

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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November 1, 2022

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 OCTOBER 2022

22-1001 Quo Warranto Application

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?

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

22-1002 Quo Warranto Application

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?

(Assigned to Deputy Attorney General Susan Duncan Lee.)

OPINIONS ISSUED OR CONCLUDED DURING OCTOBER 2022

Opinion No. 22-502 (issued October 27, 2022)

Questions Presented and Conclusions:

1. Where a school district changes from at-large elections of board trustees to by-trustee area elections (in which the district is divided into trustee areas, and trustees must live within specific trustee areas), and a vacancy arises in a seat held by a member who was elected at-large, do the new by-trustee areas apply in filling the vacancy?

No. In this circumstance, the boundaries in effect at the time the member was elected apply for the purpose of filling the vacancy.

2. Where a school district has revised the boundaries of its trustee areas following the decennial census, do the revised boundaries apply if a vacancy occurs during the term of a governing board member elected prior to revision of the boundaries?

No. In this circumstance, the trustee area boundaries in effect at the time the member was elected apply for the purpose of filling the vacancy.

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

- 22-1002** 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 (Nolan)
- 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? (Medeiros)

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:

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Marc J. Nolan, Supervising Deputy Attorney General:

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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.

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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