

No. S239958

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

**CAL FIRE LOCAL 2881, et al.,
Petitioners and Appellants**

v.

**CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM (CalPERS), et al.,
Defendant and Respondent,**

and

**THE STATE OF CALIFORNIA
Intervenor and Respondent.**

SUPREME COURT
FILED

MAR 02 2018

Jorge Navarrete Clerk

Deputy

CALIFORNIA COURT OF APPEAL, First Appellate District, Division Three
Case No. A 142793

Alameda County Superior Court (The Honorable Evelio Grillo)
Case No. RG 12661622

REQUEST FOR JUDICIAL NOTICE

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CALIFORNIANS FOR RETIREMENT SECURITY

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Counsel for Amicus Curiae
CALIFORNIANS FOR RETIREMENT SECURITY

REQUEST FOR JUDICIAL NOTICE

Amicus Curiae Californians for Retirement Security, pursuant to California Rule of Court 8.252(a) and Evidence Code sections 451, 452 and 459, makes this request that the Court take judicial notice of the documents identified below as Exhibits A through Z. This request is based on the Declaration of Richard C. Miadich, and the Memorandum of Points and Authorities set forth below.

The documents that are the subject of this motion are as follows:

- Exhibit A: California Department of Finance, Historical Chart A-1, General Fund History Revenues and Transfers vs. Expenditures
- Exhibit B: Excerpts from the Governor's Budget Summary, 2013-14
- Exhibit C: Excerpts from the Governor's Budget Summary, 2014-15
- Exhibit D: Excerpts from the Governor's Budget Summary, 2015-16
- Exhibit E: Excerpts from the Governor's Budget Summary, 2016-17
- Exhibit F: Excerpts from the Governor's Budget Summary, 2017-18
- Exhibit G: Excerpts from the Governor's Budget Summary, 2018-19
- Exhibit H: Excerpts from the Los Angeles County Employees' Retirement Association June 30, 2016 Actuarial Valuation
- Exhibit I: Excerpts from the Los Angeles County 2017-18 Budget
- Exhibit J: Excerpts from the San Diego County Employees Retirement Association June 30, 2016 Actuarial Valuation
- Exhibit K: Excerpts from the San Diego County 2017-18 Budget
- Exhibit L: Excerpts from the California Public Employees' Retirement System (CalPERS) June 30, 2016 Actuarial Valuations for Riverside County—Miscellaneous and Safety

- Exhibit M: Excerpts from the Riverside County 2017-18 Budget
- Exhibit N: Excerpts from the CalPERS June 30, 2016 Actuarial Valuation for Santa Clara County—Miscellaneous and Safety
- Exhibit O: Excerpts from the Santa Clara County 2017-18 Budget
- Exhibit P: Excerpts from the Los Angeles City Employees' Retirement System, June 30, 2016 Actuarial Valuation
- Exhibit Q: Excerpts from the City of Los Angeles Fire and Police Pension Plan June 30, 2016 Actuarial Valuation
- Exhibit R: Excerpts from the City of Los Angeles 2017-18 Budget
- Exhibit S: Excerpts from the City of Fresno Employees Retirement System, June 30, 2016 Actuarial Valuation
- Exhibit T: Excerpts from the City of Fresno Fire and Police Retirement System, June 30, 2016 Actuarial Valuation
- Exhibit U: Excerpts from the City of Fresno 2017-18 Budget
- Exhibit V: Excerpts from the CalPERS June 30, 2016 Actuarial Valuations for the City of Sacramento, Miscellaneous and Safety
- Exhibit W: Excerpts from the City of Sacramento 2017-18 Budget
- Exhibit X: Excerpts from the CalPERS June 30, 2016 Actuarial Valuations for the City of Long Beach, Miscellaneous and Safety
- Exhibit Y: Excerpts from the City of Long Beach 2017-18 Budget
- Exhibit Z: Excerpts from the CalPERS 2016-17 Comprehensive Annual Report

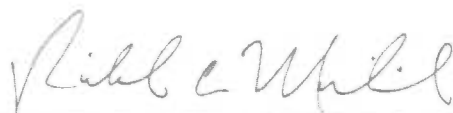
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Dated: February 26, 2018

Respectfully submitted,

OLSON HAGEL & FISHBURN LLP

By: 

RICHARD C. MIADICH
Attorneys for Amicus Curiae

MEMORANDUM OF POINTS AND AUTHORITIES

California Rule of Court 8.252(a) authorizes a party on appeal to request judicial notice by a reviewing court under Evidence Code¹ section 459. Evidence Code section 459 permits the taking of judicial notice by a reviewing court of any matter specified in section 452. Section 452(c) grants this court discretion to take judicial notice of the official acts of the legislative, executive and judicial departments of California. Section 452(h) allows the reviewing court to take judicial notice of “facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.”

As discussed below, the documents subject to this Request fall within section 452, and should therefore be judicially noticed by this Court pursuant to section 459. These documents are proper subjects for judicial notice and relevant to the Court’s inquiry. For the reasons stated below, Amicus Curiae Californians for Retirement Security requests that this Court take judicial notice of documents covered by this Request.

The documents covered by this Request are excerpts from 1) official budget documents of the State of California and specified local public agencies; and 2) excerpts from actuarial valuations and financial reports prepared by the California Public Employees’ Retirement System and

¹ Unless otherwise indicated, all further statutory references are to the Evidence Code.

specified local public retirement systems. These documents are relevant because Intervenor State of California has submitted argument to this Court in its briefing regarding the financial impact of required public agency pension contributions on public agency budgets. The documents covered by this Request bear upon Intervenor's argument. The information contained therein either is the product of official acts of the executive branch of State Government under Section 452 (c) or reflects facts and propositions that are subject to verification and not reasonably in dispute under Section 452(h).

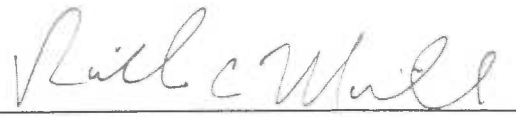
Required Statements per California Rule of Court 8.252(a)

The documents identified in and subject to this Request are relevant to this appeal because they pertain to the subject matter of this case. These documents were not presented to the trial court and, with the exception of the Governor's Budget Summaries for Fiscal Years 2013-14 and 2014-15 were not in existence at the time the trial court issued its decision.

Dated: February 26, 2018

Respectfully submitted,

OLSON HAGEL & FISHBURN LLP

By: 
RICHARD C. MIADICH
Attorneys for Amicus Curiae

SUPPORTING DECLARATION
OF RICHARD C. MIADICH

I, RICHARD C. MIADICH, declare as follows:

1. I am the managing partner of Olson Hagel & Fishburn LLP, counsel for proposed amicus curiae Californians for Retirement Security. If called upon to do so, I could testify from my own personal knowledge as to the matters stated herein.

2. Exhibit A to this motion consists of true and correct copies of excerpts from a document entitled "Historical Chart A-1, General Fund History Revenues and Transfers vs. Expenditures," downloaded from the Department of Finance's website at http://www.dof.ca.gov/budget/summary_schedules_charts/documents/CHA-RT-A-1.pdf.

3. Exhibit B to this motion consists of true and correct copies of excerpts from the Governor's 2013-14 Budget Summary, downloaded from the official California Budget website at <http://www.ebudget.ca.gov/2013-14/pdf/BudgetSummary/StatewideExpenditures.pdf>.

4. Exhibit C to this motion consists of true and correct copies of excerpts from the Governor's 2014-15 Budget Summary, downloaded from the official California Budget website at <http://www.ebudget.ca.gov/2014-15/pdf/BudgetSummary/StatewideIssuesandVariousDepartments.pdf>.

5. Exhibit D to this motion consists of true and correct copies of excerpts from the Governor's 2015-16 Budget Summary downloaded from the official California Budget website at <http://www.ebudget.ca.gov/2015-16/pdf/BudgetSummary/StatewideIssuesandVariousDepartments.pdf>.

6. Exhibit E to this motion consists of true and correct copies of excerpts from the Governor's 2016-17 Budget Summary downloaded from the official California Budget website at <http://www.ebudget.ca.gov/2016-17/pdf/BudgetSummary/StatewideIssuesandVariousDepartments.pdf>.

7. Exhibit F to this motion consists of true and correct copies of excerpts from the Governor's 2017-18 Budget Summary downloaded from the official California Budget website at <http://www.ebudget.ca.gov/2017-18/pdf/BudgetSummary/StatewideIssuesandVariousDepartments.pdf>.

8. Exhibit G to this motion consists of true and correct copies of excerpts from the Governor's 2018-19 Budget Summary downloaded from the official California Budget website at <http://www.ebudget.ca.gov/2018-19/pdf/BudgetSummary/StatewideIssuesandVariousDepartments.pdf>.

9. Exhibit H to this motion consists of true and correct copies of excerpts from the Los Angeles County Employees' Retirement Association ("LACERA") June 30, 2016 Actuarial Valuation, downloaded from LACERA's official website at https://www.lacera.com/archives/archivesInvestments/ActuarialReports/lacera_valuation/2016_actuarial_valuation.pdf.

10. Exhibit I to this motion consists of true and correct copies of excerpts from the Los Angeles County 2017-18 Budget, downloaded from the County's official website at <http://ceo.lacounty.gov/pdf/budget/20117-18/2017-18%20Adopted%20Budget%20Charts.pdf>.

11. Exhibit J to this motion consists of true and correct copies of excerpts from the San Diego County Employees Retirement Association ("SDCERA") June 30, 2016 Actuarial Valuation, downloaded from SDCERA's official website at http://www.sdcera.org/PDF/June_2016_valuation.pdf.

12. Exhibit K to this motion consists of true and correct copies of excerpts from the San Diego County 2017-18 Budget, downloaded from the County's official website at https://www.sandiegocounty.gov/content/dam/sdc/auditor/pdf/adoptedplan_17-19.pdf.

13. Exhibit L to this motion consists of true and correct copies of excerpts from the California Public Employees' Retirement System (CalPERS) June 30, 2016 Actuarial Valuations for Riverside County—Miscellaneous; Safety, downloaded from CalPERS' official website at <https://www.calpers.ca.gov/docs/actuarial-reports/2016/riverside-county-miscellaneous-2016.pdf> and <https://www.calpers.ca.gov/docs/actuarial-reports/2016/riverside-county-safety-2016.pdf>, respectively.

14. Exhibit M to this motion consists of true and correct copies of excerpts from the Riverside County 2017-18 Budget, downloaded from the County's official website at https://www.countyofriverside.us/Portals/0/Government//Budget%20Information/17-18/FY17-18_Recommended_Budget_Electronic_Version_REVISED.pdf.

15. Exhibit N to this motion consists of true and correct copies of excerpts from CalPERS' June 30, 2016 Actuarial Valuation for Santa Clara County—Miscellaneous; Safety, downloaded from CalPERS' official website at <https://www.calpers.ca.gov/page/employers/actuarial-services/employer-contributions/public-agency-actuarial-valuation-reports> and <https://www.sccgov.org/sites/scc/gov/Documents/adopted-bdgt-condensed.pdf>, respectively.

16. Exhibit O to this motion consists of true and correct copies of excerpts from the Santa Clara County 2017-18 Budget, downloaded from the County's official website at <https://www.sccgov.org/sites/scc/gov/Documents/adopted-bdgt-condensed.pdf>.

17. Exhibit P to this motion consists of true and correct copies of excerpts from the Los Angeles City Employees' Retirement System ("LA City ERA"), June 30, 2016 Actuarial Valuation, downloaded from LA City ERA's official website at <http://www.lacers.org/aboutlacers/reports/Actuarial%20Valuations/2016%20Actuarial%20Valuation%20&%20Review.pdf>.

18. Exhibit Q to this motion consists of true and correct copies of excerpts from the City of Los Angeles Fire and Police Pension Plan ("LAFPPP") June 30, 2016 Actuarial Valuation, downloaded from LAFPPP's official website at <https://www.lafpp.com/sites/default/files/reports/financial/2016-annual-actuarial-valuation-pension-and-retiree-health.pdf>.

19. Exhibit R to this motion consists of true and correct copies of excerpts from the City of Los Angeles 2017-18 Budget, downloaded from the City's official budget website at https://drive.google.com/file/d/0B4o0_mxqwWdORDA2SkFjSG9PX0E/view.

20. Exhibit S to this motion consists of true and correct copies of excerpts from the City of Fresno Employees Retirement System ("FERS"), June 30, 2016 Actuarial Valuation, downloaded from the FERS official website at http://www.cfrs-ca.org/Employee/Communications/documents/ERS-AAV_6_30_2016.pdf.

21. Exhibit T to this motion consists of true and correct copies of excerpts from the City of Fresno Fire and Police Retirement System ("FFPRS"), June 30, 2016 Actuarial Valuation, downloaded from FFPRS'

official website at http://www.cfrs-ca.org/Fire-Police/Communications/documents/FP-AAV_6_30_2016.pdf.

22. Exhibit U to this motion consists of true and correct copies of excerpts from the City of Fresno 2017-18 Budget, downloaded from the City's official website at <https://www.fresno.gov/finance/wp-content/uploads/sites/11/2017/09/20172018AdoptedBudgetFINAL.pdf>.

23. Exhibit V to this motion consists of true and correct copies of excerpts from the CalPERS June 30, 2016 Actuarial Valuations for the City of Sacramento, Miscellaneous and Safety, downloaded from CalPERS' official website at <https://www.calpers.ca.gov/docs/actuarial-reports/2016/sacramento-city-miscellaneous-2016.pdf> and <https://www.calpers.ca.gov/docs/actuarial-reports/2016/sacramento-city-safety-2016.pdf>, respectively.

24. Exhibit W to this motion consists of true and correct copies of excerpts from the City of Sacramento 2017-18 Budget, downloaded from the City's official website at https://www.cityofsacramento.org/-/media/Corporate/Files/Finance/Budget/2017-18-Budget/Approved/FY18-Approved_Final.pdf?la=en.

25. Exhibit X to this motion consists of true and correct copies of excerpts from the CalPERS June 30, 2016 Actuarial Valuations for the City of Long Beach, Miscellaneous and Safety, downloaded from CalPERS' official website at <https://www.calpers.ca.gov/docs/actuarial-reports/2016/long-beach-city-miscellaneous-2016.pdf> and <https://www.calpers.ca.gov/docs/actuarial-reports/2016/long-beach-city-safety-2016.pdf>, respectively.


26. Exhibit Y to this motion consists of true and correct copies of excerpts from the City of Long Beach 2017-18 Budget downloaded from the City's official website at <http://www.longbeach.gov/globalassets/finance/media-library/documents/city-budget-and-finances/budget/budget-documents/fy-18-adopted-budget-webpage/fy-18-adopted-final-book>.

27. Exhibit Z to this motion consists of true and correct copies of excerpts from the CalPERS 2016-17 Comprehensive Annual Report, downloaded from CalPERS' official website at <https://www.calpers.ca.gov/docs/forms-publications/cafr-2017.pdf>.

28. A proposed order regarding this motion is appended hereto.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 26, 2018



RICHARD C. MIADICH
Attorneys for Amicus Curiae

[PROPOSED] ORDER

GOOD CAUSE APPEARING THEREFOR, pursuant to California Rule of Court 8.252(a) and Evidence Code sections 451, 452 and 453, Respondents' Request that the Court take Judicial Notice is hereby GRANTED.

This court takes judicial notice of the documents identified in the Request for Judicial Notice in support of Amicus Curiae's Brief.

Dated: _____

EXHIBIT A