

New Orleans Home Rule Charter

Section 4-1401. Functions.

The Department of Property Management, headed by the Director of Property Management, shall:

- (1) Maintain all buildings owned or operated by the City for a public purpose and perform all custodial functions in connection therewith; provided that where buildings are occupied exclusively by a single officer, department or board, the Director of Property Management, the Chief Administrative Officer or the Mayor may assign to the occupant responsibility for the performance of custodial functions in such buildings.
- (2) Manage and have custody of all immovable property in which the City has an interest, including all cemeteries owned by the City except where such management or custody has been otherwise assigned by this Charter, by contract, or by ordinance.
- (3) Make recommendations to the Director of Finance concerning the leasing, acquisition or disposition of immovable property.
- (4) Assign space to the officers, departments and boards in City buildings.
- (5) Award all concessions on City property subject to requirements which may be imposed by ordinance
- (6) Maintain a complete and accurate record of the ownership of all immovable property situated in the City, and of all immovable property of the City wheresoever located. The public records of the department shall include a perpetual index, maintained apart from all other records, listing and briefly describing all corporeal and incorporeal immovable property owned or controlled by the City or agencies of the City, including unattached boards and public benefit corporations. The index shall be designed for ease and efficiency of use by the public.
- (7) Perform such other duties as are required by this Charter or assigned in writing by the Mayor.

Section 4-1701. Functions.

The Department of Parks and Parkways, headed by a Director, shall:

- (1) Administer, control and manage all parks, except as otherwise provided by applicable state or municipal laws.
- (2) Cultivate, place, maintain and remove trees, shrubs, flowers, grass and other plants on public grounds.
- (3) Embellish parks, parkways, highways and other public grounds.
- (4) Designate the portions of parks and other areas under its control for the activities under the direction of the Department of Recreation.

ARTICLE IX. CITY PROPERTY

City Code

DIVISION 1. GENERALLY

Secs. 2-851--2-870. Reserved.

DIVISION 2. INVENTORY OF PROPERTY*

*Charter references: Department of property management, art. IV, ch. 14.

Sec. 2-871. Perpetual list of immovable property.

The director of the department of property management shall compile and perpetually maintain a list of the immovable property of the city wheresoever located, such list to include the description, acquisition, improvements, if any, and present use of the immovable property.
(Code 1956, § 2-62)

Sec. 2-872. Perpetual list of leased property.

The director of the department of property management shall compile and perpetually maintain a list of the immovable property of the city under lease or rental agreement. Such list shall include the description, acquisition, improvements, if any, the present use of the immovable property; the terms, consideration and conditions of each lease or rental agreement; and recommendations relative to the continuation or revision of each lease.
(Code 1956, § 2-63)

Sec. 2-873. Listings to be furnished mayor and council annually.

The director of the department of property management shall present to the mayor and the council the listings required under this division on or before September 1 of each year.
(Code 1956, § 2-64)

Sec. 2-874. Information regarding property transactions to be furnished to council.

Any party executing any agreement, contract, or lease with the city for acquisition of real property from or by the city including leasing of real property either as lessor or lessee shall provide the city council with a sworn statement listing all owners or principles, including the basis for acquiring ownership or interest in the transaction, if the agreement involves an expenditure by or payment to the city of more than \$50,000.00 or the exchange of real property where such property has an appraised valuation totaling \$50,000.00 or more or such property can reasonably be construed to have a fair market value in excess of \$50,000.00 or such agreement involves the payment of rent by either party in excess of \$5,000.00 per year. The list shall be provided prior to the execution of any agreement, contract, or lease, relating to the property and shall be filed as a public record with the clerk of council.

(Code 1956, § 2-64.1)

Secs. 2-875--2-895. Reserved.

Sec. 2-925. Conditions of lease.

A lease of city-owned immovable property for a period of more than one year, or for a period of less than one year when the lessee has the option of renewal thereof for an additional term, which together with the primary term would total more than one year, shall be valid only if the following conditions have been satisfied:

(1) The property has been advertised by the department of property management for sealed bid, in the official journal at least three times in a period of not less than two weeks; the cost of advertising shall be borne by the eventual successful bidder.

(2) The division of real estate and records, department of property management has established an acceptable rental range, based on fair rental value and has evaluated all bids received and submitted its evaluation and recommendation as to the highest responsible bidder to the bureau of purchasing, department of finance. If the bid does not fall within the specific range, the division of real estate and records shall include in its recommendation an explanation of why the bid should be accepted despite its failure to meet that criterion. The evaluation may include an appraisal of fair rental value, estimated by an outside independent fee appraiser, if, in

the discretion of the division of real estate and records, such an appraisal is deemed needed as supplemental information to assist in the evaluation.

(3) The department of property management has presented its recommendations to the mayor or his designee and has prepared an appropriate ordinance for submission to the city council.

(4) An ordinance authorizing the mayor to enter into a lease for the specified city-owned immovable property with the successful bidder, has been introduced and adopted by a majority vote of the city council, declaring the property as not being needed at this time for public purposes. Such ordinance may be adopted by a majority vote of the council on or after the day of the first legal city council meeting that is held within 21 days after the date of introduction of the ordinance. Copies of all signed lease agreements shall be filed with the division of real estate and records, department of property management, and all leases shall be maintained and enforced by them.

(M.C.S., Ord. No. 15,438, § 1(33A-1), 4-21-94)

Sec. 2-926. Exceptions to division.

The provisions of this division shall not apply to leases which meet one of the following criteria:

(1) The property is administered by the aviation board and the board is required to enter into a lease with agencies of the United States government that provide services and facilities, when such services or facilities cannot be secured from any other source than the specific United States government agencies;

(2) The property is leased to a public benefit corporation, organized pursuant to an ordinance adopted by the city council, which will manage the property for the benefit of the city, in which case the procedural requirements for subleasing of the property or portions of the property shall be governed by the ordinances authorizing the public benefit corporation and the lease by the city to the public benefit corporation;

(3) The property is leased to the state or federal government, or political subdivision thereof for a use approved by a majority vote of the council, or the property is to be used for the purpose of vending governed by the Randolph-Shepard Act or related or similar state or city laws; or

(4) The lease is a lease previously awarded and executed, or a lease previously awarded but not yet executed because of court action or otherwise.

(M.C.S., Ord. No. 16,438, § 1(33A-2), 4-21-94)