
MINUTES OF MEETING
CALIFORNIA LAW REVISION COMMISSION
FEBRUARY 9, 2012
SACRAMENTO

A meeting of the California Law Revision Commission was held in Sacramento on February 9, 2012.

Commission:

Present: Diane Boyer-Vine, Legislative Counsel and Acting Chair
Xochitl Carrion
Judge Patricia Cowett (Ret.)
Roger Dickinson, Assembly Member
Victor King
Crystal Miller-O'Brien

Absent: Tom Harman, Senate Member

Staff: Brian Hebert, Executive Director
Barbara Gaal, Chief Deputy Counsel
Steve Cohen, Staff Counsel
Mina Choi, Legal Extern
Courtney Taylor, Legal Extern

Consultants: None

Other Persons:

Myriam Bouaziz, California State Assembly
Paul Clowdus, Rancho Palos Verdes
Genevieve Diane Colborn, Assembly Water, Parks and Wildlife Committee
Bill Craven, Senate Natural Resources and Water Committee
Amy Di Costanzo, Berkeley
Angela Donlon, Department of Fish and Game
Tom Gibson, Department of Fish and Game
Brent Hawkins, California Redevelopment Association
Julie Hegyi, Office of Assembly Member Jeff Miller
Kelly Kinsey, Berkeley
Paul S. Levine, Venice
Ryon Lynn, Office of Assembly Member Jeff Miller
Kevin Schmitt, California State Assembly

1 (4) The staff will begin recruiting for a half-time Staff Counsel
2 position, as soon as the Commission's status in the 2012-2013
3 Budget becomes more certain.

4 **Commission Overview**

5 The Commission considered Memorandum 2012-1, presenting an
6 informational overview of the Commission's duties and procedures. No action
7 was required or taken on this topic.

8 **Election of Officers**

9 The Commission considered Memorandum 2012-2, relating to the election of
10 officers. The Commission decided to postpone the election until the
11 Commission's next meeting. Commissioner Diane Boyer-Vine agreed to serve as
12 acting Chair for the February 9, 2012 meeting.

13 **Meeting Schedule**

14 The Commission considered Memorandum 2012-3, relating to the
15 Commission's 2012 meeting schedule. The Commission approved the following
16 schedule for the remainder of 2012:

17	April 2012	Sacramento
18	April 3 (Tues.)	10:00 am – 4:00 pm
19	June 2012	Sacramento
20	June 14 (Thur.)	10:00 am – 4:00 pm
21	August 2012	Southern California
22	Aug. 17 (Fri.)	10:00 am – 4:00 pm
23	October 2012	Davis
24	Oct. 18 (Thur.)	10:00 am – 4:00 pm
25	December 2012	Southern California
26	Dec. 13 (Thur.)	10:00 am – 4:00 pm

27 The precise location of the meetings in southern California will be determined at
28 a future date.

29 **2011-2012 Annual Report**

30 The Commission considered Memorandum 2012-4 and its First Supplement,
31 presenting a staff draft of the Commission's 2011-2012 Annual Report.

1 The Commission approved the staff draft for publication, with the following
2 changes:

- 3 • The revisions proposed in the First Supplement to Memorandum
4 2012-4 will be made.
- 5 • A footnote will be added to acknowledge the decision in *California*
6 *Redevelopment Ass'n v. Matosantos*, 53 Cal. 4th 231 (2011).
- 7 • Language will be added to acknowledge the Commission's
8 decisions relating to its Calendar of Topics Authorized for Study
9 (discussed under "New Topics and Priorities" below).

10 **New Topics and Priorities**

11 The Commission considered Memorandum 2012-5 and its First Supplement,
12 relating to new topics and priorities. The staff also distributed copies of an email
13 message from Marlynne Stoddard to Barbara Gaal (Feb. 8, 2012), which has since
14 been included in a Second Supplement to Memorandum 2012-5.

15 Diane Colborn (Chief Consultant to the Assembly Committee on Water,
16 Parks, and Wildlife), Bill Craven (Chief Consultant to the Senate Committee on
17 Natural Resources and Water), and Tom Gibson (General Counsel, Department
18 of Fish and Game), testified regarding the proposed study of the Fish and Game
19 Code. The Commission also heard from Amy Di Costanzo regarding child
20 support collection, and from attorney Paul Levine (appearing on behalf of Paul
21 Clowdus) regarding the family member exception to the statutory presumption
22 of fraud and undue influence.

23 The Commission decided to seek authority to study the Fish and Game Code,
24 so that it could commence work on that topic next year. The Commission asked
25 the staff to draft appropriate language to include in the pending resolution on
26 the Commission's Calendar of Topics (ACR 98 (Wagner)), and to present the
27 draft to the Commission for review at its next meeting. The Commission also
28 expressed interest in receiving submissions that demonstrate the need for this
29 type of study. The Commission further decided to request that the study of
30 special assessments for public improvements be deleted from its Calendar of
31 Topics.

32 The Commission also approved the 2012 workplan outlined at pages 42-44 of
33 Memorandum 2012-5, which can be summarized as follows:

- 34 (1) Manage the Commission's 2012 legislative program.

1 (2) Give highest priority to the two studies with statutory deadlines of
2 January 1, 2013 (the redevelopment clean-up study and the third
3 decennial review of exemptions from enforcement of judgments).

4 (3) If time permits,

- 5 • Complete the study of charter school as a public entity.
- 6 • Complete the study on application of the Davis-Stirling Act
7 to commercial and industrial CIDs, and continue to work on
8 the closely related study of commercial and industrial
9 subdivisions.
- 10 • Continue to work on the study of the Uniform Adult
11 Guardianship and Protective Proceedings Jurisdiction Act.

12 (4) In the unlikely event that resources are available, continue to work
13 on trial court restructuring and perhaps commence work on the
14 study of publication of legal notice in a county with a unified
15 superior court.

16 (5) As a low priority matter (to be addressed only as consistent with
17 other demands on the Commission's time), study a few issues in
18 the list of "Minor Clean-Up Issues for Possible Future Legislative
19 Attention" that the Commission compiled during its study on
20 nonsubstantive reorganization of the deadly weapon statutes.

21 **Recusal**

22 Commissioner Cowett announced that she has a financial interest in a
23 common interest development that could possibly be disqualifying. She will
24 recuse herself from any discussion of that topic until she is able to receive
25 guidance on the matter from the Fair Political Practices Commission.

26 Commissioner King also announced that he has a financial interest in a
27 common interest development, but that it is too remote to be disqualifying.

LEGISLATIVE PROGRAM

28 The Commission considered Memorandum 2012-6, reporting on the
29 Commission's 2012 legislative program. The Commission accepted the changes
30 described in the memorandum, with one exception: the Commission directed the
31 staff to prepare explanatory Comment language to accompany the amendment
32 described on pages 8-10 of the memorandum, for review by the Commission at
33 its next meeting.

1 STUDY H-750 — COMMUNITY REDEVELOPMENT LAW CLEAN-UP

2 The Commission considered Memorandum 2012-7, introducing the new
3 study on community redevelopment law clean-up. The Commission made the
4 following decisions with respect to the conduct of that study:

- 5 • The Commission’s clean-up work will be limited to making
6 technical changes to conform to the effect of ABx1 26
7 (Blumenfield).
- 8 • The Commission will not recommend any revisions to construe,
9 clarify, or alter the substantive effect of ABx1 26.
- 10 • The Commission’s clean-up work will not alter the existing powers
11 and duties of successor agencies, as established by ABx1 26.
- 12 • The Commission’s clean-up work will not alter the existing status
13 of the employees of former redevelopment agencies, as established
14 by ABx1 26.
- 15 • The Commission’s clean-up work will not disturb the existing
16 allocation of the revenue of former redevelopment agencies, as
17 established by ABx1 26.
- 18 • The scope of the Commission’s clean-up work will include Parts 1,
19 1.5, 1.7, 1.8, 1.85, and 1.9 of Division 24 of the Health and Safety
20 Code. The Commission will also correct any cross-references to
21 any of those provisions.
- 22 • If the Commission discovers a possible substantive defect in ABx1
23 26 or any other provision of the community redevelopment
24 statutes, the matter will be noted in an appendix for inclusion in
25 the Commission’s final report. The appendix will state expressly
26 that it has been prepared solely for informational purposes and
27 that the Commission does not take any position on whether or
28 how any of the issues noted in the appendix should be addressed.
29 The appendix will also make clear that the omission of any issue
30 from the appendix should not be construed to infer that the
31 Commission evaluated the issue and concluded that it is
32 unproblematic.
- 33 • If the Commission determines that a provision of the community
34 redevelopment statute is wholly obsolete, it shall recommend the
35 provision’s repeal.
- 36 • The staff will prepare a general “savings provision” for review by
37 the Commission at its next meeting. The savings provision will
38 expressly declare that the Commission’s clean-up work does not
39 have any effect on the existing powers and duties of successor
40 agencies, the existing rights and obligations of the employees of
41

1 former redevelopment agencies, the existing rules for allocation of
2 the revenue of former redevelopment agencies, or any other
3 substantive effect of ABx1 26.

APPROVED AS SUBMITTED

Date

APPROVED AS CORRECTED
(for corrections, see Minutes of next meeting)

Chairperson

Executive Director