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.

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 MAY 2020

20-303 requested by Assemblymember Kevin Kiley concerning the following question:

Does a request for access to personal information under the California Consumer Privacy Act apply to internally-generated inferences or derived data? (Assigned to Senior Assistant Attorney General Susan Duncan Lee.)

20-401 requested by Relator David Black concerning the following question:

Quo Warranto Application: Can the Beverly Hills City Attorney represent The People in a criminal traffic violation matter? (Assigned to Deputy Attorney General Lawrence M. Daniels.)

OPINIONS PENDING
Opinion Requests

20-303 Does a request for access to personal information under the California Consumer Privacy Act apply to internally-generated inferences or derived data? (Lee)

20-301 Does a declaration of (1) a shelter crisis under Government Code section 8698 et seq., or (2) a public emergency under Government Code section 8625 et seq., constitute a state of emergency for purposes of the "Good Samaritan" Law in Health and Safety Code section 1799.102? (Bidart)

20-202 Under Government Code section 12519, does a county board of supervisors have jurisdiction to hear PACE assessment appeals, and, if so, what is the administrative procedure? (Nolan)

20-102 Are the offices of executive director of a charter school (or similar title) and member of the county board of education in the same county incompatible offices? (Binsacca)

20-101 1) May an elected county recorder, whose operations are solely funded by recording fees collected as directed by Government Code section 27361, subdivision (a), re-claim from the county those fees diverted to the county's general fund and utilized for supporting other county departments? 2) In the alternative, may the county recorder recoup the diverted funds by means of an offset? (Daniels)

19-1001 Does Government Code section 83105 prohibit a Fair Political Practices Commission member from making a campaign contribution to a federal candidate for (1) President; and/or (2) Congress? (Bidart)

19-901 Under the "remote interest" exception set forth in Government Code section 1091(b)(17), may a member of the South Coast Air Quality Management District (District) apply for and obtain District grants for their import/export logistics business without violating Government Code section 1090's prohibition against public officials holding a personal financial interest in public contracts? (Medeiros)

19-405 Does Government Code section 1090 permit a County Superintendent of Education to negotiate in collective bargaining with their represented employment unit? (Nolan)

19-401 May a county enter into a joint contract with a local military installation? (Bidart)

19-301 Is a paid victim advocate for sexually exploited youth a mandated reporter under the Child Abuse and Neglect Reporting Act (CANRA)? (Eisenberg)

19-203 Is there a statutory or constitutional exception for non-profit religious organizations conducting employee criminal background checks under Labor Code section 432.7(a)? (*On hold per requestor*.) (Binsacca)

18-1001 Is a county animal shelter permitted to refuse to relinquish an owner-surrendered dog to a nonprofit no-kill shelter? (Medeiros)

18-902 When a subdivider owns one parcel and subdivides that parcel pursuant to a parcel map, then sells off the resulting new subdivided parcels, and subsequently acquires a contiguous parcel and seeks to divide that parcel pursuant to a parcel map, should the local agency count the previously subdivided contiguous parcels as part of the application? (Medeiros)

18-901 1. Is the Bagley-Keene Act violated if the Commission votes on an agenda item where the agenda states only that the matter will be discussed, not specifically that the Commission would take any action on the item, but the top of the agenda contains a general statement that the Commission may act on any item listed on the agenda? 2. Is the Bagley-Keene Act violated if a majority FPPC Commissioners meet outside a public meeting (e.g., over lunch) and talk about how the Bagley-Keene Act applies to the FPPC? 3. Is the Bagley-Keene Act violated if one member of the public sends an email to five FPPC Commissioners and other members of the public and one Commissioner responds by email, but only to the members of the public? (Daniels)

18-603 Does a county superintendent of education's "stay and rescind" authority permit the stay of sale or issuance of bonds by a school district with a qualified or negative certification? (Ed. Code sec. 42127.6.) 2. May such a stay remain in place pending resolution of a related investigation by the District Attorney? (Binsacca)

18-502 Do nuisance abatement liens expire after 10 years; if so, what is the procedure and effective date for renewal? (Bidart)

18-201 Is it a Brown Act violation for joint powers authority members to consult appointing authority in open session? (Bidart)

18-103 Does Penal Code section 919(b) require the civil grand jury to annually investigate local detention centers as "public prisons"? (Bidart)

16-402 Must specified prior offenders receive a formal pardon from the Governor in order to obtain a "certificate of rehabilitation and pardon" and qualify for a classified employment position at a school or community college district? (Eisenberg)

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? (Eisenberg)

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

Quo Warranto Matters

20-401 Can the Beverly Hills City Attorney represent The People in a criminal traffic violation matter? (Daniels)

20-302 Did the Orange County Counsel usurp the office or powers of the Orange County District Attorney by specially appearing in traffic violation matters on behalf of the Orange County Sheriff? (Daniels)

19-1201 Was Hesperia city council member lawfully installed to a vacant seat? (Medeiros)

17-603 Are Deanna Jackson and Matthew Hurley eligible to hold seats on the Atwell Island Water District Board of Directors? (*On hold pending litigation*.) (Daniels)

OPINIONS ISSUED IN MAY 2020

No opinions were published in May.

OPINIONS CONCLUDED IN MAY 2020

(Answered by Letter, Withdrawn or Cancelled)

No matters were concluded in May.

The deputies assigned to the questions submitted can be reached at the following addresses and telephone numbers:

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