

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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March 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 FEBRUARY 2026

26-201 requested by San Joaquin County Counsel Edward Kiernan

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?

(Assigned to Deputy Attorney General Ryan B. McCarroll.)

26-202 requested by Assemblymember Mark Gonzalez

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?

(Assigned to Deputy Attorney General Susan Duncan Lee.)

26-203 requested by Del Norte County Counsel Jacqueline Roberts

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?

(Assigned to Deputy Attorney General Catherine Bidart.)

OPINION(S) ISSUED OR CONCLUDED IN FEBRUARY 2026

24-1002 (issued February 12, 2026)

Question presented and Conclusion:

DAVID E. KENNEY has applied for leave to sue MARK M. SKVARNA in quo warranto to remove him from the office of Superintendent of Schools for the Montebello Unified School District.

We conclude that the application does not raise a substantial question of law or fact that would be cognizable in an action under Code of Civil Procedure section 803. For that reason, the application for leave to sue is DENIED.

PENDING MATTERS AS OF FEBRUARY 2026

Opinion Requests

- 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? (Thomas)

- 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? (Welindt)
- 25-902** Is Fresno County Ordinance No. 25-008, which regulates the illegal possession or transportation of commercial copper wire, preempted by state law? (Duncan Lee)
- 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)
- 25-603** Counties regularly receive funds from nongovernmental entities or private individuals in various contexts, including taxes, fees, assessments, and fines. Counties also regularly receive funds from those entities or individuals in other contexts—specifically, gifts or donations, or grant money that was appropriated by a governmental entity to further a governmental program but is disseminated by a nongovernmental entity to grantees for use consistent with the underlying governmental program. In these other contexts, may a county official deposit the funds into the county treasury without violating Government Code section 27011, so long as the county uses the funds only for public purposes? (Bidart)

- 25-602** Does the California Values Act (SB 54), as codified in Government Code section 7284.6(a), prohibit a local law enforcement agency from pre-staging personnel or entering a contracted federal immigration detention facility for public safety purposes in anticipation of, or response to, civil unrest—provided that no immigration enforcement functions are undertaken? (Welindt)
- 25-601** If the Director of Industrial Relations determines that the prevailing wage is the rate set by a collective bargaining agreement (CBA), and that CBA provides a separate classification for a foreman who performs on-site work while supervising the work crew, does the Labor Code require the Director to publish the prevailing wage rate for the foreman classification? (Welindt)
- 25-102** May federally recognized Indian tribes which are located exclusively within the exterior boundaries of the State of California, and who have adopted laws that impose comprehensive requirements substantially comparable to the California Cannabis Regulatory Framework, lawfully conduct intrastate commercial cannabis activity solely within the State of California with California state cannabis licensees without obtaining such a license themselves? (Thomas)
- 24-1102** May a concealed carry weapon (CCW) permit be denied under Penal Code section 26202(a)(8), which disqualifies CCW permit applicants who are “currently abusing controlled substances,” based on an applicant’s otherwise lawful use of marijuana under California law? (Bidart)
- 24-1101** Do the exemptions from local building and zoning ordinances set forth in Government Code section 53091, subdivisions (d) and (e), apply to all California public water systems, including independent water companies? (Duncan Lee)
- 24-902** Are claw machines illegal gambling devices under California’s gaming device statutes? (Welindt)
- 24-702** May the same individual serve simultaneously on the Board of Commissioners for the White Mountain Fire Protection District and the Board of Directors for the Tri Valley Groundwater Management District? (McCarroll)

Quo Warranto Matters

- 25-901** Has Jason Lee Johnson satisfied the residency requirements to serve on the Stockton City Council? (McCarroll)
- 24-802** May the San Diego Police Officers Association challenge the validity of a provision of the Proposition B initiative measure that the Association alleges to

have unlawfully affected the pension benefits of some of its members?
(Kentfield)

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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