

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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July 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 JUNE 2022

22-602 Assemblymember Phillip Chen

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?

(Assigned to Deputy Attorney General Marc J. Nolan.)

22-603 Quo Warranto Application

May a person be lawfully appointed to fill a vacancy on the Arcadia city council if more than thirty days have passed since the vacancy occurred, or must the city council call a special election to fill the vacancy in that circumstance?

(Assigned to Deputy Attorney General Catherine Bidart.)

OPINIONS ISSUED OR CONCLUDED DURING JUNE 2022

Opinion No. 22-303 (issued June 17, 2022)

Question Presented and Conclusion:

The ALAMEDA COUNTY TAXPAYERS' ASSOCIATION, INC., MARCUS CRAWLEY, DAVID DENTON, STEVE SLAUSON, and ROBERT TUCKNOTT, have applied for leave to sue DAVID KYLE BROWN in quo warranto to remove him from his public office as a member of the Alameda County Board of Supervisors, representing District 3. The application asserts that Brown is ineligible to serve on the Board of Supervisors because he did not and does not satisfy the legal residency requirements for that office.

We conclude that there are substantial issues of law and fact as to whether Brown is eligible to hold office on the Alameda County Board of Supervisors and, because the public interest will be served by allowing the proposed quo warranto action to proceed, the application for leave to sue is GRANTED.

Opinion No. 22-403 (issued June 17, 2022)

Question Presented and Conclusion:

May a member of the Nevada County Board of Supervisors concurrently serve as general manager for the Truckee Tahoe Airport District?

No, a member of the Nevada County Board of Supervisors may not concurrently serve as general manager for the Truckee Tahoe Airport District because these are incompatible public offices.

Opinion No. 22-304 (issued June 22, 2022)

Question Presented and Conclusion:

Proposed relators SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE OF SOUTHERN CALIFORNIA, PASTOR WILLIAM D. SMART, JOY ATKINSON, MARY LEE, KWAME COOPER, and HARRY MCELROY (Relators), have applied to this office for leave to sue proposed defendants the CITY OF LOS ANGELES, the LOS ANGELES CITY COUNCIL, and HERB WESSON (Defendants) in quo warranto to remove Wesson from his public office on the Los Angeles City Council, representing Council District 10. Relators assert that the city council's appointment of Wesson violated Los Angeles City Charter provisions governing vacancy appointments and term limits.

We conclude that substantial questions of law exist as to whether Wesson's appointment to the Los Angeles 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

- 22-602** 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)
- 22-501** May the Orange County Board of Supervisors enact new supervisorial district boundaries that become effective before the next regularly scheduled election, such that supervisors are assigned to represent different constituents than those who elected them? (Daniels)
- 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? (Daniels)
- 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

22-603 May a person be lawfully appointed to fill a vacancy on the Arcadia city council if more than thirty days have passed since the vacancy occurred, or must the city council call a special election to fill the vacancy in that circumstance? (Bidart)

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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