

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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December 1, 2021

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 NOVEMBER 2021

21-1101 requested by Assemblymember Sharon Quirk-Silva

May a person, on behalf of another, lawfully purchase California state lottery tickets from an authorized retailer and charge a fee for the services rendered?

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

21-1102 requested by Assemblymember Christopher Ward

1. Under the Ralph M. Brown Act, may legislative support staff of individual City Council members attend a closed session to assist and advise their individual members in the performance of the member's duties?

2. If legislative support staff of individual City Council members are not permitted to attend a closed session as described in Question 1, may the members share information obtained in closed session with their individual support staff to assist the members in performing their legislative duties?

3. Would it violate the Ralph M. Brown Act for a City Council acting as the City's Housing Authority to meet jointly in closed session with the Board of Housing Commissioners, which the Housing Authority oversees, provided that statutory authorization exists for both entities to go into closed session?

(Assigned to Deputy Attorney General Catherine A. Bidart.)

21-1103 requested by San Luis Obispo County Counsel Rita Neal

1. Will the boundaries for San Luis Obispo Supervisorial District Three adopted in 2011 apply to the 2022 election to fill the unexpired term of a deceased incumbent elected in 2020?

2. Will the individual elected at the 2022 Supervisorial Election for District Three serve a two-year or four-year term?

(Assigned to Deputy Attorney General Lawrence M. Daniels.)

OPINIONS ISSUED OR CONCLUDED DURING NOVEMBER 2021

Opinion No. 20-102 issued November 2, 2021

Question Presented and Conclusion:

May an executive director or other employee of a charter school serve as a member of the county board of education in the county where their employing school is located?

No. An executive director or other charter school employee—like employees of a traditional public school—may not serve as a member of the county board of education in the county where their employing school is located.

OPINIONS PENDING

Opinion Requests

21-1103 1. Will the boundaries for San Luis Obispo Supervisorial District Three adopted in 2011 apply to the 2022 election to fill the unexpired term of a deceased incumbent elected in 2020? 2. Will the individual elected at the 2022 Supervisorial Election for District Three serve a two-year or four-year term? (Daniels)

21-1102 1. Under the Ralph M. Brown Act, may legislative support staff of individual City Council members attend a closed session to assist and advise their individual members in the performance of the member's duties? 2. If legislative support staff of individual City Council members are not permitted to attend a closed

- session as described in Question 1, may the members share information obtained in closed session with their individual support staff to assist the members in performing their legislative duties? 3. Would it violate the Ralph M. Brown Act for a City Council acting as the City's Housing Authority to meet jointly in closed session with the Board of Housing Commissioners, which the Housing Authority oversees, provided that statutory authorization exists for both entities to go into closed session? (Bidart)
- 21-1101** May a person, on behalf of another, purchase California lottery tickets from an authorized retailer and charge a fee for the services rendered? (Nolan)
- 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)
- 21-501** Does California Civil Code section 4505(a) permit a homeowners association to require vendors enter a gated community through certain gates only? (Bidart)
- 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)
- 20-303** Under the California Consumer Privacy Act, does a consumer's right to know the specific pieces of personal information that a business has collected about that consumer apply to internally generated inferences? (Duncan 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 scene of an emergency for purposes of the "Good Samaritan" Law in Health and Safety Code section 1799.102? (Binsacca)
- 19-1001** Does Government Code section 83105 prohibit a Fair Political Practices Commission member from making a campaign contribution to a candidate for President and/or Congress? (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)
- 18-1001** Is a county animal shelter permitted to refuse to relinquish an owner-surrendered dog to a nonprofit no-kill shelter? (Duncan Lee)
- 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)

- 18-603** 1. May a county superintendent of schools stay the issuance of bonds by a school district in fiscal distress under Education Code section 42127.6? 2. May such a stay remain in place pending resolution of an investigation related to the fiscal distress or outstanding audit deficiencies? (Binsacca)
- 18-103** Does Penal Code section 919(b) require the civil grand jury to annually investigate local detention centers as “public prisons”? (Bidart)
- 14-202** 1. Must school bond “premium” be deposited in a school’s interest and sinking fund? 2. May premium be used to pay expenses of issuance? 3. May premium be used to pay underwriter’s discount? 4. May premium be used to pay interest on previous bonds? (Duncan Lee)

Quo Warranto Matters

No pending matters.

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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