Arizona State Senate

April 6, 2026

Via Email
Arizona Attorney General Kris Mayes
Office of the Attorney General
2005 N. Central Ave.
Phoenix, AZ 85004
AGOpinionRequests@azag.gov

Re: 1487 Request re Pima County Board of Supervisors' Resolution No. 2026-10

Dear Attorney General Mayes,

Pursuant to A.R.S. § 41-194.01, we submit this request for investigation of Pima County Board of Supervisors' ("Board") Resolution No. 2026-10, "Prohibiting the Use of County Property and Resources for Civil Immigration Enforcement Operations" ("Resolution"), adopted on February 17, 2026. Specifically, we request you investigate whether the Resolution violates (1) A.R.S. § 11-1051(A), which provides that no official or agency of a county or other political subdivision of this state may limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law; and (2) Arizona Constitution, Article II, Section 3(A), which incorporates the Supremacy Clause of the United States Constitution.

Jurisdiction and Scope of § 41-194.01

Under A.R.S. § 41-194.01(A), "at the request of one or more members of the legislature, the attorney general shall investigate any ordinance, regulation, order or other official action adopted or taken by the governing body of a county, city or town" that the member alleges violates state law or the Constitution of Arizona. As such, the statute's reach encompasses resolutions formally adopted by the Board.

Factual Background

On February 17, 2026, the Board adopted the Resolution by a 4-1 vote. The Resolution directs county employees not to voluntarily assist or cooperate with civil immigration enforcement. It bars federal agents from using county property as staging areas or operations

bases and requires locked gates and other physical barriers to restrict access to federal agents. It additionally requires federal agents to obtain a judicial warrant before entering county property for civil immigration enforcement purposes.

Legal Authority

1. The Resolution Violates A.R.S. § 11-1051(A) by Restricting Federal Immigration Enforcement

Arizona law is clear: no county may "limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law."[1] There is good reason for this clear command. "Consultation between federal and state officials is an important feature of the immigration system."[2] And "[a]bsent any cooperation at all from local officials," the immigration system "may fail or fall short of [its] goals."[3]

The Resolution's provisions work to construct a county-wide, discriminatory barrier to federal civil immigration enforcement. The Resolution instructs county employees not to "voluntarily assist, facilitate, or cooperate with civil immigration activities, including by giving federal immigration agents access to individuals or allowing them to use County facilities for investigative interviews or other purposes."[4] The Resolution also provides that "[n]o County *department, agency, officer, or employee* shall give consent for federal officials to access or use *any* Pima County-owned, leased, or operated building, facility, or property for purposes of civil immigration enforcement."[5] This would necessarily include local law enforcement refusing to grant ICE access to local correctional facilities and police departments and would also necessarily prevent ICE access to courthouses. Under the Resolution then, any member of the public can walk into a county building and ask for directions or use a parking lot while a federal immigration officer cannot. Accordingly, the Resolution limits and restricts ICE's ability to comply with the congressional mandate to inspect, investigate, arrest, detain, and remove aliens who are suspected of being, or found to be, unlawfully present in the United States[6] in numerous ways.

First, Congress has authorized specific means by which ICE agents are permitted to enforce immigration laws, including field interviews, investigations, arrests, and removal operations conducted wherever removable aliens are encountered. The Resolution's ban on ICE's use of public property directly obstructs these means, especially considering the Ninth Circuit's holding that ICE is permitted to use public property and that cutting off access to ICE

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[1] A.R.S. § 11-1051(A).
[2] *Arizona v. United States*, 567 U.S. 387, 411 (2012).
[3] *New York v. United States*, 179 F.3d 29, 35 (2d Cir. 1999).
[4] Resolution No. 2026-10, § 2(B).
[5] Resolution No. 2026-10, § 2(A) (emphasis added).
[6] *See, e.g.*, 8 U.S.C. §§ 1182, 1225–29a, 1231.

in a discriminatory manner violates federal law.[7] Indeed, the Resolution eliminates many routine, noncustodial encounters while forcing ICE to rely on fewer enforcement options and generally leads "to increased security concerns."[8] This is because the use of publicly owned property such as a parking lot, office building, or public garage for staging, base operations, or processing reduces the safety risks to the public, illegal aliens, and law enforcement officers.

By narrowing ICE's operational footprint, the Resolution further materially impairs ICE's enforcement effectiveness. For example, ICE is clear that it "conduct[s] civil immigration enforcement actions in or near courthouses," and for the safety of the public, federal immigration officers, and illegal aliens themselves, these actions "should, to the extent practicable, continue to take place in non-public areas of the courthouse, be conducted in collaboration with court security staff, and utilize the court building's non-public entrances and exits."[9] The Resolution clearly obstructs these operations by preventing any local court staff or law enforcement from cooperating with federal immigration agents for the purpose of civil immigration enforcement. This will necessarily have the effect of thwarting ICE's ability to arrest criminals who are already in local custody through the use of immigration detainers—"a request from ICE that asks a federal, state or local law enforcement agency" to: "Notify the requesting agency as early as possible before they release a removable alien, [and] [h]old the alien for up to 48 hours beyond the time they would ordinarily release them so DHS has time to assume custody in accordance with federal immigration law."[10]

Further, preventing ICE from accessing certain local facilities will also effectively prevent ICE access to detainees for interviewing, which Congress has explicitly authorized.[11] Consequently then, if county officials are unable to grant ICE access to public facilities, including local courthouses, correctional facilities, or police departments, this effectively prevents the use of all immigration detainers as well as significantly limits investigative interviews, limiting federal enforcement in violation of the plain meaning of § 11-1051(A).[12]

The warrant provision goes further. The Resolution prohibits county employees from granting federal immigration officers' access to county property unless the officer presents "a

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[7] *See United States v. King County, Washington*, 122 F.4th 740, 758 (9th Cir. 2024) ("Requiring this form of non-discriminatory access to [public] property consistent with the intergovernmental immunity doctrine does not create a back-end anti-commandeering problem. [The court] would not perceive a threat of unconstitutional commandeering when ICE uses county highways to transport immigration detainees from one place to another just because the county owns its highways.").

[8] *See King County, Washington*, 122 F.4th at 749.

[9] ICE Enforcement Memorandum, *Civil Immigration Enforcement Actions In or Near Courthouses* (May 27, 2025), https://www.ice.gov/doclib/foia/policy/11072.4.pdf.

[10] 8 U.S.C. § 1103(a)(3); 8 C.F.R. § 287.7; *see generally* U.S. Immigration and Customs Enforcement, Immigration Detainers, https://www.ice.gov/immigration-detainers (last accessed: Apr. 2, 2026).

[11] 8 U.S.C. § 1357(a)(1) ("Any officer or employee of the Service authorized under regulations prescribed by the Attorney General shall have power without warrant (1) to interrogate any alien or person believed to be an alien as to his right to be or to remain in the United States.").

[12] *See Arizona*, 567 U.S. at 411.

valid arrest warrant signed by a federal or state judicial officer."[13] But federal immigration officers do not operate under judicial warrants. They arrest and detain under 8 U.S.C. §§ 1226(a) and 1357, which authorize enforcement through administrative warrants issued by designated DHS officials.[14] The Resolution thus demands a document that Congress never required these officers to obtain. No court has held that a county is required to condition federal law enforcement access to a public facility on the production of a judicial warrant. In fact, the Supreme Court has recognized that ICE uses administrative warrants.[15] Therefore the county-level restrictions in the resolution "limit or restrict the enforcement of federal immigration laws to less than the full extent permitted by federal law."[16]

The Resolution also mandates physical infrastructure changes to obstruct federal operations. County departments must identify properties "likely to be used" for immigration enforcement and post signage declaring them off-limits; they must install "physical barriers such as locked gates" to restrict access to county parking lots, vacant lots, and garages.[17] The signage provision is particularly telling: it directs the county to *prospectively* identify and wall off any property that federal agents *might* use, effectively converting public infrastructure into a restricted zone for one category of federal law enforcement. These provisions do not merely decline to assist but rather actively restrict federal enforcement, which is explicitly prohibited under § 11-1051(A).

Finally, federal law permits, without the need for any type of agreement, the "cooperat[ion]" of political subdivisions of a state with ICE "in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States."[18] By expressly refusing to provide such cooperation with ICE by county personnel as contemplated by federal law, the Resolution clearly "limit[s] or restrict[s] the enforcement of federal immigration laws to less than the full extent permitted by federal law."[19]

By rejecting congressionally authorized means of enforcing federal immigration law, including detainers, administrative warrants, and permitting investigative interviews, each a "necessary step in the classically federal function of immigration enforcement,"[20] the Regulation "stand[s] as an obstacle to the accomplishment and execution of" federal immigration law,[21] which clearly violates § 11-1051(A).

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[13] Resolution No. 2026-10, § 2(A).
[14] 8 U.S.C. §§ 1226(a), 1357 (authorizing arrests and detentions on the basis of administrative warrants issued by designated immigration officials).
[15] *See Arizona*, 567 U.S. at 407–08.
[16] A.R.S. § 11-1051(A).
[17] Resolution No. 2026-10, §§ 4(B)–(C).
[18] 8 U.S.C. § 1357(g)(10)(B).
[19] A.R.S. § 11-1051(A).
[20] *King County*, 122 F.4th at 756–57.
[21] *Arizona*, 567 U.S. at 406 (internal citations omitted).

2. The Legislature's Specific Prohibition Supersedes the County's General Property Authority

When a general statute and a specific statute conflict, the specific statute controls. The Arizona Supreme Court applied precisely this reasoning in *State ex rel. Brnovich v. City of Tucson*, where Tucson argued that destroying forfeited firearms fell within its general authority to dispose of city property.[22] The Court disagreed, holding that the specific state prohibition superseded the city's property-management power because the subject matter implicated statewide concerns.

Pima County's general property-management authority under § 11-201(4) may not circumvent a specific state prohibition on restricting immigration enforcement.[23] Counties operate under express authority given by the Legislature. Immigration enforcement is a matter of statewide concern, and counties, as political subdivisions of the state, possess only the authority the Legislature has granted them.[24] The Legislature granted no property-management exception in § 11-1051(A), and the County cannot create one for itself.

In addition, the Resolution is not a genuine exercise of property management. Property management regulates the use of property uniformly; the Resolution does the opposite. It singles out one category of federal law enforcement and leaves other governmental operations on county property untouched. The Board adopted this Resolution not for building maintenance, but because it opposes federal immigration enforcement.[25] A county that uses its property authority to selectively exclude disfavored federal operations is not managing property—it is making immigration policy, which the Legislature expressly prohibited. Indeed, the Legislature has already declared, through S.B. 1070, "that there is a compelling interest in the cooperative enforcement of federal immigration laws throughout all of Arizona," and S.B. 1070's provisions, including A.R.S. § 11-1051(A), are intended to "discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States."[26]

3. The Resolution Also Violates Article II, Section 3 of the Arizona Constitution

Article II, Section 3(A) of the Arizona Constitution declares that "[t]he Constitution of the United States is the supreme law of the land to which all government, state and federal, is

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[22] *State ex rel. Brnovich v. City of Tucson*, 242 Ariz. 588, 591 (2017).
[23] *See Neil B. McGinnis Equip. Co. v. Riggs*, 4 Ariz. App. 556, 557–58 (1967) (holding § 11-201(4) is a "general statement of corporate powers" that can be limited by "more specific statements which are later made").
[24] *See* Ariz. Const. art. 12, § 1 (establishing counties as political subdivisions of the state); A.R.S. § 11-201 (enumerating powers of county boards of supervisors).
[25] *See* Resolution No. 2026-10, Findings ¶¶ 3–4 (describing the Board's opposition to federal civil immigration enforcement as the basis for the Resolution).
[26] 2010 Ariz. Legis. Serv. Ch. 113, § 1 (2d Reg. Sess. 2010) (S.B. 1070).

subject." Accordingly, where a local enactment conflicts with the U.S. Constitution, "the latter must yield under the Supremacy Clause."[27]

It is the Constitution which empowers Congress "[t]o establish an uniform Rule of Naturalization,"[28] and the President to "take Care that the Laws be faithfully executed."[29] Based on this constitutional power then, Congress has established laws governing the entry, presence, status, and removal of aliens within the United States through the Immigration and Nationality Act ("INA").[30] And it is from the INA that Federal immigration officers derive their enforcement authority.[31]

The Supreme Court has recognized that local governments may not obstruct or take discriminatory actions against the exercise of that authority.[32] Indeed, an enactment is invalid if it "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress,"[33] or if it "discriminate[s] against the United States or those with whom it deals."[34] Consistent with this understanding, the Ninth Circuit has held that a county executive order precluding county employees from providing necessary logistical services to ICE, much like the Resolution does here, violated the intergovernmental immunity doctrine—an "outgrowth of the Constitution's Supremacy Clause"—by improperly regulating ICE's chosen method of transporting detainees.[35]

Here, the Resolution "on its face discriminates against the United States by singling out the federal government . . . for unfavorable treatment or regulating them unfavorably on some basis related to their governmental status."[36] Indeed, the Resolution rejects congressionally authorized means of enforcing federal immigration law, including detainers, administrative warrants, and access to detainees for interviewing. This significant limitation—accomplished through intentional discrimination against ICE through access restrictions to property—will ultimately prevent the removal of illegal aliens notwithstanding ICE agents' statutory mandate to detain and remove illegal aliens.[37]

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[27] *See Simpson v. Miller*, 241 Ariz. 341, 345 (2017); *see also Geo Grp., Inc. v. Newsom*, 50 F.4th 745, 762 (9th Cir. 2022) ("When a state law implicates intergovernmental immunity, courts presume that Congress did not intend to allow the state law to be enforced.").
[28] U.S. Const. art. I, § 8, cl. 4.
[29] U.S. Const. art. II, § 3.
[30] 8 U.S.C. § 1101 *et seq.*
[31] 8 U.S.C. §§ 1226(a) and 1357.
[32] *Arizona*, 567 U.S. at 399; *see also King County*, 122 F.4th at 756 (citing *United States v. Washington*, 596 U.S. 832, 838 (2022)).
[33] *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941).
[34] *South Carolina v. Baker*, 485 U.S. 505, 523 (1988).
[35] *See King County*, 122 F.4th at 755–56 ("In so doing, the Executive Order effectively grants King County the 'power to control' ICE's transportation and deportation operations, forcing ICE either to stop using Boeing Field or to use government-owned planes there").
[36] *King County*, 122 F.4th at 757 (internal citations, alterations, and quotation marks omitted).
[37] *See, e.g.*, 8 U.S.C. §§ 1225(b), 1226(c), 1231(a).

Because the Resolution violates the intergovernmental immunity doctrine, it violates the Arizona Constitution's supremacy provision.

Conclusion

The County must abide by Arizona law. Section 11-1051(A) prohibits counties from restricting federal immigration enforcement, and Article II, Section 3(A) of the Arizona Constitution recognizes the supremacy of federal law. We respectfully request that the Attorney General investigate, conclude that the Resolution does violate state law, and initiate proceedings pursuant to A.R.S. § 41-194.01.

Respectfully,

Warren Petersen,
President, Arizona State Senate

T.J. Shope
President Pro Tem, Arizona State Senate

John Kavanagh
Majority Leader, Arizona State Senate

Office of Arizona Attorney General
Kris Mayes

Legislator Request for Attorney General Investigation of Alleged State-Law Violation by County, City, or Town

*Identify the member(s) of the Legislature submitting this request for investigation (attach additional sheet if necessary):

Warren Petersen, Senate President

T.J. Shope, Senate President Pro Tem

John Kavanagh, Majority Leader

*Provide a contact person for communications from the Attorney General's Office regarding this request (may be a Legislator listed above or an employee of the Legislature).

*Name: Warren Petersen

*Email address: wpetersen@azleg.gov

*Phone number: 602-926-4317

*Mailing address: Arizona State Senate
1700 W. Washington St
Phoenix, AZ 85007

*The specific question for the Attorney General to investigate is: See attached

*The name of the county, city, or town that is the subject of this request: See attached

*The specific ordinance, regulation, order, or other official action adopted or taken by the governing body of the county, city, or town and the date thereof: See attached

*The specific Arizona statute(s) and/or constitutional provision(s) with which the action conflicts:

See attached

See attached

*required field

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*All relevant facts of which you are aware (attach separate sheet if necessary):

See attached

*All relevant legal authority, including federal and state case law, of which you are aware (attach separate sheet if necessary):

See attached

* Any litigation involving this issue of which you are aware (include case name, number, and court where filed) : See attached.

Check this box if you are attaching supporting documentation. ✔

NOTE: This form and other information submitted to the Attorney General's Office is subject to the public records law, A.R.S. § 39-121 *et seq.*

I, a current member of the Legislature, verify that I and the other Legislators listed on the previous page (if any) are submitting this request for investigation under A.R.S. § 41-194.01.

*First Name: Warren *Last Name: Petersen

*Signature: /s/ Warren Petersen *Date: 04/06/2026

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