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September 20, 2018

By Certified Mail, Return Receipt Requested

Pima County Board of Supervisors
130 W. Congress, 5th Floor
Tucson, AZ 85701

Pima County Attorney
Civil Division
32 N. Stone Avenue
Tucson, AZ 85701

Re: Open Meeting Law and the Pima County Board of Supervisors

Board Members and County Attorney:

The Office of the Attorney General has received an Open Meeting Law complaint regarding the Pima County Board of Supervisors (the "Board"). The Attorney General is authorized to investigate alleged violations of and enforce Arizona's Open Meeting Law. The complaint has been assigned to the Government Accountability & Special Litigation Unit, and in particular the Open Meeting Law Enforcement Team (the "OMLET").

The complaint alleges that a quorum of the Board may have discussed a decision of the Board outside of public meeting. Specifically, the complaint pertains to a request for reconsideration of the local road repair program, which was on the agenda of the December 19, 2017 Board meeting. The complaint alleges that Supervisors Valadez and Bronson, and possibly other members of the Board (forming a quorum), discussed the Board's decision regarding reconsideration of the local road repair program outside of a properly noticed public meeting.

The purpose of this letter is to request information from you regarding the aforementioned complaint so that we may better assess this matter. To that end, and pursuant to A.R.S. § 38-431.06(C), please provide a response to the allegations. Along with the response, please provide a separate, written response under oath from each Board member indicating whether, before the December 19, 2017 Board meeting, that Board member took part in a "meeting" (as defined by the Open Meeting Law) concerning the aforementioned agenda item

outside of a public meeting.¹ Alternatively, if Board members are not amendable to providing written responses under oath, the OMLET may instead examine Board members under oath as to this issue pursuant to A.R.S. § 38-431.06(B)(3).

Please forward the information requested within thirty (30) days of the receipt of this letter. Any objections to or reasons for not complying with this request should be filed with the Attorney General's Office by the same deadline. A failure to timely respond to this letter may result in the finding of a violation(s) and the imposition of appropriate remedies.



Kate Sawyer
Assistant Attorney General
Open Meeting Law Enforcement Team

¹ At the time of the alleged violation, A.R.S. § 38-431(4) defined "meeting" as "the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action." *See also Arizona Agency Handbook* §§ 7.5.1, 7.5.2 (Ariz. Att'y Gen. 2014).