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# MEMORANDUM

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Date: May 27, 2020

To: The Honorable Chairman and Members  
Pima County Board of Supervisors

From: C.H. Huckelberry  
County Administrator 

Re: **County Response to District 11 State Legislators Request to Attorney General to Investigate Pima County regarding our response to the COVID-19 Public Health Emergency**

I know that the County Attorney through Chief Civil Deputy Andrew Flagg forwarded to each of your offices our response to the request of the Attorney General regarding the inquiry from three legislatures of the Arizona Legislature regarding our temporary measures to limit the spread of the COVID-19 virus.

I believe a particular section of Mr. Flagg's memorandum to the Attorney General requires the attention of the Board of Supervisors. Beginning on page four, Mr. Flagg clearly indicates that Arizona counties including Pima County have very broad authority to respond to a public health crisis. The issue of County authority to act for public health was upheld in the Arizona Supreme Court. The County's ability to respond to public health crisis is broad and the Governor's insertion of language in his Executive Order 20-36 "*or is in addition to*" is likely beyond the authority of the State Executive because it would violate the separation of powers. This distinction is extremely important.

At this point, we have no way of knowing how the Attorney General will interpret our response. The legal foundation of our response is solid and established by statutes, confirmed in case law, including a Pima County case decided at the Arizona Supreme Court. The County must have the ability to implement public health regulations in a pandemic and/or public health emergency as has been documented by both Federal and State agencies.

CHH/lab

c: Andrew Flagg, Chief Civil Deputy County Attorney  
Jan Leshner, Chief Deputy County Administrator  
Carmine DeBonis, Jr., Deputy County Administrator for Public Works  
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer,  
Health and Community Services