MONTHLY OPINION REPORT

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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.

If you would like to give us your input on any of these questions, the Opinion Unit would be delighted to hear from you. The Attorney General welcomes and solicits the views of all interested persons concerning the legal issues raised in any question submitted for an opinion. Views should be in writing and directed to the deputy assigned to prepare the opinion. 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.

QUESTIONS SUBMITTED IN OPINION REQUESTS ASSIGNED DURING OCTOBER 2016

16-1001 requested by Assemblymember Jim Cooper concerning the following question:

Is there a public right of access to the levees along the Sacramento River?

(Assigned to Deputy Attorney General Manuel M. Medeiros).

OPINIONS PENDING

11-201 Is a California charter school and its board of directors subject to: a) the Ralph M. Brown Act; or b) the California Public Records Act; or c) the Political Reform Act of 1974; or d) Government Code section 1090; or e) the review and inspection of books and records, by a Grand Jury formed pursuant to Penal Code section 888? (Most notably, the Grand Jury whose function it is to investigate and inquire into county functions of civil concern, *see also* Penal Code section 933.6.) (Medeiros)

11-705 May a court impose a probation condition on a DUI defendant to make a specified payment to the DUIRR Program? (Eisenberg)

12-1203 May a former local agency employee serve on that public agency's elected Board of Directors while still being carried on that agency's employee payroll solely for purposes of utilizing unused vacation leave remaining from his/her time as an active employee? (Eisenberg)

14-101 May non-attorneys represent parties in (1) administrative proceedings conducted before the Office of Administrative Hearings, or (2) "due process hearings" conducted under the Education Code? (Medeiros)

14-202 May the "premium" generated from a school district bond sale be used to pay for expenses of issuance and other transaction costs? (Nolan)

14-301 May an attorney who sits on a city council represent clients with interests adverse to that city? (Daniels)

14-403 What is the scope of intergovernmental immunity (Gov. Code §§ 53090-53091) where a city owns and leases real property in an unincorporated area of a county? (Nolan)

14-1206 Must Caltrans pay fees imposed by a county to cover the county's costs for inspecting and reporting on Caltrans surface mining operations within the county? (Nolan)

15-101 May the Prison Industry Authority deposit funds in a commercial bank account not subject to immediate access or control by other state agencies? (Binsacca)

15-301 Is the time for filing the report required under Business and Professions Code section 805 tolled when a healing arts licentiate requests a hearing on the action that triggered the filing requirement? (Binsacca)

15-1102 Request for advice on the jurisdictional authority of a local housing authority and an out-of-state housing authority under state law. (Binsacca)

15-1201 Which California state statute governs the filling of vacancies on the Banning Library District Board of Trustees? (Medeiros)

15-1202 What are the procedural requirements for filling the vacant office of County Sheriff upon the death of the incumbent sheriff? (Daniels)

16-201 May a local jurisdiction require a subdivision applicant to eliminate the designation of a remainder parcel on a tentative parcel map, or require an applicant to provide additional analysis of a remainder parcel that has already been approved for development? (Binsacca)

16-301 May a water district provide retirement contributions to members of its governing board without violating statutory compensation limits? (Medeiros)

16-401 Under Proposition 26, may a "new fee" fund an "old service" of reporting pawn and secondhand dealer licensee information? (Binsacca)

16-402 Must specified prior offenders receive a formal pardon from the Governor in order to obtain a "certificate of rehabilitation and pardon" and quality for a classified employment position at a school or community college district? (Eisenberg)

16-603 Does the Voter Participation Rights Act apply to charter cities and school districts? (Daniels)

16-702 Does Elections Code section 10515(a) require a county Board of Supervisors to appoint water district directors under circumstances where incompatible office holding would result? (Daniels)

16-801 May a fire protection district chief enforce regulations of the State Fire Marshal? (Bidart)

16-1001 Is there a public right of access to the levees along the Sacramento River? (Medeiros).

CONCLUSIONS OF OPINIONS ISSUED IN OCTOBER 2016

No opinions were issued in October.

OPINIONS CANCELLED IN OCTOBER 2016

No opinions were cancelled in October.

The deputies assigned to the questions submitted can be reached at the following addresses and telephone numbers:

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