

**CITY OF CENTRAL**

**BY COUNCILMEMBER EVANS**

**ORDINANCE NO. 2019-18**

**AN ORDINANCE TO AMEND CHAPTER 9 OF TITLE 1 OF  
THE CODE OF ORDINANCES RELATIVE TO THE  
DISPOSAL OF SURPLUS PROPERTY AND TO PROVIDE  
FOR RELATED MATTERS**

WHEREAS, La. R.S. 33:4712(A) authorizes municipalities to sell, lease, exchange, or otherwise dispose of, to or with other political corporation of this state, or private persons, at public or private sale, any property, or portions thereof, including real property, which is, in the opinion of the governing authority, not needed for public purposes;

WHEREAS, La. R.S. 33:4711.1 authorizes political subdivisions to sell surplus property through the use of electronic technology including Internet websites that facilitate such sales, to pay any costs associated with the sale from the proceeds of such sale, and to sell surplus property through any form of electronic technology, including Internet websites created expressly for that purpose whether privately or publicly owned;

WHEREAS, the Louisiana Municipal Advisory and Technical Services Bureau (“LaMATS”), pursuant to its LaMATS Purchasing Services Program, has developed the LPS-EASi Municipal Surplus Property Program (the “Program”) to allow for the internet auction of surplus movable property at no direct cost to members and affiliates of the Louisiana Municipal Association (the “Association”);

WHEREAS, the City of Central intends to avail itself of all lawful methods of disposing of surplus property and has determined that it will save time and money by joining the Program and receiving professional assistance in appraising and selling its surplus properties;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Central, State of Louisiana, as follows:

**Section 1. Amendments to Title 1, Chapter 9 – Capital Asset Policy**

Section 1:801 as enacted by Ordinance No. 2014-07 is hereby amended and reenacted to read as follows:

Sec. 1:801. – Definitions.

\* \* \*

(h) *Program.* The LPS-EASi Municipal Surplus Property Program developed by the LaMATS Purchasing Services Program.

(i) *Surplus Property.* Tangible non-consumable movable property owned by the city having an estimated value of at least two hundred and fifty (\$250) dollars, which has been declared by the City Council as no longer needed for public purposes.

Section 1:805, as enacted by Ordinance No. 2014-07, is hereby amended and reenacted to read as follows:

Sec. 1:805. - Disposal/transfer of assets; surplus property.

(1) *Records.* The city shall maintain records, including but not limited to information as to the date of purchase of any property or equipment, the initial cost, the disposition, if any, the purpose of such disposition, and the recipient of the disposed property or equipment.

(2) *Disposition of Capital Assets.*

- (a) Article VII, Section 14 (A) of the Louisiana Constitution provides, "funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private." All Capital Assets are the property of the city which may not be donated, discarded, or transferred to another owner without direct authorization from the City Council.
- (b) Departments shall notify the Mayor (or designee) of the city's assets and the Police Chief (or designee) for the Police Department's assets which are no longer needed for public purposes.
- (c) The disposition of Capital Assets the city purchased with federal, state, or other grant funds shall follow the guidelines of the specific grant or federal general guidelines, which dictate the duration of time that the asset must remain property of the city and will dictate the method of disposition of the proceeds from the sale of the asset. All dispositions of Capital Assets declared surplus property shall comply with applicable state law.
- (d) Violations of Article VII, Section 14(A) shall be reported to the Mayor, City Attorney, or Financial Director.

(3) *Procedure.* The Mayor, his duly-appointed designee, the Police Chief, and his duly-appointed designee shall request the City Council to declare property to be surplus property and authorize the disposal of the surplus property. Disposal requests shall include a description of the property, the reason for the disposal request, and an estimated minimum fair market value of the property.

(4) *Declaration.* The City Council may declare any tangible, non-consumable, movable property owned by the city, which has an estimated minimum value of at least two hundred and fifty (\$250) dollars and is no longer needed for a public purpose, to be surplus property upon approval by a majority vote of the City Council, unless otherwise precluded by law.

(5) *Participation in the program; authority; terms and conditions.* The Mayor, his designee, the Police Chief, and his designee are hereby authorized to participate in the LPS-EASi Municipal Surplus Property Program.

- (a) Within a reasonable time after declaring property as surplus property, the property may be referred to the program coordinator for online sale.
- (b) The program coordinator shall provide proof of receipt of sale proceeds to the city before such property is released to the purchaser. The city shall receive no less than the minimum fair market value approved by the City Council, net of any cost of legal advertisement when such advertisement is required by law. The program shall be responsible for placing any such advertisement in the official journal of the City of Central at least 15 days prior to the sale and shall include a description of the property, the minimum value of the property, a statement indicating the city is entitled to reject any and all bids, and the website address where interested parties may place bids.
- (c) The program coordinator shall forward the net sale proceeds of the sale to the city's Financial Officer within 5 days of the receipt of the sale proceeds with an accounting thereof.
- (d) The program may collect an administrative fee of up to five percent (5%) of the sale price from the purchaser of the surplus property.
- (e) Surplus property sold pursuant to this Section shall be sold where-is and as-is without any warranties, except as to title.
- (f) Sales of surplus property shall be final, and no refunds shall be made by the city.
- (g) The program, in partnership with EASiBUY, may be authorized to utilize any of the following methods to assist the city in the sale of surplus property:
  - i. Live online auction held for a defined time period.
  - ii. Sealed bid electronic auction opened on a specified date and time.
  - iii. Multiple municipality online listings with bids accepted during a defined time period.

## **Section 2. Conflicts**

The specific terms and conditions of this Ordinance shall prevail against other Ordinances of the City to the extent that there may be any conflict.

## **Section 3. Severability**

If any section, subsection, sentence, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such declaration of invalidity shall not affect the validity of

the Ordinance as a whole, or parts thereof, other than the part declared invalid. The remainder of the Ordinance shall not be affected by the declaration of invalidity and shall remain in force and effect.

**Section 4. Effective Date**

This Ordinance shall be effective upon publication.

Introduced before the Council on May 14, 2019.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

For: Evans, Freneaux, McKinney, Moak, Myer, Roy  
Against: None  
Absent: Wells

Adopted this 28<sup>th</sup> day of May, 2019.

Signed this 31<sup>st</sup> day of May, 2019.

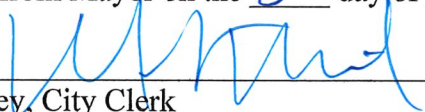
Delivered to Mayor on the 3<sup>rd</sup> day of June, 2019:

  
\_\_\_\_\_  
Mark Miley, City Clerk

Approved:

  
\_\_\_\_\_  
David R. Barrow, Mayor

Received from Mayor on the 3<sup>rd</sup> day of June, 2019:

  
\_\_\_\_\_  
Mark Miley, City Clerk

Adopted Ordinance published in The Advocate on the 8<sup>th</sup> day of June, 2019