harmonyscapes
PO Box 1885
Los Altos, CA 94023 US
harmonyscapes@gmail.com

Estimate 1016

ADDRESS

Atul Nagare/Anusha Bhoi
152 Cheltenham way
San Jose CA 95139

DATE
01/07/2022

TOTAL
\$15,000.00

ACTIVITY	QTY	RATE	AMOUNT
Landscape Services Rebuild wood retaining wall due to water damage.	1	9,500.00	9,500.00
Landscape Services replace lawn and irrigation due to water and soil damage	1,000	5.50	5,500.00

TOTAL

\$15,000.00

THANK YOU.

Accepted By

Accepted Date



Clean Water • Healthy Environment • Flood Protection

January 13, 2022

Toai Tran, Attorney at Law
Tran Law Firm
88 Tully Road Suite 100
San Jose, CA 95111

Re: Receipt of Claim – L2120012

Dear Toai Tran:

We received the claim on behalf of your client, Nga Tran related to the vehicle accident that occurred on December 21, 2021.

We will investigate the claim and notify you of our findings.

If you have any questions, please don't hesitate to contact me at (408) 630-2213 or at dcahen@valleywater.org

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "David Cahen".

38679828C8F4462
David Cahen
Risk Manager





**CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
California Government Code Sections 900 and following**

<p>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</p> <p>Clerk of the Board Santa Clara Valley Water District-HQ 5700 Almaden Expressway San Jose, CA 95118</p> <p>Or submit the completed form electronically to: clerkoftheboard@valleywater.org</p>	Clerk of the Board's Date Stamp 1/11/22 via Email	
	For SCVWD Use Only	
	Date Received: 1/11/22	ROUTING
	<input type="checkbox"/> Via U.S. Mail:	<input checked="" type="checkbox"/> CEO:
	<input type="checkbox"/> Hand Delivered:	<input checked="" type="checkbox"/> District Counsel
	<input checked="" type="checkbox"/> E-mail: clerk of the board	<input checked="" type="checkbox"/> Risk Management
<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> COB	
	<input type="checkbox"/> BOD (District #): _____	

With certain exceptions, claims for personal injury or property damage MUST be filed within six months of the incident giving rise to the claim. Claimant must complete each section. If information is unknown, write "unknown" in the appropriate box. Please use additional pages if necessary. Please attach itemized receipts, witness statements, photos and all other documentation that you believe will be helpful to process your claim. Claimant MUST sign and date the form; see last page.

Name of Claimant: Nga Tran				
Address of Claimant: 948 Walnutwood Dr. Apt 3		City: San Jose	State: CA	Zip: 95122
Mailing Address to Which Notices Should be Sent if Different From Above:		City:	State:	Zip:
Home Phone Number:	Cell Phone Number: (408) 693-8884	Work Phone Number:		
Is this claim being filed on behalf of a minor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If so, please indicate minor's date of birth: _____ Relationship to the minor: _____		
Date and time of incident or loss: 12/21/2021 at ~10:20 AM	Location of incident or loss (address): Dixon Landing Rd. & California Cir. Milpitas, CA 95035	Is there a police report? <input type="checkbox"/> Yes If Yes, Police Report #: <input checked="" type="checkbox"/> No		

Describe how the incident or loss happened, and the reason you believe the Santa Clara Valley Water District is responsible for your damages (*Please attach additional sheets if necessary*):

I was waiting at a red light on Dixon Landing Rd. at the intersection of California Cir. when I was rear ended by a District employee driving a commercial truck.



CLAIM AGAINST THE SANTA CLARA VALLEY WATER DISTRICT
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 Page 2 of 2

In detail, describe the damage or injury *(Please attach additional sheets if necessary)*:

Damage is at the back left side of my vehicle. The extent of my injuries are still unknown.

List Name(s) and contact information of any witness(es) or District employee involved (if any):

District employee involved: **Ellen Amanda Stearns**

DAMAGES CLAIMED: Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in the Limited Jurisdiction (up to \$25,000) or Unlimited jurisdiction of the Superior Court.

Is the amount of the claim under \$10,000?
 Court Jurisdiction: (Check One)

UNKNOWN

- Yes No
 Limited Civil Unlimited Civil

ITEMS	CLAIM AMOUNT
1. UNKNOWN	\$
2.	\$
3.	\$
4.	\$
TOTAL AMOUNT	\$

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE OR FRAUDULENT CLAIM (Penal Code Section 72 and 550)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except to those matters stated upon information and belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 11 day of January, 20 22

M. Alvarez
 Claimant's signature

Government Code Section 945.6 provides that, with limited exceptions, any suit brought against a public entity must be commenced:

- (1) If written notice is given of a denial of claim in accordance with **Section 913**, not later than six months after the date such notice is personally delivered or deposited in the mail.
- (2) If written notice is not given of a denial of claim in accordance with **Section 913**, within two years from the accrual of the cause of action.

88 Tully Rd. Ste. 100
San Jose, CA 95111
Tel: (408) 645-5729
Fax: (408) 516-3923
Email: toai@tranlawfirm.com

January 11, 2022

Clerk of the Board
Santa Clara Valley Water District - HQ
5700 Almaden Expressway
San Jose, CA 95118

Via Email

Clerk of the Board
Email: clerkoftheboard@valleywater.org

RE: L.O.R.

Your Insured:	Ellen Amanda Stearns
DOL:	December 21, 2021
Our Client:	Nga Tran
Attached:	Claimant Designation of Attorney

Dear Clerk of the Board,

Please be advised that we have been retained by the above-captioned client to represent them in connection with a motor-vehicle accident occurred on 12/21/2021.

Please direct any and all future communications to our office.

Demand is hereby made that our office be provided with a copy of any and all statements or other information provided to you by our client in reference to this matter. Any and all authorizations provided by our client are hereby revoked.

In the meantime, please confirm in writing upon receiving this letter of representation and provide all policy limits applicable in this case.

[BI]: This will be sent under separate cover.

Any questions or concerns, please feel free to contact our office at (408) 645-5729.

TRAN LAW FIRM
Toai Tran, Attorney at Law

Best regards,

A handwritten signature in black ink, appearing to read "Linh Nguyen". The signature is written in a cursive, flowing style.

Linh Nguyen for TRAN LAW FIRM

88 Tully Rd. Ste. 100
San Jose, CA 95111
Tel: (408) 645-5729
Fax: (408) 516-3923
Email: toai@tranlawfirm.com

Claimant Designation of Attorney

Pursuant to Title 10, Section 2695.2(c) of the California Code of Regulations:

I, Ngq Tran, hereby designated TRAN LAW FIRM, to act as my duly authorized and designated attorney to handle any and call claims for property damage, bodily injury, or any type of damages whatsoever arising out of the incident dated on or about 12/21/2021.

This authorization shall be valid for only one (1) year from the date indicated below unless renewed by the undersigned. Any and all prior authorization are hereby revoked by the undersigned as of the date of the authorization.

Signed this 28 day of December, 2021

X Ngq Tran
Signature

Ngq Tran 11/7/1968
Print Name / D.O.B.

Signature of Parent and/or Guardian (if required)

Designation of Attorney