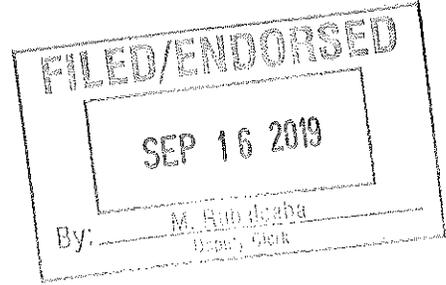


1 OFFICE OF THE PLACER COUNTY COUNSEL
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6 Attorneys for Petitioner BRETT D. HOLT



7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SACRAMENTO**

10
11 BRETT D. HOLT, an individual
12 Petitioner,
13 v.
14 CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM,
15 Respondent.

Case No. 34-2019-80003207

**DECLARATION OF BRETT D. HOLT
IN SUPPORT OF MEMORANDUM OF
POINTS AND AUTHORITIES
(OPENING BRIEF) IN SUPPORT OF
PETITION FOR DECLARATORY
RELIEF AND WRIT OF MANDATE
UNDER THE CALIFORNIA PUBLIC
RECORDS ACT (GOV. CODE § 6258)**

Date: November 1, 2019
Time: 11:00 a.m.
Place: Dept. 28

- 16
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18
19 1. I, Brett D. Holt, am a member in good standing of the State Bar of California, a current
20 employee of the County of Placer that receives "longevity pay" and a member of the California
21 Public Employees Retirement System of California [CalPERS] that is eligible for retirement. I
22 make this declaration based on personal knowledge, except as to matters stated herein on
23 information and belief, and if called as a witness I could and would testify competently to the facts
24 stated herein.
25 2. Based on information and belief, this Petition for Writ of Mandate seeks access to records of
26 vital importance to all persons that participate (either as a public employee or retiree from a public
27 agency) in the California Public Employees' Retirement System [CalPERS]. Since 1994,

FILED BY FAX

1 Respondent received money from the County of Placer and Placer County employees to fund
2 retirement benefits that included longevity pay in the calculation of “final compensation”.
3 Throughout the years, Respondent regularly reviewed the County of Placer longevity pay provision
4 as being in compliance with the Public Employees Retirement Law (PERL) and included it in the
5 calculation of final compensation (i.e. Respondent considered the longevity pay to be
6 “PERSable”¹). County of Placer employees and the County of Placer paid approximately 16.2
7 million dollars to Respondent related to longevity pay, and Respondent processed the payments and
8 paid retirement benefits on the basis that longevity pay was PERSable.

9 2. Based on information and belief, in early 2019, Respondent began denying the claim of final
10 compensation of Placer County employees and new retirees that included longevity pay in the
11 retirement calculation, which equaled approximately 5% of an employees’ compensation. Without
12 any material change in the law or corresponding regulations, Respondent now took the position that
13 the County of Placer’s longevity pay *“does not meet PERL’s exclusive definition of Longevity Pay
14 and is not available to the group or class because it is limited to employees at the top step of the pay
15 range. Accordingly, we [CalPERS] excluded this pay from the calculation of your retirement
16 benefits.”*

17 3. Respondent’s longevity pay definition [2 CCR §571(a)(1)] and the relevant Government
18 Code sections [Gov. Code § 20636(e)(1)] had not materially changed since 1994. Based on
19 information and belief, the only thing that had changed was Respondent’s interpretation and
20 application of longevity pay as to County of Placer employees and recent retirees.

21 4. Based on information and belief, Respondent’s new interpretation has devastated County of
22 Placer employees who for many years have been given estimates from Respondent as to their
23 retirement benefits based on the inclusion of the longevity pay and who relied on those estimates in
24 planning for retirement. It is particularly devastating for employees who had planned to retire
25 within the near future.

26
27 _____
28 ¹ “PERSable” is a commonly used term to describe a special compensation that is accepted by CalPERS as being
compliant with the PERL and included in the calculation of final compensation.

1 5. In four separate Public Record Act requests [Gov. Code §6250 *et al.*], I sought records that
2 would shed light on why, after 25 years, Respondent changed its opinion as to Placer County's
3 longevity pay provision. The requests sought Respondent's internal records that would provide
4 factual information as to when Respondent changed its interpretation, who was responsible for the
5 change in Respondent's interpretation, on what basis did Respondent change its interpretation and
6 how did Respondent communicate, teach and instruct Respondent's staff on the new interpretation.

7 7. Unfortunately, after nearly two months, Respondent produced no internal documents that
8 would answer or clarify how Respondent could so radically change its interpretation of the County
9 of Placer's longevity pay provision. For example, while Respondent electronically produced full
10 volumes of the California Public Employees Retirement Law [PERL] for each year from 2016 to
11 2019, it did not produce a single internal record from 1992 to 2019 (*i.e.* a record between
12 Respondent's employees such as e-mails, correspondence, bulletins, notices, training material, or
13 sections of policy or procedural manuals) that would explain, apply, teach or implement the relevant
14 statute or regulation. [Gov. Code § 20636 or 2 CCR §571.] In my opinion, Respondent's response
15 to the four PRA's was a complete denial to the record requests. Respondent's refusal to respond to
16 my "meet and confer" requests forced the filing of the present petition.

17 8. In broadest terms, the public record requests herein were intended to prevent secrecy in
18 government. It is my opinion that if Respondent can change its interpretation of Placer County's
19 longevity pay provision after receiving payments for 25 years and after accepting and paying
20 retirement benefits that include longevity pay, then all public agencies, public employees and
21 retirees are subject to the exact same arbitrary use of power. The public has a right to know the facts
22 when dealing with Respondent's decisions.

23 9. I made four separate PRA requests through Respondent's website that form the basis of this
24 petition. Respondent assigned a number to each request. Respondent identified Petitioners'
25 requests as #4479, #4480, #4481 and #4529.

26 10. **Request No. 4479:** On May 10, 2019, I made a Public Records Act request to Respondent
27 as follows:

1 Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully
2 request records related to CalPERS interpretation of Government Code §20636 and 2
CCR §571

3 1. All CalPERS records that, in whole or in part, discuss, consider, confer,
4 advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct,
5 interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to Circular
Letter No. 200-049-07.²

6 A true and correct copy of the Respondent's initial response to Request No. 4479 quoting my
7 request is attached as Exhibit A.

8 11. On June 26, 2019, Respondent produced a portion of the records responsive to Request #
9 4479. With the partial production, Respondent wrote as to each request, in relevant part:

10 Attached is a portion of the information you requested. Staff continues to search for
11 and review potentially responsive information. We estimate all responsive
12 documents subject to disclosure under the PRA, mailed to you by July 17, 2019.

13 Personal information is exempt from disclosure under Government Code 20230 and
14 6254(k) and has therefore been redacted.

15 A true and correct copy of the June 26, 2019 letter is attached as Exhibit B.

16 12. On July 16, 2019, Respondent communicated that it had provided all responsive documents
17 for Request #4479 and that Respondent considered the PRA fulfilled and closed. The final
18 response provided, in relevant part, the following:

19 Our staff located records that are responsive to your request, which you will find
20 attached to this letter. Our staff also determined that other responsive records in our
21 possession are exempt from disclosure or have been redacted under California Code
sections 6254(k) attorney-client communications; 6254(a) and 6255 deliberative
22 process records; and 6254(b) records concerning litigation.

23 Personal information is exempt from disclosure under Government Code Section
24 20230 and 6254(k) and had therefore been redacted.

25 By providing you this information we consider your PRA request fulfilled and
26 closed.

27 ² Circular Letter No. 200-049-07 dated 8/28/07 is titled "'Group or Class of Employment' May include Employees
28 considered Together Based on Date of Hire."

1 A true and correct copy of the July 16, 2019 letter is attached as Exhibit C.

2 13. On July 17, 2019, Respondent produced public circular letters that were not included in the
3 final production. I reviewed the records produced by Respondent in response to this request. The
4 records produced included no internal records or communications (*i.e.* a record between
5 Respondent's employees such as e-mails, correspondence, bulletins, notices, training material, or
6 sections of policy or procedural manuals) that would explain, apply, teach or implement the relevant
7 statute or regulations related to Circular No. 200-049-07.

8 14. **Request No. 4480**: On May 10, 2019, I made a second Public Records Act request to
9 Respondent as follows:

10 Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully
11 request records related to CalPERS' interpretation of Government Code § 20636 and
12 2 CCR § 571.

13 1. All CalPERS records that, in whole or in part, discuss, consider, confer,
14 advise, examine, explain, apply, review, deliberate, debate, weigh, opine, order,
15 instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to the
16 case of *Dicarlo et al. v. County of Monterey* (2017) 12 Cal.App.5th 468; 218
17 Cal.Rptr.3d 829.³

18 A true and correct copy of the Respondent's May 22 letter quoting Request No. 4480 is attached as
19 [See Exhibit D.]

20 15. On June 26, 2019, Respondent produced a portion of the records responsive to Requests
21 #4480. With the partial production, Respondent wrote as to each request, in relevant part:

22 Attached is a portion of the information you requested. Staff continues to search for
23 and review potentially responsive information. We estimate all responsive
24 documents subject to disclosure under the PRA, mailed to you by July 17, 2019.

25 Personal information is exempt from disclosure under Government Code 20230 and
26 6254(k) and has therefore been redacted.

27 ³ The *DiCarlo* case examined whether a longevity-performance provision in the County of Monterey complied with
28 PERL.

1 A true and correct copy of the Respondent's June 26, 2019 letter is attached as Exhibit E.

2 16. On July 16, 2019, Respondent communicated that it had provided all responsive documents
3 for Request #4480 under PRA Requests #4479 and #4481 and that Respondent considered the PRA
4 fulfilled and closed. A true and correct copy of Respondent's July 16, 2019 letter is attached as
5 Exhibit F. Respondent did not assert any objections in its final response. I reviewed the records
6 Respondent provided. In response to Request #4480, Respondent's production again failed to
7 include any internal records or communications (*i.e.* a record between Respondent's employees
8 such as e-mails, correspondence, bulletins, notices, training material, or sections of policy or
9 procedural manuals) that would explain, apply, teach or implement the decision of *Dicarlo et al. v.*
10 *County of Monterey* (2017) 12 Cal.App.5th 468.

11 17. **Request No. 4481:** On May 10, 2019, I made a third Public Records Act request, Request
12 #4481, to Respondent as follows:

13 Pursuant to the Public Records Act [Gov. Code §§ 6250 *et seq.*], I respectfully
14 request records related to CalPERS' interpretation of Government Code §20636 and
15 2 CCR § 571.

16 I understand that this request may result in a significant number of responsive
17 documents. Therefore, I am tailoring my request to a limited selection of the most
18 important documents and most relevant timeframe.

19 As set forth below, for purposes of Requests 1 through 5, I do not seek all records
20 that may reference Government Code § 20636 and 2 CCR § 571, but only a limited
21 set of "Decisional Documents or Records" that, in whole or in part, discuss, consider,
22 confer, examine, explain, review, deliberate, debate, weigh, opine, order, instruct,
23 interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to:

- 24 1. CalPERS' interpretation of the definition of longevity pay contained in 2
25 CCR §571(1);
- 26 2. CalPERS' interpretation that special compensation be "available to all
27 members in the group or class" contained in 2 CCR § 571(b)(2);
- 28 3. CalPERS' interpretation of "group or class of employment" contained in
Gov. Code §20636(e)(1);
4. CalPERS' determination that that the County of Placer's longevity pay does
not meet PERL's exclusive definition of Longevity Pay; or
5. CalPERS' determination that the County of Placer's longevity pay is not
available to the group or class because it is limited to employees at the top step of the
pay range.

1 The term "CalPERS" means all divisions, sub-divisions, departments, working
2 groups, directors, officers, managers and employees of the California Public
Employees' Retirement Systems.

3 The term "records" as used in this request is defined as "any writing containing
4 information relating to the conduct of the public's business prepared, owned, used, or
5 retained by any state or local agency regardless of physical form or characteristics."
6 [Gov. Code § 6252(e)] "Writing" is defined as "any handwriting, typewriting,
7 printing, photostating, photographing, photocopying, transmitting by electronic mail
8 or facsimile, and every other means of recording upon any tangible thing any form of
communication or representation, including letters, words, pictures, sounds, or
symbols, or combinations thereof, and any record thereby created regardless of the
manner in which the record has been stored." [Gov. Code § 6252 (g)]

9 Records Request No. 1: All DECISIONAL DOCUMENTS OR RECORDS,
10 including but not limited to, all writings, memoranda, correspondence, electronic
11 correspondence, audits, agenda, letters, circular letters, bulletins, manuals,
12 instructions, reports, opinions, advisories, research, policies, procedures, notes,
13 messages, minutes, announcements, directives, or records from January 1, 1992 to
the PRESENT related to CalPERS' interpretation of the definition of longevity pay
contained in 2 CCR §571(1). [Note: This request does not seek documents already
produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]

14 Records Request No. 2: All DECISIONAL DOCUMENTS OR RECORDS,
15 including but not limited to, all writings, memoranda, correspondence, electronic
16 correspondence, audits, agenda, letters, circular letters, bulletins, manuals,
17 instructions, reports, opinions, advisories, research, policies, procedures, notes,
18 messages, minutes, announcements, directives, or records from January 1, 1992 to
the PRESENT related to CalPERS' interpretation that special compensation be
"available to all members in the group or class" contained in 2 CCR § 571(b)(2).
[Note: This request does not seek documents already produced in response to Ms.
Sarah Glatt's PRA request – Tracking No. 4301]

19 Records Request No. 3: All DECISIONAL DOCUMENTS OR RECORDS,
20 including but not limited to, all writings, memoranda, correspondence, electronic
21 correspondence, audits, agenda, letters, circular letters, bulletins, manuals,
22 instructions, reports, opinions, advisories, research, policies, procedures, notes,
23 messages, minutes, announcements, directives, or records from January 1, 1992 to
the PRESENT related to CalPERS' interpretation of "group or class of employment"
24 contained in Gov. Code §20636(e)(1). [Note: This request does not seek documents
already produced in response to Ms. Sarah Glatt's PRA request – Tracking No.
4301]

25 Records Request No. 4: All DECISIONAL DOCUMENTS OR RECORDS,
26 including but not limited to, all writings, memoranda, correspondence, electronic
27 correspondence, audits, agenda, letters, circular letters, bulletins, manuals,
28 instructions, reports, opinions, advisories, research, policies, procedures, notes,
messages, minutes, announcements, directives, or records from January 1, 1992 to

1 the PRESENT supporting CalPERS' determination that that the County of Placer's
2 longevity pay does not meet PERL's exclusive definition of Longevity Pay. [Note:
3 This request does not seek documents already produced in response to Ms. Sarah
4 Glatt's PRA request – Tracking No. 4301]

5 Records Request No. 5: All DECISIONAL DOCUMENTS OR RECORDS,
6 including but not limited to, all writings, memoranda, correspondence, electronic
7 correspondence, audits, agenda, letters, circular letters, bulletins, manuals,
8 instructions, reports, opinions, advisories, research, policies, procedures, notes,
9 messages, minutes, announcements, directives, or records from January 1, 1992 to
10 the PRESENT supporting CalPERS' determination that the County of Placer's
11 longevity pay is not available to the group or class because it is limited to employees
12 at the top step of the pay range [Note: This request does not seek documents already
13 produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]

14 Records Request No. 6: All audit procedure manuals from January 1, 1992 to the
15 PRESENT that, in whole or in part, discuss, consider, confer, advise, examine,
16 explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach,
17 deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the
18 definition of Longevity Pay contained in 2 CCR §571(1). This request specifically
19 includes all amendments to the audit procedure manual from 1992 to the PRESENT.
20 [Note: This request does not seek documents already produced in response to Ms.
21 Sarah Glatt's PRA request – Tracking No. 4301]

22 Records Request No. 7: All audit procedure manuals from January 1, 1992 to the
23 PRESENT that, in whole or in part, discuss, consider, confer, advise, examine,
24 explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach,
25 deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the
26 definition of Longevity Pay contained in 2 CCR §571(1). This request specifically
27 includes all amendments to the audit procedure manual from 1992 to the PRESENT.
28 [Note: This request does not seek documents already produced in response to Ms.
Sarah Glatt's PRA request – Tracking No. 4301]

Records Request No. 8: All audit procedure manuals from January 1, 1992 to the
PRESENT that, in whole or in part, discuss, consider, confer, advise, examine,
explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach,
deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the
requirement that all special compensation be "available to all members in the group
or class" contained in 2 CCR §571(b)(2). This request specifically includes all
amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This
request does not seek documents already produced in response to Ms. Sarah Glatt's
PRA request – Tracking No. 4301]

Records Request No. 9: All audit procedure manuals from January 1, 1992 to the
PRESENT that, in whole or in part, discuss, consider, confer, advise, examine,
explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach,
deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets
"group or class of employment" contained in Gov. Code §20636(e)(1). This request

1 specifically includes all amendments to the audit procedure manual from 1992 to the
2 PRESENT. [Note: This request does not seek documents already produced in
response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]

3 Records Request No. 10: All electronic communications from January 1, 1992 to the
4 PRESENT wherein any of the following persons [Rene Ostrander, Brad Hanson,
5 Charles Miller or any other person in the CalPERS' Office of Audit Services or the
6 CalPERS' Employer Account Management Division or any other CalPERS'
7 division, excluding the Legal Division] were authors, recipients, or participants in
8 anyway and the electronic communication, in whole or in part, discussed,
9 considered, conferred, advised, examined, explained, reviewed, deliberated, debated,
10 weighed, opined, ordered, instructed, interpreted, taught, delivered, spoke to,
11 reflected on, offered, took up, or related to any of the following topics:

- 12 1. CalPER's interpretation of the definition of longevity pay contained in 2
13 CCR §571(1);
- 14 2. CalPER's interpretation that special compensation be "available to all
15 members in the group or class" contained in 2 CCR § 571(b)(2);
- 16 3. CalPERS' interpretation of "group or class of employment" contained in
17 Gov. Code §20636(e)(1);
- 18 4. CalPERS' determination that that the County of Placer's longevity pay does
19 not meet PERL's exclusive definition of Longevity Pay;
- 20 5. CalPERS' determination that the County of Placer's longevity pay is not
21 available to the group or class because it is limited to employees at the top step of the
22 pay range.

23 Records Request No. 11: All audit reports by CalPERS' Office of Audit Services
24 from January 1, 1992 to the PRESENT of Placer County.

25 A true and correct copy of Respondent's letter quoting my request is attached as Exhibit G.

26 18. On June 28, 2019, Respondent produced records in response to Request #4481. With the
27 production, Respondent wrote, in relevant part:

28 Our staff located the information responsive to your request and disclosable under
the PRA. Enclosed please find the documents responsive to your request.

By providing you this information we consider your PRA request fulfilled and
closed.

A true and correct copy of this June 28, 2019 letter is attached as Exhibit H.

1 19. I reviewed the records provided in response. In response to Request #4481, Respondent's
2 production included no internal records or communications (*i.e.* a record between Respondent's
3 employees such as e-mails, correspondence, bulletins, notices, training material, or sections of
4 policy or procedural manuals) that would explain, apply, teach or implement on 2 CCR §571 and
5 Gov. Code §20636.

6 20. **Request No. 4529:** On or about June 3, 2019, I made a fourth Public Records Act request,
7 Request #4529, to Respondent. The requests were similar to Request No. 4481 but used the phrase
8 "Time in Grade" or "Time in Classification." A true and correct copy of Respondent's July 16,
9 2019 letter quoting my request is attached as Exhibit I and J⁴. Respondent did not provide a
10 response to Request No. 4529 within ten days.

11 21. On July 16, 2019, Respondent communicated that it had provided all responsive documents
12 for Request #4529 in response to Request #4479 and #4481 and that Respondent considered the
13 PRA request fulfilled and closed. [*See* Exhibit I and J.]

14 22. **Meet and Confer Attempts:** On June 28, 2019, I prepared a "meet and confer" electronic
15 communication to Respondent, a true and correct copy of which is attached as Exhibit K. On the
16 same date, the Respondent's representative responded that she was waiting for a full response from
17 the program area and that she was told that some of the documents for PRA #4479 and #4480 were
18 also responsive to PRA #4481. Respondent's representative further stated that she was waiting for
19 additional documents for PRA #4479 and 4480. A true and correct copy of Respondent's response
20 is attached as Exhibit L.

21 23. On July 11, 2019, I prepared a second "meet and confer" electronic communication to
22 Respondent, as Respondent had not further responded, a true and correct copy of which is attached
23 as Exhibit M.

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28 ⁴ Exhibit I and J are identical. I left Exhibit J in because we included Exhibit J in my verified petition for consistency.

1 24. On July 12, 2019, Respondent responded to my second meet and confer letter as follows:

2 No documents were withheld for PRA #4481. The issue is that some of the
3 documents for PRA #4479 and #4480 are also responsive to this PRA (#4481). And
4 we are still waiting for additional documents for #4479 and #4480.

5 I should have closed all three PRAs at the same time but I wanted to send the
6 responsive documents as soon as possible and I realized this has caused confusion. I
7 apologize for my mistake.

8 I am still waiting for the additional documents to close out #4479 and #4480. If any
9 documents are withheld, there will be specific government codes for the exemptions.

10 A true and correct copy of Respondent's July 12 e-mail is attached as Exhibit N.]

11 25. On July 12, 2019, I further responded to Respondent detailing the whole categories of
12 documents that would be responsive and that were not produced, a true and correct copy of which is
13 attached as Exhibit O. Respondent responded to the correspondence by stating that it was still
14 producing additional records at that time. A true and correct copy of this response is attached as
15 Exhibit P.

16 26. **CalPERS Referral to Legal Counsel – PRA No. 4535:** On June 10, 2019, I sent a fifth
17 PRA requests to Respondent to determine whether or not Respondent had referred the County of
18 Placer's longevity appeal to Respondent's legal counsel or to the Office of Administrative Hearings.
19 Respondent identified the request as PRA No. 4535. This request was for the following records:

20 Pursuant to the Public Records Act [Gov. Code §6250 et seq.], I request all records
21 that reflect that you (or anyone else at CalPERS) have referred the County's appeal
22 to CalPERS legal department/division for handling or referred the County's appeal to
23 OAH for adjudication. The time for which I request records is from February 13,
24 2019 to June 7, 2019.

25 27. On July 16, 2019, Respondent provided the following response, in relevant part: "After a
26 diligent search of our records staff determined that there are no responsive records as our Legal
27 Office did not receive the case until after the specified date range. Therefore we have nothing to
28 produce in response to your request. [¶] By providing you this information we consider your PRA

1 request fulfilled and closed.” A true and correct copy of the Respondent’s response is attached as
2 Exhibit Q.

3 28. On July 17, 2019, Respondent produced further records (CalPERS’ Circular Letters
4 previously published by Respondent) that were not included in the communication the day before.
5 No further records have been produced by Respondent as to Request Nos. 4479, 4480, 4481 and
6 4529.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 Executed in Auburn, California on September 16, 2019.

9
10 By: Brett D. Holt
11 BRETT D. HOLT
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EXHIBIT A



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

May 22, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – CIRCULAR LETTER NO. 200-049-07,
TRACKING #4479

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571.

1. *All CalPERS records that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to Circular Letter No. 200-049-07.*

Staff is searching for and reviewing potentially responsive information. Should responsive documents be identified, we estimate all responsive documents subject to disclosure under the PRA, provided under Government Code section 6254 and 6255, to be mailed to you by June 26, 2019.

If you have any further questions regarding this request, please contact the PRA Coordinator directly at the above address or telephone number (916) 795-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Ramirez".

MEAGAN RAMIREZ
PRA Quality Assurance Analyst
Office of Stakeholder Relations

EXHIBIT B



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

June 26, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – CIRCULAR LETTER NO. 200-049-07;
TRACKING #4479

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571.

Please provide all CalPERS records that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to Circular Letter No. 200-049-07.

Attached is a portion of the information you requested. Staff continues to search for and review potentially responsive information. We estimate all responsive documents subject to disclosure under the PRA, mailed to you by July 17, 2019.

Personal information is exempt from disclosure under Government Code 20230 and 6254(k) and has therefore been redacted.

If you have any further questions regarding this request, please contact the PRA Coordinator directly at the above address or telephone number (916) 795-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Teykaerts".

DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations

Enclosure

EXHIBIT C



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

July 16, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

**Subject: PUBLIC RECORDS REQUEST – CIRCULAR LETTER NO. 200-049-07,
TRACKING #4479**

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571.

Please provide all CalPERS records that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to Circular Letter No. 200-049-07.

Our staff located records that are responsive to your request, which you will find attached to this letter. Our staff also determined that other responsive records in our possession are exempt from disclosure or have been redacted under California Government Code sections 6254(k) attorney-client communications; 6254(a) and 6255 deliberative process records; and 6254(b) records concerning litigation.

Personal information is exempt from disclosure under Government Code 20230 and 6254(k) and has therefore been redacted.

By providing you this information we consider your PRA request fulfilled and closed. If you have any further questions regarding this request, please contact the Office of Stakeholder Relations at the above address or telephone number (916) 795-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Teykaerts".

DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations

Enclosure

EXHIBIT D



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

May 22, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – DICARLO ET AL. V. COUNTY OF
MONTEREY, TRACKING #4480

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS' interpretation of Government Code §20636 and 2 CCR § 571.

1. *All CalPERS records that, in whole or in part, discuss, consider, confer, advise, examine, explain, apply, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to the case of Dicarlo et al. v. County of Monterey (2017) 12 Cal. App.5th 468; 218 Cal.Rptr.3d 829.*

Staff is searching for and reviewing potentially responsive information. Should responsive documents be identified, we estimate all responsive documents subject to disclosure under the PRA, provided under Government Code section 6254 and 6255, to be mailed to you by June 26, 2019.

If you have any further questions regarding this request, please contact the PRA Coordinator directly at the above address or telephone number (916) 795-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Ramirez".

MEAGAN RAMIREZ
PRA Quality Assurance Analyst
Office of Stakeholder Relations

EXHIBIT E



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

June 26, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

**Subject: PUBLIC RECORDS REQUEST – DICARLO ET AL. V. COUNTY OF
MONTEREY, TRACKING #4480**

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS' interpretation of Government Code §20636 and 2 CCR § 571.

*Please provide all CalPERS records that, in whole or in part, discuss, consider, confer, advise, examine, explain, apply, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to the case of *Dicarlo et al. v. County of Monterey* (2017) 12 Cal. App.5th 468; 218 Cal.Rptr.3d 829.*

Attached is a portion of the information you requested. Staff continues to search for and review potentially responsive information. We estimate all responsive documents subject to disclosure under the PRA, mailed to you by July 17, 2019.

Personal information is exempt from disclosure under Government Code 20230 and 6254(k) and has therefore been redacted.

If you have any further questions regarding this request, please contact the PRA Coordinator directly at the above address or telephone number (916) 795-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "David Teykaerts", with a long horizontal line extending to the right.

DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations

Enclosure

EXHIBIT F



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
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www.calpers.ca.gov

July 16, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – DICARLO ET AL. V. COUNTY OF
MONTEREY, TRACKING #4480

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS' interpretation of Government Code §20636 and 2 CCR § 571.

Please provide all CalPERS records that, in whole or in part, discuss, consider, confer, advise, examine, explain, apply, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to the case of Dicarlo et al. v. County of Monterey (2017) 12 Cal. App.5th 468; 218 Cal.Rptr.3d 829.

All responsive documents have been provided under PRA #4479 and #4481. By providing you this information we consider your PRA request fulfilled and closed. If you have any further questions regarding this request, please contact the Office of Stakeholder Relations at the above address or telephone number (916) 795-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "David Teykaerts".

DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations

EXHIBIT G



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
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May 22, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – LONGEVITY PAY, TRACKING #4481

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571.

I understand that this request may result in a significant number of responsive documents. Therefore, I am tailoring my request to a limited selection of the most important documents and most relevant timeframe.

As set forth below, for purposes of Requests 1 through 5, I do not seek all records that may reference Government Code § 20636 and 2 CCR § 571, but only a limited set of "Decisional Documents or Records" that, in whole or in part, discuss, consider, confer, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to:

- 1. CalPERS' interpretation of the definition of longevity pay contained in 2 CCR §571(1);*
- 2. CalPERS' interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2);*
- 3. CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1);*
- 4. CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay; or*
- 5. CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range.*

The term "CalPERS" means all divisions, sub-divisions, departments, working groups, directors, officers, managers and employees of the California Public Employees' Retirement Systems.

The term "records" as used in this request is defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." [Gov. Code § 6252(e)] "Writing" is defined as "any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created regardless of the manner in which the record has been stored." [Gov. Code § 6252 (g)]

- 1. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation of the definition of longevity pay contained in 2 CCR §571(1). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]**
- 2. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]**
- 3. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]**
- 4. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present supporting CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]**

5. *All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present supporting CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
6. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the definition of Longevity Pay contained in 2 CCR §571(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
7. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the definition of Longevity Pay contained in 2 CCR §571(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
8. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the requirement that all special compensation be "available to all members in the group or class" contained in 2 CCR §571(b)(2). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
9. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets "group or class of employment" contained in Gov. Code §20636(e)(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
10. *All electronic communications from January 1, 1992 to the PRESENT wherein any of the following persons [Rene Ostrander, Brad Hanson,*

Charles Miller or any other person in the CalPERS' Office of Audit Services or the CalPERS' Employer Account Management Division or any other CalPERS' division, excluding the Legal Division] were authors, recipients, or participants in anyway and the electronic communication, in whole or in part, discussed, considered, conferred, advised, examined, explained, reviewed, deliberated, debated, weighed, opined, ordered, instructed, interpreted, taught, delivered, spoke to, reflected on, offered, took up, or related to any of the following topics:

- I. CalPER's interpretation of the definition of longevity pay contained in 2 CCR §571(1)**
 - II. CalPER's interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2)**
 - III. CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1)**
 - IV. CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay**
 - V. CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range**
- 11. All audit reports by CalPERS' Office of Audit Services from January 1, 1992 to the PRESENT of Placer County.**

Staff is searching for and reviewing potentially responsive information. Should responsive documents be identified, we estimate all responsive documents subject to disclosure under the PRA, provided under Government Code section 6254 and 6255, to be mailed to you by July 17, 2019.

If you have any further questions regarding this request, please contact the PRA Coordinator directly at the above address or telephone number (916) 795-3055.

Sincerely,



**MEAGAN RAMIREZ
PRA Quality Assurance Analyst
Office of Stakeholder Relations**

EXHIBIT H



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
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(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

June 28, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – LONGEVITY PAY, TRACKING #4481

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571.

I understand that this request may result in a significant number of responsive documents. Therefore, I am tailoring my request to a limited selection of the most important documents and most relevant timeframe.

As set forth below, for purposes of Requests 1 through 5, I do not seek all records that may reference Government Code § 20636 and 2 CCR § 571, but only a limited set of "Decisional Documents or Records" that, in whole or in part, discuss, consider, confer, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to:

- 1. CalPERS' interpretation of the definition of longevity pay contained in 2 CCR §571(1);*
- 2. CalPERS' interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2);*
- 3. CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1);*
- 4. CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay; or*
- 5. CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range.*

The term "CalPERS" means all divisions, sub-divisions, departments, working groups, directors, officers, managers and employees of the California Public Employees' Retirement Systems.

The term "records" as used in this request is defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." [Gov. Code § 6252(e)] "Writing" is defined as "any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created regardless of the manner in which the record has been stored." [Gov. Code § 6252 (g)]

- 1. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation of the definition of longevity pay contained in 2 CCR §571(1). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
- 2. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
- 3. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
- 4. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present supporting CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*

5. *All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present supporting CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
6. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the definition of Longevity Pay contained in 2 CCR §571(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
7. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the definition of Longevity Pay contained in 2 CCR §571(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
8. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the requirement that all special compensation be "available to all members in the group or class" contained in 2 CCR §571(b)(2). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
9. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets "group or class of employment" contained in Gov. Code §20636(e)(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
10. *All electronic communications from January 1, 1992 to the PRESENT wherein any of the following persons [Rene Ostrander, Brad Hanson,*

Charles Miller or any other person in the CalPERS' Office of Audit Services or the CalPERS' Employer Account Management Division or any other CalPERS' division, excluding the Legal Division] were authors, recipients, or participants in anyway and the electronic communication, in whole or in part, discussed, considered, conferred, advised, examined, explained, reviewed, deliberated, debated, weighed, opined, ordered, instructed, interpreted, taught, delivered, spoke to, reflected on, offered, took up, or related to any of the following topics:

- I. CalPER's interpretation of the definition of longevity pay contained in 2 CCR §571(1)**
 - II. CalPER's interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2)**
 - III. CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1)**
 - IV. CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay**
 - V. CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range**
- 11. All audit reports by CalPERS' Office of Audit Services from January 1, 1992 to the PRESENT of Placer County.**

Our staff located the information responsive to your request and disclosable under the PRA. Enclosed please find the documents responsive to your request.

By providing you this information we consider your PRA request fulfilled and closed. If you have any further questions regarding this request, please contact the Office of Stakeholder Relations at the above address or telephone number (916) 795-3055.

Sincerely,


**for: DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations**

Enclosure

EXHIBIT I



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

July 16, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – TIME IN GRADE, TRACKING #4529

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on June 3, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571 as related to "Time in Grade" or "Time in Classification" requirements.

As set forth below, for purposes of Requests 1 through 6, I do not seek all records that may reference Government Code § 20636 and 2 CCR § 571, but only a limited set of "Documents or Records" from January 1, 1992 to June 3, 2019 that, in whole or in part, implement, instruct, explain, examine, order, establish, document or record:

- 1. CalPERS interpretation of Government Code § 20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency*
- 2. CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and the definition of longevity pay contained in 2 CCR §571(1)*
- 3. CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2)*
- 4. CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1)*
- 5. CalPERS' interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay*

6. **CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range**

The term "CalPERS" means all divisions, sub-divisions, departments, working groups, directors, officers, managers and employees of the California Public Employees Retirement Systems.

The term "records" as used in this request is defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." [Gov. Code § 6252(e)] "Writing" is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created regardless of the manner in which the record has been stored." [Gov. Code § 6252 (g)]

1. **Records Request No. 1: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code § 20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency. [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**
2. **Records Request No. 2: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and the definition of longevity pay contained in 2 CCR §571(1). [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**

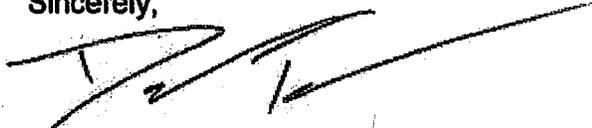
3. **Records Request No. 3: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2). [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**
4. **Records Request No. 4: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1). [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**
5. **Records Request No. 5: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay. [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**
6. **Records Request No. 6: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS**

Brett Holt
July 16, 2019
Page 4

interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range. [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]

All responsive documents have been provided under PRA #4479 and #4481. By providing you this information we consider your PRA request fulfilled and closed. If you have any further questions regarding this request, please contact the Office of Stakeholder Relations at the above address or telephone number (916) 795-3055.

Sincerely,



DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations

EXHIBIT J



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

July 16, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – TIME IN GRADE, TRACKING #4529

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on June 3, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571 as related to "Time in Grade" or "Time in Classification" requirements.

As set forth below, for purposes of Requests 1 through 6, I do not seek all records that may reference Government Code § 20636 and 2 CCR § 571, but only a limited set of "Documents or Records" from January 1, 1992 to June 3, 2019 that, in whole or in part, implement, instruct, explain, examine, order, establish, document or record:

- 1. CalPERS interpretation of Government Code § 20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency*
- 2. CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and the definition of longevity pay contained in 2 CCR §571(1)*
- 3. CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2)*
- 4. CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1)*
- 5. CalPERS' interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay*

6. **CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range**

The term "CalPERS" means all divisions, sub-divisions, departments, working groups, directors, officers, managers and employees of the California Public Employees Retirement Systems.

The term "records" as used in this request is defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." [Gov. Code § 6252(e)] "Writing" is defined as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created regardless of the manner in which the record has been stored." [Gov. Code § 6252 (g)]

1. **Records Request No. 1: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code § 20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency. [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**
2. **Records Request No. 2: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and the definition of longevity pay contained in 2 CCR §571(1). [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**

3. **Records Request No. 3: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2). [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**
4. **Records Request No. 4: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1). [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**
5. **Records Request No. 5: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay. [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]**
6. **Records Request No. 6: All DOCUMENTS OR RECORDS, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the PRESENT related to CalPERS**

interpretation of Government Code §20636 and 2 CCR § 571, as related to "Time in Grade" or "Time in Classification" requirements by a local agency and CalPERS determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range. [Note: This request does not seek documents already produced or to be produced in response to Requests Nos. 4301, 4479, 4480 and 4481]

All responsive documents have been provided under PRA #4479 and #4481. By providing you this information we consider your PRA request fulfilled and closed. If you have any further questions regarding this request, please contact the Office of Stakeholder Relations at the above address or telephone number (916) 795-3055.

Sincerely,



DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations

EXHIBIT K

From: Brett Holt
Sent: Friday, June 28, 2019 12:18 PM
To: 'CalPERS PRA'
Subject: RE: Your recent Public Records Act request #4481
Attachments: HR - PERSON - CalPERS - PRA - holt 4481 final (002).pdf

Ms. Meagan Ramirez and Mr. David Teykaerts,

This communication is intended to be an initial "meet and confer" regarding CalPERS' response to PRA No. #4481.

As you know, CalPERS is required to produce all public records (with the exception of statutorily exempt records) upon receipt of a request for a reasonably identifiable record. [Gov. Code §6253] Here, CalPERS' document response was utterly inadequate in that it failed to produce the majority of the non-exempt documents in the possession of CalPERS. When CalPERS produced documents, the documents that were produced were only documents already in the public domain. CalPERS' response further fails to identify what documents are not being produced and on what exemption the documents are being withheld.

As to all of the requests (with the exception of Request No. 11 which were audit reports of Placer County), CalPERS failed to produce the following responsive records:

1. Any and all audit procedural manuals used by CalPERS workers on all of the topics in requests 1 through 10. The audit procedural manuals are public records that are not exempt from production pursuant to the Public Records Act.
2. Any internal memos, bulletins, instructions, announcements or directives to CalPERS workers on all of the topics in requests 1 through 10. These records are not exempt under Gov. Code §§ 6254(k) or 6255. The requested records are not protected under the deliberative process privilege because the records would not reflect the "decision-making process" of the agency. The records would reflect the actual decision and policy that was communicated to CalPERS workers in internal memos, bulletins, instructions, announcements or directives on each of the topics identified in requests 1 through 10. Further, internal communications to CalPERS workers on the topics in requests 1 through 10 are not protected by the attorney client privilege, even if an attorney is cc on the communication. Finally, if the records are being withheld pursuant to § 6255, the agency shall justify the withholding of any record by demonstrating that the record in question is exempt under the express provisions of the Public Records Act or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. CalPERS should know that the burden to sustain non-disclosure is on the government and burden is a heavy one. The risk of disclosure must "clearly" outweigh the public's right to know. If a successful writ action is brought against CalPERS based the withholding of records, an award of attorney fees may be imposed.
3. Any and all electronic communications on the on all of the topics in requests 1 through 10. For the same reasons identified in No. 2 above, these records are not exempt from production.

Please have whomever will be communicating with me regarding this PRA response by **Tuesday, July 2, 2019**. I will in good faith consider all legal authority you may have to justify the withholding of the records. However, if I do not hear from CalPERS on this issue by that time, I will have to consider judicial intervention to compel CalPERS to produce the non-exempt records that I have requested. It is my hope that we can resolve this issue short of having court intervention.

Sincerely,

Brett Holt
[citation]

§ 6253. Public records open to inspection; agency duties; time limits

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(f) In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

Credits

(Added by Stats.1998, c. 620 (S.B.143), § 5. Amended by Stats.1999, c. 83 (S.B.966), § 64; Stats.2000, c. 982 (A.B.2799), § 1; Stats.2001, c. 355 (A.B.1014), § 2; Stats.2016, c. 275 (A.B.2853), § 1, eff. Jan. 1, 2017.)

BRETT D. HOLT
Chief Deputy County Counsel
Placer County Counsel's Office
175 Fulweiler Avenue
Auburn, California 95603
Tel: (530) 886-4659
Fax: (530) 889-4069

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From: CalPERS PRA [mailto:CalPERS_PRA@CalPERS.CA.GOV]
Sent: Friday, June 28, 2019 10:34 AM
To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>; Brett Holt <BHolt@placer.ca.gov>
Subject: RE: Your recent Public Records Act request #4481

Batch 6 - FINAL

Thank you,

Meagan Ramirez
Public Records Act Coordinator | CalPERS Office of Stakeholder Relations | (916) 795-4078

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From: CalPERS PRA
Sent: Friday, June 28, 2019 10:30 AM
To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>; bholt@placer.ca.gov
Subject: RE: Your recent Public Records Act request #4481

Batch 5

Thank you,

Meagan Ramirez
Public Records Act Coordinator | CalPERS Office of Stakeholder Relations | (916) 795-4078

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From: CalPERS PRA
Sent: Friday, June 28, 2019 10:25 AM
To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>; bholt@placer.ca.gov
Subject: RE: Your recent Public Records Act request #4481

Batch 4

Thank you,

Meagan Ramirez

Public Records Act Coordinator | CalPERS Office of Stakeholder Relations | (916) 795-4078

Follow us on [Twitter](#) | Like us on [Facebook](#) | View Videos on [YouTube](#)

From: CalPERS PRA

Sent: Friday, June 28, 2019 10:22 AM

To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>; bholt@placer.ca.gov

Subject: RE: Your recent Public Records Act request #4481

Batch 3

Thank you,

Meagan Ramirez

Public Records Act Coordinator | CalPERS Office of Stakeholder Relations | (916) 795-4078

Follow us on [Twitter](#) | Like us on [Facebook](#) | View Videos on [YouTube](#)

From: CalPERS PRA

Sent: Friday, June 28, 2019 10:18 AM

To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>; bholt@placer.ca.gov

Subject: RE: Your recent Public Records Act request #4481

Batch 2

Thank you,

Meagan Ramirez

Public Records Act Coordinator | CalPERS Office of Stakeholder Relations | (916) 795-4078

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From: CalPERS PRA

Sent: Friday, June 28, 2019 10:15 AM

To: bholt@placer.ca.gov

Cc: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>

Subject: Your recent Public Records Act request #4481

Dear Mr. Holt,

Please see the attached documents regarding your PRA request. Due to the large file size, I will send multiple emails with responsive documents.

Best regards,

Meagan Ramirez

Public Records Act Coordinator

CalPERS Office of Stakeholder Relations

Public Records Act Unit

(916) 795-3055



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

June 28, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

Subject: PUBLIC RECORDS REQUEST – LONGEVITY PAY, TRACKING #4481

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on May 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I respectfully request records related to CalPERS interpretation of Government Code §20636 and 2 CCR § 571.

I understand that this request may result in a significant number of responsive documents. Therefore, I am tailoring my request to a limited selection of the most important documents and most relevant timeframe.

As set forth below, for purposes of Requests 1 through 5, I do not seek all records that may reference Government Code § 20636 and 2 CCR § 571, but only a limited set of "Decisional Documents or Records" that, in whole or in part, discuss, consider, confer, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to:

- 1. CalPERS' interpretation of the definition of longevity pay contained in 2 CCR §571(1);*
- 2. CalPERS' interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2);*
- 3. CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1);*
- 4. CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay; or*
- 5. CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range.*

The term "CalPERS" means all divisions, sub-divisions, departments, working groups, directors, officers, managers and employees of the California Public Employees' Retirement Systems.

The term "records" as used in this request is defined as "any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." [Gov. Code § 6252(e)] "Writing" is defined as "any handwriting, typewriting, printing, photo stating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created regardless of the manner in which the record has been stored." [Gov. Code § 6252 (g)]

- 1. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation of the definition of longevity pay contained in 2 CCR §571(1). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]**
- 2. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]**
- 3. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present related to CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1). [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]**
- 4. All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present supporting CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]**

5. *All decisional documents or records, including but not limited to, all writings, memoranda, correspondence, electronic correspondence, audits, agenda, letters, circular letters, bulletins, manuals, instructions, reports, opinions, advisories, research, policies, procedures, notes, messages, minutes, announcements, directives, or records from January 1, 1992 to the present supporting CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
6. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the definition of Longevity Pay contained in 2 CCR §571(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
7. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the definition of Longevity Pay contained in 2 CCR §571(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
8. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets the requirement that all special compensation be "available to all members in the group or class" contained in 2 CCR §571(b)(2). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
9. *All audit procedure manuals from January 1, 1992 to the PRESENT that, in whole or in part, discuss, consider, confer, advise, examine, explain, review, deliberate, debate, weigh, opine, order, instruct, interpret, teach, deliver, speak to, reflect on, offer, take up, or relate to how CalPERS' interprets "group or class of employment" contained in Gov. Code §20636(e)(1). This request specifically includes all amendments to the audit procedure manual from 1992 to the PRESENT. [Note: This request does not seek documents already produced in response to Ms. Sarah Glatt's PRA request – Tracking No. 4301]*
10. *All electronic communications from January 1, 1992 to the PRESENT wherein any of the following persons [Rene Ostrander, Brad Hanson,*

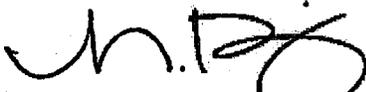
Charles Miller or any other person in the CalPERS' Office of Audit Services or the CalPERS' Employer Account Management Division or any other CalPERS' division, excluding the Legal Division] were authors, recipients, or participants in anyway and the electronic communication, in whole or in part, discussed, considered, conferred, advised, examined, explained, reviewed, deliberated, debated, weighed, opined, ordered, instructed, interpreted, taught, delivered, spoke to, reflected on, offered, took up, or related to any of the following topics:

- I. CalPER's interpretation of the definition of longevity pay contained in 2 CCR §571(1)*
 - II. CalPER's interpretation that special compensation be "available to all members in the group or class" contained in 2 CCR § 571(b)(2)*
 - III. CalPERS' interpretation of "group or class of employment" contained in Gov. Code §20636(e)(1)*
 - IV. CalPERS' determination that that the County of Placer's longevity pay does not meet PERL's exclusive definition of Longevity Pay*
 - V. CalPERS' determination that the County of Placer's longevity pay is not available to the group or class because it is limited to employees at the top step of the pay range*
- 11. All audit reports by CalPERS' Office of Audit Services from January 1, 1992 to the PRESENT of Placer County.*

Our staff located the information responsive to your request and disclosable under the PRA. Enclosed please find the documents responsive to your request.

By providing you this information we consider your PRA request fulfilled and closed. If you have any further questions regarding this request, please contact the Office of Stakeholder Relations at the above address or telephone number (916) 795-3055.

Sincerely,


for: DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations

Enclosure

EXHIBIT L

From: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Sent: Friday, June 28, 2019 2:33 PM
To: Brett Holt; CalPERS PRA
Subject: RE: Your recent Public Records Act request #4481

Mr. Holt,

I have forwarded your email to the program area. I am waiting for a full response. I was told some of the documents for PRA #4479 and #4480 are also responsive to this PRA (#4481). And we are still waiting for additional documents for #4479 and #4480.

I will email again once I have a response regarding additional responsive documents.

Best regards,

Meagan Ramirez
Public Records Act Coordinator

CalPERS Office of Stakeholder Relations
Public Records Act Unit
(916) 795-3055

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From: Brett Holt <BHolt@placer.ca.gov>
Sent: Friday, June 28, 2019 12:18 PM
To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Subject: RE: Your recent Public Records Act request #4481

Ms. Meagan Ramirez and Mr. David Teykaerts,

This communication is intended to be an initial "meet and confer" regarding CalPERS' response to PRA No. #4481.

As you know, CalPERS is required to produce all public records (with the exception of statutorily exempt records) upon receipt of a request for a reasonably identifiable record. [Gov. Code §6253] Here, CalPERS' document response was utterly inadequate in that it failed to produce the majority of the non-exempt documents in the possession of CalPERS. When CalPERS produced documents, the documents that were produced were only documents already in the public domain. CalPERS' response further fails to identify what documents are not being produced and on what exemption the documents are being withheld.

As to all of the requests (with the exception of Request No. 11 which were audit reports of Placer County), CalPERS failed to produce the following responsive records:

1. Any and all audit procedural manuals used by CalPERS workers on all of the topics in requests 1 through 10. The audit procedural manuals are public records that are not exempt from production pursuant to the Public Records Act.
2. Any internal memos, bulletins, instructions, announcements or directives to CalPERS workers on all of the topics in requests 1 through 10. These records are not exempt under Gov. Code §§ 6254(k) or 6255. The requested records are not protected under the deliberative process privilege because the records would not reflect the "decision-making process" of the agency. The records would reflect the actual decision and policy that was communicated to CalPERS

EXHIBIT M

From: Brett Holt
Sent: Thursday, July 11, 2019 10:02 AM
To: 'CalPERS PRA'
Subject: CalPERS' Response to PRA - RE: Your recent Public Records Act request #4481 - MEET AND CONFER No. 2

Ms. Ramirez,

To date, I have not received any further response.

As I indicated, the prior response to my PRA Request #4481 failed to include whole categories of responsive, non-exempt records. There has been no objection and no grounds presented to me as to why the responsive, non-exempt records were not produced. To be clear, the records that I requested are not exempt under Government Code §§6254 or 6255. Even if some of the records were exempt, other non-exempt records would still have to be produced. [Gov. Code §6253(a)] But, in this case, whole categories of non-exempt records, as described by me on June 28, 2019, have not been produced.

It is not my desire to litigate the issue, but faced with the fact that no one has communicated with me as to why whole categories of responsive, non-exempt records were not produced, it appears that CalPERS is intentionally trying to delay or obstruct the production of non-exempt records in violation of the law. [Gov. Code § 6253(d)]

As you probably know, CalPERS' obligation to produce records pursuant to the Public Records Act is entirely separate and distinct from any litigation. [*Wilder v. Superior Court* (1998) 66 Cal.App.4th 77, 82-83] I am willing to discuss this matter, but no one has reached out to me contrary to CalPERS' statutory obligations under the Public Records Act. [Gov. Code §6253.1]

I look forward to communicating with someone from CalPERS no later than the end of business tomorrow (**July 12, 2019**) as to whether and when the records will be produced. My original request was on May 10, 2019. Many of the records could have been produced within 10 days.

If CalPERS does not reach out to me on this issue, I will be forced to pursue other remedies.

Sincerely,

Brett D. Holt
[citation]

West's Ann.Cal.Gov.Code § 6253

§ 6253. Public records open to inspection; agency duties; time limits

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(f) In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

Credits

(Added by Stats.1998, c. 620 (S.B.143), § 5. Amended by Stats.1999, c. 83 (S.B.966), § 64; Stats.2000, c. 982 (A.B.2799), § 1; Stats.2001, c. 355 (A.B.1014), § 2; Stats.2016, c. 275 (A.B.2853), § 1, eff. Jan. 1, 2017.)

Cal. Gov't Code § 6253 (West)

West's Ann.Cal.Gov.Code § 6253.1

§ 6253.1. Assistance to members of the public regarding requests to inspect a public record or obtain a copy; duties of the public agency

(a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:

- (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 - (2) Describe the information technology and physical location in which the records exist.
 - (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- (b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.
- (c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.
- (d) This section shall not apply to a request for public records if any of the following applies:
- (1) The public agency makes available the requested records pursuant to Section 6253.
 - (2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.
 - (3) The public agency makes available an index of its records.

Credits

(Added by Stats.2001, c. 355 (A.B.1014), § 3.)

Cal. Gov't Code § 6253.1 (West)

BRETT D. HOLT
Chief Deputy County Counsel
Placer County Counsel's Office
175 Fulweiler Avenue
Auburn, California 95603
Tel: (530) 886-4659
Fax: (530) 889-4069

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From: CalPERS PRA [mailto:CalPERS_PRA@CalPERS.CA.GOV]
Sent: Friday, June 28, 2019 2:33 PM
To: Brett Holt <BHolt@placer.ca.gov>; CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Subject: RE: Your recent Public Records Act request #4481

Mr. Holt,

I have forwarded your email to the program area. I am waiting for a full response. I was told some of the documents for PRA #4479 and #4480 are also responsive to this PRA (#4481). And we are still waiting for additional documents for #4479 and #4480.

I will email again once I have a response regarding additional responsive documents.

Best regards,

Meagan Ramirez

Public Records Act Coordinator

CalPERS Office of Stakeholder Relations
Public Records Act Unit
(916) 795-3055

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From: Brett Holt <BHolt@placer.ca.gov>
Sent: Friday, June 28, 2019 12:18 PM
To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Subject: RE: Your recent Public Records Act request #4481

Ms. Meagan Ramirez and Mr. David Teykaerts,

This communication is intended to be an initial "meet and confer" regarding CalPERS' response to PRA No. #4481.

As you know, CalPERS is required to produce all public records (with the exception of statutorily exempt records) upon receipt of a request for a reasonably identifiable record. [Gov. Code §6253] Here, CalPERS' document response was utterly inadequate in that it failed to produce the majority of the non-exempt documents in the possession of CalPERS. When CalPERS produced documents, the documents that were produced were only documents already in the public domain. CalPERS' response further fails to identify what documents are not being produced and on what exemption the documents are being withheld.

As to all of the requests (with the exception of Request No. 11 which were audit reports of Placer County), CalPERS failed to produce the following responsive records:

1. Any and all audit procedural manuals used by CalPERS workers on all of the topics in requests 1 through 10. The audit procedural manuals are public records that are not exempt from production pursuant to the Public Records Act.
2. Any internal memos, bulletins, instructions, announcements or directives to CalPERS workers on all of the topics in requests 1 through 10. These records are not exempt under Gov. Code §§ 6254(k) or 6255. The requested records are not protected under the deliberative process privilege because the records would not reflect the "decision-making process" of the agency. The records would reflect the actual decision and policy that was communicated to CalPERS workers in internal memos, bulletins, instructions, announcements or directives on each of the topics identified in requests 1 through 10. Further, internal communications to CalPERS workers on the topics in requests 1 through 10 are not protected by the attorney client privilege, even if an attorney is cc on the communication. Finally, if the records are being withheld pursuant to § 6255, the agency shall justify the withholding of any record by demonstrating that the record in question is exempt under the express provisions of the Public Records Act or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. CalPERS should know that the burden to sustain non-disclosure is on the government and burden is a heavy one. The risk of disclosure must "clearly" outweigh the public's right to know. If a successful writ action is brought against CalPERS based the withholding of records, an award of attorney fees may be imposed.
3. Any and all electronic communications on the on all of the topics in requests 1 through 10. For the same reasons identified in No. 2 above, these records are not exempt from production.

Please have whomever will be communicating with me regarding this PRA response by **Tuesday, July 2, 2019**. I will in good faith consider all legal authority you may have to justify the withholding of the records. However, if I do not hear from CalPERS on this issue by that time, I will have to consider judicial intervention to compel CalPERS to produce the non-exempt records that I have requested. It is my hope that we can resolve this issue short of having court intervention.

Sincerely,

Brett Holt
[citation]

West's Ann.Cal.Gov.Code § 6253

§ 6253. Public records open to inspection; agency duties; time limits

(a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.

(b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

- (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.
- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

(d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

(e) Except as otherwise prohibited by law, a state or local agency may adopt requirements for itself that allow for faster, more efficient, or greater access to records than prescribed by the minimum standards set forth in this chapter.

(f) In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

Credits

Meagan Ramirez
Public Records Act Coordinator

CalPERS Office of Stakeholder Relations
Public Records Act Unit
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EXHIBIT N

From: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Sent: Friday, July 12, 2019 1:31 PM
To: Brett Holt; CalPERS PRA
Subject: RE: CalPERS' Response to PRA - RE: Your recent Public Records Act request #4481 - MEET AND CONFER No. 2

Dear Mr. Holt,

No documents were withheld for PRA #4481. The issue is that some of the documents for PRA #4479 and #4480 are also responsive to this PRA (#4481). And we are still waiting for additional documents for #4479 and #4480.

I should have closed all three PRAs at the same time but I wanted to send the responsive documents as soon as possible and I realize this has caused confusion. I apologize for my mistake.

I am still waiting for the additional documents to close out #4479 and #4480. If any documents are withheld, there will be specific government codes for the exemptions.

Best regards,

Meagan Ramirez
Public Records Act Coordinator

CalPERS Office of Stakeholder Relations
Public Records Act Unit
(916) 795-3055

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From: Brett Holt <BHolt@placer.ca.gov>
Sent: Thursday, July 11, 2019 10:02 AM
To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Subject: CalPERS' Response to PRA - RE: Your recent Public Records Act request #4481 - MEET AND CONFER No. 2

Ms. Ramirez,

To date, I have not received any further response.

As I indicated, the prior response to my PRA Request #4481 failed to include whole categories of responsive, non-exempt records. There has been no objection and no grounds presented to me as to why the responsive, non-exempt records were not produced. To be clear, the records that I requested are not exempt under Government Code §§6254 or 6255. Even if some of the records were exempt, other non-exempt records would still have to be produced. [Gov. Code §6253(a)] But, in this case, whole categories of non-exempt records, as described by me on June 28, 2019, have not been produced.

It is not my desire to litigate the issue, but faced with the fact that no one has communicated with me as to why whole categories of responsive, non-exempt records were not produced, it appears that CalPERS is intentionally trying to delay or obstruct the production of non-exempt records in violation of the law. [Gov. Code § 6253(d)]

As you probably know, CalPERS' obligation to produce records pursuant to the Public Records Act is entirely separate and distinct from any litigation. [*Wilder v. Superior Court* (1998) 66 Cal.App.4th 77, 82-83] I am willing to discuss this

EXHIBIT O

From: Brett Holt
Sent: Friday, July 12, 2019 1:55 PM
To: 'CalPERS PRA'
Subject: RE: CalPERS' Response to PRA - RE: Your recent Public Records Act request #4481 - MEET AND CONFER No. 2

Ms. Ramirez,

To be clear, is it CalPERS' position that all responsive records were produced and nothing was withheld pursuant to Gov. Code Sections 6254 or 6255? If so, is someone prepared to state that under oath?

The relevant CalPERS' Audit Manual sections were **not** produced in relation to any of the PRA requests [Nos. 4479, 4480 and 4481] Internal communications such as e-mails, bulletins and instructional advisories to CalPERS' employees instructing them on the relevant CalPERS Audit Manual sections were not produced. There were no internal communications, bulletins, instructions to CalPERS' employees instructing them on the interpretation of "group or class" or "longevity pay" or "special compensation". There were no internal communications regarding Placer County's longevity pay provision.

If something is being withheld, CalPERS is statutorily required to clearly set forth the exemption being claimed and the individual asserting the claimed exemption.

Please advise.

Brett

BRETT D. HOLT
Chief Deputy County Counsel
Placer County Counsel's Office
175 Fulweiler Avenue
Auburn, California 95603
Tel: (530) 886-4659
Fax: (530) 889-4069

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From: CalPERS PRA [mailto:CalPERS_PRA@CalPERS.CA.GOV]
Sent: Friday, July 12, 2019 1:31 PM
To: Brett Holt <BHolt@placer.ca.gov>; CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Subject: RE: CalPERS' Response to PRA - RE: Your recent Public Records Act request #4481 - MEET AND CONFER No. 2

Dear Mr. Holt,

No documents were withheld for PRA #4481. The issue is that some of the documents for PRA #4479 and #4480 are also responsive to this PRA (#4481). And we are still waiting for additional documents for #4479 and #4480.

EXHIBIT P

From: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Sent: Friday, July 12, 2019 2:02 PM
To: Brett Holt; CalPERS PRA
Subject: RE: CalPERS' Response to PRA - RE: Your recent Public Records Act request #4481 - MEET AND CONFER No. 2

Mr. Holt,

I made a mistake closing this PRA without closing the other two. There is overlap in the responsive documents. I am not sure what else to say at this point.

We are still producing additional records.

Best regards,

Meagan Ramirez
Public Records Act Coordinator

CalPERS Office of Stakeholder Relations
Public Records Act Unit
(916) 795-3055

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From: Brett Holt <BHolt@placer.ca.gov>
Sent: Friday, July 12, 2019 1:55 PM
To: CalPERS PRA <CalPERS_PRA@CalPERS.CA.GOV>
Subject: RE: CalPERS' Response to PRA - RE: Your recent Public Records Act request #4481 - MEET AND CONFER No. 2

Ms. Ramirez,

To be clear, is it CalPERS' position that all responsive records were produced and nothing was withheld pursuant to Gov. Code Sections 6254 or 6255? If so, is someone prepared to state that under oath?

The relevant CalPERS' Audit Manual sections were **not** produced in relation to any of the PRA requests [Nos. 4479, 4480 and 4481] Internal communications such as e-mails, bulletins and instructional advisories to CalPERS' employees instructing them on the relevant CalPERS Audit Manual sections were not produced. There were no internal communications, bulletins, instructions to CalPERS' employees instructing them on the interpretation of "group or class" or "longevity pay" or "special compensation". There were no internal communications regarding Placer County's longevity pay provision.

If something is being withheld, CalPERS is statutorily required to clearly set forth the exemption being claimed and the individual asserting the claimed exemption.

Please advise.

Brett

BRETT D. HOLT
Chief Deputy County Counsel
Placer County Counsel's Office

EXHIBIT Q



California Public Employees' Retirement System
Communications & Stakeholder Relations
Office of Stakeholder Relations
P.O. Box 942701
Sacramento, CA 94229-2701
TTY: (916) 795-3240
(916) 795-3991 phone • (916) 795-3507 fax
www.calpers.ca.gov

July 16, 2019

Brett Holt
175 Fulweiler Avenue
Auburn, CA 95603
bholt@placer.ca.gov

Dear Mr. Holt:

**Subject: PUBLIC RECORDS REQUEST – CALPERS COMMUNICATIONS,
TRACKING #4535**

This letter is in response to your Public Records Act (PRA) request received by the Office of Stakeholder Relations on June 10, 2019. In your correspondence, you requested:

Pursuant to the Public Records Act [Gov. Code §§ 6250 et seq.], I request all records that reflect that you (on anyone else at CalPERS) have referred the County's appeal to CalPERS legal department/division for handling or referred the County's appeal to the OAH for adjudication. The time for which I request records is from February 13, 2019 to June 7, 2019.

After a diligent search of our records staff determined that there are no responsive records as our Legal Office did not receive the case until after the specified date range. Therefore we have nothing to produce in response to your request.

By providing you this information we consider your PRA request fulfilled and closed. If you have any further questions regarding this request, please contact the Office of Stakeholder Relations at the above address or telephone number (916) 795-3055.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Teykaerts", written over a horizontal line.

DAVID TEYKAERTS, Manager
Stakeholder Strategy
Office of Stakeholder Relations