



SANTA CLARA VALLEY WATER DISTRICT

NON-AGENDA

October 18, 2019

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>
3	CEO Bulletin: 10/11/19 – 10/17/19
	<u>BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS</u>
7	BMR/IBMR Weekly Reports: 10/17/19
8	Memo from Ngoc Nguyen to Norma Camacho, dated 10.11.19, regarding Report of Properties Acquired under Executive Limitation 6.7.1
15	Memo from David Cahen to the Board, dated 10.16.19, regarding Risk Management Communications
	<u>INCOMING BOARD CORRESPONDENCE</u>
22	Board Correspondence Weekly Report: 10/17/19
23	Email from Paul Mirassou to the Board, dated 10.17.19, regarding September 2019 Ag Tour (C-19-0244)
	<u>OUTGOING BOARD CORRESPONDENCE</u>
26	Email from Chair LeZotte to the City of San Jose Board Members, dated 10.15.19, regarding Thousand Oaks Neighborhood Association; Creek Monitoring Proposal (C-19-0238)

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/ NEWSLETTERS

CEO BULLETIN



To: Board of Directors
From: Norma J. Camacho, CEO

Week of October 11 – October 17, 2019

Board Executive Limitation Policy EL-7:

The Board Appointed Officers shall inform and support the Board in its work. Further, a BAO shall 1) inform the Board of relevant trends, anticipated adverse media coverage, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established and 2) report in a timely manner an actual or anticipated noncompliance with any policy of the Board.

Item	IN THIS ISSUE
<u>1</u>	County Emergency Responders Hazardous Materials Facility Tour
<u>2</u>	"Imagine a Day Without Water" Social Media Campaign
<u>3</u>	State Water Resources Control Board Releases PFAS Data
<u>4</u>	Valley Water Emergency Operations Center Activation - PG&E Public Safety Power Shutoff
<u>5</u>	Valley Water's Water Conservation Programs Featured in "Bay Area Bountiful," a Northern California Public Media Series

1. County Emergency Responders Hazardous Materials Facility Tour

On October 3, 2019, Valley Water hosted an informational hazardous materials response facility awareness discussion and tour for some Santa Clara County (County) Hazardous Materials Response Teams (approximately 30 firefighters), at the Silicon Valley Advanced Water Purification Center (SVAWPC).

Valley Water invited the County's various fire department hazardous materials responders to learn more about the role that Valley Water Emergency Response has in dealing with illegal dumping and hazardous material spills on Valley Water property and easements. Valley Water also gave a tour of the SVAWPC to educate the responders on emergency response protocols and types of chemicals found on site. Valley Water was able to receive feedback and recommendations from the various emergency responders for additional signs and access to the facility that will help the County respond more quickly in the event of an emergency at the facility. Valley Water will be hosting the remaining firefighters, on two (2) additional occasions, in the month of October for the same type of educational opportunity.

For further information, please contact Tina Yoke at (408) 630-2385.

2. “Imagine a Day Without Water” Social Media Campaign

Valley Water continued our social media campaign on October 15, 2019 in support of the U.S. Water Alliance’s Value of Water “Imagine a Day Without Water” campaign. Staff posted and will continue to post on Facebook, Twitter and Instagram using Value of Water’s social media graphics highlighting 2019 national poll results and water facts. Two videos have been created, one featuring Board Chair Linda J. LeZotte, and will be posted on social media platforms. The campaign culminates on “Imagine a Day Without Water” on October 23, 2019. Valley Water has been a supporter of U.S. Water Alliance efforts throughout the years. Last year, Valley Water’s “Imagine a Day Without Water” generated media attention that included enhanced social media engagement and was broadcast on KTVU Channel 2 morning news.

For further information, please contact Rick Callender at (408) 630-2017

3. State Water Resources Control Board Releases Per- and Polyfluoroalkyl Substances (PFAS) Data

This provides an update to a CEO Bulletin item for the week of September 27, 2019, related to PFAS results released by the Environmental Working Group.

The State Water Resources Control Board (State Board) recently released all testing results (including statewide maps) for public water systems required to test for Per- and Polyfluoroalkyl Substances (PFAS) in the first quarter of 2019. PFAS are a large group of chemicals widely used in firefighting foams and consumer products that resist heat, oil, water, or stains. Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) are two common types of PFAS. Health experts have identified PFOA as a possible carcinogen, and studies suggest PFAS exposure can cause other adverse effects.

The State Board has established a notification level for PFOA (5.1 parts per trillion, or ppt) and PFOS (6.5 ppt) in drinking water. If exceeded, water providers are required to notify their governing bodies and the State Board recommends they inform customers. The State Board has also set a response level of 70 ppt for PFOA and PFOS combined. If exceeded, the State recommends removal of the drinking water source from service.

Earlier this year, the State Board began issuing orders for phased well testing throughout the state to help inform potential drinking water standards. In the first phase, wells were selected based on proximity to landfills or airports, or past detections of PFOA and PFOS. For the first round of required testing, PFOA was not detected above the notification level in Santa Clara County. PFOS was detected above the notification level in four wells, with a maximum value of 8.2 ppt. No Santa Clara County wells tested in the first round detected PFAS above the response level where source removal is recommended.

Based on voluntary Valley Water sampling, PFOA and PFOS have been found in a limited number of groundwater monitoring wells not used for drinking water. Valley Water will continue to work with the state and with local water retailers to better understand the presence and potential sources of PFAS in local water supplies and recommend action if needed to ensure a safe and reliable drinking water supply. To support this, Valley Water is exploring additional monitoring and our water quality laboratory is preparing to obtain state certification to test for PFAS in drinking water.

For further information, please contact Garth Hall at (408) 630-2750.

4. Valley Water Emergency Operations Center Activation - PG&E Public Safety Power Shutoff

The week of October 7, 2019, Valley Water facilities were affected by the PG&E Public Safety Power Shutoff. The Valley Water Emergency Operations Center (EOC) was activated continuously for just under 48 hours, beginning on Wednesday, October 9, 2019, at 12:00 AM, running through six (6) Operational Periods, in support of field operations. Many Valley Water personnel worked long hours to support this event. Both the Santa Teresa Water Treatment Plant and Penitencia Water Treatment Plant lost utility power during the event. EOC planning and coordination and field tactical operations at Valley Water resulted in both water treatment plants continuing operations during the power outage and avoiding a disruption in water supply to retailers. The Valley Water EOC participated in many coordination calls with the Santa Clara County Operational Area EOC and PG&E. The EOC was deactivated on Thursday, October 10, 2019, at 9:30 PM and operations returned to normal.

For further information, please contact Tina Yoke at (408) 630-2385.

5. Valley Water's Water Conservation Programs Featured in "Bay Area Bountiful," a Northern California Public Media Series.

Valley Water was interviewed for a Northern California Public Media series titled "Bay Area Bountiful," which airs on KRCB (Comcast 200) on October 28, 2019 at 7:30 pm. The episode will feature a Bay Area landscape company, Bay Maples, which specializes in sustainable California native landscapes and innovative rainwater capture and graywater alternative water sources. As part of the episode, video producer Rick Bacigalupi interviewed Valley Water about Valley Water's efforts around promoting water conservation in general and more specifically rebate programs offered. The Water Supply Planning and Conservation unit worked in conjunction with the Communications unit to facilitate the interview and provide video footage of our reservoirs and creeks to be used in the documentary.

More information about the series can be found at <https://norcalpublicmedia.org/bay-area-bountiful/bay-area-bountiful>.

For further information, please contact Jerry De La Piedra at (408) 630-2257.

BOARD MEMBER REQUESTS & INFORMATIONAL ITEMS

Report Name: Board Member Requests

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-19-0017	10/08/19	Kremen	Richardson	Nguyen	Provide Director Kremen with copies of all letters that have been sent constituents in Director Kremen's district in the last two years regarding CPRU inquires and development proposals.	10/28/19		
R-19-0012	08/27/19	Lezotte	Yoke	Gordon	Staff is to coordinate a mock active shooter exercise replicating an active shooter at a Board Meeting scenario, and investigate, bringing on-site CERT Training (Community Emergency Response Team)	09/25/19		10/15/19 Information Only: Staff has responded to this item
R-19-0013	10/08/19	Keegan	Richardson	Tippets	Provide Councilmember Deb Davis office with a brief summary of funds spend and activities perforated in Homeless Encampments.	10/29/19		



MEMORANDUM

FC 14 (01-02-07)

TO: Norma Camacho

FROM: Ngoc Nguyen

SUBJECT: Report of Properties Acquired Under
Executive Limitation 6.7.1

DATE: October 11, 2019

In accordance with the Executive Limitation (EL) 6.7.1 the attached spreadsheet includes:

1. A report of properties to be acquired under EL 6.7.1.
2. A report on the number of parcels that have been signed off by the CEO and acquired during the quarter of July 1 through September 30, 2019 including respective statutory offers of just compensation and final negotiated values (EL 6.7.1.3).

A handwritten signature in blue ink that reads "N. Nguyen".

Ngoc Nguyen
Deputy Operating Officer
Watersheds Design and Construction

Cc: B. Magleby, E. Serrano

**QUARTERLY REPORT OF PROPERTIES ACQUIRED UNDER CEO AUTHORITY
JULY 1, 2019 - SEPTEMBER 30, 2019**

DISTRICT FILE	PROJECT NAME	AGENT	GRANTOR/GRANTEE	INTEREST	REC DATE	DOC#	INITIAL OFFER	OWNER'S APPRAISED VALUE	FINAL SETTLEMENT	SEE EXPLANATION
5010-287	LLAGAS CREEK	B. MAGLEBY	INDIAN MUSLIM RELIEF AND SOUTH VALLEY ISLAMIC CENTER	FEE IN	7/31/2019	24243817	\$2,000	N/A	\$2,000	

*EXPLANATION

REPORT OF PROPERTIES WHICH MAY BE ACQUIRED UNDER
EXECUTIVE LIMITATION 6.7.1

DISTRICT FILE	PROJECT NAME	ASSESSORS' PARCEL NUMBER (APN)	INTEREST
1016-85	HALE CREEK	189-28-011	EASEMENT IN
1016-86	HALE CREEK	189-28-012	EASEMENT IN
1016-87	HALE CREEK	189-28-013	EASEMENT IN
1016-88	HALE CREEK	189-26-054	EASEMENT IN
1016-89	HALE CREEK	189-26-049	EASEMENT IN
1016-90	HALE CREEK	189-28-045	EASEMENT IN
1016-91	HALE CREEK	189-28-047	EASEMENT IN
1016-92	HALE CREEK	189-26-060, 189-26-064	NO P&D
1028-179	SAN FRANCISQUITO CREEK	003-07-053	NO P&D
1029-175	STEVENS CREEK	161-02-005, 16102012 & 16102015	NO P&D
2010-225	CALABAZAS CREEK	104-28-069	FEE IN
2021-152	SARATOGA CREEK	386-21-042	NO P&D
2026-55	SUNNYVALE EAST OUTFALL	110-39-002	TCE IN
2027-16	SUNNYVALE WEST OUTFALL	110-07-022, 165-44-007, 165-44-008	TCE IN
2044-1	SOUTH BAY SALT PONDS	015-32-042, 015-32-043	FEE IN
2044-5	SOUTH BAY SALT PONDS	015-26-028, 015-26-026, 015-26-022, 015-30-043	FLOOD PROTECTION LEVEE LEASE AREA
2044-9	SOUTH BAY SALT PONDS	015-33-054	FLOOD PROTECTION LEVEE LEASE AREA
2044-15	SOUTH BAY SALT PONDS	015-25-023	TEMPORARY WORK AREA EASEMENT
2044-16	SOUTH BAY SALT PONDS	015-25-023, 015-33-033	TEMPORARY WORK AREA EASEMENT
2044-17	SOUTH BAY SALT PONDS	APN # is being determined	TEMPORARY WORK AREA EASEMENT
2044-18	SOUTH BAY SALT PONDS	015-32-026, 015-32-027, 015-32-029, 015-32-030	FLOOD PROTECTION LEVEE LEASE AREA
2044-19	SOUTH BAY SALT PONDS	015-30-07	TEMPORARY WORK AREA EASEMENT
2044-21	SOUTH BAY SALT PONDS	015-38-005	IN PROGRESS
2044-22	SOUTH BAY SALT PONDS	015-31-051	INGRESS AND EGRESS EASEMENT
2044-23	SOUTH BAY SALT PONDS	015-38-005	IN PROGRESS
2044-24	SOUTH BAY SALT PONDS	015-32-020	IN PROGRESS
2044-25	SOUTH BAY SALT PONDS	01529-004, 015-32-020	IN PROGRESS
3015-600	GUADALUPE RIVER	264-48-000	EASEMENT IN

NOTE:
TCE = Temporary Construction Easement

REPORT OF PROPERTIES WHICH MAY BE ACQUIRED UNDER
EXECUTIVE LIMITATION 6.7.1

DISTRICT FILE	PROJECT NAME	ASSESSORS' PARCEL NUMBER (APN)	INTEREST
3015-601	GUADALUPE RIVER	264-48-006	EASEMENT IN
3015-602	GUADALUPE RIVER	264-48-126	EASEMENT IN
3015-603	GUADALUPE RIVER	264-48-094	EASEMENT IN
3015-604	GUADALUPE RIVER	264-48-010, 264-48-084, 264-48-103	EASEMENT IN
3015-605	GUADALUPE RIVER	264-48-000	EASEMENT IN
3015-606	GUADALUPE RIVER	264-48-000 (Willow Street)	EASEMENT IN
3015-624	GUADALUPE RIVER	434-28-003	EASEMENT IN
3015-635	GUADALUPE RIVER	434-29-020	EASEMENT IN
3015-636	GUADALUPE RIVER	434-29-019	EASEMENT IN
3015-641	GUADALUPE RIVER	434-29-000 (Pine Avenue)	EASEMENT IN
3015-645	GUADALUPE RIVER	439-25-032	EASEMENT IN
3015-646	GUADALUPE RIVER	439-25-031	EASEMENT IN
3015-647	GUADALUPE RIVER	43925030	EASEMENT IN
3015-648	GUADALUPE RIVER	439-25-029	EASEMENT IN
3015-649	GUADALUPE RIVER	439-25-028	EASEMENT IN
3015-650	GUADALUPE RIVER	439-25-027	EASEMENT IN
3015-651	GUADALUPE RIVER	439-25-026	EASEMENT IN
3015-653	GUADALUPE RIVER	439-25-024	EASEMENT IN
3015-654	GUADALUPE RIVER	439-25-023	EASEMENT IN
3015-655	GUADALUPE RIVER	439-25-022	EASEMENT IN
3015-657	GUADALUPE RIVER	439-25-020	EASEMENT IN
3015-658	GUADALUPE RIVER	439-25-019	EASEMENT IN
3015-659	GUADALUPE RIVER	439-25-018	EASEMENT IN
3015-660	GUADALUPE RIVER	439-25-017	EASEMENT IN
3015-661	GUADALUPE RIVER	439-25-016	EASEMENT IN
3015-662	GUADALUPE RIVER	439-25-015	EASEMENT IN
3015-663	GUADALUPE RIVER	439-25-014	EASEMENT IN
3015-664	GUADALUPE RIVER	439-25-013	EASEMENT IN

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REPORT OF PROPERTIES WHICH MAY BE ACQUIRED UNDER
EXECUTIVE LIMITATION 6.7.1

DISTRICT FILE	PROJECT NAME	ASSESSORS' PARCEL NUMBER (APN)	INTEREST
3015-865	GUADALUPE RIVER	439-25-012	EASEMENT IN
3015-866	GUADALUPE RIVER	439-25-011	EASEMENT IN
3015-874	GUADALUPE RIVER	264-48-104	EASEMENT IN
3015-875	GUADALUPE RIVER	264-48-108	EASEMENT IN
3015-877	GUADALUPE RIVER	439-25-001	FEE IN
3015-884	GUADALUPE RIVER	015-45-013	EASEMENT IN
3020-174	LOS GATOS CREEK	288-03-017	NO P&D
3020-175	LOS GATOS CREEK	ON ROAD	NO P&D
4017-61	BERRYESSA CREEK	022-31-017	EASEMENT IN
4017-65	BERRYESSA CREEK	022-31-017	EASEMENT IN
4017-97	BERRYESSA CREEK	086-32-021, 863-2-028	EASEMENT IN
4018-26	CALERA CREEK	022-02-014	EASEMENT IN
4018-31	CALERA CREEK	026-18-003	EASEMENT IN
4018-32	CALERA CREEK	026-18-003	EASEMENT IN
4018-33	CALERA CREEK	ON ROAD (022-31-000)	EASEMENT IN
4021-277	COYOTE CREEK	237-05-057 & 237-05-058	NO P&D
4026-483	LOWER SILVER CREEK	670-29-002, 670-29-017	NO P&D
4032-67	UPPER PENITENCIA CREEK	LAND EXCHANGES FOR THE BART'S EXTENSION PROJECT	NO P&D
4032-68	UPPER PENITENCIA CREEK	254-17-099	EASEMENT IN
4032-69	UPPER PENITENCIA CREEK	254-14-119	EASEMENT IN
4032-71	UPPER PENITENCIA CREEK	254-87-020	EASEMENT IN
4032-72	UPPER PENITENCIA CREEK	254-17-061	NO P&D
4033-54	LOWER PENITENCIA CREEK	22-30-041	EASEMENT IN
4033-57	LOWER PENITENCIA CREEK	086-33-104	NO P&D
4033-58	LOWER PENITENCIA CREEK	022-37-002	EASEMENT IN
4049-11	PENITENCIA EAST CHANNEL	086-37-018	NO P&D
4049-12	PENITENCIA EAST CHANNEL	086-37-018	NO P&D
4049-13	PENITENCIA EAST CHANNEL	086-36-023	EASEMENT IN

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REPORT OF PROPERTIES WHICH MAY BE ACQUIRED UNDER
EXECUTIVE LIMITATION 6.7.1

DISTRICT FILE	PROJECT NAME	ASSESSORS' PARCEL NUMBER (APN)	INTEREST
5012-211	WEST LITTLE LLAGAS CREEK	HALE AVENUE	EASEMENT IN
5012-212	WEST LITTLE LLAGAS CREEK	ON RR ROAD	EASEMENT IN
5013-8	MADRONE CHANNEL	TO BE DTERMINED	TO BE DETERMINED
5018-98	UVAS CARNADERO CREEK	841-31-010	TCE IN
5018-99	UVAS CARNADERO CREEK	841-32-015	TCE IN
9109-79	GILROY WATER RECLAMATION FACILITY	841-29-033, 841-30-004, 841-30-011	EASEMENT IN
9186-34	ANDERSON DAM/RESERVOIR	728-34-011	EASEMENT IN
9189-15	GUADALUPE DAM/RESERVIOR	575-11-004	FEE IN
9195-1	PACHECO DAM/RESERVIOR	898-11-009, 898-49-002	NO P&D
9195-2	PACHECO DAM/RESERVIOR	898-11-003, 898-11-008, 898-11-004, 898-11-016, 898-11-020, 898-11-021, 898-11-022, 898-11-023, 898- 13-001, 898-48-001, 898-49-001, 898-49-003	FEE IN
9195-3	PACHECO DAM/RESERVIOR	865-10-010, 865-11-020, 865-11-021	FEE IN
9195-4	PACHECO DAM/RESERVIOR	865-15-008, 865-15-009	FEE IN
9195-5	PACHECO DAM/RESERVIOR	865-15-007	FEE IN
9195-6	PACHECO DAM/RESERVIOR	865-10-023	FEE IN
9195-7	PACHECO DAM/RESERVIOR	898-57-001, 898-57-002	FEE IN
9225-65	CENTRAL PIPELINE	254-17-069, 254-17-070	EASEMENT IN
9225-66	CENTRAL PIPELINE	254-17-074	EASEMENT IN
9225-67	CENTRAL PIPELINE	LAND EXCHANGES FOR THE BART'S EXTENSION PROJECT	NO P&D
9245-33	COYOTE CANAL	729-55 (Bailey Ave)	NO P&D
9265-5	BUDD AVENUE PERCOLATION PONDS	305-35-017	NO P&D
9433-4	MILPITAS PIPELINE	86-42-023	EASEMENT IN
9433-18	MILPITAS PIPELINE	92-08-083	EASEMENT IN
9433-19	MILPITAS PIPELINE	92-08-083	EASEMENT IN
9433-20	MILPITAS PIPELINE	92-08-002	EASEMENT IN
9433-21	MILPITAS PIPELINE	92-08-002	EASEMENT IN
9433-22	MILPITAS PIPELINE	92-08-098	EASEMENT IN
9433-23	MILPITAS PIPELINE	92-08-002	INGRESS AND EGRESS EASEMENT

NOTE:
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REPORT OF PROPERTIES WHICH MAY BE ACQUIRED UNDER
EXECUTIVE LIMITATION 6.7.1

DISTRICT FILE	PROJECT NAME	ASSESSORS' PARCEL NUMBER (APN)	INTEREST
9484-33	SNELL PIPELINE	692-26-049	EASEMENT IN
9484-34	SNELL PIPELINE	692-26-000 (Old Snell)	EASEMENT IN

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MEMORANDUM

FC 14 (02-08-19)

TO: Board of Directors

FROM: David Cahen
Risk Manager

SUBJECT: Risk Management Communication

DATE: October 16, 2019

The purpose of this memorandum is to provide you a copy of recent Risk Management staff's communication with individuals that have filed a claim against the District.

Please find the following attachments:

- 1) September 30, 2019 late claim letter to Mr. Tan Nguyen (District 3)
- 2) October 9, 2019 claim confirmation letter to Ms. Ana Ortiz-Horrigan
- 3) October 10, 2019 late claim letter to Mr. Hue Cam Tran (District 3)
- 4) October 15, 2019 letter to Ms. Mo-Yun Fong regarding recommendation to deny claim (District 5)
- 5) October 15, 2019 letter to Mr. Robert O. Middleton regardingp recommendation to deny claim (District 5)

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

A handwritten signature in black ink, appearing to read "David Cahen", written over a horizontal line.

David Cahen
Risk Manager

September 30, 2019

Tan Nguyen
900 Golden Wheel Parkway #106
San Jose, CA 95112

Re: Claim

Dear Mr. Nguyen,

The claim which was presented to the Santa Clara Valley Water District on September 26, 2019 is being returned because it was not presented within one (1) year after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

If you have any questions, you can contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager

Enc: Claim Packet



October 9, 2019

Ana Ortiz-Horrigan
22678 Zaballos Court
Hayward, CA 94541

Regarding: Receipt of Claim – L900003

Dear Ms. Ortiz-Horrigan,

We received your claim regarding the damages to your personal vehicle which occurred while transporting coffee to a district meeting. Per your claim, the spilled coffee has resulted with a coffee smell that requires a complete shampoo of your vehicle.

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.

Sincerely,



David Cahen
Risk Manager
dcahen@valleywater.org



October 10, 2019

Hue Cam Tran
900 Golden Wheel Park Drive #101
San Jose, CA 95112

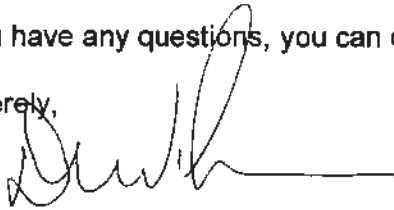
Re: Claim

Dear Mr. Tran,

The claim which was presented to the Santa Clara Valley Water District on October 1, 2019 is being returned because it was not presented within one (1) year after the event or occurrence as required by law. See Sections 901 and 911.2 of the Government Code. Because the claim was not presented within the time allowed by law, no action was taken on the claim.

If you have any questions, you can contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager

Enc: Claim Packet

October 15, 2019

Mo-Yun Fong
22045 Creekside Court
Cupertino, CA 95014

Re: Claim – L1900001

Dear Ms. Fong,

We have reviewed your claim and reached the conclusion that the Santa Clara Valley Water District is not responsible for the property damages that occurred on April 27, 2019 as a result of the fallen oak tree.

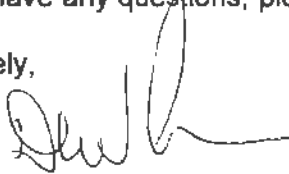
We are unable to substantiate this claim for damages and will therefore be recommending to our Board of Directors that the claim be denied.

The California Government Tort Claims Act and the California Claims Act (collectively, "Act") states that a public entity is not liable for an injury except as otherwise provided by statute. (Cal. Gov. Code Section 815, subdivision (a)). Generally, there is no liability for damage caused by a tree on public land, even if the damage occurs on private land, unless the entity had actual knowledge that the tree was not healthy, or the entity acted in such a manner as to cause the tree to cause damage.

This item is scheduled to be heard at the November 12, 2019 Board meeting which begins at 1:00 pm. In the event of a date change, I will provide you with advance notice. You can also monitor the Board of Directors meeting schedule and associated agenda items at: <https://scvwd.legistar.com/Calendar.aspx>.

If you have any questions, please contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager

October 15, 2019

Robert O. Middleton
22044 Creekside Court
Cupertino, CA 95014

Re: Claim – L1900002

Dear Mr. Middleton,

We have reviewed your claim and reached the conclusion that the Santa Clara Valley Water District is not responsible for the property damages that occurred on April 26, 2019 as a result of the fallen oak tree.

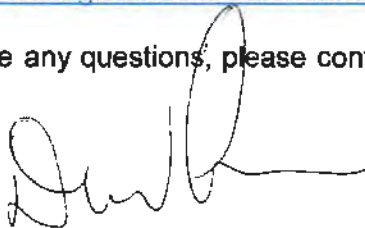
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If you have any questions, please contact me at (408) 630-2213.

Sincerely,



David Cahen
Risk Manager