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 2022

22-1101 Quo Warranto Application
Are certain members of the Tulare Lake Basin Water Storage District Board of Directors—appointed by the Kings County Board of Supervisors in March 2021—lawfully holding their offices, or were their seats required to be filled by an election conducted under Water Code section 41000 et seq.?
(Assigned to Deputy Attorney General Karim J. Kentfield.)
OPINIONS ISSUED OR CONCLUDED DURING NOVEMBER 2022

No opinions were issued or concluded during this period.

OPINIONS PENDING

Opinion Requests

22-804  When the office of a County Supervisor becomes vacant, are the general election dates in Elections Code section 324, subdivision (a)(2) for statewide elections considered general election dates for purposes of filling a vacancy under Government Code section 25061?  (Kentfield)

22-701  1. Does Penal Code section 904.6 require a court to impanel a grand jury at the district attorney’s request?  2. Do the prosecution’s discovery obligations under Brady and Penal Code section 1054.1 include criminal grand jury materials?  (Bidart)

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?  (Kentfield)

22-402  Is the governing body of the San Bernardino County District Advocates for Better Schools (SANDABS), a lobbying association within the meaning of Government Code section 53060.5, a “legislative body” within the meaning of the Brown Act, Government Code section 54952?  (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?  (Duncan Lee)

Quo Warranto Matters

22-1101  Are certain members of the Tulare Lake Basin Water Storage District Board of Directors—appointed by the Kings County Board of Supervisors in March 2021—lawfully holding their offices, or were their seats required to be filled by an election conducted under Water Code section 41000 et seq.?  (Kentfield)

22-1002  Has David Marquez vacated his seat on the Moreno Valley City Council due to unexcused absences from council meetings for the time periods specified in Government Code section 36513?  (Duncan Lee)

22-1001  May David Argudo serve simultaneously as a member of the La Puente City Council and as a member of the La Puente Valley County Water District Board of Directors?  (Kentfield)
22-803 Was Deidre Duhart validly appointed to fill a vacancy on the Compton City Council with a two-to-one vote (with one abstention) of the remaining council members, or were three affirmative votes required for the appointment to be valid? (Bidart)

22-802 May Paul Keefer serve simultaneously as a member of the Sacramento County Board of Education and as the President, Chief Executive Officer, and Executive Director of the Pacific Charter Institute, (a charter management organization which operates charter schools in Sacramento and other California counties? (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:

Catherine Bidart, Deputy Attorney General: Catherine.Bidart@doj.ca.gov; (213) 269-6384.
Karim J. Kentfield, Deputy Attorney General: Karim.Kentfield@doj.ca.gov; (415) 510-3833.
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Marc J. Nolan, Supervising Deputy Attorney General: Marc.Nolan@doj.ca.gov; (213) 269-6392.

To submit an opinion request, please contact Mollie Lee, Senior Assistant Attorney General, at Mollie.Lee@doj.ca.gov or (415) 510-4439.

To submit a quo warranto application, please contact Marc J. Nolan, Supervising Deputy Attorney General, at Marc.Nolan@doj.ca.gov or (213) 269-6392.

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:
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