



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

August 7, 2020

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

|             |  |
|-------------|--|
| <b>Page</b> | <b><u>CEO BULLETIN &amp; NEWSLETTERS</u></b>   |
|             | None.  |
|             | <b><u>BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</u></b>  |
| <b>5</b>    | <b>BMR/IBMR Weekly Reports: 08/06/20</b>   |
| <b>6</b>    | Memo from David Cahen, Risk Manager, to the Board of Directors, dated 7/30/20, regarding Risk Management Communication.  |
|             | <b><u>INCOMING BOARD CORRESPONDENCE</u></b>  |
| <b>27</b>   | <b>Board Correspondence Weekly Report: 08/06/20</b>  |
| <b>28</b>   | Letter from Saro Rizzo, to Director Varela, dated 7/24/20, regarding the Anderson Dam Retrofit Project (C-20-0129).  |
| <b>29</b>   | Email from Danny Garza, to Director Santos, dated 7/30/20, regarding the Plata Arroya Neighborhood Association and Eastgate N.A.C. ( C-20-0130).   |
| <b>33</b>   | Email from Shirley Keller, to Director LeZotte, dated 8/1/20, regarding Homeless Activity along Canoas Creek Run-off (C-20-0131).  |
| <b>34</b>   | Email from Michael Walters, to the Board of Directors and Community Leaders, dated 8/2/20, regarding Homeless Activity in the Alviso Area (C-20-0132).   |
| <b>42</b>   | Email from Keith Howell, to Jose Villarreal CC to Director Varela, dated 8/2/20, regarding Upper Llagas Creek Flood Protection Project (C-20-0133).  |
| <b>43</b>   | Email from Pastor. Jethroe Moore, to Tom Picraux, League of Women Voters CC to the Board of Directors and Community Leaders, dated 7/25/20, regarding Safe, Clean Water Natural Flood Protection Program (C-20-0134) |
|             | <b><u>OUTGOING BOARD CORRESPONDENCE</u></b>  |
| <b>50</b>   | Email from Director Keegan, to Don Lieberman, dated 7/29/20, regarding Coyote Creek Flood Control (C-20-0113).   |
| <b>54</b>   | Email from Director Santos, to Danny Garza, dated 7/30/20, regarding Pollution Concerns adjusted too Lower Silver Creek (C-20-0119).   |
| <b>57</b>   | Letter from Chair Hsueh, to Richard McMurtry, dated 7/31/20, regarding Environmental Education (C-20-0112).  |
| <b>59</b>   | Email from Director LeZotte, to Marsey Kahn, dated 8/3/20, regarding Homeless Activity and Dog Attacks along Guadalupe River (C-20-0125).  |

|           |   |
|-----------|---|
| <b>61</b> | Email from Director Keegan, to Carrie Doolittle, dated 8/4/20, regarding Fire Dangers along Coyote Creek (C-20-0127). |
|-----------|---|

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](mailto: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-20-0006 | 07/28/20     | All      | Yamamoto  | Cahen<br>Dennis | Provide the Board with the total cost of all liability insurance for the past 20 years. (Closed Session Request)   | 08/18/20         |                          |             |
| R-20-0007 | 07/28/20     | All      | Yoke      | Noriega         | Staff research and perform a feasibility study responding to the email submitted at the 7/28/20 Board meeting (Handout 2.2-A) that requests that the District look at allowing employees that can to work remotely indefinitely and from anywhere. | 08/18/20         |                          |             |



# MEMORANDUM

FC 14 (02-08-19)

**TO:** Board of Directors

**FROM:** David Cahen  
Risk Manager

**SUBJECT:** Risk Management Communication

**DATE:** July 30, 2020

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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 the District.

Please find the following attachment:

- 1) July 29, 2020 claim confirmation letter to Ms. Grace Davis (District 4) along with the claim packet.

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

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><b>The completed form can be mailed, sent electronically or hand delivered. Mail or deliver to:</b></p> <p>Clerk of the Board<br/>         Santa Clara Valley Water District-HQ<br/>         5700 Almaden Expressway<br/>         San Jose, CA 95118</p> <p>Or submit the completed form electronically to:<br/>         clerkoftheboard@valleywater.org</p> | <p align="center">Clerk of the Board's Date Stamp</p> <hr/> <p align="center"><b>For SCVWD Use Only</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">Date Received:</td> <td style="width:50%;"><b>ROUTING</b></td> </tr> <tr> <td><input type="checkbox"/> Via U.S. Mail:</td> <td><input type="checkbox"/> CEO:</td> </tr> <tr> <td><input type="checkbox"/> Hand Delivered:</td> <td><input type="checkbox"/> District Counsel</td> </tr> <tr> <td><input type="checkbox"/> E-mail:</td> <td><input type="checkbox"/> Risk Management</td> </tr> <tr> <td><input type="checkbox"/> Other:</td> <td><input type="checkbox"/> COB</td> </tr> <tr> <td></td> <td><input type="checkbox"/> BOD (District #):</td> </tr> </table> | Date Received: | <b>ROUTING</b> | <input type="checkbox"/> Via U.S. Mail: | <input type="checkbox"/> CEO: | <input type="checkbox"/> Hand Delivered: | <input type="checkbox"/> District Counsel | <input type="checkbox"/> E-mail: | <input type="checkbox"/> Risk Management | <input type="checkbox"/> Other: | <input type="checkbox"/> COB |  | <input type="checkbox"/> BOD (District #): |
| Date Received:  | <b>ROUTING</b>   |                |                |   |                               |  |   |                                  |  |                                 |                              |  |  |
| <input type="checkbox"/> Via U.S. Mail:   | <input type="checkbox"/> CEO:  |                |                |   |                               |  |   |                                  |  |                                 |                              |  |  |
| <input type="checkbox"/> Hand Delivered:  | <input type="checkbox"/> District Counsel  |                |                |   |                               |  |   |                                  |  |                                 |                              |  |  |
| <input type="checkbox"/> E-mail:  | <input type="checkbox"/> Risk Management   |                |                |   |                               |  |   |                                  |  |                                 |                              |  |  |
| <input type="checkbox"/> Other:   | <input 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: <u>Grace Davis</u>   |   |   |                     |                      |
| Address of Claimant:<br><u>519 Suisse Dr.</u>  |   | City:<br><u>San Jose</u>  | State:<br><u>CA</u> | Zip:<br><u>95123</u> |
| Mailing Address to Which Notices Should be Sent if Different From Above:   |   | City:   | State:              | Zip:                 |
| Home Phone Number:   | Cell Phone Number:<br><u>408-515-5943</u>   | Work Phone Number:  |                     |                      |
| Is this claim being filed on behalf of a minor?<br><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:<br><u>7/7/2020</u>  | Location of incident or loss (address):<br><u>519 Suisse Dr.<br/>San Jose, CA</u> | Is there a police report?<br><input type="checkbox"/> Yes    If Yes, Police Report #:<br><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):

There was work being done on Canoas Creek which is behind my house. It caused constant shakings over 2 days that felt like earthquakes. This caused some cracking and now my sliding door makes a scraping sound and doesn't lock all the way.



**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):

There are cracks in the crown molding in my living room, kitchen, dining room, and two bedrooms. One wall is cracked from the floor to the ceiling. My sliding door makes a loud scraping sound and won't lock

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

Multiple neighbors felt the shaking. I don't know if they had damage. Two houses down is Gary 408-691-4309

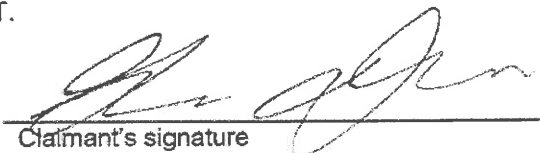
**DAMAGES CLAIMED:** Basis for computation of amounts claimed (include copies of bills, invoices, estimates, receipts, photos, police case # or other documentation.) Note: If your claim is more than \$10,000, you need not fill in an amount, but must state whether jurisdiction for the claim would be in 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. Scrape cracks, Patch, texture, prime, paint | \$ 900         |
| 2. Sliding door                                | \$ 400         |
| 3.   | \$             |
| 4. See Attached                                | \$             |
| <b>TOTAL AMOUNT</b>                            | <b>\$ 1300</b> |

**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 29 day of July, 2020   
 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.



invoice

# One Piece Painting

333 N 5th street  
san jose ca 95112  
408 836 0489  
LIC # 1056218

[DATE] 07/26/2020

BILL TO. GRACE C

FOR  
REPAIR CRACK ON WALLS  
AND CIELINGS

[ADDRESS] 519 SUISSE DR  
[CITY, STATE ZIP] SAN JOSE CA  
[PHONE]408 515 5943

**DESCRIPTION**

**AMOUNT**

Scrape 7 cracks

Patch

Retexture

prime

Paint

\$900.00

Sliding door repairs the noise whiles opening

\$400.00

\$1,300.00

TAX RATE

OTHER \$0.00

TOTAL \$1,300.00

Make all checks payable to [Your Company Name]. If you have any questions concerning this invoice, contact [Name], [Phone Number], [Email]

**THANK YOU FOR YOUR BUSINESS!**

July 29, 2020

Grace Davis  
519 Suisse Drive  
San Jose, CA 95123

Re: Receipt of Claim – L2010001

Dear Ms. Davis,

We received your claim regarding the damage to your home as a result of the work being done along Canoas Creek.

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

If you have any questions, please don't hesitate to contact Risk Manager, David Cahen at (408) 630-2213.

Sincerely,



Lilian Dennis  
Management Analyst II  
(408) 630-2652

















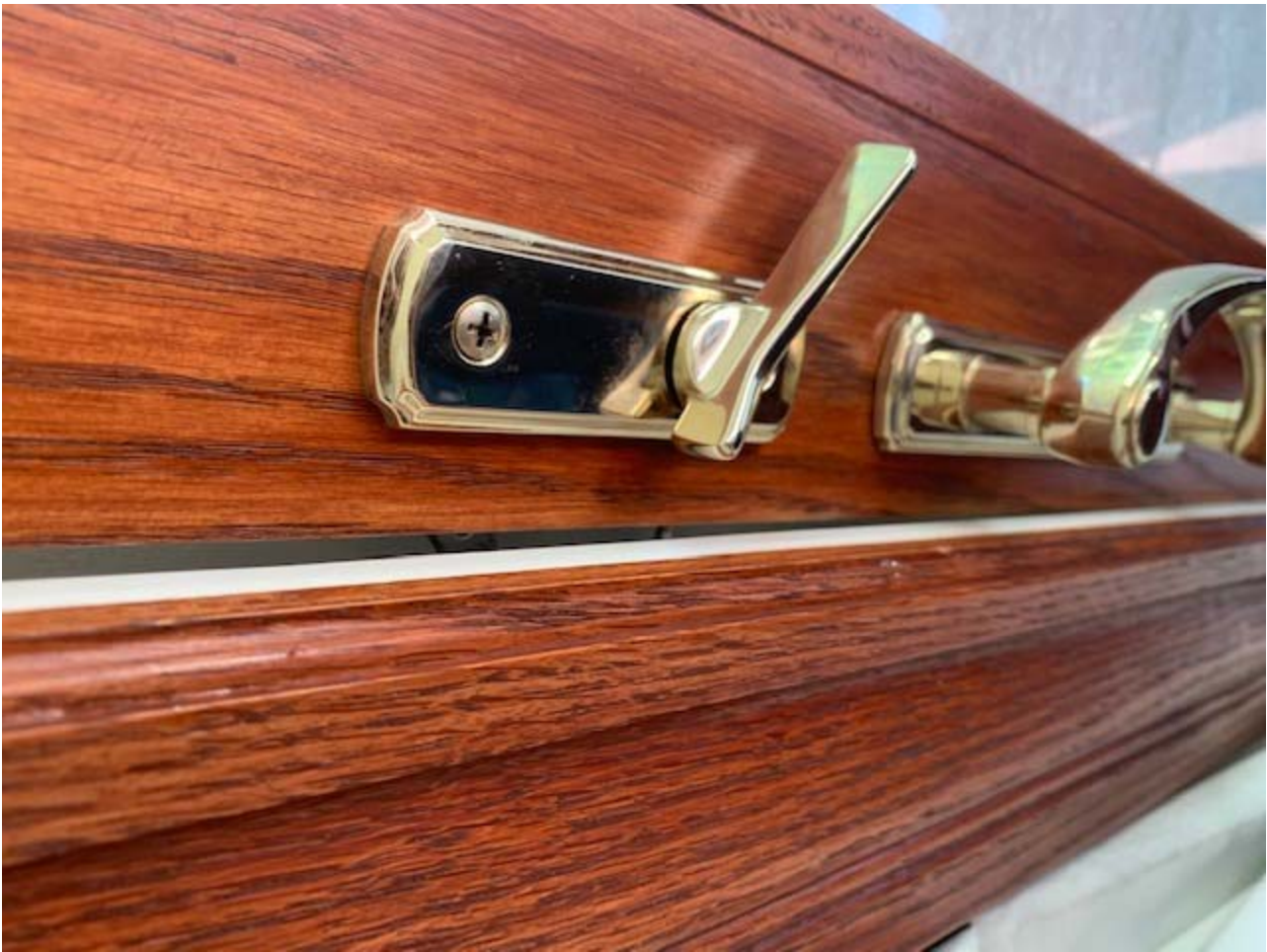














Sent from my iPhone

On Jul 29, 2020, at 9:03 AM, "[gracemcc@gmail.com](mailto:gracemcc@gmail.com)" <[gracemcc@gmail.com](mailto:gracemcc@gmail.com)> wrote:

Sent from my iPhone

Begin forwarded message:

**From:** Lilian Dennis <[ldennis@valleywater.org](mailto:ldennis@valleywater.org)>  
**Date:** July 7, 2020 at 1:09:27 PM PDT  
**To:** Grace Davis <[gracemcc@gmail.com](mailto:gracemcc@gmail.com)>  
**Cc:** David Cahen <[DCahen@valleywater.org](mailto:DCahen@valleywater.org)>  
**Subject:** Claim Form

Dear Ms. Davis,

Attached is the claim form to submit for damages. The form can be mailed or sent electronically (emailing is preferred):

**Mail the completed form to:**  
Clerk of the Board  
Santa Clara Valley Water District  
5750 Almaden Expressway  
San Jose, California 95118

-or-

**Submit the completed form electronically to:**  
[clerkoftheboard@valleywater.org](mailto:clerkoftheboard@valleywater.org)

Please include any photographs or invoices/estimates that you may have at this time.

Contact me if you have any questions.

Thank you.

Lilian

**LILIAN DENNIS**  
MANAGEMENT ANALYST II  
Risk Management  
Tel. (408) 630-2652

Santa Clara Valley Water District is now known as:

<image001.png>

Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118  
[www.valleywater.org](http://www.valleywater.org)

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**From:** David Cahen <[DCahen@valleywater.org](mailto:DCahen@valleywater.org)>  
**Sent:** Tuesday, July 07, 2020 12:54 PM  
**To:** Grace Davis <[gracemcc@gmail.com](mailto:gracemcc@gmail.com)>  
**Cc:** Lilian Dennis <[ldennis@valleywater.org](mailto:ldennis@valleywater.org)>; Michael Sawatzky <[MSawatzky@valleywater.org](mailto:MSawatzky@valleywater.org)>  
**Subject:** RE: Claims form

Hello Ms Davis:

Thank you for emailing me. Mike called me and told me about your concerns. I will have my assistant email you a claim form which you may file with the District. In the meantime, please document all damages through pictures, videos, etc.

Regards,



**DAVID CAHEN**

RISK MANAGER

Risk Management Unit

Tel. (408) 630-2213 / Cell. (650) 787-6949

Santa Clara Valley Water District is now known as:

<image006.png>

Clean Water • Healthy Environment • Flood Protection

5750 Almaden Expressway, San Jose CA 95118

[www.valleywater.org](http://www.valleywater.org)

**From:** Grace Davis <[gracemcc@gmail.com](mailto:gracemcc@gmail.com)>

**Sent:** Tuesday, July 07, 2020 12:31 PM

**To:** David Cahen <[DCahen@valleywater.org](mailto:DCahen@valleywater.org)>

**Subject:** Claims form

Hello,

I got your email from Mike who I spoke to earlier today. There is some work going on in the canal behind my home. I live at 519 Suisse Dr., San Jose CA 95123. Today there was lots of shaking and it felt like a constant earthquake. I noticed some new cracking in the paint and some separation in the crown molding. Also, the sliding door in my bedroom now makes a scraping noise when closing that didn't happen yesterday. I understand that this area has lots of movement and settling and my house has plenty of old cracks. Many new ones appeared today and these are my concern. Is there anything you can do to help?

Thanks so much,

Grace Davis

408-515-5943

<REV 2019\_Claim Form - .pdf>

# **INCOMING BOARD CORRESPONDENCE**