

Town of Apple Valley

NEWS RELEASE

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14955 Dale Evans Parkway • Apple Valley, California, 92307

Contact: Gina Whiteside, Director of Stakeholder Engagement and Communications

Phone: (760) 240-7000 x 7061 E-mail: gwhiteside@applevalley.org

Court ruling allows Town to proceed with water company acquisition

Apple Valley, CA – February 21, 2018: In a comprehensive ruling issued on Tuesday, San Bernardino County Superior Court Judge Donald Alvarez ruled against Apple Valley Ranchos Water Company's (now, Liberty Utilities) challenge to the Town's environmental review for the acquisition of the Apple Valley Water System. This ruling allows the Town of Apple Valley to proceed with the companion eminent domain case to acquire the water system for the public.

After considering the evidence before the Court, Judge Alvarez ruled that the Town fully complied with the California Environmental Quality Act (CEQA) in considering the acquisition. CEQA is the statute requiring state and local agencies to identify the environmental impacts of their actions.

"This ruling is no surprise. I had complete confidence that the Town staff and attorney had properly prepared the documents back in 2015," said Apple Valley Mayor Art Bishop "The only thing Liberty Utilities did by filing this frivolous lawsuit was to place more burden on our citizens, on top of the exorbitant rates they are already paying to this privately held company."

In November 2015, the Town Council of Apple Valley unanimously agreed to move forward with eminent domain proceedings to acquire the Apple Valley Ranchos water system currently owned by Liberty Utilities. Months of public hearings, financial analyses and environmental reviews preceded the Council's November action. Approval of the two resolutions of necessity followed years of exorbitant rate increases by the private owners of the system, making water delivered by Liberty the most expensive water in the region.

"Local control of our water is critical to our future. We owe it to the tax payers who have borne the burden of these costly water rates to see these eminent domain proceedings to the end," said Apple Valley Town Manager Doug Robertson. "The Town is ready to begin the next phase of the trial and we are looking forward to a successful conclusion."

The public hearings, financial analyses and environmental documents presented with the two resolutions of necessity in 2015 were the basis of the critical environmental challenge filed by Apple Valley Ranchos.

In November 2016, a ballot measure was passed in Apple Valley requiring voter approval for the issuing of public debt in excess of \$10 million.

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