

# NEWS RELEASE



## SANTA MONICA MOUNTAINS CONSERVANCY AND MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

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For Immediate Release  
July 6, 2009

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### **Superior Court Judge Rules in Favor of Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority Regarding Swimming Pool at Temescal Gateway Park in Pacific Palisades**

Pacific Palisades, California—Efforts to force the Mountains Recreation and Conservation Authority (MRCA) and Santa Monica Mountains Conservancy (Conservancy) to use public funds to rehabilitate and reopen a swimming pool at Temescal Gateway Park failed last week when Los Angeles Superior Court Judge Elizabeth A. White sustained a demurrer without leave to amend in the case captioned *Friends of Temescal Pool et al. v. Santa Monica Mountains Conservancy et al.*

In January of this year the nonprofit organization Friends of Temescal Pool filed a complaint alleging that one of the conditions of the Conservancy's acquisition of the Temescal Gateway Park in 1994 was that a pool would remain open at the park; that Los Angeles County Proposition A, which supplied some of the funding for the acquisition of the park required that the pool remain open; and that closure of the pool had the effect of precluding disabled and elderly individuals from using Temescal Gateway Park. The group alleged that this "discrimination" violated statutes designed to ensure that disabled individuals have access to public facilities.

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However, the Court ruled that the nonprofit did not have a valid claim against the park agencies on any of its causes of action.

Temescal Gateway Park was purchased with public funds by the Santa Monica Mountains Conservancy (Conservancy) in 1994 and is operated by the Mountains Recreation and Conservation Authority (MRCA). The swimming pool located at Temescal Gateway Park had been operated by the YMCA under a lease agreement with the previous owner of the property, Presbyterian Synod, for more than 25 years. During that time, the pool had fallen into disrepair. In February 2008, YMCA drained the pool to investigate a leaking problem. The YMCA subsequently discovered plumbing and other repair issues with an estimated cost of \$400,000 and closed the pool, which was considered a safety hazard. The YMCA vacated the property in June 2008.

On January 7, 2009, The California Coastal Commission issued an emergency permit to fill in the Temescal Canyon Pool. The MRCA filled in the pool with gravel and dirt, as recommended by structural engineers, in such a way that it could be rehabilitated without the structural damage that inevitably would occur from leaving the pool empty for long periods of time. No decision has been made as to the future use of the site.

The Santa Monica Mountains Conservancy is a State Agency established by the Legislature in 1980. Since that time, it has helped to preserve over 60,000 acres of parkland in both wilderness and urban settings, with a goal of forming an interlinking system of open space, trails, and wildlife habitat that is easily accessible to the public.

The Mountains Recreation and Conservation Authority (MRCA) is a local agency established in 1985 pursuant to the Joint Powers Act. It consists of a partnership between the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District. The MRCA is dedicated to the preservation

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and management of local open space and parkland, watershed lands, trails, and wildlife habitat. The MRCA manages and provides comprehensive education and interpretation programs for the public. It also provides natural resource and scientific expertise, critical regional planning services, park construction services, park operations, fire protection, and ranger services for public parkland throughout the Southern California region.

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