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September 13, 2024

VIA EMAIL

Robert Wingo
Surprise City Attorney
16000 N. Civic Center Plz.
Surprise, AZ 85374
robert.wingo@surpriseaz.gov

Re: Legislator Request for Investigation

Dear Mr. Wingo,

Enclosed with this letter is a copy of a Legislator Request for Investigation under A.R.S. § 41-194.01, which requests that the Attorney General's Office investigate "[w]hether the City of Surprise's policy on public comments violates (1) the Arizona Constitution's Freedom of Speech provision (Ariz. Const. art. 2 § 6) or (2) A.R.S. § 38-431.01(I)."

Under A.R.S. § 41-194.01(A), the Attorney General must "investigate any ordinance, regulation, order or other official action adopted or taken by the governing body of a county, city or town" if requested by a member of the legislature. Although A.R.S. § 41-194.01(C) provides that notice must be given in certain circumstances before an investigation commences, the State and the Attorney General are subject to a permanent injunction prohibiting enforcement of H.B. 2893, the bill that enacted the notice provision. *See City of Phoenix v. State*, No. CV2021-012955, 2021 WL 7279673, at *10 (Ariz. Super. Nov. 3, 2021). Accordingly, the Attorney General must proceed with the investigation under § 41-194.01(A) regardless of the request's compliance with the notice provisions in § 41-194.01(C).

Pursuant to A.R.S. § 41-194.01(B), this Office "shall make a written report of findings and conclusions as a result of the investigation within thirty days after receipt of the request." To assist with the Office's investigation, we request that the City of Surprise provide a written response to the request by **5:00 p.m. on Friday, September 20, 2024**. To the extent the City disagrees with this Office's position on the notice requirements, it may advise of the same as part of its response. Given the short investigative timeframe, however, the City should proceed with providing a substantive response, as well.

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

Sincerely,

A handwritten signature in black ink that reads "Lauren Watford". The signature is written in a cursive style with a loop at the end of the last name.

Lauren Watford
Assistant Attorney General

cc: Melinda Bird, Deputy City Attorney, Melinda.bird@surpriseaz.gov