

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

March 30, 1993

To: Board of Directors (Legal & Claims Comm.--Action)  
 (Engineering & Operations Comm.--Information)

From: General Counsel

Subject: Appeal of Judgment In City of Monterey Park v. MWD et al.  
 (LASC Case No. BS 020116)

Report

On March 1, 1993, the Los Angeles Superior Court issued its ruling invalidating the Board's September 15, 1992 approval of the Garvey Reservoir Restoration Project. The basis for the court's ruling was its determination that Metropolitan's Final Environmental Impact Report was legally inadequate because it did not contain a final design for the Restoration Project and because it did not adequately discuss the impacts of the project. The Legal Department is of the opinion that the court's ruling is directly contrary to the provisions of the California Environmental Quality Act and pertinent case law. Metropolitan followed established practice for projects of this type, which is to include conceptual design of the proposed project in the EIR rather than a final design. Moreover, the State Division of Safety of Dams, which must approve the restoration project, had requested that Metropolitan's EIR contain only a conceptual design.

On March 30, 1993, the Legal Department filed a motion with the Los Angeles Superior Court seeking a new trial on the grounds that the court's ruling is based on errors in law and there is insufficient evidence to justify the court's decision. The Legal Department is seeking authorization to appeal the trial court's ruling to the Court of Appeal and, if necessary, the Supreme Court.

Board Committee Assignments

This letter is referred to:

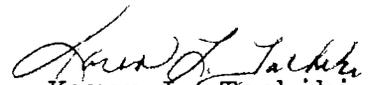
The Engineering and Operations Committee for information pursuant to Section 2431(b) of Metropolitan's Administrative Code granting it authority regarding the initiation, scheduling, contracting and performance of construction programs and work; and

The Legal and Claims Committee for action pursuant to Section 2461(a) of Metropolitan's Administrative Code granting it authority regarding litigation and claims brought by or against Metropolitan.

Recommendation

**LEGAL AND CLAIMS COMMITTEE FOR ACTION.**

It is recommended that the General Counsel be authorized to appeal the trial court's ruling in Los Angeles Superior Court Case No. BS 020116.

  
Karen L. Tachiki