

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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February 1, 2025

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 JANUARY 2025

25-101 Quo Warranto Application

Has Rene Boisvert, or the entity known as Taking It To The Streets, LLC, usurped, intruded into, or unlawfully held or exercised a franchise within the State of California?

(Assigned to Deputy Attorney General Catherine Bidart.)

OPINIONS ISSUED OR CONCLUDED DURING JANUARY 2025

24-101 (issued January 22, 2025)

Question Presented and Conclusion:

The Fox Canyon Groundwater Management Agency was created by the Legislature, as reflected in Water Code Appendix sections 121-102 to 121-1105. Does this statutory scheme allow the Agency to hire its own staff, or to contract with an entity other than the County of Ventura or the United Water Conservation District for staff services?

No. The statutory scheme establishes the Agency's power to contract for staff services, and it limits that power to contracting with the two agencies specified in the statute, which are the County of Ventura and the United Water Conservation District.

OPINIONS PENDING

Opinion Requests

- 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? (Kentfield)
- 24-803** May a general law city that has been required to expand its city council to seven members (rather than five) to comply with district-based election requirements, establish a seven-member Library Board of Trustees to permit all members of the legislative body to serve in this capacity (instead of a five-member body as specified in California Education Code Section 18910)? (Bidart)
- 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)

- 24-502** Does Public Utilities Code section 11865 require an appointed district board member to step down between the date of the general election following their appointment and the date that the secretary of the district certifies the election results? (Medeiros)
- 24-501** Does the State Density Bonus Law (Government Code sections 65915-65918) allow a local government to impose local affordable housing requirements on the entire number of residential units proposed in a project—that is, including those units resulting from a density bonus under the state law? (Bidart)
- 24-405** Has the United States acquired legislative jurisdiction at San Clemente Island, Los Angeles County, pursuant to Chapter 56, Statutes of 1897? (McCarroll)
- 24-404** Does the California Citizens Compensation Commission have the authority to adjust the base pay of the members of the State Board of Equalization in light of the reduction in their duties, powers and responsibilities following passage of Assembly Bill 102, The Taxpayer Transparency and Fairness Act of 2017? (Duncan Lee)
- 24-403** 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)
- 24-102** Is Madera County's Regional Water Management Group subject to the Brown Act? (Thomas)
- 23-1001** Does California law prohibit the offering and operation of daily fantasy sports betting platforms with players physically located within the State of California, regardless of whether the operators and associated technology are located within or outside of the State? (Kentfield)
- 23-701** Does the California Office of Tax Appeals have the legal authority and jurisdiction to issue a written opinion declaring a provision in the California Code of Regulations, which was promulgated by a different state agency and approved by the Office of Administrative Law, to be invalid and refuse to enforce the regulation on that basis? (Kentfield)

- 23-601** 1. May the California State Teacher's Retirement System (CalSTRS) assess a penalty against a county office of education (COE) for errors in the CalSTRS reporting and contributions of a charter school that operates within the county and submits its CalSTRS payments through the COE? 2. If so, how may the COE defend against an assessment it believes to be incorrect? 3. Could CalSTRS issue a warrant that would allow the COE to withdraw funds directly from an agency that provides its CalSTRS reporting and contributions through the COE if that agency refuses to submit its penalty assessments to the COE voluntarily? (Medeiros)

Quo Warranto Matters

- 25-101** Has Rene Boisvert, or the entity known as Taking It To The Streets, LLC, usurped, intruded into, or unlawfully held or exercised a franchise within the State of California? (Bidart)
- 24-1002** Was Mark Skvarna validly appointed to the office of Montebello Unified School District Superintendent? (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 Marc Nolan at Marc.Nolan@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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