

## **County Attorney's Comment**

Date: April 12, 2016  
To: Gila County Board of Supervisors  
From: Gila County Attorney's Office  
Re: April 19, 2016 Agenda Item Number 3718 (Agreement between First Things First and Gila County Library District)

The county attorney's office is unable to approve the agreement as to form. The reason is described below.

### **A.R.S. § 44-4401**

A.R.S. § 41-4401(A) reads, in part:

Every government entity shall require that *every government entity contract include all* of the following provisions: 1. That each contractor and subcontractor warrants their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with section 23-214, subsection A. 2. That a breach of warranty under paragraph 1 shall be deemed a material breach of the contract that is subject to penalties up to and including termination of the contract. 3. That the government entity retains the legal right to inspect the papers of any contractor or subcontractor employee who

works on the contract to ensure that the contractor or subcontractor is complying with the warranty under paragraph 1.

(Emphasis added.)

Although the agreement contains provisions regarding immigration law, it does not fully comply with this binding legislative directive.