




MEMORANDUM

Date: January 6, 2021

To: The Honorable Vice Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Representative Bret Roberts Legislative District 11 Request of the Attorney General
to Review Validity of Board of Supervisors Mandatory Curfew**

Please see the attached opinion request filed by Representative Bret Roberts questioning the validity of Pima County's mandatory curfew approved by the Board of Supervisors on December 15, 2020.

I will notify the Board if and when the Attorney General initiates an investigation to review this action. The public health authority of the County has been identified in previous filings with the Attorney General over a similar complaint by Senator Vince Leach.

CHH/anc

Attachment

c: Andrew Flagg, Chief Civil Deputy County Attorney
Jan Leshner, Chief Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer,
Health and Community Services
Terry Cullen, MD, MS, Public Health Director, Pima County Health Department

December 31, 2020

Vial E-mail [AGOpinionRequests@azag.gov]

Beau Roysden
Solicitor General
Office of the Attorney General
2005 N. Central Avenue
Phoenix, AZ 85004

Re: Request for Legal Opinion Regarding Pima County Resolution No. 2020-98

Dear Mr. Roysden:

On December 15, 2020, the Pima County Board of Supervisors adopted Resolution No. 2020-98, which imposes a mandatory curfew between 10:00 p.m. and 5:00 a.m., beginning on the date the resolution was adopted "and ending on when the Pima County Health Department first reports that the number of confirmed Covid-19 infections in Pima County fall below 100 per 100,000 people, based on a 7-day moving average."

Pursuant to A.R.S. § 41-193(A)(7), I request a legal opinion on the following question: Does Resolution No. 2020-98 conflict with Governor Douglas A. Ducey's Executive Order 2020-36 (May 12, 2020), or any other Executive Order, statute, constitutional provision, or other law?

Sincerely,

/s/ Bret Roberts

Representative Bret Roberts
Arizona House of Representatives
11th Legislative District