MONTHLY OPINION REPORT

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November 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 OCTOBER 2026

26-903 requested by Stanislaus County Sheriff-Coroner Jeff Dirkse

1. Is a custodial deputy sheriff as described under Penal Code section 830.1(c), who is employed to perform duties exclusively or initially relating to custodial assignments, a "peace officer" while away from the county's detention facilities and appearing at community service events, participating as a member of the Sheriff's Honor Guard, or conducting recruitment background checks or internal affairs investigations?

2. If that custodial deputy sheriff is a "peace officer," are they allowed to open carry a department authorized firearm while away from the county's detention facilities and appearing at community service events, participating as a member of the Sheriff's

Honor Guard, or conducting recruitment background checks or internal affairs investigations?

(Assigned to Deputy Attorney General Ryan B. McCarroll.)

26-904 requested by Senator Akilah Weber Pierson

Under the common law, does a director of a special district, who also serves as a board member of an independent non-profit corporation, have a disqualifying conflict of interest in decisions to make a grant to the non-profit corporation in furtherance of the special district's mission and purpose where there are express statutory exemptions for such transfers under the Political Reform Act and Government Code section 1090?

(Assigned to Deputy Attorney General Susan Duncan Lee.)

OPINION(S) ISSUED OR CONCLUDED IN OCTOBER 2026

26-901 (issued Oct. 7, 2026)

Question presented and conclusion:

DANIEL BOOKMAN and CONNER EVERTS seek to file a lawsuit in state court against GLORIA D. GRAY to remove her from public office on the Board of Directors of the West Basin Municipal Water District (West Basin). Filing the lawsuit requires Attorney General permission, known as "leave to sue in quo warranto." In seeking permission, the applicants argue that Gray forfeited her West Basin office under state law, Government Code section 1099, when she became a member of the Inglewood City Council. The City of Inglewood falls within West Basin's service area. According to the applicants, section 1099 prohibits holding office on both the West Basin Board and the Inglewood City Council because their interrelated powers create the potential for divided loyalties. Holding two incompatible offices results in forfeiture of the first-held office to safeguard loyalty to the office most recently chosen.

The proposed lawsuit meets all three of the Attorney General's criteria to grant leave to sue: it is correctly brought through the quo warranto process, it raises a substantial legal issue warranting judicial resolution, and such resolution would serve the public interest. Consequently, we GRANT leave to sue.

26-201 (issued Oct. 13, 2026)

Question presented and conclusion:

If a private nonprofit organization accepts and uses public funds to purchase materials for use on a construction project, is the organization obliged to pay prevailing wages to the workers that it hires onto the same project if the workers are paid using other, non-public funds?

Yes, as a general rule, when a private nonprofit organization accepts and uses public funds to purchase materials for use on a construction project, the organization is obliged to pay prevailing wages to the workers that it hires onto that same project.

PENDING MATTERS AS OF OCTOBER 2026

Opinion Requests

26-904 Under the common law, does a director of a special district, who also serves as a board member of an independent non-profit corporation, have a disqualifying conflict of interest in decisions to make a grant to the non-profit corporation in furtherance of the special district's mission and purpose where there are express statutory exemptions for such transfers under the Political Reform Act and Government Code section 1090? (Duncan Lee)

26-903 (1) Is a custodial deputy sheriff as described under Penal Code section 830.1(c), who is employed to perform duties exclusively or initially relating to custodial assignments, a "peace officer" while away from the county's detention facilities and appearing at community service events, participating as a member of the Sheriff's Honor Guard, or conducting recruitment background checks or internal affairs investigations? (2) If that custodial deputy sheriff is a "peace officer," are they allowed to open carry a department authorized firearm while away from the county's detention facilities and appearing at community service events, participating as a member of the Sheriff's Honor Guard, or conducting recruitment background checks or internal affairs investigations? (McCarroll)

26-801 (1) Does the Penal Code section 919(b) requirement that a grand jury "inquire into the condition and management of the public prisons within the county" apply to state prisons and fire camps operated by the California Department of Corrections and Rehabilitation? (2) If the answer to Question 1 is yes, may grand juries conduct a full investigation and release reports regarding those

entities after a full investigation; and who would be required to respond to such reports? (3) Is a local juvenile detention facility used for the confinement of both adults and minors a "public prison" subject to the Penal Code section 919(b) inquiry requirement? (Bidart)

26-602 To serve as a Trustee for Reclamation District No. 1000, does a candidate need to be (1) a landowner in the District per Water Code § 50014, (2) a resident in the District per Water Code § 50780.12, or (3) both a landowner and a resident in the District? (Thomas)

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? (McCarroll)

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? (Sorenson)

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)

24-902 Are claw machines illegal gambling devices under California's gaming device statutes? (Kentfield)

Quo Warranto Matters

26-902 May Helen Diaz-Molina, Tony Sandoval, and Pompeyo Tabarez, Jr. serve as members of both the Heber Public Utility District Board of Directors and the Heber Elementary School District Board of Trustees? (Kupfer)

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.

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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For all other inquiries, please contact Stephanie Grimes, Analyst II, at Stephanie.Grimes@doj.ca.gov or (916) 210-6005.

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