

Comment

Date: April 29, 2016

To: The Gila County Board of Supervisors

From: The Gila County Attorney's Office

Re: May 3, 2016 Agenda; Item No. 3713 regarding the purchase of twelve dash cameras for the Gila County Sheriff's Office patrol units.

The Gila County Attorney's Office is unable to approve the above contract as to form because it does not contain provisions regarding immigration and cancellation due to conflict of interest which are required by the Arizona Revised Statutes.

Immigration

A.R.S. Section 44-4401(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.) A.R.S. Section 41-4401(A)

Section 41-4401 sets forth three provisions that are required to be in every governmental entity contract. This is a binding legislative directive and these provisions are absent from this contract.

Conflict of Interest

A.R.S. Section 38-511 provides for cancellation of contracts due to defined conflicts of interest. Subsection F provides: "Notice of this section shall be included in every contract to which the state, its political subdivisions, or any of the departments or agencies of either is a party." This is a binding legislative directive and the required notice is absent from this contract.