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1                                   **APPROVED** MINUTES OF MEETING  
2                                   CALIFORNIA LAW REVISION COMMISSION  
3                                   August 13, 2020

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4           A meeting of the California Law Revision Commission was held on August 13,  
5 2020. Consistent with Executive Orders N-25-20 and N-29-20, the meeting was  
6 held as an online video webinar.

7           Only those members of the public who expressly consented to inclusion in the  
8 Minutes are listed as attendees.

9   **Commission:**

10           *Present:*       Victor King, Chairperson  
11                           Crystal Miller-O'Brien, Vice-Chairperson  
12                           Diane Boyer-Vine, Legislative Counsel  
13                           David A. Carrillo  
14                           Ana Cubas  
15                           Jane McAllister  
16                           Richard Rubin  
17                           Richard Simpson

18           *Absent:*        Assembly Member Ed Chau  
19                           Senator Richard D. Roth

20   **Staff:**            Brian Hebert, Executive Director  
21                           Barbara Gaal, Chief Deputy Counsel  
22                           Kristin Burford, Staff Counsel

23   **Other Persons:**

24           Michael Amster  
25           Mark Burnley  
26           Chris Conley, American Civil Liberties Union of Northern California  
27           Edward Little  
28           Marjorie Murray, Center for California Homeowner Association Law  
29           Elaine Roberts Musser  
30           Gus Petraborg  
31           Steve Rodick  
32           Corby Sturges  
33           Corrigan Wright

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APPROVAL OF ACTIONS TAKEN

Unless otherwise indicated, the Commission decisions noted in these Minutes were approved by all members present at the meeting. If a member who was present at the meeting voted against a particular decision, abstained from voting, or was not present when the decision was made, that fact will be noted below.

MINUTES

The Commission considered Memorandum 2020-32, presenting draft Minutes for the July 9, 2020, meeting.

The Commission approved the Minutes without change.

ADMINISTRATIVE MATTERS

**Report of Executive Director**

The Executive Director briefed the Commission on two matters:

- (1) The possibility of using a dedicated email account for Commission-related communications, to simplify compliance with a public record request.
- (2) The status of the Commission’s recent report on *Pending Sunset Dates* (July 2020).

**Commissioner Suggestions**

No suggestions were made.

1 **Election of Officers**

2 The Commission postponed consideration of Memorandum 2020-41,  
3 discussing the election of officers for 2020-21. The memorandum will be taken up  
4 at the September meeting.

5 2020 LEGISLATIVE PROGRAM

6 The Commission considered Memorandum 2020-33, which discusses the  
7 Commission's 2020 Legislative Program.

8 This was a purely informational memorandum. No Commission action was  
9 required or taken.

10 STUDY G-300 — STATE AND LOCAL AGENCY ACCESS TO CUSTOMER INFORMATION  
11 FROM COMMUNICATION SERVICE PROVIDERS

12 The Commission postponed consideration of Memorandum 2020-36, which  
13 discusses the meaning of "interception," as that term is used in the federal and  
14 state wiretap statutes. The memorandum will be taken up at the September  
15 meeting.

16 STUDY J-1406 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING  
17 (PART 7): COURT REPORTER COMPENSATION STATUTES

18 The Commission considered Memorandum 2020-39 and its First Supplement,  
19 which discuss when to recommence work on updating the court reporter  
20 compensation statutes to reflect trial court restructuring. The Commission decided  
21 not to recommence such work at this time.

22 The staff should reexamine and specifically address this issue each year in the  
23 annual memorandum on new topics and priorities.

24 There is no need to take any special steps to memorialize the work that has  
25 already been done on this topic.

26 STUDY J-1406.1 — STATUTES MADE OBSOLETE BY TRIAL COURT RESTRUCTURING  
27 (PART 7): PRECEDENTIAL VALUE OF APPELLATE DIVISION DECISIONS

28 The Commission considered Memorandum 2020-40, which discusses whether  
29 to propose statutory guidance on the precedential value of an appellate division  
30 decision. The Commission decided not to further pursue this topic.

1                                   STUDY L-3032.5 — STOCK COOPERATIVES AND THE  
2                                   UNIFORM TOD SECURITY REGISTRATION ACT

3           The Commission considered Memorandum 2020-38, which discusses the  
4 adaptation of the Uniform TOD Security Registration Act (Probate Code Sections  
5 5500-5512) to allow a nonprobate transfer of an owner’s interest in a stock  
6 cooperative.

7           The Commission decided that the beneficiary of such a transfer should be liable  
8 for the unsecured debts of the deceased transferor. The proposed law will borrow  
9 the liability provisions in the statute on revocable transfer on death deeds (Prob.  
10 Code § 5600 *et seq.*), including the changes and additions that were recommended  
11 by the Commission in its most recent study of that law, with minor adjustments  
12 needed to apply those provisions to a stock cooperative.

13                                   STUDY L-4100 – NONPROBATE TRANSFERS:  
14                                   CREDITOR CLAIMS AND FAMILY PROTECTION

15           The Commission considered Memorandum 2020-37, which discusses  
16 stakeholder comment on the possible application of probate family protections to  
17 nonprobate transfers.

18           After considering that comment, the Commission decided not to continue  
19 work on the topic.

20                                   STUDY X-100 — EMERGENCY-RELATED REFORMS

21           **Commission Study Authority**

22           The Commission considered Memorandum 2020-34 and its First Supplement,  
23 which discuss the possibility of requesting additional authority to study  
24 emergency-related reforms.

25           The Commission decided to request a grant of authority along the following  
26 lines:

27                   (a) The Law Revision Commission is authorized to study and  
28 recommend statutory reforms to provide special rules that would  
29 apply only to an area affected by one of the following:

30                   (1) A state of disaster or emergency declared by the federal  
31 government.

32                   (2) A state of emergency proclaimed by the Governor under  
33 Section 8625 of the Government Code

1 (3) A local emergency proclaimed by a local governing body or  
2 official under Section 8630 of the Government Code.

3 (b) Before beginning a study under this authority, the  
4 Commission shall provide notice to legislative leadership and any  
5 legislative policy committee with jurisdiction over the proposed  
6 study topic and shall consider any formal or informal feedback  
7 received in response to the notice.

## 8 **Teleconference Meetings in Common Interest Developments**

9 The Commission considered Memorandum 2020-35 and its First and Second  
10 Supplements, which discuss rules for conducting common interest development  
11 meetings by teleconference during an emergency. For the purposes of preparing a  
12 tentative recommendation, the Commission approved language along the  
13 following lines:

### 14 **ARTICLE 11. EMERGENCY POWERS AND PROCEDURES**

15 5450. (a) This section only applies to a common interest  
16 development that is in an area affected by one or more of the  
17 following conditions:

18 (1) A state of disaster or emergency declared by the federal  
19 government.

20 (2) A state of emergency proclaimed by the Governor under  
21 Section 8625 of the Government Code.

22 (3) A local emergency proclaimed by a local governing body or  
23 official under Section 8630 of the Government Code.

24 (b) Notwithstanding subdivision (b) of Section 4090, any other  
25 law, or the association's governing documents, a board meeting or  
26 meeting of the members may be conducted entirely by  
27 teleconference, without any physical location being held open for the  
28 attendance of any director or member, if all of the following  
29 conditions are satisfied:

30 (1) The meeting notice provides clear technical instructions on  
31 how to participate by teleconference.

32 (2) The meeting notice provides the telephone number and  
33 electronic mail address of a person who can provide technical  
34 assistance with the teleconference process, both before and during  
35 the meeting.

36 (3) Any vote of the directors shall be conducted by a roll call vote.

37 (4) Any person who is entitled to participate in the meeting shall  
38 be given the option of participating by telephone.

39 (5) Every director and member has the same ability to participate  
40 in the meeting that would exist if the meeting were held in person.

41 **Comment.** Section 5450 is new.

1           Subdivision (a) governs the application of the section. See also 42  
2           U.S.C. §§ 247d (federal public health emergency), 5120-5208 (federal  
3           disaster relief).

4           Subdivision (b) authorizes meetings to be conducted entirely by  
5           teleconference, if certain conditions are met.

6           In addition, the Commission directed the staff to present options for the  
7           method of delivering a notice for a meeting held under the proposed law.

8           The Commission decided against recommending any “broader reforms” in  
9           this study (i.e., a general improvement to common interest development law that  
10          is not strictly necessary to address an emergency), including those described on  
11          pages 6-8 of Memorandum 2020-35.