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October 11, 2024

VIA EMAIL

Representative Alexander Kolodin
AKolodin@azleg.gov

Representative Joseph Chaplik
JChaplik@azleg.gov

Re: Legislator Request for Investigation

Dear Representatives Kolodin and Chaplik,

We received your request, dated September 30, 2024, for an investigation under A.R.S. § 41-194.01 in connection with the Fountain Hills Town Council's alleged failure to appoint an interim councilmember.

Under § 41-194.01(A), 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 or any written policy, written rule or written regulation adopted by any agency, department or other entity of the county, city or town that the member alleges violates state law or the Constitution of Arizona.*" (Emphases added.) Notably, each of these contemplated subjects of investigation references affirmative official action, while your request appears to concern inaction.

We previously invited you to address the validity of the request under the statute but did not receive a response. In the absence of further information indicating that the matter involves affirmative official acts, we must decline the request as outside the scope of A.R.S. § 41-194.01(A). Accordingly, no further action will be taken.

Sincerely,

Hayleigh S. Crawford
Deputy Solicitor General

cc: Linley Wilson, Arizona House of Representatives General Counsel, lwilson@azleg.gov
Ginny Dickey, Mayor of Fountain Hills, gdickey@fountainhillsaz.gov