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May 15, 2020

Via Certified Mail & Email

Andrew L. Flagg
Chief Civil Deputy County Attorney
Pima County Attorney's Office
32 N Stone Ave.
Tucson, AZ 85701
Andrew.Flagg@pcao.pima.gov

**Re: Notice of Submission of Legislator Request for Investigation Pursuant to
A.R.S. § 41–194.01; Request for Written Response**

Dear Mr. Flagg:

Enclosed with this letter is a complete copy of a Legislator Request for Investigation under A.R.S. § 41–194.01 (the “Request”) regarding the “Proclamation of the Pima County Board of Supervisors Regarding A State of Emergency Related to the COVID-19 Outbreak, Establishing Measures For Reopening of Certain Businesses and Activities” (“Proclamation”) issued by the Pima County Board of Supervisors (“County”) on May 13, 2020. Section 41-194.01 provides that one or more members of the Arizona Legislature may request that the Attorney General “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.” With the Request’s filing, the Office will now conduct an investigation and prepare a report that, under the statute, must be completed within 30 days. A.R.S. § 41-194.01(A), (B).

In the report, the Attorney General will reach one of three conclusions. *See id.*, § 41–194.01(B). If the Proclamation does not violate any provision of state law or the Arizona Constitution, the Office will take no further action. *Id.*, § 41–194.01(B)(3). If the Proclamation may violate a provision of state law or the Arizona Constitution, the Attorney General will file an action in the Arizona Supreme Court. *See id.*, § 41–194.01(B)(2); *State ex rel. Brnovich v. City of Tucson*, 242 Ariz. 588 (2017). If the Proclamation violates a provision of state law or the Arizona Constitution, the Office will notify the County in writing and state that the County has 30 days to resolve the identified violation. A.R.S. § 41–194.01(B)(1). If the Attorney General determines that the County failed to resolve the violation within 30 days, the Attorney General will notify the State Treasurer, who shall withhold and redistribute from the County state shared monies as provided by A.R.S. §§ 45–5029(L) and 43–206(F).

Letter to Andrew Flagg Re Legislator Request for Investigation

May 15, 2020

Page 2

In light of the exigencies of the current circumstances, the Office hereby requests that the County voluntarily provide a written response to the Request by **5:00 p.m. on Tuesday, May 19, 2020.**

Please feel free to contact me if you have any questions.

Sincerely,



Linley Wilson

Enclosure

cc: *Via Email*

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