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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

LOS ANGELES COUNTY EMPLOYEES  
RETIREMENT ASSOCIATION, an  
independent agency,

Petitioner & Plaintiff,

v.

COUNTY OF LOS ANGELES and BOARD  
OF SUPERVISORS OF THE COUNTY OF  
LOS ANGELES,

Respondents & Defendants.

CASE NO. 21STCP03475

**LOS ANGELES COUNTY EMPLOYEES  
RETIREMENT ASSOCIATION'S REPLY**

*[Petitioner's Compendium of Evidence and  
Request for Judicial Notice filed concurrently  
herewith]*

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1 **I. INTRODUCTION**

2 The County prevented LACERA from appointing personnel the LACERA Boards concluded  
3 were necessary and from adding approximately \$2 million to LACERA's annual budget. The County  
4 defends its action by claiming it has plenary power over the "number, compensation, tenure and  
5 appointment" of LACERA personnel and 78% of LACERA's budget. Affirming the County's action  
6 would vest it with control over LACERA's management and administration.

7 The County's position conflicts with the statutory scheme and plan design that the County  
8 adopted when creating LACERA. The County created LACERA under the County Employees  
9 Retirement Law (CERL) and voluntarily adopted all of CERL's provisions into the County Code.  
10 CERL and the Constitution use broad, sweeping, and explicit language to grant the LACERA Boards  
11 with "plenary" and "sole and exclusive" power and "fiduciary responsibility" to "administer,"  
12 "manage," "appoint" personnel for, and set budgets for "the entire expense of administration" of the  
13 pension. CERL mandates that the personnel appointed by the LACERA Boards "shall be included in  
14 the salary ordinance or resolution adopted by the board of supervisors." Nothing in CERL or any other  
15 California pension law provides the County with the discretion or authority to veto or second guess the  
16 personnel and budget decisions of the LACERA Boards. Rather, the legislative intent of CERL and the  
17 Constitution was to do the opposite—to prevent elected officials from managing the pension and instead  
18 to vest those powers in independent trustees who owe fiduciary duties solely to members.

19 The County asks this Court to grant it broad powers by invoking authority inapplicable to  
20 pension funds. The County's legal arguments fail for many reasons, but perhaps most importantly  
21 because the County itself chose to create LACERA under CERL and therefore consented to its  
22 provisions giving the LACERA Boards their power. LACERA is not asking this Court to take power  
23 away from the County, but rather to enforce the laws and plan design the County itself adopted.

24 **II. The Unambiguous Text of CERL, Which the County Ignores, Empowers LACERA to**  
25 **Appoint Personnel and Requires the County To Implement Those Appointments**

26 The County does not apply accepted rules of statutory construction that require courts to interpret  
27 words using their ordinary meaning, to construe words in context, and to harmonize statutes internally  
28 and with related statutes. *See Even Zohar Constr. & Remodeling, Inc. v. Bellaire Townhouses, LLC*, 61

1 Cal. 4th 830, 837–38 (2015); *Lungren v. Deukmejian*, 45 Cal. 3d 727, 735 (1988); *Corcoran v. Contra*  
2 *Costa Cnty. Emps. Ret. Bd.*, 60 Cal. App. 4th 89, 92 (1997). The County also fails to construe CERL  
3 liberally to achieve the benefit of pension legislation. *Mijares v. Orange Cnty. Emps. Ret. Sys.*, 32 Cal.  
4 App. 5th 316, 328–29 (2019). Instead, the County selects four words from CERL—“shall be county  
5 employees”—and argues that because certain laws unrelated to pensions state that the board of  
6 supervisors “shall provide for the number, compensation, tenure, appointment and conditions of  
7 employment of county employees,” the County has plenary control over LACERA personnel decisions  
8 and over the vast majority of LACERA’s budget which is spent on salaries. The County does not  
9 meaningfully address the following provisions in CERL and the Constitution:

- 10 • Boards “shall have plenary authority and fiduciary responsibility” and “sole and exclusive  
11 responsibility to administer,” “[n]otwithstanding any other provisions of law or this  
12 Constitution to the contrary” (CAL. CONST. art. XVI, § 17 (“Section 17”));
- 13 • Board “may appoint such . . . personnel as are required to accomplish the necessary work of  
14 the boards” which “shall be included in the salary ordinance or resolution adopted by the  
15 board of supervisors” (GOV’T CODE § 31522.1);
- 16 • Pension funds “shall be administered solely by the board [of retirement]” (*Id.* § 31508);
- 17 • “[M]anagement . . . is vested in the board of retirement” (*Id.* § 31520);
- 18 • “[B]oards shall annually adopt a budget covering the entire expense of administration” (*Id.* §  
19 31580.2); and
- 20 • Pension assets are “trust funds” held exclusively for “providing benefits” and “defraying  
21 reasonable expenses of administering the system.” (*Id.* § 31595; Section 17).

22 Under the County’s interpretation, these and other provisions would be rendered meaningless, the  
23 County would control the “appointment,” “compensation,” “tenure,” and “conditions of employment,”  
24 of all LACERA employees, and it would be allowed to act in its self-interest when managing the  
25 administration of assets held in a trust. The County’s interpretation obviates the balance of power  
26 established in CERL, where the County appoints four trustees, the members elect four, and the Treasurer  
27 sits *ex officio* on the pension board. See GOV’T CODE § 31520.1. It also leaves the LACERA trustees  
28 with a fiduciary duty over a trust’s administration they do not control and disenfranchises members by

1 rendering their elected (and the appointed) trustees with solely advisory powers. The County offers no  
2 contextual, harmonious interpretation of CERL and the Constitution that would support this result.

3 Reading the above and related provisions in context, and giving words their ordinary meaning,  
4 the accurate and only reasonable interpretation of the above provisions is that independent trustees who  
5 owe their sole fiduciary duty to members are vested with control over the management, administration,  
6 budgeting, and appointment of personnel for the retirement system. The only reference to the board of  
7 supervisors in CERL relating to appointment and budgeting is the portion of § 31522.1 that specifies  
8 appointments made by the retirement board “shall be included in the salary ordinance or resolution  
9 adopted by the board of supervisors for the compensation of county officers and employees.” GOV’T  
10 CODE § 31522.1. The Legislature used the mandatory, prescriptive words “shall be included” rather  
11 than words suggesting the County has the power and discretion it now seeks (such as “subject to board  
12 of supervisors approval”). In CERL, the Legislature dozens of times granted the board of supervisors  
13 discretion to make or approve a decision. *See, e.g.*, GOV’T CODE § 31500 (pension may be established  
14 upon a “four-fifths vote of the board of supervisors”); *Id.* §§ 31520.4, 31522.2, 31558.1, 31592.3  
15 (section shall not be operative until board of supervisors adopts it by majority vote); *Id.* § 31592.4  
16 (section shall not be operative until board of supervisors and board of retirement each adopt it by  
17 majority vote). It chose not to do so with respect to appointments and budgets, which makes clear that  
18 CERL imposes a mandatory, ministerial duty on the County. “It is a well established rule of statutory  
19 construction that the word ‘shall’ connotes mandatory action and ‘may’ connotes discretionary action.”  
20 *In re Marriage of Fossum*, 192 Cal. App. 4th 336, 348 (2011).

21 The County contends “shall” should be read as discretionary by arguing circuitously that because  
22 it has discretion to set salaries for county employees, its duty to include LACERA-approved salaries in  
23 ordinances must also be discretionary, citing *Sonoma Ag Art, LLC v. Dep’t of Food & Agric.*, 125 Cal.  
24 App. 4th 122 (2004). *Sonoma*, however, involved statutes creating a duty to test grapevines but  
25 providing the State with significant discretion on how to perform that duty. *Id.* at 128. CERL does not  
26 provide for such discretion. This matter is more similar to *Lazan v. County of Riverside*, 140 Cal. App.  
27 4th 453 (2006), where the court found a statute providing that an employer “shall apply for disability  
28 retirement” to “indicate[] a mandatory or ministerial duty” and “the employer has no authority to do



1 otherwise.” *Id.* at 460; *see also* *Kavanaugh v. W. Sonoma Cnty. Union High Sch. Dist.*, 29 Cal. 4th 911,  
2 926 (2003) (statute stating a classification “shall be made at the time of employment” creates a  
3 ministerial duty).

4 The County appears at one point to concede that it has a ministerial duty to adopt LACERA’s  
5 personnel appointments. On page 13 of its brief, the County admits “it may be mandatory that  
6 LACERA personnel be included in the County’s salary ordinance” but then argues that it retains salary-  
7 fixing authority. In fact, the County’s entire brief focuses on advocating for salary-setting power and  
8 fails to defend in earnest the County’s second-guessing of LACERA’s appointments. Regardless, the  
9 County’s attempt to secure salary-fixing power cannot be squared with GOV’T CODE § 31580.2 which  
10 gives the LACERA Boards exclusive authority over “the *entire* expense of administration” and fails to  
11 provide the County with any oversight over budgeting decisions. This budgeting authority must include  
12 salary-setting because the vast majority of “administrative expense” is obviously salaries.

### 13 **III. The Legislative History of §§ 31522.1 and 31580.2 Actually Supports LACERA’s Position**

14 The County misconstrues the legislative history of GOV’T CODE §§ 31522.1 and 31580.2 by  
15 again taking out of context three words—“salary fixing authority”—in an “Enrolled Bill Report” to  
16 argue that those statutes intended to vest the County with “plenary” authority over pension personnel  
17 decisions. The three words and surrounding context (which the County omits) are as follows:

18 The county retirement board is charged with management of a county retirement system (Sec.  
19 31520, Govt. Code). Apparently, appointment of employees falls within the Jurisdiction of the  
20 Board of Supervisors as in other county departments. The bill would vest such appointing  
authority in the two administrative boards subject however, to county civil service and *salary  
fixing authority*.

21 County Opp. Ex. 6 at 213. While enrolled bill reports carry little weight, *see, e.g., Kaufman & Broad*  
22 *Cmty., Inc. v. Perf. Plastering, Inc.*, 133 Cal. App. 4th 26, 42 (2005) (“enrolled bill reports cannot  
23 reflect the intent of the Legislature”), this passage, and the entire Report, actually support LACERA’s  
24 position. The passage describes the bill as transferring power from counties to the boards, and the  
25 beginning of the Report (which the County omits) describes a county’s role in ministerial terms without  
26 any reference to counties retaining discretion. County Opp. Ex. 6 at 312 (bill “provides for inclusion of  
27 such [board-appointed] personnel in the county salary ordinance”).

28 More importantly, the full legislative history makes clear that the purpose of the statutes was to

1 transfer power from counties to pension boards. Prior to 1973, county treasurers controlled budget and  
2 personnel decisions of county pension funds; §§ 31522.1 and 31580.2 sought to transfer these powers  
3 *away* from the treasurer to the retirement board. The legislative history reflects that all stakeholders  
4 understood this purpose. *See generally* Ex. 66. In 1973, the County itself sent letters to the Legislature  
5 describing the bill as taking power away from the County. Ex. 2 at 90 (Chief Administrative Officer);  
6 Ex. 66 at 52–53 (Board of Supervisors). The County’s 1973 letter stating that these statutes left it with  
7 “minimal” control stunningly conflicts with their current argument that it has “plenary” control. The  
8 County’s current argument also conflicts with its prior acceptance of a different interpretation of this  
9 same Enrolled Bill Report. In 1996, the law firm Morrison & Foerster opined in writing that the  
10 LACERA Boards had sole and exclusive authority over personnel appointments and salaries. Ex. 8 at  
11 158–59. That opinion addressed and dismissed the very same three words in the Enrolled Bill Report  
12 the County points to today. *Id.* at 161–62. In 1996, County Counsel agreed with the opinion, stating  
13 “[w]e concur with the Morrison & Foerster opinion, including the conclusion that the Board of  
14 Supervisors has a ministerial duty to adopt an ordinance implementing classification and compensation  
15 changes adopted by LACERA for its employees.” Ex. 9 at 172.

#### 16 **IV. The County’s Arguments Regarding Its Authority Over County Employees Fail**

##### 17 **A. The County Ignores That It Adopted and Continues to Adopt CERL**

18 The County fails to address that it adopted CERL into the County Code when creating LACERA.  
19 This key fact undermines all of the County’s arguments regarding intrusions on its authority. Counties  
20 have several options to create a pension fund—e.g., they may create a self-managed system, contract  
21 with CalPERS, or create a system under CERL. For a board of supervisors to do the latter, it must adopt  
22 into the County Code by a four-fifths vote all of the provisions of CERL. GOV’T CODE § 31500. In  
23 1937, the County passed Ordinance 3008, now codified in County Code Section 5.20.010 (mistakenly  
24 cited as 5.02.010 in Opening Brief) (Board of Supervisors “accepts the provisions” of CERL and “does  
25 hereby, by reference adopt and incorporate all and every one of the provisions of said Act.”). Article X,  
26 § 47 of the County Charter also requires the County to follow state law when setting salaries. L.A.  
27 COUNTY CHARTER art. X, § 47. Despite exhibiting 25 pages of the County Charter in its Opposition, the  
28 County omitted this section. The County’s decision to adopt CERL distinguishes all of the County’s

1 authority regarding purported intrusions on its authority.

2 **B. Article XI and Gov't Code § 25300 Are Inapplicable**

3 The County argues that Article XI, §1(b) of the Constitution and GOV'T CODE § 25300 give it  
4 power to veto or modify the personnel decisions of the LACERA Boards. The pertinent text of § 25300  
5 states that the board of supervisors "shall provide for the number, compensation, tenure, appointment  
6 and conditions of employment of county employees" and Article XI contains the same language except  
7 for "conditions of employment." The County's position is that this language overrides and renders  
8 unconstitutional the provisions of CERL granting pension boards power to appoint, manage, and set  
9 budgets for the system, including without limitation GOV'T CODE §§ 31522.1 and 31580.2. The County  
10 further argues that *County of Riverside v. Superior Court*, 30 Cal. 4th 278 (2003) and *County of Sonoma*  
11 *v. Superior Court*, 173 Cal. App. 4th 322 (2009) prohibit delegation of a county's power over personnel.

12 *Riverside* and *Sonoma* are distinguishable because they involved laws that stripped counties of  
13 authority without their consent, and both opinions acknowledge that counties may delegate authority. In  
14 *Riverside*, the Supreme Court "emphasize[d] that the issue [was] not whether a county may *voluntarily*  
15 submit compensation issues to arbitration, i.e., whether the county may delegate its own authority, but  
16 whether the Legislature may *compel* a county to submit to arbitration involuntarily." 30 Cal. 4th at 284.  
17 Similarly, in *Sonoma*, the court of appeal said there was no prohibition against statutes that "are  
18 dependent, for their effectiveness upon local option" such as statutes the court identified that authorized  
19 a county to create and delegate powers to a housing authority. 173 Cal. App. 4th at 356. The County's  
20 remaining citations similarly involve involuntary efforts to strip or question a government's right to set  
21 salaries and do not involve CERL. *See Bagley v. City of Manhattan Beach*, 18 Cal. 3d 22 (1976)  
22 (arbitration initiative); *Carrier v. Robbins*, 112 Cal. App. 2d 32 (1952) (challenge to determination of  
23 prevailing wage); *Anderson v. Bd. Of Sup'rs of San Diego Cnty.*, 229 Cal. App. 2d 796 (1964) (same).

24 By adopting CERL into the County Code, the County delegated whatever authority it had over  
25 LACERA personnel to the LACERA Boards. This delegation is legal and consistent with Article XI,  
26 which states that the supervisors shall "provide" for compensation of county employees and "prescribe"  
27 compensation of supervisors and other county officers. Courts have consistently interpreted the word  
28 "provide" as creating a delegable power. *See Sturgeon v. County of Los Angeles*, 167 Cal. App. 4th 630,

1 652–53 (2008) (“When the Constitution has ‘prescribed’ a duty ‘the named authority must itself exercise  
2 the function described; in other words, it imposes a nondelegable duty. The more general term ‘provide’  
3 is used when it is intended not to require action by the named authority itself; in other words, it permits  
4 the delegation of the function to others.”); *County of Madera v. Superior Ct.*, 39 Cal. App. 3d 665, 669–  
5 70 (1974) (“Constitutional Revision Commission used the word ‘provide’ rather than ‘prescribe’ to  
6 indicate an intention to permit the Legislature to delegate this duty.”).

7 Further, it is well settled that courts should attempt to harmonize conflicts in statutes rather than  
8 invalidate a scheme. *See Pac. Legal Found. v. Brown*, 29 Cal. 3d 168, 175 (1981) (courts should  
9 harmonize duties of agencies when in conflict to preserve their purpose). LACERA’s arguments  
10 harmonize the law whereas the County’s position would require this Court to eviscerate CERL’s and the  
11 Constitution’s explicit and specific grant of appointment, budgeting, management and administrative  
12 powers to retirement boards. Finally, to the extent there is any conflict between Article XI, CERL and  
13 Section 17, the Court should recognize that Section 17 (which was passed by voters after Article XI was  
14 enacted) grants the LACERA Boards “plenary authority and fiduciary responsibility” “[n]otwithstanding  
15 any other provisions of law or th[e] Constitution to the contrary.” Thus, the discretion provided to  
16 LACERA’s Boards over their personnel should control over any purported discretion of the County.

### 17 C. County’s Application of *Westly* Is Flawed

18 The County’s interpretation of *Westly* is similarly incorrect. The County focuses on the *Westly*  
19 Court’s holding that CalPERS lacked final authority to set salaries because salaries for state employees  
20 must be set and approved by the Department of Personnel Administration (DPA) pursuant to GOV’T  
21 CODE § 19825, which states that “[n]otwithstanding any other provision of law, whenever any state  
22 agency is authorized . . . to fix the salary or compensation of an employee or officer . . . the salary is  
23 subject” to DPA approval, and GOV’T CODE § 19826, which provides DPA with power to “establish and  
24 adjust” salaries. The *Westly* Court held that the “plenary authority” granted to pension boards in Section  
25 17 did not allow the CalPERS Board to evade these statutes which provide the DPA with clear approval  
26 authority. The County’s argument fails because there is no comparable provision in CERL that grants  
27 the County power to review, approve, veto or establish LACERA salaries—rather, CERL states that  
28 appointments “shall be included” in ordinances and the LACERA Boards have exclusive power to set

1 budgets for the “entire expense” of administration. *Westly* is also distinguishable because (a) the County  
2 adopted CERL and thus the LACERA appointments do not violate any law providing the County with  
3 discretion over salaries and (b) for the additional reasons specified in LACERA’s Opening Brief.

4 The County also relies on an unpublished minute order where a San Diego court relied on *Westly*  
5 to grant judgment on the pleadings (with partial leave to amend) against a pension fund. The case ended  
6 before the pleadings were amended or the decision appealed. This unpublished minute order may not be  
7 relied upon pursuant to California Rules of Court 8.1115(a) and thus carries no weight. *See also People*  
8 *v. Williams*, 176 Cal. App. 4th 1521, 1529 (2009) (suggesting that citation to unpublished opinions in  
9 violation of Rule 8.1115(a) can lead to sanctions).

10 LACERA reserves the right to argue that *Westly* should be overruled if it or any of its progeny is  
11 relied upon to authorize the County’s failure to implement LACERA’s personnel decisions.

## 12 **V. The County’s Other Arguments Fail**

### 13 **A. The Subsequent Enacted and Unenacted Legislation Cited By The County Has No** 14 **Weight and Regardless Supports LACERA’s Position**

15 The County argues that other counties passed legislation purporting to enable their pensions to  
16 hire employees directly and the fact that Los Angeles did not means LACERA’s interpretation of CERL  
17 is incorrect. The County has its facts and law wrong. Los Angeles did in fact pass such legislation in  
18 2001 (*see* GOV’T CODE § 31522.4), it was the first County to do so, and the statutes cited by other  
19 counties were patterned after the Los Angeles legislation. These statutes were passed to exempt certain  
20 pension employees from civil service, and LACERA and the County recognized in writing at the time  
21 the bills were passed that LACERA had plenary authority over personnel and salary-setting.

22 In 2000, Los Angeles County voters passed Measure A, which made county department heads at  
23 will employees. This Measure did not apply to LACERA because, as recognized by the Legislature,  
24 “LACERA is an independent governmental agency separate from the County.” Ex. 67 at 59. In 2001,  
25 LACERA promoted and the Legislature passed SB 1132, now codified in GOV’T CODE § 31522.4,  
26 which made certain LACERA executive management at will employees exempt from civil service.  
27 LACERA observed in a letter included in the legislative history that “[a]lthough LACERA employees  
28 are statutorily classified as County employees, LACERA is an independent governmental agency

1 separate from the County.” *Id.* at 57. That same year the County also acknowledged that LACERA had  
2 plenary power over appointments and salary setting when it authorized LACERA to negotiate its own  
3 labor contracts. *See* Ex. 11; Ex. 13 at 187; Exs. 12 & 14 (recognizing LACERA bargains with labor  
4 separately from County). Thus there was no reason in 2001 for LACERA to request language in the bill  
5 rejecting the County’s current novel argument because the County and LACERA both agreed at that  
6 time that LACERA had plenary power over the appointment and compensation of its personnel.

7 The following year Orange County promoted a bill (now codified in § 31522.5) which it  
8 described as “the type of legislation approved for Los Angeles County last year.” County Opp. Ex. 26 at  
9 402. Other counties later passed similar legislation. *See* GOV’T CODE §§ 31522.7, -.9, -.10. While local  
10 motivations varied, the main purpose of each bill was to exempt certain pension personnel from civil  
11 service. *See, e.g.,* Ex. 67 at 101–13; 120–21; 144; 150; 178 (citing retention, inconveniences of civil  
12 service, conflicts of interest and settling a lawsuit). In short, the factual history of these bills does not  
13 support the County’s position, and regardless, subsequent legislation carries little to no weight in  
14 statutory interpretation. *See W. Sec. Bank v. Superior Ct.*, 15 Cal. 4th 232, 244 (1997) (one Legislature  
15 may not speak authoritatively on the intent of another); *City of Emeryville v. Cohen*, 233 Cal. App. 4th  
16 293, 310 (2015) (subsequent Legislature cannot interpret earlier statute “for that is a judicial task.”).

17 The County also points to the Governor’s 2016 veto of AB 1853, a bill that would have specified  
18 one process for pension funds to become districts. This veto is completely irrelevant. While unpassed  
19 bills carry little to no weight in statutory interpretation, *Pac. Fertility Cases*, 78 Cal. App. 5th 568, 584  
20 (2022) (citing cases), the history of AB 1853 also does not support the County’s position. As reflected  
21 in the legislative history, LACERA requested in writing that the Governor veto the bill because existing  
22 law already provided a path for pension funds to become a district and also already provided retirement  
23 boards with “plenary authority—and thus independence from plan sponsors—over the administration of  
24 the system, including the appointment of personnel and determination of compensation levels.” County  
25 Opp. Ex. 39. The Governor vetoed the bill. *See* County Opp. Ex. 41. Again, there was no need for  
26 LACERA to be concerned by the bill because it and the County recognized at the time that LACERA  
27 already had plenary control over its personnel decisions.

28 **B. Corcoran Remains On Point and Supports LACERA’s Position**

1 The County fails to distinguish the *Corcoran* decision, which squarely supports LACERA's  
2 argument. *Corcoran* confirmed the independence of a county retirement system organized under CERL  
3 and its ability to set compensation levels for its employees. Reading CERL's statutory scheme together  
4 with the Constitution, the court upheld that independence and found it "immaterial" that the retirement  
5 system's employees were county employees for other purposes. 60 Cal. App. 4th at 95. That is, the  
6 *Corcoran* court rejected the central—and overly generalized—argument that the County advances here.

7 **C. County's Expert Witness Misdescribes How LACERA is Funded**

8 The County argues that it "indirectly" pays LACERA's expenses because such expenses may  
9 increase the County's future contributions. This argument misstates the law and facts. LACERA's  
10 assets and earnings from those assets are owned by its members, and by law LACERA's expenses must  
11 be paid solely from those earnings. Thus, LACERA's expenses are paid directly by funds belonging to  
12 members. Further, as noted by Nick Collier, LACERA's actuary, and Thomas Terry, the former  
13 President of the American Academy of Actuaries and LACERA's rebuttal expert witness, LACERA's  
14 administrative expenses in practice actually reduce the County's contributions because they enable  
15 LACERA to employ personnel capable of generating substantial investment earnings. Mr. Collier  
16 further states that the financial impact of LACERA's personnel decisions on contributions is negligible.

17 **VI. CONCLUSION**

18 The County dismisses many of LACERA's arguments as policy arguments, but in fact they are  
19 grounded in fundamental rules of statutory interpretation. The County prevented LACERA from  
20 appointing personnel and incurring expenses the LACERA Boards concluded were necessary.  
21 LACERA's Boards have the right to take these actions pursuant to GOV'T CODE §§ 31522.1, 31580.2  
22 and other parts of CERL and the Constitution, and none of this authority provides the County with  
23 power or discretion to veto or modify those actions. Rather, GOV'T CODE § 31580.2 provides the  
24 LACERA Boards with exclusive control over "the entire expense of administration," and GOV'T CODE §  
25 31522.1 states that the appointments of the LACERA Boards "shall be included" in County ordinances,  
26 creating a mandatory, ministerial duty on the County to implement LACERA's personnel decisions. For  
27 these reasons, this Court should grant LACERA's petition and issue a judgment declaring that the  
28 County has a ministerial duty to accept the personnel decisions of the LACERA Boards.

1 Dated: October 31, 2022

Respectfully submitted,

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