

ORDINANCE NO. 2021- 06

AN ORDINANCE AUTHORIZING THE  
AMENDMENT OF AN AGREEMENT WITH  
THE CITY OF CARLSBAD AND AVALON  
RANCH FOR THE OPERATION OF A  
SUBSTANCE ABUSE TREATMENT FACILITY  
FOR WOMEN AND CHILDREN AND TO  
ENTER INTO A LEASE AGREEMENT

**WHEREAS**, the City entered into an Agreement with Avalon Ranch on October 10, 2016 which Agreement provided for the design and construction of a residential facility for the treatment of women with substance abuse issues and their children; and

**WHEREAS**, the residential treatment facility, which is owned by the City has now been constructed at 106 N. Mesquite, Carlsbad, NM and the program is ready to commence accepting clients; and

**WHEREAS**, the Agreement needs to be amended to reflect that the facility is now operational and the parties need to enter into a Lease for Avalon Ranch to occupy the facility and begin providing services; and

**WHEREAS**, the City will negotiate a Lease requiring Avalon Ranch to pay fair market rental value as determined by a qualified appraiser and the rent can be paid in cash, with services, or a combination of both cash and services; and

**WHEREAS**, the City Administrator and the New Mexico Department of Finance and Administration needs to approve the Lease. The City Administrator should be granted authority to make any changes or amendments to the Amended Agreement or the proposed Lease to comply with State of New Mexico laws, rules and regulations as identified by the New Mexico Department of Finance and Administration.

NOW THEREFORE, be it ordained by the Governing Body of the City of Carlsbad, County of Eddy, State of New Mexico, as follows:

- 1. The City and Avalon Ranch agree to amend the Agreement for the use of the property and improvements at 106 N. Mesquite, Carlsbad, NM for a residential substance abuse treatment facility for women and their children since the facility has been constructed and is ready for use.
- 2. The City and Avalon Ranch will negotiate a Lease requiring Avalon Ranch to pay fair market value as determined by a qualified appraiser and the rent can be paid in cash, with services, or a combination of both cash and services.
- 3. The City Administrator and the New Mexico Department of Finance and Administration must approve the Lease and any changes thereto in compliance with New Mexico State laws, rules and regulations.

A copy of the proposed Amended Agreement is attached hereto as Exhibit "A"

INTRODUCED, PASSED, ADOPTED AND APPROVED this 23<sup>rd</sup> day of March, 2021.

/s/Dale Janway  
DALE JANWAY, MAYOR

ATTEST:  
/s/Nadine Mireles  
CITY CLERK