



**CIBOLA COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 21-18**

**APPROVING FORM OF AGREEMENT OF CONTRACT BETWEEN CIBOLA
COUNTY AND CORECIVIC FOR THE HOUSING OF COUNTY INMATES**

WHEREAS, the Board of Cibola County Commissioners of Cibola County, New Mexico, met a regularly scheduled Commission Meeting on May 5, 2020, at the Cibola County Administration Building, 700 East Roosevelt, Suite 50, Grants, NM 87020; and,

WHEREAS, NMSA 1978, Section 4-37-1 (1995) provides that Counties have the power to, “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants”; and,

WHEREAS, NMSA, 1978, Section 4-38-18 (1976) provides that a Board of County Commissioner has the duty and authority “[t]o represent the county and have the care of the county property and the management of the interest of the county in all cases where no other provision is made by law; and,

WHEREAS, NMSA 1978 § 33-3-27 (2015), the Board of County Commissioners is statutorily authorized to execute agreements with private independent contractors for the incarceration of prisoners for a period of up to five years, and are expressly authorized to permit for up to a total of six, three year extensions; and,

WHEREAS, NMSA 1978, Section 33-3-27 (2015) accordingly permits for contracts between Counties and private independent contractors for twenty-three years, inclusive of six, three year extensions and an original five year term; and,

WHEREAS, by virtue of physical plant limitations, the limitations on the availability of access to medical care in the community at large and the private independent contractor’s ability to provide such care and safekeeping of County inmates, the Board of County Commissioners expressly deems it advantageous to contract with CoreCivic for the housing and care of county inmates; and,

WHEREAS, prior to becoming effective, the County is statutorily required to secure the approval of the Department of Finance and Administration, General Services Department, and Attorney General of the agreement for the housing of prisoners;



WHEREAS, the statutory requirements to secure the requisite approvals of this contract have been satisfied, as this agreement (1) incorporates the statutory requirements relating to CoreCivic providing and paying for jailers to meet minimum training standards, (2) incorporates comprehensive standards for conditions of incarceration by reference to known and respected compilations of detention standards, (3) incorporates the Risk Management Department's proposed indemnification language; (4) it includes a bond in the amount identified by the Office of the Attorney General deemed sufficient to protect Cibola County and the State of New Mexico; (5) incorporates the statutory requirement that the Agreement provides for termination for cause by the local public body upon ninety days' notice to CoreCivic for the reasons enumerated in NMSA 1978, Section 33-3-27 (2015).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Cibola County that it approves the form of agreement between Cibola County and CoreCivic.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of County Commissioners of Cibola County that it expressly authorizes the County Manager to execute the agreement with CoreCivic.

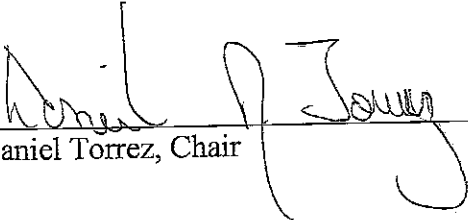
NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of County Commissioners of Cibola County that it expressly recognizes that the agreement will be deemed effective only upon the securing of the Local Government Division of the Department of Finance and Administration, the Risk Management Department of the General Services Department, and by the New Mexico Attorney General's Office, and hereby respectfully requests their expedient consideration and approval of this Agreement.


NOW, THEREFORE, BE IT FURTHER RESOLVED that the County Manager and County Administration are authorized to take all necessary and appropriate actions to execute the agreement and to secure the approval of the Local Government Division of the Department of Finance and Administration, the Risk Management Department of the General Services Department, and by the New Mexico Attorney General's Office, including but not limited to making such revisions to the Agreement between Cibola County and CoreCivic to secure the necessary approvals.



BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA

APPROVED, ADOPTED, AND PASSED on this 25th day of February, 2021.

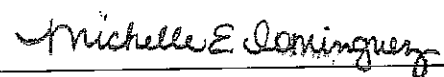

Daniel Torrez, Chair


Martha Garcia, 1st Vice-Chair

Voted Yes Telephonically
Christine Lowery, 2nd Vice-Chair


Robert Windhorst, Commissioner


Ralph Lucero, Commissioner

ATTEST: 
Michelle E. Dominguez
Cibola County Clerk

