

# MONTHLY OPINION REPORT

## CALIFORNIA ATTORNEY GENERAL'S OFFICE



ROB BONTA  
Attorney General

VENUS D. JOHNSON  
Chief Deputy Attorney General

MICHAEL J. MONGAN  
Solicitor General

### OPINION UNIT

Mollie Lee, Senior Assistant Attorney General  
Catherine Bidart, Deputy Attorney General  
Lawrence M. Daniels, Deputy Attorney General  
Susan Duncan Lee, Deputy Attorney General  
Manuel M. Medeiros, Deputy Attorney General  
Marc J. Nolan, Deputy Attorney General  
Stephanie Grimes, Staff Services Analyst



**May 1, 2022**

The Attorney General's Opinion Unit is responsible for researching and drafting the formal opinions of the Attorney General. This Monthly Opinion Report lists all of the questions that are currently under consideration for formal opinions.

The Attorney General welcomes and solicits the views of all interested persons concerning the issues raised in any question submitted for an opinion. Views should be in writing and directed to the deputy assigned to prepare the opinion. Contact information for deputies is included at the end of this report. All views submitted before publication will be considered, but early submissions are greatly preferred. All submissions will be treated as public records subject to disclosure under the Public Records Act.

For more information about the Opinion Unit, or to retrieve a copy of a published opinion, please see our website at <http://oag.ca.gov/opinions>.

### NEW QUESTIONS ASSIGNED DURING APRIL 2022

#### **22-402 requested by San Bernardino County District Attorney Jason Anderson**

Is the governing body of an entity that employs a lobbyist and advocates on behalf of member school districts, and whose membership consists of substantially all the school districts in the county, a "legislative body" under the Brown Act when: 1) the administrators of the school districts created the entity consistent with standing school board policies; 2) the school boards have delegated their statutorily-authorized lobbying duties to the entity; and 3) the school boards authorize their districts to enter into yearly membership agreements with the entity, which provide that the entity will lobby state and federal policymakers collectively on the districts' behalf, preclude the districts from taking lobbying positions adverse to or in conflict with the entity, and require the school districts to pay yearly dues?

(Assigned to Deputy Attorney General Manuel M. Medeiros.)

**22-403 requested by Nevada County Counsel Katharine L. Elliott**

May a member of the Nevada County Board of Supervisors concurrently serve as general manager for the Truckee Tahoe Airport District?

(Assigned to Deputy Attorney General Susan Duncan Lee.)

**OPINIONS ISSUED OR CONCLUDED DURING APRIL 2022**

**Opinion No. 19-1001 (issued April 1, 2022)**

*Question Presented and Conclusion:*

Does Government Code section 83105, which bans campaign contributions by members of the Fair Political Practices Commission, apply to election campaigns for President and Congress?

Yes, the statutory ban applies to elections held in California, which includes elections for President and for seats in the United States Senate and House of Representatives.

**Opinion No. 22-301 (issued April 7, 2022)**

*Question Presented and Conclusion:*

MICHAEL SEAN WRIGHT, a registered voter and resident of Orange County and the Orange County Department of Education's Fourth District, has applied to this office for leave to sue TIM SHAW in quo warranto to remove him from his public office as a member of the Orange County Board of Education representing the Department of Education's Fourth District. The application asserts that the Board of Education invalidly appointed Shaw to a vacancy on the Board in violation of Government Code section 1752(a) and the common law prohibition against self-appointments.

We conclude that there is a substantial legal issue as to whether Shaw's appointment to the Orange County Board of Education was lawful. Consequently, and because the public interest will be served by allowing the proposed quo warranto action to proceed, the application for leave to sue is GRANTED.

**OPINIONS PENDING**

Opinion Requests

**22-403** May a member of the Nevada County Board of Supervisors concurrently serve as general manager for the Truckee Tahoe Airport District? (Duncan Lee)

**22-402** Is the governing body of an entity that employs a lobbyist and advocates on behalf of member school districts, and whose membership consists of substantially all the school districts in the county, a "legislative body" under the Brown Act when: 1) the administrators of the school districts created the entity consistent with standing school board policies; 2) the school boards have

delegated their statutorily-authorized lobbying duties to the entity; and 3) the school boards authorize their districts to enter into yearly membership agreements with the entity, which provide that the entity will lobby state and federal policymakers collectively on the districts' behalf, preclude the districts from taking lobbying positions adverse to or in conflict with the entity, and require the school districts to pay yearly dues? (Medeiros)

- 21-1102** 1. Under the Ralph M. Brown Act, may legislative support staff of individual City Council members attend a closed session to assist and advise their individual members in the performance of the member's duties? 2. If legislative support staff of individual City Council members are not permitted to attend a closed session as described in Question 1, may the members share information obtained in closed session with their individual support staff to assist the members in performing their legislative duties? 3. Would it violate the Ralph M. Brown Act for a City Council acting as the City's Housing Authority to meet jointly in closed session with the Board of Housing Commissioners, which the Housing Authority oversees, provided that statutory authorization exists for both entities to go into closed session? (Bidart)
- 21-1101** May a person, on behalf of another, lawfully purchase California state lottery tickets from an authorized retailer and charge a fee for the services rendered? (Nolan)
- 21-1001** 1. May a county adopt policies to address the environmental impacts of pesticides in a Local Coastal Program without violating Food and Agricultural Code section 11501.1? 2. May a county adopt ordinances to regulate pesticides in the coastal zone to implement Local Coastal Program requirements? (Daniels)
- 21-401** May a district attorney provide criminal defense counsel or a self-represented criminal defendant an unredacted copy of a witness's or victim's state summary criminal history information during the criminal discovery process? (Medeiros)
- 20-1001** May a district attorney provide criminal defense counsel the defendant's unredacted state summary criminal history information during the criminal discovery process? (Medeiros)
- 19-301** Is a paid victim advocate for sexually exploited youth a mandated reporter under the Child Abuse and Neglect Reporting Act (CANRA)?
- 14-202** 1. Must school bond "premium" be deposited in a school's interest and sinking fund? 2. May premium be used to pay expenses of issuance? 3. May premium be used to pay underwriter's discount? 4. May premium be used to pay interest on previous bonds? (Duncan Lee)

Quo Warranto Matters

- 22-304** May a person who has served three previous four-year terms on the Los Angeles City Council be appointed to fill a temporary vacancy in the District 10 seat on the council? (Daniels)
- 22-303** Is the person appointed to fill a vacancy on the Alameda County Board of Supervisors, District 3 seat, eligible to hold this office? (Bidart and Nolan)
- 22-302** May the same person serve on both the Orange County Board of Education and the Tustin City Council? (Nolan)
- 22-101** May three persons serving as Mission Viejo city councilmembers continue to serve up to an additional two years each after their two-year elected terms of office have expired? (Daniels)

## CONTACT US

The Opinion Unit invites comments on the questions posed in pending opinion requests. To share your views, please contact the deputy assigned to prepare the opinion. Deputies can be reached at the following email addresses and telephone numbers:

Catherine Bidart, Deputy Attorney General:

[Catherine.Bidart@doj.ca.gov](mailto:Catherine.Bidart@doj.ca.gov); (213) 269-6384.

Lawrence M. Daniels, Deputy Attorney General:

[Larry.Daniels@doj.ca.gov](mailto:Larry.Daniels@doj.ca.gov); (213) 269-6388.

Susan Duncan Lee, Deputy Attorney General:

[Susan.Lee@doj.ca.gov](mailto:Susan.Lee@doj.ca.gov); (415) 510-3815.

Manuel M. Medeiros, Deputy Attorney General:

[Manuel.Medeiros@doj.ca.gov](mailto:Manuel.Medeiros@doj.ca.gov); (916) 210-6004.

Marc J. Nolan, Deputy Attorney General:

[Marc.Nolan@doj.ca.gov](mailto:Marc.Nolan@doj.ca.gov); (213) 269-6392.

To submit an opinion request, please contact Mollie Lee, Senior Assistant Attorney General, at [Mollie.Lee@doj.ca.gov](mailto:Mollie.Lee@doj.ca.gov) or (415) 510-4439.

For all other inquiries, please contact Stephanie Grimes, Staff Services Analyst, at [Stephanie.Grimes@doj.ca.gov](mailto:Stephanie.Grimes@doj.ca.gov) or (916) 210-6005.

You may also contact the Opinion Unit at the following address:

Office of the Attorney General  
Opinion Unit, Department of Justice  
Attn: Stephanie Grimes  
P. O. Box 944255  
Sacramento, CA 94244-2550.