



**CIBOLA COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**RESOLUTION 2023-19**

**IN OPPOSITION TO LEGISLATION RESTRICTING COUNTIES FROM  
CONTRACTING WITH PRIVATE CORRECTIONAL FACILITIES**

**WHEREAS**, the Board of County Commissioners of Cibola County, met in a meeting on February 23rd, at 5:00 pm in the Cibola County Commission Chamber, 700 East Roosevelt Ave. Suite 50, Grants, NM 87021; and,

**WHEREAS**, the Board of County Commissioners of the County of Cibola exercises the powers of the County as a body politic and corporate pursuant to NMSA 1978, Section 4-38-1(1884); 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**, the Legislature has charged the several Counties with the responsibility, expense, and liability of housing of inmates pursuant to NMSA 1978, Section 33-3-1 (1984); and,

**WHEREAS**, since 1984, the Legislature has expressly authorized the Counties to contract with independent contractors for the provision and operation of the common jails, pursuant to NMSA 1978, Section 33-3-1(B)(1984); and,

**WHEREAS**, due to physical plant constraints, lack of access to medical services, difficulties in recruiting and retaining competent personnel, exorbitant increases in insurance premiums resulting from the immense exposure to liability that threatens to drive Counties to adopt property tax increments to cover judgments not covered by insurance, several New Mexico Counties have made the difficult decision to lay off county employees and either close their county



jails and to contract with independent contractors for the provision and operation of detention, or alternatively have contracted with independent contractors for the operation of the county jail; and,

**WHEREAS**, while not directly prohibiting the County's ability to contract with private prisons for the housing of County detainees, Senate Bill 172 requires that Cibola County terminate its Intergovernmental Services Agreement with CoreCivic for the housing of individuals for federal civil immigration violations; and,

**WHEREAS**, SB 172 presents a direct threat to the commercial viability of CoreCivic, threatening its ability to continue to operate its facility in Cibola County; and,

**WHEREAS**, Cibola County receives a processing fee pursuant to the Intergovernmental Services Agreement with CoreCivic, and Senate Bill 172 would effectuate a direct pecuniary harm upon the County; and,

**WHEREAS**, CoreCivic is one of the largest employers in Cibola County, and a community partner, and SB 172 directly threatens the jobs and livelihood of many residents of Cibola County; and,

**WHEREAS**, with the potential closure of facilities that detain individuals for federal civil immigration violations, it is anticipated that SB 172 would drive up the cost of inmate beds in New Mexico, and the various Counties and the State would be placed in direct competition to identify and compete for available inmate beds; and,

**WHEREAS**, as reflected by its implications, SB 172 has not provided adequate consideration to the lack of available inmate beds, physical plant constraints of existing county detention centers, lack of access to medical services in rural areas for inmates, difficulties in recruiting and retaining competent detention personnel, particularly in rural areas, or the exorbitant increases in insurance premiums resulting from the immense exposure to liability, which threatens to drive Counties to adopt property tax increments to cover judgments not covered by insurance;

**WHEREAS**, these concerns are exacerbated by the Legislature's creation of an additional cause of action that incentivized trial attorneys to commence actions against the State and its political subdivision in its own Courts for the operation of detention centers; and,

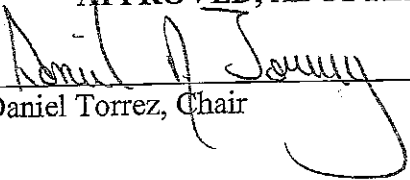
**WHEREAS**, while designed to benefit those individuals being housed for federal civil immigration violations, SB 172 will result in the degradation of care presently afforded to county inmates, overcrowding of facilities, and the commoditization of county inmates.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Cibola expresses its strong opposition to SB 172 for the reasons stated herein.



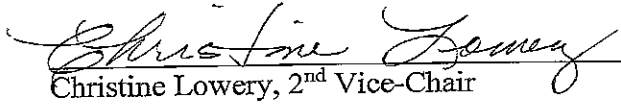
**BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CIBOLA**

**APPROVED, ADOPTED, AND PASSED** on this 23rd day of February 2023.

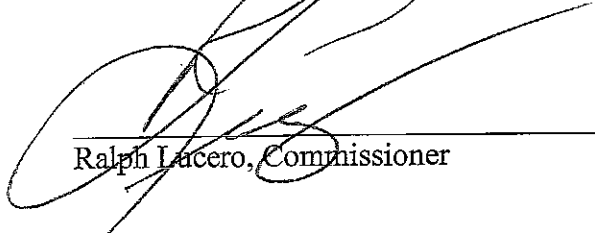
  
\_\_\_\_\_  
Daniel Torrez, Chair

**ABSENT**

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Martha Garcia, 1<sup>st</sup> Vice-Commissioner

  
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Christine Lowery, 2<sup>nd</sup> Vice-Chair

  
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Robert Windhorst, Commissioner

  
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Ralph Lacero, Commissioner

ATTEST:

  
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Michelle E. Dominguez  
Cibola County Clerk

