

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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September 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 AUGUST 2022

22-802 Quo Warranto Application

May the same person serve simultaneously as a member of the Sacramento County Board of Education and as the President, Chief Executive Officer, and Executive Director of the Pacific Charter Institute, a charter management organization which operates charter schools in Sacramento and other California counties?

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

OPINIONS ISSUED OR CONCLUDED DURING AUGUST 2022

Opinion No. 22-603 (issued August 18, 2022)

Question Presented and Conclusion:

Proposed relators HQH CHINESE AMERICAN EQUALIZATION ASSOCIATION and ARCADIA VOTERS' RIGHTS GROUP (Relators) have applied to this office for leave to sue proposed defendant MICHAEL DANIELSON (Defendant) in

quo warranto to remove Defendant from his public office on the Arcadia City Council. Relators assert that the City Council's appointment of Defendant violated Arcadia City Charter provisions governing vacancy appointments.

We conclude that a substantial question of law exists as to whether Defendant's appointment to the Arcadia City Council was lawful. Further, the public interest will be served by allowing the proposed quo warranto action to proceed. Consequently, the application for leave to sue is GRANTED.

OPINIONS PENDING

Opinion Requests

- 22-701** 1. Does Penal Code section 904.6 require a court to impanel a grand jury at the district attorney's request? 2. Do the prosecution's discovery obligations under *Brady* and Penal Code section 1054.1 include criminal grand jury materials? (Bidart)
- 22-602** Does the State Bar of California have the jurisdiction to regulate non-attorney legal document assistants who are not engaged in the practice of law? (Nolan)
- 22-502** 1. Where a school district governing board has adopted by-trustee area elections and a vacancy is created in a seat held by a member elected at-large prior to the adoption of by-trustee area elections, must an individual live within a specific trustee area in order to be appointed or elected to fill the vacancy, and if so, how is the trustee area determined? 2. Where a school district governing board has revised the boundaries of its trustee areas following the decennial census, do the revised boundaries apply where a vacancy occurs during the term of a governing board member elected prior to revision of the boundaries or would the boundaries in effect at the time of the previous election be used to determine eligibility to fill the vacancy? (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)

- 21-1001** 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? (Duncan Lee)
- 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)?

Quo Warranto Matters

- 22-802** May the same person serve simultaneously as a member of the Sacramento County Board of Education and as the President, Chief Executive Officer, and Executive Director of the Pacific Charter Institute, a charter management organization which operates charter schools in Sacramento and other California counties? (Medeiros)

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:

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To submit an opinion request, please contact Mollie Lee, Senior Assistant Attorney General, at 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 or (916) 210-6005.

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

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