

**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
June 26, 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 June 26, 2008. The meeting was called to order at 5:03 p.m. by Bill Benedetto, Vice-Chairman. Roll Call was taken and a quorum of Commissioners was present including Bettsie Miller, Treasurer; John Allphin; Verge Ausberry, Jr.; David Guillory; Dan Kyle; Audrey Nabors-Jackson and Darryl Robertson. Commissioner Collis Temple, Jr. was absent. Staff members present were William Palmer, Superintendent; Dale Auzenne; Bob Epperson; Jack Dirks; Phil Frost; Tommy Green; Ted Jack; Carl Johnson; Mike Proctor; Debbie Spica; Stephanie Trim; Kristi Williams; and Chris Marchiafava. Charles Parker and Charles Pevey, Jr., with Hawthorn, Waymouth & Carroll, L.L.P., Carl Stages, Executive Director of BREC Foundation, and Todd Caruso, 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 May 22, 2008 be dispensed with, and that they be approved as written.

Motion by Ms. Nabors-Jackson

Seconded Ms. Miller

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. Robertson

Approved by unanimous consent.

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

Acceptance of Recommendations of the Finance Advisory Committee

Resolved, That the Commission approve the purchase of a Ford Ranger pickup truck from Hixson Autoplex for \$11,515.00 on state contract for the Planning & Engineering Department.

Resolved, That the Commission approve change order #11 to a contract with Lincoln Builders, Inc for City Park improvements for \$16,236.58. This change order will increase the total contract price from \$5,578,131.00 to \$5,594,367.58. The change order provides for miscellaneous light poles, fountain basin, drain line work, and added sod and trees.

Resolved, That the Commission approve a payment to Eishmel Spears of \$675.00 for his vehicle window, broken by rocks thrown from a string trimmer at Chamberlain Street Park on April 29, 2008.

Resolved, That the Commission approve a payment of \$387.31 to Joyce Shepard, mother of Ferrell Greer for medicals costs resulting from an injury to her foot tripping over a wire on the stage floor at Independence Theater on March 30, 2008.

Resolved, That the Commission reject a claim from John Marcin for a limb that fell from a tree onto his vehicle while driving on Country Club Drive adjacent to Webb Park Golf Course on May 23, 2008. This accident occurred on a city right-of-way. BREC has no liability.

Resolved, That the Commission reject a claim from Dinah Wiltz for damage when her vehicle was hit by a golf ball at Howell Park Golf Course on May 31, 2008. BREC has no liability for damage caused by golfers.

Acceptance of Recommendations of the Human Resources Advisory Committee

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

Acceptance of Recommendations of the Planning and Park Resources Advisory Committees

Resolved, That the Commission approve the Utility Right-of-Way request for the Zachary Community Park from DEMCO.

Resolved, That the Commission approve acceptance of the donation of (1) Steel Building with Fixtures from Sullivan Commercial Properties.

Presentations

Mr. Palmer presented the following employee service awards:

30 years

Jerome Hendry

10 years

Charles Soileau

5 years

Michael Adams
Isaac Alexander
Terone Chambers
David Ewing
Leon Martin, Jr.
Roosevelt Parker
Valerie Selvage
Sonja Smith
Yvonne Wilson

The Commission viewed a brief informational video.

Reports of Officers and Standing Committees

Mr. Palmer introduced Mr. Charles Pevey and Mr. Charles Parker, with Hawthorn, Waymouth and Carroll, L.L.P., to present the 2007 Audit Report. Mr. Parker stated that BREC received an unqualified opinion from their firm. This is the highest level of opinion that firm of CPA's can issue. Mr. Parker explained portions of the audit report to the Commission.

Mr. Palmer reminded the Commissioners about the upcoming NRPA Congress in Baltimore.

Ms. Miller was recognized to give the Finance Advisory Committee Report.

Resolved, That the Commission approve financial statements for the month ended May 31, 2008.

Motion by Ms. Miller

Seconded by Mr. Robertson
Approved by unanimous consent.

A motion to approve the following contracts and bids was made by Ms. Miller.

Resolved, That the Commission approve the following high bids for surplus sale of non-essential, obsolete and/or unusable equipment for \$5,985.00.

Lee Bilberry	golf cart	\$ 350.00
Patti Blouin	gym beam	20.00
Dyron Kador	vehicle	500.00
T J Leake	mower, welder	338.00
Henry Newchurch	golf cart	1,300.00
John O'Neill	mowers	850.00
Gary Price	carts, mowers	731.00
Shenette Primas	cash register	65.00
Joe Shows	golf cart, trailer	871.00
Robert Smith	vehicles	950.00
Michelle Williams	file cabinet	<u>10.00</u>
TOTAL:		\$ 5,985.00

Resolved, That the Commission approve a contract for \$141,400.00 with CST Environmental, Inc. for environmental abatement and demolition of the former U. S. Postal Service carrier's annex building located on Convention Street Park.

Resolved, That the Commission approve a contract for \$867,535.00 with Faulk and Meeks, Inc. phase one site improvements at Stanford Avenue Park.

Resolved, That the Commission approve a contract for \$2,529,937.00 with Quality Design & Construction, Inc. for Howell Community Park site improvements.

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

Resolved, That the Commission approve an amendment to procurement procedures to provide authority to the Superintendent to approve change orders to construction contracts as outlined below:

SECTION 5: PUBLIC WORKS

Para 7: Change Orders to Public Work Contracts

5.7.1 Scope

All change orders to public works contracts must be in writing. Change orders may not change the scope of the original public works project. They may increase or decrease the contract amount; change the amount of work, materials, supplies, change the construction days, etc.

5.7.2 Authorization for Change Orders

Change orders to public works contracts must be approved by the Commission except as provided below.

The Superintendent may approve change orders to public works contracts without prior approval of the Commission if the change order is not greater than \$100,000 and does not exceed these thresholds:

Contracts under \$500,000: The Superintendent may approve change orders provided those change orders do not cause the total contract to exceed 120% of the original contract sum.

Contracts \$500,000 or more: The Superintendent may approve change orders not exceeding \$100,000 in the aggregate on any contract of \$500,000 or more.

5.7.3 Process

5.7.3.1 Written Request

The Department Director responsible for the public works contract shall submit to the Superintendent an official CHANGE ORDER form fully executed by the contractor and consultant, and a recommendation signed by the Department Director accompanied by a written description and details describing the conditions, need, and urgency of the issue.

5.7.3.2 Justification to Superintendent

Justification for change orders by the Superintendent may include, but is not limited to:

Unit prices in the contract for estimated quantities of supplies, materials, Labor changes required as a result of discoveries on the site and not noted on plans or surveys;

Conditions underground discovered during construction different from those described in plans or specifications;

Delays and/or additional costs in the project that may result from decisions not being made in a timely manner by BREC;

Efficiencies discovered during the work that result in greater value or cost benefit following documented recommendations of the project landscape architect, architect, engineer or government regulatory authorities.

5.7.4 Post Review

All change orders approved by the Superintendent without approval of the BREC Commission shall be presented to the Finance Committee for post review and forwarded to the Commission.

Motion by Ms. Nabors-Jackson

Seconded by Mr. Kyle

Approved by unanimous consent.

The Selection of Professionals Committee report was given by Mr. Kyle. Ms. Miller made a motion to approve the following and authorize the Superintendent to execute the contracts and necessary documents:

Resolved, That the Commission approve modifying the fee structure for GEC, Inc., to provide professional engineering services including preliminary plan preparation, final plans and specifications, construction cost estimates, and construction administration for the Bicycle Path Facilities at Farr Park for a fee not to exceed \$44,000.

Resolved, That the Commission approve hiring Professional Engineering Consultants (PEC) Corporation to provide professional engineering services including preliminary plan preparation, final plans and specifications, construction cost estimates, and construction administration for a new pump station, collection system, force main, and oxidation pond closure at Perkins Road Park for a fee not to exceed \$30,000.

Seconded by Mr. Ausberry

Approved by unanimous consent.

Special Orders

Motion to approve the following appointments of citizen representatives to BREC Advisory Committees by Mr. Allphin.

David Guillory
Jason DeCuir Finance

Dan Kyle
John Seago Finance
Bob Frazier Special Facilities, Athletics, Therapeutics, Aquatics, & Special Populations
Bill Cocreham Zoo
 Seconded by Ms. Miller
 Approved by unanimous consent.

Unfinished Business and General Orders

Mr. Benedetto, Vice Chairman, stated that the next item of business was the consideration and adoption of Ordinance #1 Ad Valorem Tax Levy introduced at the regular Commission meeting on May 22, 2008, to levy ad valorem taxes for 2008, as adjusted after reassessment, on all property subject to taxation by the Recreation and Park Commission for the Parish of East Baton Rouge, for the operation and maintenance and capital improvements for the East Baton Rouge Parish Recreation and Park Commission.

Mr. Benedetto announced the opening of the public hearing and asked for members of the public interested in speaking on the item to come forward. Hearing none, Mr. Benedetto closed the public hearing. At the conclusion of discussion and deliberation, Mr. Robertson moved that the proposed ordinance be adopted. The motion was seconded by Ms. Miller. A roll call vote was taken with the following results.

Yeas: 8 Mr. Allphin, Mr. Ausberry, Mr. Benedetto, Mr. Guillory, Mr. Kyle, Ms. Miller,
 Ms. Nabors-Jackson, Mr. Robertson
Nays: 0
Abstain: 0
Absent: 1 Mr. Temple

The ordinance was adopted on this 26th day of June, 2008.

ORDINANCE NO. 1

An ordinance to levy ad valorem taxes for 2008, as adjusted after reassessment, on all property subject to taxation by the Recreation and Park Commission for the Parish of East Baton Rouge, for the operation and maintenance and capital improvements for the East Baton Rouge Parish Recreation and Parks Commission.

BE IT ORDAINED, by the Recreation and Park Commission for the Parish of East Baton Rouge, State of Louisiana (the "Commission"), in legal session convened, at which a public hearing was conducted on June 26, 2008, as follows:

Section 1. In accordance with the provisions of the Open Meetings Law and the additional requirements of Article VII, Section 23 (C) of the 1974 Louisiana Constitution and R.S. 47:1705(B), that the following millage rates be and they are hereby levied upon the dollar of the assessed valuation of all property subject to ad valorem taxation in the Parish of East Baton Rouge, State of Louisiana, for the year 2008, as adjusted after reassessment by the East Baton Rouge Parish Assessor, as follows:

a tax of fifty-nine one-hundredths (.59) of one (1) mill, authorized by the electorate in a special election conducted October 28, 1947, under the authority of Article 14, Section 3(b) of the 1921 Louisiana Constitution; ratified by Article 6, Section 31; and

a tax of thirty-nine one-hundredths (.39) of one (1) mill, authorized by the electorate in a special election conducted June 22, 1954, under the authority of Article 14, Section 3(b) of the 1921 Louisiana Constitution; ratified by Article 6, Section 31; and

a tax of three and eighty one-hundredths (3.84) mills, authorized by the electorate in a special election conducted April 17, 2004, under the authority of Section 4570.4 B of Title 33 of the Louisiana Revised Statutes of 1950, as amended; and a tax of one and ninety six one-hundredths (1.96) mills, authorized by the electorate in a special election conducted April 17, 2004, under the authority of Section 4570.4 B of Title 33 of the Louisiana Revised Statutes of 1950, as amended; and

a tax of three and seventy one one-hundredths (3.71) mills, authorized by the electorate in a special election conducted March 31, 2007, under the authority of Section 4570.4 B of Title 33 of the Louisiana Revised Statutes of 1950, as amended; and

a tax of three and forty four one-thousandths (3.044) mills, authorized by the electorate in a special election conducted November 2, 2004, under the authority of Section 4570.4 B of Title 33 of the Louisiana Revised Statutes of 1950, as amended; and

the foregoing making a total tax of thirteen and five hundred thirty four one-thousandths (13.534) mills on the dollar of assessed valuation to meet the established liabilities and expenses of the Commission used in acquiring, developing, maintaining and operating the public parks and recreational properties and facilities of the Commission and in making available funds for the operating budget, all as provided for in the respective propositions approved by the voters in the special tax elections above referred to.

Section 2. That the Assessor of the Parish of East Baton Rouge shall extend upon the assessment roll for the year 2008 the taxes herein levied, and the tax collector of said parish shall collect and remit the same to the Commission, in accordance with law.

The foregoing ordinance was submitted to a roll call vote, and the vote thereon was as follows:

Yeas:
Nays:
Abstain:
Absent:

The ordinance was adopted on this 26th day of June, 2008.

The ordinance was thereupon signed by the Vice Chairman and attested by the Superintendent and Ex-Officio Secretary.

Recreation and Park Commission
for the Parish of East Baton Rouge

ATTEST:

William Benedetto, Vice Chairman

William G. Palmer, Superintendent and Ex-Officio Secretary

Mr. Benedetto, Vice Chairman, stated that the next item of business was the consideration and adoption of Ordinance # 2 Ad Valorem Tax Adjusted Rates introduced at the regular Commission meeting on May 22, 2008, to adopt the adjusted millage rates after reassessment and to roll forward the millage in 2008 back to the prior year's (2007) maximum approved millage rates, on all property subject to taxation by the Recreation and Park Commission for the Parish of East Baton Rouge for operation and maintenance and capital improvements.

Mr. Benedetto announced the opening of the public hearing and asked for members of the public interested in speaking on the item to come forward. Hearing none, Mr. Benedetto closed the public hearing. At the conclusion of discussion and deliberation, Ms. Nabors-Jackson moved that the proposed ordinance be adopted. The motion was seconded by Mr. Robertson. A roll call vote was taken with the following results.

Yeas: 7 Mr. Allphin, Mr. Ausberry, Mr. Benedetto, Mr. Guillory, Ms. Miller, Ms. Nabors-Jackson, Mr. Robertson
Nays: 1 Mr. Kyle
Abstain: 0
Absent: 1 Mr. Temple

The ordinance was adopted on this 26th day of June, 2008.

ORDINANCE NO. 2

An ordinance adopted on this date, and adjusting and levying ad valorem tax millage rates for 2008, back to the prior year's (2007) maximum approved millage rates, on all property subject to taxation by the Recreation and Park Commission for the Parish of East Baton Rouge, for operation and maintenance and capital improvements for the East Baton Rouge Parish Recreation and Park Commission.

WHEREAS, it is necessary for the Recreation and Park Commission for the Parish of East Baton Rouge, State of Louisiana (the "Commission") to levy all taxes for the year 2008, for acquiring, developing, maintaining and operating public parks, recreational properties facilities, and programs in the Parish of East Baton Rouge, State of Louisiana (the "Parish") and in making available funds for the operating budget for said programs and facilities; and

WHEREAS, as a result of the quadrennial reappraisal and valuation of the property subject to taxation within the Parish, those millages levied by the Commission have been adjusted downward from the 2007 levy in proportion to the increase in the taxable assessed valuation of the Parish; and

WHEREAS, pursuant to the Open Meetings Law and the additional requirements of Article VII, Section 23(C) of the 1974 Louisiana Constitution and R.S. 47:1705(B), it is the desire of this Commission to adjust the taxes levied by the Commission for the year 2008 back to, but not in excess of the prior year's maximum authorized millage rates; and

WHEREAS, a public hearing has been held by this Commission on the subject of the proposed millage adjustment, after due notice published two times no less than thirty (30) days before the public hearing, all in the manner provided by Article VII, Section 23 (C) of the 1974 Louisiana Constitution and R.S. 47:1705(B);

BE IT ORDAINED, by the Recreation and Parks Commission for the Parish of East Baton Rouge, State of Louisiana (the "Commission"), in legal session convened, as follows:

Section 1. In accordance with the provisions of Article VII, Section 23(B) and (C) of the 1974 Louisiana Constitution and R.S. 47:1705(B)(1) and (2), the special tax, at the adjusted rate after reassessment of fifty-nine one-hundredths (.59) of one (1) mill, is hereby increased to the maximum authorized rate (which is the rate for 2007) of sixty-three one-hundredths (.63) of one (1) mill on the dollar of the assessed valuation of all taxable property in the Parish, and the sixty-three one-hundredths (.63) of one (1) mill is hereby levied, assessed and imposed on all of said property for the year 2008, for public recreational purposes as provided in the proposition approved by the voters in a special election conducted October 28, 1947, under the authority of Article 14, Section 3(b) of the 1921 Louisiana Constitution; ratified by Article 6, Section 31 of the 1974 Louisiana Constitution.

Section 2. In accordance with the provisions of Article VII, Section 23(B) and (C) of the 1974 Louisiana Constitution and R.S. 47:1705(B)(1) and (2), the special tax, at the adjusted rate after reassessment of thirty-nine one-hundredths (.39) of one (1) mill, is hereby increased to the maximum authorized rate (which is the rate for 2007) of forty-two one-hundredths (.42) of one (1) mill on the dollar of the assessed valuation of all taxable property in the Parish, and the forty-two one-hundredths (.42) of one (1) mill is hereby levied, assessed and imposed on all of said property for the year 2008, for public recreational purposes as provided in the proposition approved by the voters in a special election conducted June 22, 1954, under the authority of Article 14, Section 3(b) of the 1921 Louisiana Constitution; ratified by Article 6, Section 31 of the 1974 Louisiana Constitution.

Section 3. In accordance with the provisions of Article VII, Section 23(B) and (C) of the 1974 Louisiana Constitution and R.S. 47:1705(B)(1) and (2), the special tax, at the adjusted rate after reassessment of three and eighty four one-hundredths (3.84) mills, is hereby increased to the maximum authorized rate (which is the rate of the prior year 2007) of four and ten one-hundredths (4.10) mills on the dollar of the assessed valuation of all taxable property in the Parish, and the four and ten one-hundredths (4.10) mills is hereby levied, assessed and imposed on all of said property for the year 2008, for public recreational purposes as provided in the proposition approved by the voters in a special election conducted April 17, 2004, under the authority of R.S. 33:4570.4. B.

Section 4. In accordance with the provisions of Article VII, Section 23(B) and (C) of the 1974 Louisiana Constitution and LSA-R.S. 47:1705(B)(1) and (2), the special tax, at the adjusted rate after reassessment of one and ninety six one-hundredths (1.96) mills, is hereby increased to the maximum authorized rate (which is the rate of the prior year 2007) of two and ten one-hundredths (2.10) mills on the dollar of the assessed valuation of all taxable property in the Parish, and the two and ten one-hundredths (2.10) mills is hereby levied, assessed and

imposed on all of said property for the year 2008, for public recreational purposes as provided in the proposition approved by the voters in a special election conducted April 17, 2004, under the authority of R.S. 33:4570.4. B.

Section 5. In accordance with the provisions of Article VII, Section 23(B) and (C) of the 1974 Louisiana Constitution and R.S. 47:1705(B)(1) and (2), the special tax, at the adjusted rate after reassessment of three and seventy-one one-hundredths (3.71) mills, is hereby increased to the maximum authorized rate (which is the rate of the prior year 1999) of three and ninety-six one-hundredths (3.96) mills on the dollar of the assessed valuation of all taxable property in the Parish, and the three and ninety-six one-hundredths (3.96) mills is hereby levied, assessed and imposed on all of said property for the year 2008, for public recreational purposes as provided in the proposition approved by the voters in a special election conducted March 31, 2007, under the authority of R.S. 33:4570.4. B.

Section 6. In accordance with the provisions of Article VII, Section 23(B) and (C) of the 1974 Louisiana Constitution and R.S. 47:1705(B)(1) and (2), the special tax, at the adjusted rate after reassessment of three and forty four one-thousandths (3.044) mills, is hereby increased to the maximum authorized rate (which is the rate of the prior year 2007) of three and two hundred fifty three one-thousandths (3.253) mills on the dollar of the assessed valuation of all taxable property in the Parish, and the three and two hundred fifty three one-thousandths (3.253) mills is hereby levied, assessed and imposed on all of said property for the year 2008, for public recreational purposes as provided in the proposition approved by the voters in a special election conducted November 2, 2007, under the authority of R.S. 33:4570.4. B.

Section 7. The monies from the foregoing tax levies for 2008 for a total of 14.463 mills on the dollar of assessed valuation will be used to pay the established liabilities and expenses of acquiring, developing, maintaining and operating the public parks, recreational properties and facilities, and providing programs in the Parish of East Baton Rouge and in making available funds for the operating budget of the commission, as provided for in the respective propositions approved by the voters in special tax elections.

Section 8. That certified copies of this ordinance are authorized to be transmitted by the Secretary of the Commission to the Assessor of the Parish of East Baton Rouge and to the Legislative Auditor, said resolution to constitute full authority for the Assessor to place the above described taxes on the Parish tax roll for 2008; and the respective tax rates hereby approved be applied to the assessed values for ad valorem tax purposes, in compliance with R.S. 47:1705 A.

Section 9. That a certified copy of this ordinance be transmitted to the Sheriff and Ex-Officio Tax Collector for the parish, Attention: Mr. Octave Anthaume, Tax Director, Post Office Box 70, Baton Rouge, LA 70821.

Section 10. The provisions of this ordinance supersede the provisions of the Ordinance No. 1.

Section 11. This ordinance shall be published in the official journal of the Commission in the manner provided by law.

The above and foregoing ordinance was submitted to a roll call vote, and the vote thereon was as follows:

Yeas:
Nays:
Abstain:
Absent:

The ordinance was adopted on this 26th day of June, 2008.

The ordinance was thereupon signed by the Vice Chairman and attested by the Superintendent and Ex-Officio Secretary.

Recreation and Park Commission
for the Parish of East Baton Rouge

ATTEST:

William Benedetto, Vice Chairman

William G. Palmer, Superintendent and Ex-Officio Secretary

[SEAL]

Ms. Miller was recognized and stated the City•Brooks Community Park Grand Re-Opening was a wonderful event. She also thanked the Communications Department for compiling the BREC Committee Member Handbook to provide the advisory committee members with general information about BREC and the committees.

Mr. Todd Caruso, legal counsel, was recognized to advise the Commissioners about issues regarding the new ethics law.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 6:00 p.m.

William G. Palmer, Superintendent
and Ex-Officio Secretary

William Benedetto, Vice Chairman