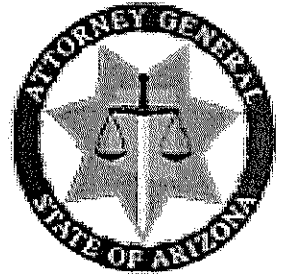




Office of Arizona Attorney General

Kris Mayes

Legislator Request for Attorney General Investigation of Alleged State-Law Violation by County, City, or Town



*All relevant facts of which you are aware (attach separate sheet if necessary):

The City of Phoenix enacted the attached ordinance on March 22, 2023.

The ordinance mirrors the federal Davis-Bacon Act, which has required prevailing wages on federal construction projects since its enactment in 1931.

Empty text boxes for additional facts.

*All relevant legal authority, including federal and state case law, of which you are aware (attach separate sheet if necessary):

Meycr v. State, 246 Ariz. 188, 192-94 (Cl. App. 2019), review denied (Aug. 27, 2019). Ruling that cities had wide power to regulate wages under 23-364 without interference from the Legislature.

Universities Rsch. Ass'n, Inc. v. Coutu, 450 U.S. 754, 782 (1981). United States v. Binghamton Const. Co., 347 U.S. 171, 177-78 (1954).

Allied Concrete & Supply Co. v. Baker, 904 F.3d 1053, 1057 (9th Cir. 2018). Dillingham Const. N.A., Inc. v. Cty. of Sonoma, 190 F.3d 1034, 1040 (9th Cir. 1999). All ruling that prevailing wage is a minimum wage.

* Any litigation involving this issue of which you are aware (include case name, number, and court where filed) :

N/A

Check this box if you are attaching supporting documentation.

NOTE: This form and other information submitted to the Attorney General's Office is subject to the public records law, A.R.S. § 39-121 et seq.

I, a current member of the Legislature, verify that I and the other Legislators listed on the previous page (if any) are submitting this request for investigation under A.R.S. § 41-194.01.

*First Name: Catherine *Last Name: Miranda

*Signature: [Handwritten Signature] Date: 04/17/23

Please submit the completed form to: Arizona Attorney General's Office, Attn: Appeals and Constitutional Litigation/A.R.S. 41-194.01, 2005 North Central Avenue, Phoenix, AZ 85004, governmentaccountability@azagov

* required field Rev. 8-2016



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*Identify the member(s) of the Legislature submitting this request for investigation (attach additional sheet if necessary):

Senator Catherine Miranda

*Provide a contact person for communications from the Attorney General's Office regarding this request (may be a Legislator listed above or an employee of the Legislature).

*Name: Catherine Miranda

*Email address: cmiranda@azleg.gov

*Phone number: 602-926-3413

*Mailing address: 1700 West Washington Steet

Phoenix, AZ

85007

*The specific question for the Attorney General to investigate is:

May a city enact a prevailing wage ordinance requiring contractors on public works contracts to pay their workers no less than the wage rates that prevail for their trade in their geographic location?

*The name of the county, city, or town that is the subject of this request:

Phoenix

*The specific ordinance, regulation, order, or other official action adopted or taken by the governing body of the county, city, or town and the date thereof:

Prevailing Wage Ordinance for City Projects codified as Chapter 43 - Article XIV of the City Code

March 22, 2023

*The specific Arizona statute(s) and/or constitutional provision(s) with which the action conflicts :

Opponents of the measure argue that the ordinance violates A.R.S. 34-321(B). Supporters argue that Proposition 206, passed by the voters in 2016, codified as A.R.S. 23-364(I) authorizes cities to enact minimum wage ordinances higher than the state minimum wage, of which prevailing wages are a subset.

This request is for the Attorney General to clarify the apparent conflict between these two statute and consequently determine whether Phoenix has the authority to enact prevailing wage at the municipal level.