



TOM HORNE
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
EXECUTIVE OFFICE

Phone: 602-542-7000
www.azag.gov

April 17, 2013

E-MAILED – wbock@azleague.org

Arizona City Attorneys Association
c/o William Bock, General Counsel
League of Arizona Cities and Towns
1820 West Washington Street
Suite 200
Phoenix, AZ 85007

Dear Bill:

This letter invites any city attorneys who are interested to meet in our Phoenix office to discuss how cities that wish to pass civil union ordinances can do so without violating state law, and in a way that would avoid action by this office. The meeting is scheduled for Monday, April 29 at 2:00 PM at 1275 West Washington, Phoenix, AZ 85007. We want to accommodate as many attorneys as possible, so will provide the option of participation in person or via telephone.

Directly after the meeting at 3:15 PM we will hold a press conference to allow media outlets the opportunity to ask questions and understand the purpose and outcome of the meeting. Anyone in attendance is welcome to go to the press conference, or may leave directly after the meeting.

I have emphasized in every interview that I have done, that I am not expressing any opinion for or against civil unions. For example, Phoenix has a civil ordinance that establishes a registry for hospital visitation and does not violate state law, and this office has no problem with it. But the Bisbee Ordinance as originally passed tries to change seven separate state statutes and a municipality does not have the authority to do that.

One of the problems with the Bisbee Ordinance as originally passed is that it could unintentionally mislead individuals. For example, individuals could rely on the Bisbee Ordinance, believing that they have community property, with the expectation that if one of them dies, the other would inherit. But a state court would not enforce the Bisbee Ordinance, where it is contrary to state law. As a result, the person would not inherit. In the absence of the ordinance, individuals would take actions, such as with wills and contracts, that would protect their interests, and the ordinance could mislead them into failing to take those actions.

The purpose of the meeting would be to guide city attorneys as to what actions they could take, in the nature of civil unions, that would not violate state law, and that would avoid lawsuits from the Attorney General's Office.

Please let me know how many city attorneys would be interested in such a meeting, and if they plan to attend in-person or telephonically. People can respond to our office directly at 602-542-7000 or by emailing linda.miller@azag.gov. We do ask that all RSVPs are in no later than noon on Thursday, April 25th so we can make the appropriate arrangements on our end. Thank you in advance for helping to disseminate this information, we look forward to a productive discussion.

Sincerely,

A handwritten signature in black ink that reads "Tom Horne". The signature is fluid and cursive, with the first name "Tom" and last name "Horne" clearly distinguishable.

Tom Horne
Attorney General

TH/pjc