

**THE RECREATION AND PARK COMMISSION
FOR THE PARISH OF EAST BATON ROUGE**
Regular Meeting – 5:00 p.m.
BREC'S Administration Building
6201 Florida Boulevard
Baton Rouge, Louisiana
Commission Minutes
October 30, 2008

Call to Order

A regular meeting of the Recreation and Park Commission for the Parish of East Baton Rouge was held at BREC's Administration Building on October 30, 2008. The meeting was called to order at 5:00 p.m. by Collis Temple, Jr., Chairman. Roll Call was taken and a quorum of Commissioners was present including Bill Benedetto, Vice-Chairman; Bettsie Miller, Treasurer; John Allphin; David Guillory; Audrey Nabors-Jackson and Darryl Robertson. Commissioner Verge Ausberry, Jr. arrived at 5:05 p.m. and Commissioner Kenith Woodall arrived at 5:13 p.m. Staff members present were William Palmer, Superintendent; Dale Auzenne; Ken Caldwell; Jack Dirks; Bob Epperson; Phil Frost; Tommy Green; Ted Jack; Donna Mitchell; Mike Proctor; Debbie Spica; Stephanie Trim; Kristi Williams and Chris Marchiafava. Carl Stages, Executive Director of BREC Foundation, and Murphy Foster, legal counsel, were also in attendance. The audience consisted of BREC staff, the media, and the general public.

Adoption of Minutes

Resolved, That the reading of the minutes of the Recreation and Parks Commission Meeting of September 25, 2008 be dispensed with, and that they be approved as written.

Motion by Ms. Nabors-Jackson

Seconded by Mr. Allphin

Approved by unanimous consent

Consent Calendar

Resolved, That the Recreation and Park Commission for the Parish of East Baton Rouge does hereby approve the Consent Calendar items.

Motion by Ms. Nabors-Jackson

Seconded by Mr. Benedetto

Approved by unanimous consent

The following items were approved as part of the Consent Calendar:

Acceptance of Recommendations of the Communications and Information Technology Advisory Committee

Resolved, That the Commission approve the creation of two subcommittees for BREC.org's redesign and the Filming and Video Contract.

Resolved, That the Commission approve the inclusion of comprehensive programming software in the redesign of BREC.org.

Acceptance of Recommendations of the Finance Advisory Committee

Resolved, That the Commission approve awarding a contract to Faulk & Meeks General Contractors, Inc. for \$3,109,000.00 to build a new Asian animal exhibits and aviary at the Baton Rouge Zoo.

Resolved, That the Commission approve awarding contracts for playground equipment at Leeward Park to Total Recreation, Inc. (Game Time) for \$25,590.20; and to Kincade Recreation Company (Miracle) for \$1,074.50.

Resolved, That the Commission reject a property damage claim from Valerie Banks, who alleges damage to her property from trees that fell during Hurricane Gustav. BREC is not responsible for damages caused by acts of nature.

Resolved, That the Commission reject a property damage claim from Sheila Sheppard, who alleges damage to her property from trees that fell during Hurricane Gustav. BREC is not responsible for damages caused by acts of nature.

Resolved, That the Commission reject a property damage claim from Henry Rosaya, who alleges damage to his property from trees that fell during Hurricane Gustav. BREC is not responsible for damages caused by acts of nature.

Resolved, That the Commission approve the purchase of ABRA payroll and human resources software for \$94,132.00; including installation, training, software maintenance, and other services from McGinnis & Associates, Mobile, Alabama.

Acceptance of Recommendations of the Golf Advisory Committee

Resolved, That the Commission approve extending by two months all five-course and seven-course annual golf passes purchased between October 1, 2007 and September 30, 2008.

Acceptance of Recommendations of the Human Resources Advisory Committee

Resolved, That the Commission approve the Routine Personnel Transactions for the month of October 2008.

Resolved, That the Commission approve the 2009 Employee and Retiree Health Insurance Benefit Package, self-funded by BREC and administered by Blue Cross. Said package to include both HMO Plan#56 and PPO coverage as now provided to employees with a third benefit option, QHDHP1, Plan #26 Health Savings Account (see attached). BREC Commission to pay 80% of the employee HMO and HSA (QHDHP1) total premium. This amount will be applied to the PPO Plan if the employee wishes to upgrade.

Resolved, That the Commission approve the Administrative Services Agreement and stop loss policy schedule administered by Blue Cross Blue Shield of Louisiana.

Resolved, That the Commission approve the 2009 Renewals for Voluntary Dental Insurance administered by Delta Dental and Supplemental Insurance administered by Colonial Insurance with no change to benefits and no increase in employee premium.

Resolved, That the Commission approve the 2009 Holiday Schedule as follows:

January 1, 2009	Thursday	New Year's Day
January 19, 2009	Monday	Martin Luther King, Jr. Day
February 24, 2009	Tuesday	Mardi Gras
April 10, 2009	Friday	Good Friday
July 3, 2009	Friday	Fourth of July
September 7, 2009	Monday	Labor Day
November 11, 2009	Wednesday	Veterans Day

November 26, 2009	Thursday	Thanksgiving
November 27, 2009	Friday	Day after Thanksgiving
December 24, 2009	Thursday	Christmas Eve
December 25, 2009	Friday	Christmas Day
Open		Floating Holiday/birthday
Maximum Holiday Pay per Year Not to Exceed 96 Hours		

Resolved, That the Commission approve the reallocation of the position for Account Clerk 1 (Cash Reconciliation) to Account Clerk 2 at range 7.

Resolved, That the Commission approve modification of BREC Rules & Regulations, Chapter 9: Hours of Work, Annual, Sick and Other Forms of Leave, section 19 (g) Emergency Pay. (Emergency Pay Policy provisions approved by the Commission on September 25, 2008.) Full-time employees may be permitted Emergency Leave (without loss of pay, annual leave or sick leave) if the Superintendent determines that the employee is prevented by weather or other hazardous/emergency condition from performing his/her duty.

Should system-wide Emergency Leave is permitted the Superintendent shall identify a specific time-period covered by Emergency Leave conditions. During this time-period, full-time employees who are designated by their Department Director as "essential personnel" - and who report for work during the period of the Superintendent's granted Emergency Leave –

DELETE: *shall be allocated administrative leave equal to the number of hours the employee worked during system-wide Emergency Leave conditions. Said administrative leave shall be recorded as a holiday and must be taken within 90 days of end of declared emergency in accordance with BREC's holiday policy. (rev. 10/04)*

ADD: for any hours worked in excess of forty (40) hours per week the employees shall be compensated as follows: Executive Employees shall receive overtime straight pay; Administrative Exempt shall receive overtime straight pay; Non-Administrative Exempt (Field employees) and Non-Exempt shall receive overtime at the rate of one and half (1.5) times their regular rate.

Presentations

The Chair recognized Dale Auzenne to present Katrina Coots with the 2008 NRPA (National Recreation and Park Association) Young Professional Award for the Southwest Region. Katrina had been recognized previously by NRPA in 2005 as the Student of the Year.

The Commission viewed a brief informational video.

Reports of Officers and Standing Committees

Resolved, That the Commission approve the Debris Management Plan dated October 21, 2008.

Resolved, That the Commission approve the applications and authorize the Superintendent to execute the necessary documents for the following State Capital Outlay Projects:

- Anna T. Jordan Site and Facility Improvement
- Bluebonnet Swamp Nature Center Education Building/Conference Center
- Gus Young/Howell Parks Improvements
- Knock Knock Children's Museum

Rollins Road Park Basketball Court Cover
Scotlandville Parkway Gym
Flanacher Park Basketball Court Cover
Land Acquisition: Community/Sport Parks & Historic Site
Central Sports Park
Pete Goldsby Field

Mr. Palmer informed the Commission that there are currently 12 capital improvement construction projects underway; and that Lincoln Builders, the contractor for the City•Brooks Park project, was selected by South Central Construction magazine as the best for 2008 for the City•Brooks Park construction project. He also stated that BREC had received a letter of appreciation from the American Red Cross in recognition of the staff's work to provide shelter for their workers and some evacuees during the Hurricane Gustav crisis. He told the Commission about a special Finance Committee meeting scheduled for November 10th from 11:30 a.m. to 12:30 p.m. to discuss the 2009 budget.

Ms. Miller asked for a list of capital improvement projects. Mr. Palmer said that he would present a complete report to the Commission.

Mr. Temple gave Mr. Palmer a letter he had received from a citizen regarding Fortune Park and asked Mr. Palmer to look into the issue.

Ms. Miller was recognized to give the Finance Advisory Committee report. She asked Mike Proctor to give a summary of the financial statements.

Resolved, That the Commission approve financial statements for month ended September 30, 2008.

Motion by Ms. Miller

Seconded by Ms. Nabors-Jackson

Approved by unanimous consent.

Resolved, That the Commission approve the settlement of a claim with Mr. Aikens without admission of guilt for \$558.00 for damage to his vehicle, which represents one-half the cost of the repairs.

Motion by Ms. Miller

Seconded by Mr. Benedetto

Approved by unanimous consent

Mr. Temple recognized Mr. Allphin to comment about the items on the Golf Advisory Committee report. Mr. Temple commended the staff for getting the golf courses open so quickly after the hurricane.

Ms. Nabors-Jackson was recognized to give the Selection of Professionals Committee report. Mr. Palmer stated that BREC would be contracting through City-Parish Department of Public Works for the Library in the Park project. Ms. Miller stated that she had been contacted by some citizens and asked to be informed when the community input process opens for public comment on the project.

Ms. Nabors-Jackson made a motion to approve the following and authorize the Superintendent to execute the contract and necessary documents:

Resolved, That the Commission approve contracting with The Library Design Collaborative, A Joint Venture, through City-Parish Department of Public Works to provide architectural design services specific to site related components located in Independence Park and in association with the design of a new "Library in the Park" for a fee not to exceed \$179,438.00, plus prior approved reimbursable expenses; pending final approval of legal counsel.

Seconded by Mr. Ausberry
Approved by unanimous consent

Special Orders

Motion to accept the following appointment of a citizen representative to a BREC Advisory Committee:

Audrey Nabors-Jackson
Ralph Herig Human Resources

Motion by Ms. Nabors-Jackson
Seconded by Ms. Miller
Approved by unanimous consent

New Business

The Chairman announced that the next item of business on the agenda was the introduction of the proposed ordinance authorizing the borrowing of not to exceed \$800,000. Mr. Benedetto moved that the proposed ordinance be introduced for adoption by the publication of the title of the ordinance together with notice that the ordinance would be taken up for adoption after a public hearing to be conducted on November 19, 2008. The motion was seconded by Mr. Guillory and unanimously carried.

The proposed ordinance provides as follows:

ORDINANCE

An ordinance authorizing the borrowing by the Recreation and Park Commission for the Parish of East Baton Rouge, of Not to Exceed Eight Hundred Thousand Dollars (\$800,000); providing for the payment thereof; establishing the rate of interest thereon; providing for a pledge of revenues of the Recreation and Park Commission for the Parish of East Baton Rouge for the security and payment thereof in principal and interest; and providing for other matters in connection therewith.

WHEREAS, Sections 745 through 748, inclusive, of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), and other constitutional and statutory authority, authorize entities to pay their current expenses by anticipating their revenues for the year and to borrow money to pay these current expenses in anticipation of such revenues; and

WHEREAS, the Recreation and Park Commission for the Parish of East Baton Rouge (the "Issuer") desires to borrow moneys to pay said current operation costs and to dedicate and set aside revenues for the payment of any Revenue Anticipation Notes issued under the provisions of the Act and this Ordinance (the "Notes"), which Notes will fall due and be payable not later than March 1, 2009, together with interest thereon as provided herein; and

WHEREAS, the Issuer has found and determined that the estimated revenues of the Issuer for the current fiscal year will be in excess of the amount borrowed;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Recreation and Park Commission for the Parish of East Baton Rouge, acting as the governing authority of the Issuer, meeting in legal and regular session, that:

SECTION 1. Subject to the approval of the State Bond Commission, there is hereby authorized the borrowing of Eight Hundred Thousand Dollars (\$800,000) in the name of and on behalf of the Issuer to pay the costs of current operations of the Issuer in anticipation of the revenues of the Issuer for the current year.

SECTION 2. In order to fund the aforementioned borrowing, the Issuer is authorized to issue, sell and deliver to _____, _____, Louisiana, pursuant to the commitment letter annexed hereto as Exhibit "A" (the "Purchaser"), a total aggregate principal amount of Revenue Anticipation Notes, Series 2008A (the "Notes") of Eight Hundred Thousand Dollars (\$800,000), bearing interest from date thereof, payable on March 1, 2009, at the rate of ____% per annum (calculated on the basis of a 360 day year, consisting of twelve 30 day months), and maturing March 1, 2009, all in accordance with the provisions of the Act.

SECTION 3. The principal of and interest on the Notes shall be secured by and payable from a pledge of all revenues accruing to the Issuer for the fiscal year ending December 31, 2008.

SECTION 4. The Chairman and Treasurer of the Board of Commissioners of the Issuer and the Superintendent and Ex-Officio Secretary of the Issuer are hereby authorized, empowered and directed to execute the Notes to represent said indebtedness. Said officers are further authorized and empowered to deliver the Notes to the Purchaser, upon the payment of the purchase price thereof, to be used for the purpose of the borrowing and to take any other action or execute and deliver any other documents which may be required to accomplish the purpose of this Ordinance. The Notes shall be issued in the form of a single, fully registered note, dated the date of delivery thereof and shall be in substantially the following form:

(FORM OF FACE OF NOTE)

**UNITED STATES OF AMERICA
STATE OF LOUISIANA**

**REVENUE ANTICIPATION NOTE, SERIES 2008A
OF THE
RECREATION AND PARK COMMISSION
FOR THE PARISH OF EAST BATON ROUGE**

<u>Number</u>	<u>Principal Amount</u>	<u>Issue Date</u>	<u>Maturity Date</u>
R-1	\$_____	November __, 2008	March 1, 2009

THE RECREATION AND PARK COMMISSION FOR THE PARISH OF EAST BATON ROUGE (the "Issuer"), hereby promises to pay to _____, in the City of _____, _____, or registered assigns, the Principal Amount set forth above on the Maturity Date set forth above, together with interest thereon from the Issue Date set forth above at the rate of _____ per centum (____%) per annum (calculated on the basis of a 360 day year, consisting of twelve 30 day months). Interest will be payable on the Maturity Date set forth above.

The principal of this Note may not be prepaid by the Issuer prior to the Maturity Date set forth above.

Both the principal of and the interest on this Note are payable at maturity in lawful money of the United States of America to the registered owner of this Note upon presentment hereof to the Treasurer of the Issuer.

This Note has been issued by the Issuer to represent a debt created under the provisions of Sections 745 through 748 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, for the purpose of paying the costs of current operations for the fiscal year ending December 31, 2008, and this Note was specially authorized by an ordinance adopted on November 19, 2008 (the "Ordinance").

This Note is secured by and payable from a pledge of all revenues accruing to the Issuer for the fiscal year ending December 31, 2008. The Issuer, in and by the Ordinance, has also entered into certain other covenants and agreements with the registered owner of this Note, for the terms of which reference is made to the Ordinance.

It is certified that this Note is authorized by and issued in conformity with the requirements of the Constitution and statutes of the State of Louisiana. It is further certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Note to constitute the same a legal, binding and valid obligation of the Issuer have existed, have happened and have been performed in due time, form and manner as required by law, and that this Note does not exceed any limitation prescribed by the Constitution and statutes of the State of Louisiana.

IN WITNESS WHEREOF, the Recreation and Park Commission for the Parish of East Baton Rouge has caused this Note to be signed by the facsimile and/or manual signatures of its Chairman and Superintendent and Ex-Officio Secretary, and the corporate seal of the Issuer to be hereon impressed, and this Note to be dated the Issue Date set forth above.

RECREATION AND PARK COMMISSION
FOR THE PARISH OF EAST BATON
ROUGE

Superintendent and
Ex-Officio Secretary
(SEAL)

Chairman

* * * * *

PROVISIONS FOR REGISTRATION

<u>Registered Owner</u>	<u>Registration Date</u>	<u>Signature of Treasurer</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SECTION 5. The principal of the Notes may not be prepaid by the Issuer prior to stated maturity.

SECTION 6. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Notes under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Notes or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause the Notes to be "arbitrage bonds" or would result in the inclusion of the interest on the Notes in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of proceeds of the Notes or (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Notes in a manner which would cause the Notes to be a "private activity bond."

The Notes are designated as a "qualified tax-exempt obligation," within the meaning of Section 265(b)(3) of the Code.

The Chairman and Treasurer of the Board of Commissioners of the Issuer and the Superintendent and Ex-Officio Secretary of the Issuer are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 7. If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Ordinance which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 8. It is recognized that the Issuer will not be required to comply with the continuing disclosure requirements described in the Rule 15c2-12(b) of the Securities and Exchange Commission [17 CFR Section 240.15c2-12(b)], because:

(a) the Notes are not being purchased by a broker, dealer or municipal securities dealer acting as an underwriter in a primary offering of municipal securities; and

(b) the Notes are being issued in a denomination exceeding \$100,000 and sold to only one financial institution (*i.e.*, no more than thirty-five persons), which (i) has such knowledge and experience in financial and business matters that it is capable of evaluating the merits and risks of the prospective investment in the Notes and (ii) is not purchasing the Notes for more than one account or with a view to distributing the Notes; and

(c) the Notes have a maturity of nine months or less.

SECTION 9. The foregoing Ordinance shall take effect immediately upon its adoption.

The foregoing Ordinance having been duly introduced for final adoption on November 19, 2008, the vote on the final adoption thereof was as follows:

YEAS:
NAYS:
ABSENT:

And the Ordinance was declared adopted on this, the ____ day of November, 2008.

William G. Palmer, Superintendent and
Ex-Officio Secretary of the Recreation and
Park Commission for the Parish of East
Baton Rouge

The Chairman announced that the next item of business was a resolution authorizing the Recreation and Park Commission for the Parish of East Baton Rouge, to incur debt and borrow an amount not to exceed in the aggregate \$800,000; authorizing the execution and delivery of all documents required in connection therewith; and authorizing the Chairman, Treasurer and Superintendent and Ex-Officio Secretary of the Commission to do all things necessary to effectuate this Resolution.

Motion to approve by Mr. Robertson
Seconded by Ms. Nabors-Jackson
Approved unanimously

The Chairman stated that the next item of business was the introduction of the 2009 Budget for the Recreation and Park Commission for the Parish of East Baton Rouge; set the date for a public hearing and final adoption of said 2009 Budget at the regular meeting of the BREC Commission on November 19, 2008 at BREC's Administration Building, 6201 Florida Boulevard, Baton Rouge, Louisiana.

Motion by Mr. Benedetto
Seconded by Mr. Robertson
Approved unanimously

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:39 p.m.

William G. Palmer, Superintendent
and Ex-Officio Secretary

Collis Temple, Jr., Chairman