MONTHLY OPINION REPORT

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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.

If you would like to give us your input on any of these questions, the Opinion Unit would be delighted to hear from you. The Attorney General welcomes and solicits the views of all interested persons concerning the legal issues raised in any question submitted for an opinion. Views should be in writing and directed to the deputy assigned to prepare the opinion. 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.

QUESTIONS SUBMITTED IN OPINION REQUESTS ASSIGNED DURING FEBRUARY 2016

16-201 requested by Assemblymember Luis A. Alejo concerning the following question:

May a local jurisdiction require a subdivision applicant to eliminate the designation of a remainder parcel on a tentative parcel map, or require an applicant to provide additional analysis of a remainder parcel that has already been approved for development? (Assigned to Deputy Attorney General Anya M. Binsacca)

OPINIONS PENDING

11-201 Is a California charter school and its board of directors subject to: a) the Ralph M. Brown Act; or b) the California Public Records Act; or c) the Political Reform Act of 1974; or d) Government Code section 1090; or e) the review and inspection of books and records, by a Grand Jury formed pursuant to Penal Code section 888? (Most notably, the Grand Jury whose function it is to investigate and inquire into county functions of civil concern, *see also* Penal Code section 933.6.) (Medeiros)

11-705 May a court impose a probation condition on a DUI defendant to make a specified payment to the DUIRR Program? (Eisenberg)

12-1203 May a former local agency employee serve on that public agency's elected Board of Directors while still being carried on that agency's employee payroll solely for purposes of utilizing unused vacation leave remaining from his/her time as an active employee? (Eisenberg)

13-1203 May health care professionals offer online discounts for their services through a third-party internet marketer? (Medeiros)

14-101 May non-attorneys represent parties in (1) administrative proceedings conducted before the Office of Administrative Hearings, or (2) "due process hearings" conducted under the Education Code? (Medeiros)

14-202 May the "premium" generated from a school district bond sale be used to pay for expenses of issuance and other transaction costs? (Nolan)

14-301 May an attorney who sits on a city council represent clients with interests adverse to that city? (Daniels)

14-304 Under state law, may local authorities restrict parking on public streets to those persons issued residential parking permits? (Russell)

14-403 What is the scope of intergovernmental immunity (Gov. Code §§ 53090-53091) where a city owns and leases real property in an unincorporated area of a county? (Russell)

14-901 If a school superintendent's employment contract allows the superintendent to receive cash in lieu of medical benefits, may the school board members receive an equivalent sum in a whole life insurance policy in lieu of medical benefits? (Daniels)

14-1206 Must Caltrans pay fees imposed by a county to cover the county's costs for inspecting and reporting on Caltrans surface mining operations within the county? (Russell)

15-101 May the Prison Industry Authority deposit funds in a commercial bank account not subject to immediate access or control by other state agencies? (Binsacca)

15-201 What are the reporting requirements under the Child Abuse and Neglect Reporting Act for consensual sexual acts between minors of a like age? (Eisenberg)

15-301 Is the time for filing the report required under Business and Professions Code section 805 tolled when a healing arts licentiate requests a hearing on the action that triggered the filing requirement? (Binsacca)

15-801 How do legally required recusals affect voting allocations among board members of the Metropolitan Water District of Southern California? (Medeiros)

15-1101 Quo warranto matter: Does a Rialto city council member reside within city limits? (Daniels)

15-1102 Request for advice on the jurisdictional authority of a local housing authority and an out-of-state housing authority under state law. (Binsacca)

15-1103 May a city council member, who is also a member of the city's redevelopment successor agency board, purchase commercial property located within a former redevelopment area under circumstances where the member is currently leasing that property under a lease agreement, originally created before the member took office with the city, that contains an option to purchase the leased property? (Daniels)

15-1201 Which California state statute governs the filling of vacancies on the Banning Library District Board of Trustees? (Medeiros)

15-1202 What are the procedural requirements for filling the vacant office of County Sheriff upon the death of the incumbent sheriff? (Daniels)

16-101 Quo warranto matter: Does a misdemeanor conviction for passing a bad check qualify as forgery for purposes of disqualification from office holding? (Binsacca)

16-201 May a local jurisdiction require a subdivision applicant to eliminate the designation of a remainder parcel on a tentative parcel map, or require an applicant to provide additional analysis of a remainder parcel that has already been approved for development? (Binsacca)

CONCLUSIONS OF OPINIONS ISSUED IN FEBRUARY 2016

No opinions were issued in February.

OPINIONS CANCELLED IN FEBRUARY 2016

16-102 Cancelled 2/29/16

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