SWEETWATER SPRINGS WATER DISTRICT

TO: Board of Directors **AGENDA NO. V-E**

FROM: Steve Mack, General Manager

Meeting Date : August 6, 2014

SUBJECT: REJECTION OF CLAIM BY DEBORAH WALLER, CLAIM 2015-03

RECOMMENDED ACTION: Reject the second Claim of Deborah Waller, Claim 2015-03.

FISCAL IMPACT: not significant.

DISCUSSION:

On March 6, 2014, the District rejected a claim from Deborah Waller, a customer of the District who resides at 17410 Guernewood Lane, Guerneville. Ms. Waller, through the communications of her attorney Mr. John Stringer, claimed the Guernewood Lane project, completed in May 2014 and an element of the 2014 CIP, harmed her property and she wanted some unknown remedy performed by the District.

In approximately August 2014, Mr. Stringer, representing Ms. Waller, filed litigation against the District regarding this claim. That litigation was dismissed shortly after that because the plaintiff did not pay the filing fee.

On July 17, 2015, the District received by fax the attached letter from Mr. Stringer with the assertion that this letter should be considered a claim against the District. The letter states no damages amount; just requests a phone call to Ms. Walller.

On July 27, 2015, I called Ms. Waller using the phone number that we have on file as requested by the letter. My call was not answered and I was forwarded to a phone message system where I left a message that I was responding to the letter and requesting that she call the District back. As of the date of this report we have not received a response.

We feel the District has no recourse other than to reject this claim, if it is a valid claim, for a number of reasons - a claim for this was rejected over one year ago, the claimant has never responded to the District's many efforts to communicate with her, the claim is insufficient in stating the claim, for starters. We are not even certain that Mr. Stringer represents Ms. Waller in these communications.

While we are recommending rejecting this claim at this time, we remain open to meeting with Ms. Waller to resolve whatever issues she has with the Guernewood Lane project. However, this project has been completed for some time, we don't know what Ms. Waller would want done, and it's uncertain that the contractor would be willing to get involved at this late date.

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SWEETWATER SPRINGS
WATER DISTRICT
JUL 17 2015
RECEIVED

7-1-15 (sent via FAX only)

Steve Mack
Sweetwater Springs Water District
PO Box 48
Guerneville, CA 95446

Re: Deborah Waller-Public Entity Claim

Dear Sir:

Referring to the previous-Public Entity Claim and complaint for damages filed by Deborah Waller regarding property damage to her property at 17410 Guernewood Lane, Guerneville, CA 95446, please consider this communication a new Public Entity Claim regarding just-discovered damage to the Waller property.

Ms. Waller is considering selling her property and the rip-rap placed on her property by Sweetwater has impacted her ability to make needed repairs on the outer stairway and other needed property repairs.

However, my client is inclined to attempt a settlement of all issues prior to any continued litigation and requests that Sweetwater personnel contact her and schedule a meeting to determine how this claim may be resolved.

Please advise how Sweetwater wishes to proceed regarding this latest issue, but again, please consider this communication a Public Entity Claim within the meaning of the California Government Code.

Thank you for your assistance.

Sincerely,

John E. Stringer