

MONTHLY OPINION REPORT

CALIFORNIA ATTORNEY GENERAL'S OFFICE



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October 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 SEPTEMBER 2026

26-901 Quo Warranto Application

May Gloria Gray serve as a member of both the West Basin Municipal Water District Board of Directors and the Inglewood City Council?

(Assigned to Deputy Attorney General Catherine Bidart.)

26-902 Quo Warranto Application

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?

(Assigned to Deputy Attorney General Catherine Bidart.)

OPINION(S) ISSUED OR CONCLUDED IN SEPTEMBER 2026

26-802 (issued September 22, 2026)

Questions presented and conclusions:

1. May Jaclyn LaBarbera serve as a member of both the Anderson Union High School District Board of Trustees and the Shasta County Board of Education?

In Opinion No. 26-401, issued earlier this year, we concluded there is a substantial legal issue regarding whether LaBarbera is simultaneously holding incompatible public offices. Because the relevant circumstances have not changed, we reach the same conclusion here.

2. Has Jaclyn LaBarbera satisfied the residence requirements to serve on the Anderson Union High School District Board of Trustees?

There is a substantial issue of fact or law regarding whether LaBarbera has satisfied the residence requirements to serve on the Anderson Union High School District Board of Trustees. Consequently, and because the public interest will be served by allowing the proposed quo warranto action to proceed, the application for leave to sue is GRANTED.

26-202 (issued Sept. 29, 2026)

Question presented and conclusion:

Public Utilities Code section 8386.6(b) provides that, "All qualified line clearance tree trimmers shall be paid no less than the prevailing wage rate for a first period apprentice electrical utility lineman as determined by the Director of Industrial Relations." Does this provision apply to qualified line clearance tree trimmers employed by local publicly owned electric utilities and nonprofit electrical cooperatives?

No, Public Utilities Code section 8386.6(b) does not apply to qualified line clearance tree trimmers employed by local publicly owned electric utilities or nonprofit electrical cooperatives. It applies only to qualified line clearance tree trimmers employed by electrical corporations.

26-203 (withdrawn Sept. 1, 2026)

Questions presented:

1. Does a county Board of Supervisors have budgetary authority to allocate funds received from the State pursuant to Government Code section 30070 ("AB 443 funds"), or are those funds exclusively within the Sheriff's authority to expend at his or her discretion?

2. If the funds are solely within the Sheriff's authority, must they be maintained in a separate account and specifically tracked, or may they be deposited into the Sheriff's general budget and used for general operational and salary expenses?

PENDING MATTERS AS OF SEPTEMBER 2026

Opinion Requests

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)

26-201 If a County donates money to a nonprofit to purchase materials that will be used to construct a project, for example flooring material that will be installed by workers hired by the nonprofit, does Labor Code Section 1720 require prevailing wages be paid to the workers that the nonprofit later hires? (McCarroll)

- 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? (Bidart)
- 26-901** May Gloria Gray serve as a member of both the West Basin Municipal Water District Board of Directors and the Inglewood City Council? (Bidart)
- 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, 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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