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CITY OF DOWNEY

PRESS RELEASE

City Responds to Water Replenishment District (WRD) Lawsuit

Downey, CA, February 17, 2012: In 2010, the cities of Downey, Cerritos and Signal Hill filed a petition challenging the Water Replenishment District's "replenishments assessments" imposed since 2006. The challenge was based on the fact that in imposing the assessment, the Water Replenishment District did not follow the requirements of the law known as Proposition 218.

On April 25, 2011, the Court sided with the cities of Downey, Cerritos and Signal Hill and issued an order invalidating the assessments for the years 2006-2010. Furthermore, the Court mandated that the Water Replenishment District shall comply with Proposition 218 requirements before adopting a new replenishment assessment. In ignoring this mandate, the Water Replenishment District proceeded to set its replenishment assessment for 2011 - 2012 without complying with the provisions of Proposition 218. The damages to the cities caused by the Water Replenishment District has been estimated in the millions of dollars and the Court has referred this matter to the trial court to determine the amount of refund owed to the cities.

Realizing the illegality of replenishment assessments, recently, a number of other "water pumpers" have also objected to the assessments demanding refunds from the Water Replenishment District. In response, the Water Replenishment District, during the last two weeks, has separately sued the cities of Downey, Cerritos, Signal Hill and Bellflower demanding payment for what the Court has already ruled to be illegal assessments and has sought an injunction to restrain each city from the operation of its ground water wells and their ability to produce and deliver water to their residents. The City of Downey believes this matter has already been addressed by the Court and all parties including the Water Replenishment District must follow the Court's order and wait for the results of the trial court's determination of the refund issue rather than initiate additional lawsuits which will burden our cities and residents with unnecessary legal costs.

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