

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



ROB BONTA

Attorney General

FRANCESCA R. GESSNER

Chief Deputy Attorney General

HELEN H. HONG

Office of the Solicitor General

OPINION UNIT

Karim J. Kentfield, Senior Assistant Attorney General

Catherine Bidart, Deputy Attorney General

Susan Duncan Lee, Deputy Attorney General

Ryan B. McCarroll, Deputy Attorney General

Heather Thomas, Deputy Attorney General

Nicole Welindt, Deputy Attorney General

Stephanie Grimes, Associate Governmental Program Analyst



July 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 JUNE 2026

26-601 Quo Warranto Application

Pursuant to the results of the April 28, 2026, recall election, should defendants Alvaro Preciado, Leticia Gamez, Pablo Hernandez, and David Reynosa be removed from office?

(Assigned to Deputy Attorney General Nicole Welindt.)

OPINION(S) ISSUED OR CONCLUDED IN JUNE 2026

26-601 (issued June 17, 2026)

Question Presented and Conclusion:

DALILA BARAJAS, VERONICA AGUIRRE, GINGER L. WALLIS, CRYSTAL ROSEMARIE ARBALLO, TERRI SANTILLAN, MELISSA COBINE, LAURA COBINE, PAUL COBINE, VICTOR RESENDEZ, AMANDA RAMIREZ, LUTHER WALLIS, TERESA M. PIERE, THE COUNTY OF KINGS, and LUPE VILLA, IN HIS OFFICIAL CAPACITY AS THE REGISTRAR OF VOTERS OF THE COUNTY OF KINGS (the Relators) have applied for leave to sue ALVARO PRECIADO, LETICIA GAMEZ, PABLO HERNANDEZ, and DAVID REYNOSA (the Defendants) in quo warranto to remove them from the Avenal City Council.

We conclude that the application meets all three of the Attorney General's criteria to grant leave to sue: quo warranto is the appropriate remedy; the application raises a substantial legal issue; and resolution of that issue would serve the public interest. Consequently, we GRANT leave to sue.

25-601 (issued June 23, 2026)

Question Presented and Conclusion:

If the Director of the Department of Industrial Relations determines that the prevailing wage for a journey-level classification is the rate set by a collective bargaining agreement, and that agreement provides a separate classification for a foreperson 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 foreperson classification?

No. We do not reach a categorical conclusion for all forepersons, but instead evaluate the requestor's definition—"experienced workers who perform on-site work with the tools of the trade while also having responsibility for reading the plans and directing the work of the crew." The Labor Code does not require the Director to publish the prevailing wage rate for forepersons as defined by the requestor, because California's prevailing wage law does not cover supervisory work. It is individuals' duties, and not their titles, that determine whether individuals are entitled to prevailing wages, however. That means that forepersons who perform work in a covered craft in addition to performing supervisory work are entitled to wages at no less than the applicable prevailing rate for the work they perform in the craft.

26-401 (issued June 25, 2026)

Question Presented and Conclusion:

Proposed relator JEFFREY CARR applies to this office for leave to sue JACLYN LABARBERA in quo warranto to remove her from her public office on the Anderson Union High School District Board of Trustees. The application asserts that LaBarbera, while serving in that position, assumed a second and incompatible public office as a member of the Shasta County Board of Education, in violation of Government Code section 1099, and by doing so forfeited her seat on the Anderson Union High School District Board.

We conclude there is a substantial legal issue regarding whether LaBarbera is simultaneously holding incompatible public offices. Consequently, 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.

PENDING MATTERS AS OF JUNE 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)

- 25-801** 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)
- 25-602** 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)
- 24-902** Are claw machines illegal gambling devices under California’s gaming device statutes? (Welindt)

Quo Warranto Matters

- 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:

Catherine Bidart, Deputy Attorney General:
Catherine.Bidart@doj.ca.gov.

Susan Duncan Lee, Deputy Attorney General:
Susan.Lee@doj.ca.gov.

Ryan B. McCarroll, Deputy Attorney General:
Ryan.McCarroll@doj.ca.gov.

Heather Thomas, Deputy Attorney General:
Heather.Thomas@doj.ca.gov.

Nicole Welindt, Deputy Attorney General:
Nicole.Welindt@doj.ca.gov.

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:
Office of the Attorney General
Opinion Unit, Department of Justice
Attn: Stephanie Grimes, AGPA
P. O. Box 944255
Sacramento, CA 94244-2550.