

# MONTHLY OPINION REPORT

## CALIFORNIA ATTORNEY GENERAL'S OFFICE



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**June 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 MAY 2026

No opinion requests were assigned during this period.

### OPINION(S) ISSUED OR CONCLUDED IN MAY 2026

#### 24-702 (issued May 5, 2026)

#### *Question Presented and Conclusion:*

May a person simultaneously serve as a Director of the Mono County Tri-Valley Groundwater Management District and as a Director of the White Mountain Fire Protection District?

No. A person may not simultaneously serve as a Director of the Mono County Tri-Valley Groundwater Management District and as a Director of the White Mountain Fire Protection District because the two offices are legally incompatible under Government Code section 1099.

**24-1101 (issued May 20, 2026)**

*Question Presented and Conclusion:*

Do the exemptions from local building and zoning ordinances set forth in Government Code section 53091 apply to all California “public water systems,” including those privately owned by mutual water companies?

No, the exemptions from local building and zoning ordinances set forth in Government Code section 53091 do not apply to privately owned public water systems, such as those owned by mutual water companies, but apply only to publicly owned water systems.

**25-603 (issued May 27, 2026)**

*Question Presented and Conclusion:*

Government Code section 27011 prohibits county officers from depositing money into the county treasury “from any private and unofficial source,” and makes doing so a crime. Does the deposit prohibition in that statute apply to: (a) funds from a federal or state government grant program that is administered by a nonprofit entity that receives the grant money from the government and then distributes the grant funds to the county (and other grant recipients) pursuant to the terms of the grant program, or (b) gifts or donations to a county from a nongovernmental entity or individual?

(a) No, the deposit prohibition in section 27011 does not apply to government grant money distributed to a county through a nongovernmental intermediary that administers the grant program. The word “source” means “originator” or “first cause,” and under each meaning, the “source” of the money is the government: The “originator” of the grant money is the government, and the “first cause” of that money is a government enactment creating the grant. In circumstances where the government distributes grant funds to a nongovernmental intermediary, which then distributes the funds to the county as a grant recipient pursuant to the terms of the grant program, the funds are still “sourced” from the government. Because the government is a public entity, the money for deposit is not from a “source” that is “private and unofficial.”

(b) No, the deposit prohibition in section 27011 does not apply to gifts or donations to a county from a nongovernmental entity or individual if a county board of supervisors (or its delegate) exercises its authority under Government Code section 25355 to accept the gift or donation, which the treasurer may then receive into the treasury under section 27010 of that code. But if the gift or donation is not accepted under those gift statutes, the deposit prohibition would apply.

**25-102 (issued May 28, 2026)**

*Question Presented and Conclusion:*

May a federally recognized Indian tribe located exclusively within the exterior boundaries of the State of California conduct intrastate commercial cannabis activity with state licensees off tribal lands without obtaining a commercial cannabis license from the California Department of Cannabis Control, if the tribe has adopted laws substantially comparable to California's cannabis regulatory framework?

No. With limited exceptions, California law requires every entity that engages in intrastate commercial cannabis activity with California licensees to hold a license issued by the Department of Cannabis Control. To engage in such activity off tribal lands, a tribe must hold a California commercial cannabis license.

**25-902 (issued May 28, 2026)**

*Question Presented and Conclusion:*

Is Fresno County Ordinance No. 25-008, which regulates the possession or transportation of commercial copper wire, preempted by state law?

No, Fresno County Ordinance No. 25-008, regulating the possession or transportation of commercial copper wire, is not preempted by state law.

**PENDING MATTERS AS OF MAY 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)
- 25-601** If the Director of Industrial Relations determines that the prevailing wage is the rate set by a collective bargaining agreement (CBA), and that CBA provides a separate classification for a foreman 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 foreman classification? (Welindt)
- 24-902** Are claw machines illegal gambling devices under California’s gaming device statutes? (Welindt)

#### Quo Warranto Matters

- 26-401** May Jaclyn La Barbera serve as a member of both the Anderson Union High School District Board of Trustees and the Shasta County Board of Education? (Thomas)
- 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](mailto: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:

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You may also contact the Opinion Unit at the following address:  
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