

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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September 1, 2026

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 QUESTION(S) ASSIGNED IN AUGUST 2026

26-801 requested by Mendocino County Counsel Katharine L. Elliott

1. Does the Penal Code section 919(b) requirement that a grand jury "inquire into the condition and management of the public prisons within the county" apply to state prisons and fire camps operated by the California Department of Corrections and Rehabilitation?

2. If so, may grand juries conduct a full investigation and release reports regarding those entities after a full investigation? Who would be required to respond to such reports?

3. Does the Penal Code section 919(b) requirement that a grand jury “inquire into the condition and management of the public prisons within the county” apply to local juvenile detention facilities used for the confinement of both adults and minors?

(Assigned to Deputy Attorney General Catherine Bidart.)

26-802 Quo Warranto Application

1. May Jaclyn LaBarbera serve as a member of both the Anderson Union High School District Board of Trustees and the Shasta County Board of Education?

2. Has Jaclyn LaBarbera satisfied the residency requirements to serve on the Anderson Union High School District Board of Trustees?

(Assigned to Deputy Attorney General Heather Thomas.)

OPINION(S) ISSUED OR CONCLUDED IN AUGUST 2026

25-602 (issued August 11, 2026)

Question presented and conclusion:

Do the restrictions of the California Values Act codified in Government Code section 7284.6(a) prohibit a local law enforcement agency from pre-staging personnel outside a federal immigration detention facility, entering the facility, or proactively patrolling inside the facility, if the agency acts for public safety purposes in anticipation of, or response to, civil unrest—provided that no immigration enforcement functions are undertaken?

Whether the activities described in the request would violate the California Values Act (Act) would depend on the surrounding facts and circumstances. Among other restrictions, the Act provides that state and local law enforcement agencies shall not use money or personnel “to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes,” subject to enumerated statutory exceptions. That restriction contains two prongs: an action requirement and a purpose requirement. Evaluating the activities described in the request, the action requirement may be satisfied because pre-staging personnel at a federal immigration detention facility, entering the facility, or proactively patrolling inside the facility could certainly involve officers investigating, interrogating, or detecting persons. As to the purpose requirement, the request describes that a local law enforcement agency would act for public safety purposes

in anticipation of, or response to, civil unrest, and would not carry out immigration enforcement functions. Determining a law enforcement agency's "purposes" is a factual inquiry that depends on the totality of the circumstances. Law enforcement's subjective intent is relevant but not dispositive, and a court or other entity would not uncritically accept an agency's proffered public safety purpose if the surrounding facts indicated that it was pretextual. Accordingly, identifying whether a particular activity would violate the Act would require a fact-specific analysis.

PENDING MATTERS AS OF AUGUST 2026

Opinion Requests

- 26-801** (1) Does the Penal Code section 919(b) requirement that a grand jury "inquire into the condition and management of the public prisons within the county" apply to state prisons and fire camps operated by the California Department of Corrections and Rehabilitation? (2) If so, may grand juries conduct a full investigation and release reports regarding those entities after a full investigation? Who would be required to respond to such reports? (3) Does the Penal Code section 919(b) requirement that a grand jury "inquire into the condition and management of the public prisons within the county" apply to local juvenile detention facilities used for the confinement of both adults and minors? (Bidart)
- 26-602** To serve as a Trustee for Reclamation District No. 1000, does a candidate need to be (1) a landowner in the District per Water Code § 50014, (2) a resident in the District per Water Code § 50780.12, or (3) both a landowner and a resident in the District? (Thomas)
- 26-203** (1) Does a county Board of Supervisors have budgetary authority to allocate funds received from the State pursuant to Government Code section 30070 ("AB 443 funds"), or are those funds exclusively within the Sheriff's authority to expend at his or her discretion? (2) If the funds are solely within the Sheriff's authority, must they be maintained in a separate account and specifically tracked, or may they be deposited into the Sheriff's general budget and used for general operational and salary expenses? (Bidart)
- 26-202** Public Utilities Code section 8386.6(b) provides that "[a]ll qualified line clearance tree trimmers shall be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman as determined by the Director of Industrial Relations." Does the requirement in Public Utilities Code section

- 8386.6(b) apply to qualified line clearance tree trimmers employed by local publicly owned electric utilities and electrical cooperatives? (Duncan Lee)
- 26-201** If a County donates money to a nonprofit to purchase materials that will be used to construct a project, for example flooring material that will be installed by workers hired by the nonprofit, does Labor Code Section 1720 require prevailing wages be paid to the workers that the nonprofit later hires? (McCarroll)
- 26-102** Can Local Emergency Medical Services Authorities (“LEMSAs”), such as the Riverside County Emergency Medical Services Agency, share the California state criminal offender record information of employees of the California Department of Forestry and Fire Protection (“CAL FIRE”) with CAL FIRE? (Bidart)
- 26-101** (1) Under state law, is the Beaumont Cherry Valley Recreation and Park District required to seek permission from the City of Beaumont via permits or licenses before holding special events on District property that lies within the City? (2) Under state law, may the District contract with Riverside County to provide review services for compliance with the California Building Code and California Fire Code for special events on District property that lies within the City? (3) Under state law, may the District contract with the Riverside County Sheriff's Department or a privately licensed and bonded security services company to provide security services at special events on District property that lies within the City? (McCarroll)
- 25-1202** Does the Marina Village property within Mission Bay Park, which is owned by the City of San Diego, qualify as exempted surplus land under the Surplus Land Act? (Duncan Lee)
- 25-1102** Under the Housing Crisis Act of 2019: (1) What statute of limitations applies to an action brought to enforce Government Code section 66300(b)(1) when filed by a party other than the Attorney General or the Department of Housing and Community Development? (2) Does a referendum that rejects a general plan amendment or specific plan for housing development adopted by the legislative body of a city or county—where that amendment or plan would have increased the “intensity of land use” as defined in section 66300(b)(1)(A), or permitted housing on land where it would otherwise not be allowed—constitute either a “moratorium or similar restriction or limitation on housing development” in violation of section 66300(b)(1)(B)(i); or a change in the “general plan land use designation, specific plan land use designation, or zoning” to a less intensive use, or a reduction in land use intensity, in violation of subdivision (b)(1)(A)?

- (3) If a city or county concludes that a voter-approved referendum results in an effect prohibited by section 66300, does the city or county have the authority under section 66300(b)(2) to deem the referendum void and unenforceable on its own, or must it first obtain a judicial determination before it can disregard the referendum? (Sorenson)
- 25-801** For purposes of the voter-approval requirements of Proposition 218, what is the proper definition of the term “electorate” as it relates to a special tax to be imposed only on the unincorporated region of a county? (Thomas)
- 24-902** Are claw machines illegal gambling devices under California’s gaming device statutes? (Kentfield)

Quo Warranto Matters

- 26-802** (1) May Jaclyn LaBarbera serve as a member of both the Anderson Union High School District Board of Trustees and the Shasta County Board of Education?
(2) Has Jaclyn LaBarbera satisfied the residency requirements to serve on the Anderson Union High School District Board of Trustees? (Thomas)
- 25-901** Has Jason Lee Johnson satisfied the residency requirements to serve on the Stockton City Council? (McCarroll)

CONTACT US

To submit an opinion request or a quo warranto application, please contact:
Senior Assistant Attorney General Karim J. Kentfield at Karim.Kentfield@doj.ca.gov.

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:

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For all other inquiries, please contact Stephanie Grimes, Associate Governmental Program 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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