

NORMAN DOWLER LLP  
ATTORNEYS AT LAW

MICHAEL M. ISRAEL  
THOMAS J. HUTCHINSON  
BRIAN C. ISRAEL  
SAM MOJABI  
MICHAEL G. WALKER

840 COUNTY SQUARE DRIVE, THIRD FLOOR  
VENTURA, CALIFORNIA 93003-5406

TELEPHONE (805) 654-0911  
FACSIMILE (805) 654-1902

WWW.NORMANDOWLER.COM

FRANK S. SWEET (1918-1978)  
MARGARET KELLER (1911-1997)  
JAMES D. LOEBL (1927-2003)  
BRETT L. PRICE (1950-2021)

PETER C. DOWLER (Retired)

*Of Counsel*  
RICHARD M. NORMAN  
LOYE M. BARTON  
ANDREW H. COVNER

March 13, 2024

*Via TrueFiling*

Honorable Chief Justice Patricia Guerrero  
and Associate Justices  
California Supreme Court  
San Francisco, California

Re: Amici Curiae Letter of Retired Employees' Association of Ventura County  
and Others in Support of Petition for Review  
*Ventura County Employees' Retirement Association*  
*v. Criminal Justice Attorneys Association of Ventura County, et al.*  
Supreme Court Case No. S283978

Dear Chief Justice Guerrero and Associate Justices:

The Retired Employees' Association of Ventura County, Inc. (REAVC) and eight retired County of Ventura officials,\* who all appeared as amici curiae in the court below, submit this letter as amici curiae in support of the petition for review of appellants Criminal Justice Attorneys Association of Ventura County and Ventura County Professional Peace Officers' Association in the above-referenced matter.

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\* Marty Robinson, a retired County Executive Officer; Mark Lunn, a retired elected County Clerk-Recorder and Registrar of Voters; Lyn Krieger, a retired County Harbor Department director; Roberto R. Orellana, a retired Assistant County Counsel; Scott Barash, a retired administrator of the County Employee Assistance Program; Chris Stephens, a retired director of the County Resource Management Agency and County Planning Division; and Regina (Renee) Artman and Tracey Frances Pirie, retired members of the County Sheriff's command staff.

The direct effect of the decision below is to *permanently and materially decrease the pension benefits of potentially thousands of County of Ventura retirees and future retirees* based on the Court of Appeal's reading of this Court's recent opinion in *Alameda County Deputy Sheriff's Assn. v. Alameda County Employees' Retirement Assn.* (2020) 9 Cal.5th 1032 (*Alameda*). Appellants and amici curiae believe this is a misreading of the Court's *Alameda* opinion, as well as a misinterpretation of the underlying statute at issue here (Government Code section 31461, subdivision (b)(2) (section 31461(b)(2))).

REAVC and the retired County officials urge the Court to immediately address the issue raised by the petition because of the real impact – devastating to some – the decision below will have on the ability of thousands of retirees and future retirees to pay their bills on a month-to-month basis. They should not suffer that impact unless this Court determines that was the intent of its *Alameda* opinion (and the required outcome of section 31461(b)(2)).

This Court has a longstanding tradition of carefully, thoroughly and transparently reviewing any law, change in law or court decision that has or may have a detrimental effect on existing public pension benefits. As the petition for review and briefs below show, the *Alameda* opinion contains no such review with respect to the issue at bar (namely, the cashing out of unused leave). Nor does the opinion below. The record below addresses only a single retiree, a party to the action, who was a high-wage earner; only a small percentage of the potentially thousands of retirees and future retirees who will be impacted by the decision below were or will be high-wage earners. Most were and will be those County employees who served as the day-to-day backbone of local government operations – agricultural inspectors, airport maintenance workers, alcohol and drug treatment specialists, animal control officers, appraisers, behavioral health technicians, building inspectors, community services workers, custodians, equipment operators, harbor patrol officers, librarians, mechanics, nursing assistants, park rangers and social workers, to just a few name.

By granting the petition here, the Court can continue its tradition of carefully reviewing legislative and judicial actions that will harm existing and future public retirees before that harm is actually inflicted.

#### **INTEREST OF THE AMICI CURIAE**

REAVC is a nonprofit corporation, founded in 1984, representing the interests of

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more than 7,000 retirees of the County of Ventura, dependent special districts, and independent special districts participating in the Ventura County Employees' Retirement Association (VCERA), and their spouses and heirs. Of these 7,000, approximately 3,000 are dues-paying members of REAVC. All are members of VCERA. The stated mission of REAVC is to promote the common welfare of present and future retirees and to protect their retirement benefits.

The interest of the individual amici curiae in this matter is on behalf of the thousands of employees they oversaw, supervised, managed, counseled and worked with over their combined 200 years of service to the County of Ventura. They saw first-hand that these employees worked diligently for the County and its dependent special districts for generally lower wages than available in the private sector on the basis of the promise of adequate retirement benefits, on which they are (or soon will be) largely dependent for their economic security. They saw that employees were careful about their retirement decisions. Under the decision below, many of these employees will face significant economic changes in their lives, some well after their dates of retirement.

On behalf of these retirees and future retirees, REAVC and the retired County of Ventura officials urge the Court to grant the petition for review.

Very truly yours,

NORMAN DOWLER, LLP

  
By MICHAEL G. WALKER (No. 150554)

Attorneys for Amici Curiae Retired Employees'  
Association of Ventura County, Inc., Regina (Renee)  
Artman, Scott Barash, Lyn Krieger, Mark Lunn,  
Roberto R. Orellana, Tracey Frances Pirie, Marty  
Robinson and Chris Stephens

cc: See attached Proof of Service

## PROOF OF SERVICE

*Ventura County Employees' Retirement Association*  
*v. Criminal Justice Attorneys Association of Ventura County, et al.*  
Supreme Court Case No. S283978

STATE OF CALIFORNIA       )  
  )  
COUNTY OF VENTURA       )

I am a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is 840 County Square Drive, Ventura, California 93003.

On March 13, 2024, I served the within **AMICI CURIAE LETTER OF RETIRED EMPLOYEES' ASSOCIATION OF VENTURA COUNTY AND OTHERS IN SUPPORT OF PETITION FOR REVIEW** on the interested parties in this action as follows:

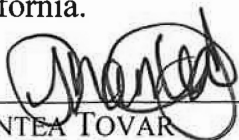
### SEE ATTACHED SERVICE LIST

**BY MAIL:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed in the Service List marked *Via U.S. Mail* and placed the envelope for collection and mailing, following our firm's ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Ventura, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** The document was served on the persons listed in the Service List marked *Via TrueFiling* via the Court's Electronic Filing System operated by ImageSoft TrueFiling (TrueFiling).

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

Executed on March 13, 2024, at Ventura, California.

  
\_\_\_\_\_  
SHANTEA TOVAR



## SERVICE LIST

***Ventura County Employees' Retirement Association  
v. Criminal Justice Attorneys Association of Ventura County, et al.  
Supreme Court Case No. S283978***

*Counsel for Ventura County Employees' Retirement Association:*

Ashley K. Dunning  
Aalia Taufiq  
Alexander D. Westerfield  
Nossaman LLP  
50 California Street, 34th Floor  
San Francisco, CA 94111

*Via TrueFiling*

Peter H. Mixon  
Nossaman, LLP  
719 2nd Avenue, Suite 1200  
Sacramento, CA 98104-1479

*Via TrueFiling*

*Counsel for Criminal Justice Attorneys Association of Ventura County and Ventura County Professional Peace Officers' Association:*

Jacob A. Kalinski  
Brian P. Ross  
Rains Lucia Stern St. Phalle & Silver  
16130 Ventura Boulevard, Suite 600  
Encino, CA 91436

*Via TrueFiling*

*Counsel for County of Ventura:*

Tiffany N. North  
Jeffrey E. Barnes  
Emily T. Gardner  
Office of County Counsel  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

*Via TrueFiling*

*Counsel for Service Employees International Union Local 721:*

Eli E. Naduris-Weissman  
Lisa Posso  
Rothner, Segall & Greenstone  
510 South Marengo Avenue  
Pasadena, CA 91101-3115

*Via TrueFiling*

*Counsel for Ventura County Deputy Sheriffs' Association and Ventura County Professional Firefighters Association:*

David E. Mastagni  
Mastagni Holstedt, A.P.C.  
1912 I Street  
Sacramento, CA 95811

*Via TrueFiling*

*Pro per:*

Leroy Smith  
402 Los Alamos Drive  
Ojai, CA 93023

*Via TrueFiling*

*Trial Court:*

Hon. Colleen Stern  
Santa Barbara County Superior Court  
1100 Anacapa Street  
Santa Barbara, CA 93101

*Via U.S. Mail*

*Court of Appeal:*

Court of Appeal  
Second Appellate District  
Division Six  
200 East Santa Clara Street  
Ventura, CA 93001

*Via U.S. Mail*