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June 12, 2025

VIA EMAIL

Representative David Marshall
Representative Walter Blackman
Representative Quang Nguyen
c/o Ms. Linley Wilson
Arizona House of Representatives General Counsel
lwilson@azleg.gov

Re: Response to Legislator Request for S.B. 1487 Investigation

Dear Representatives Marshall, Blackman, and Nguyen:

We received your request, dated May 14, 2025, for an investigation under A.R.S. § 41-194.01 in connection with the City of Phoenix's alleged practice of donating taxpayer money to non-governmental organizations without proper oversight or adequate consideration in return.

Under § 41-194.01, upon request, our Office "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." A.R.S. § 41-194.01(A) (emphasis added). Although the statutory text also contemplates investigations of "any written policy, written rule or written regulation adopted by any agency, department or other entity of the county, city or town," *see id.*, that language was enjoined several years ago in unrelated litigation. *See City of Phoenix v. State*, CV 2021-012955 (Maricopa Cnty. Super. Ct., Nov. 3, 2021).

Accordingly, to be cognizable, a S.B. 1487 investigation request must pertain to an "ordinance, regulation, order, or other official action." A.R.S. § 41-194.01(A). Your investigation request, however, identifies an alleged "policy" of the City's, and asserts expressly that the City has not "adopt[ed] an ordinance conferring [any] authority" for the policy, but rather "implemented this ... policy ... without City Council approval, and without any legal authority to do so." Investigation Request at 4, 5. As such, the investigation request falls outside the scope of A.R.S. § 41-194.01(A).

Notwithstanding our conclusion that we must decline your request, our Office takes very seriously the issues and questions raised in your letter. To be clear, we have significant concerns about the information and allegations you have submitted. For that reason, we will convert your

request to a public monies complaint, consolidate it with an existing public monies complaint regarding the same subject matter (No. PM2025-0016), and proceed as appropriate.

We may reach out to you for additional information. Otherwise, we will notify you upon the disposition of the complaint and advise you of the conclusions reached by the Office at that time. In the interim, if you have any additional information or documentation concerning the subject of your complaint, please forward the information to us via email at PublicMonies@azag.gov, copying me at Luci.Davis@azag.gov.

Sincerely,

Luci D. Davis

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Senior Litigation Counsel