



MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

9-9

April 23, 1993

To: Board of Directors (Engineering and Operations Committee--Information)
Board of Directors (Finance and Insurance Committee--Information)

From: General Manager

Subject: Garvey Reservoir Repair

Report

On March 1, 1993, the Los Angeles Superior Court issued its ruling setting aside your Board's September 15, 1992 certification of the Final Environmental Impact Report, and approval of the proposed project for the repair of Garvey Reservoir. On March 30, 1993, Metropolitan's Legal Department filed a motion with the Los Angeles Superior Court seeking a new trial on the grounds that the court's ruling was based on errors in law and that there is insufficient evidence to justify the court's decision. This action gives the court the opportunity to reevaluate its initial decision. Additionally, on April 13, 1993, your Board authorized the General Counsel to appeal the trial court's ruling to the California Court of Appeal and, if necessary, to the California Supreme Court.

In its ruling, the Superior Court noted that Metropolitan had not determined a final design for the repair of the reservoir; consequently, the project description was legally inadequate and omitted information necessary for a meaningful environmental review. Notwithstanding the aforementioned motion, and potential appeal, Metropolitan is proceeding with final design of the repair of Garvey Reservoir. Final design is required in any event (to proceed with the project) and will be required to comply with the Superior Court's ruling, if it is not changed as a result of a new trial, or overturned on appeal.

Board Committee Assignments

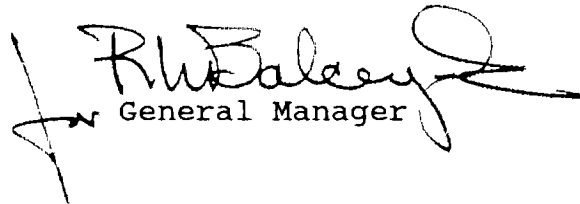
This letter is referred for information to:

The Engineering and Operations Committee because of its jurisdiction over the initiation, scheduling, contracting, and performance of construction programs pursuant to Administrative Code Section 2431(b); and

The Finance and Insurance Committee because of its jurisdiction over appropriations pursuant to Administrative Code Section 2441(d).

Recommendation

For information only.


General Manager

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