

CITY COUNCIL REPORT

DATE: September 16, 2019
TO: Mayor and Councilmembers
FROM: Jerene Watson, City Manager
CC: Juan Flores, City Attorney, Brenda Aguilar, City Clerk, Department Directors
SUBJECT: RESPONSE TO REQUEST FOR UPDATE ON THE ATTORNEY GENERAL'S INVESTIGATION OF LEAKED INFORMATION AND SOCIAL MEDIA ACCOUNT

The report is in response to a question from Councilmember Huish regarding the status of the investigation by the Attorney General's office.

DISCUSSION:

On June 25 I provided an email update concerning the request to investigate leaked information, stating that our requests were turned down by agencies across our County (see attached).

In follow-up to the agenda item on the July 10, 2019 City Council meeting, the Direction from City Council to the City Attorney was to request Arizona Attorney General's office to investigate the leak of internal personnel files to include documents of former City Manager Russell and former Councilmember Nelson, along with a temporary Facebook account.

On July 29, 2019 a CCR update was provided to City Council with the information at the time (see attached).

Since that update, we have heard nothing from the State Attorney General (AG) on this matter but I would expect our City Attorney will receive a formal response once that is concluded. The adage the 'wheels of justice turn ever so slow' is likely what we will experience in hearing anything conclusive on this matter.

Please know that just as soon as we hear anything, we will immediately let you know. When our City Attorney returns from his out of country trip I request that he send a query to the AG's office on our behalf.

RECOMMENDATION / CONCLUSION:

This report is for information only.

Jerene Watson

From: Jerene Watson
Sent: Tuesday, June 25, 2019 4:28 PM
To: Mayor and Council
Cc: Department Directors
Subject: Leaked Information Investigation

Good afternoon Mayor & Councilmembers,

I was asked earlier today for an update on the Leaked Information Investigation. Rather than do a CCR with only a small bit of information to share at this point, I wanted to let you know that tomorrow, June 26th, Chief Fullen will be in a meeting with various public safety groups from across the County and it will give him the opportunity to specifically approach one of them (or more as necessary) to see if they would take on the investigation of the Leaked Information, per your direction at our June 12th meeting. Last week I was asked to formally request follow-up direction to the Chief after the Litigation Hold was complete. Unfortunately I didn't see the specific request from the City Attorney to provide this go-ahead in writing and I apologize. I have done that this week and spoken with the Chief who will be providing us an update after we know the entity who will be conducting the investigation and their anticipated timeline.

If you have any questions, please don't hesitate to ask. We will be giving you updates at appropriate junctures as we know new information. It may be we just provide details in the beginning and then at the end they will wrap it up with a finding and report, but if there is anything in between, we will keep you informed.

Respectfully,
Jerene

Jerene Watson, Interim City Manager
425 10th Street
Douglas, AZ 85607
520-417-7303 (office)
520-645-0543 (cell)

Your true character is revealed by the clarity of your convictions, the choices you make, and the promises you keep. Hold strongly to your principles and refuse to follow the currents of convenience. What you say and do defines who you are . . . and who you are, you are forever.

CITY COUNCIL REPORT

DATE: July 29, 2019
TO: Mayor and Councilmembers
FROM: Jerene Watson, Interim City Manager
CC: Juan Flores, City Attorney, Brenda Aguilar, City Clerk, Department Directors
SUBJECT: RESPONSE FROM ATTORNEY GENERAL'S (AG) OFFICE ON
INQUIRIES FOR INVESTIGATION OF CITY MATTERS

This report provides an update on the three matters forwarded to the Attorney General's (AG) office in 2019.

DISCUSSION:

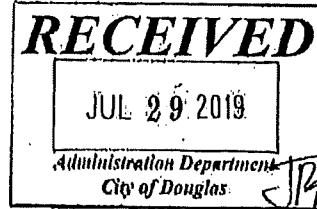
The attached letter dated 7/24/29 was received by our City Attorney today and forwarded to me today. The response to the City's formal request for review was generally dismissed by the Attorney General's office on the first two matters:

- 1) the matter of the former City Manager's contract and whether there was a City Charter violation when his contract was not voted upon but was allowed to expire;
- 2) the May 15, 2019 petition from citizen Tanya Duarte to the City of Douglas which was voted upon by the City Council on June 12, 2019 to be forwarded to the Attorney General's Office to be reviewed.

As to the third matter relating to confidential Title VII information leaked to the public which was recently submitted to the Attorney General's office by Chief Fullen, both the City Attorney and I got separate calls today from an Assistant AG Matt Eklund who is working with an investigator on the matter. The AG's Office requested preliminary information which we will be providing in cooperation with their investigation.

RECOMMENDATION / CONCLUSION:

This report is to provide the status of these three requests and is for information only.



MARK BRNOVICH
ATTORNEY GENERAL

OFFICE OF THE ARIZONA ATTORNEY GENERAL
APPEALS & CONSTITUTIONAL LITIGATION DIVISION

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DEPUTY SOLICITOR GENERAL
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July 24, 2019

By Certified Mail, Return Receipt Requested

Juan Pablo Flores
Douglas City Attorney
City of Douglas
425 10th Street
Douglas, AZ 85607

Re: Request for Legal Opinion R19-011 and Request for Review of Alleged Charter Violation

Dear Mr. Flores:

I am writing in response to your letters dated June 24, 2019 and July 10, 2019, requesting review of a citizen petition and an alleged charter violation by the Douglas City Council.

Regarding your June 24, 2019 letter, this Office is not authorized to provide the opinion you have requested. Our authority to provide legal opinions is established by statute. Under A.R.S. § 41-193(A)(7), this Office issues legal opinions to legislators, state officers and county attorneys on questions of law relating to their duties. The Attorney General is generally prohibited from engaging in the private practice of law. A.R.S. § 41-191(B).

Further, regarding your July 10, 2019 letter, this Office is not authorized to investigate and provide formal findings on an alleged charter violation. This Office is aware of no such statute authorizing this Office to conduct such an investigation.

Sincerely,

Andrew G. Pappas
Deputy Solicitor General