

**RECREATION AND PARK COMMISSION
FOR THE PARISH OF EAST BATON ROUGE**
Regular Meeting – 5:00 p.m.
BREC Administration Building
6201 Florida Boulevard
Baton Rouge, Louisiana
Commission Minutes
August 27, 2009

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 August 27, 2009. The meeting was called to order at 5:00 p.m. by William Benedetto, Chairman. Roll call was taken and a quorum of Commissioners was present including Bettsie Miller, Treasurer; David Guillory; Audrey Nabors-Jackson; Bert Neal; and Kenith Woodall. Verge Ausberry, Jr., Vice Chairman arrived at 5:04 p.m. Commissioner Darryl Robertson was absent. Staff members present were William Palmer, Superintendent; Ted Jack, Assistant Superintendent; Ken Caldwell; Jack Dirks; Bob Epperson; Phil Frost; Donna Mitchell; Mike Proctor; Debbie Spica; Don Steadman; Kristi Williams; and Chris Marchiafava. Murphy Foster, legal counsel; Carl Stages, Executive Director of BREC Foundation; and Bernie Pinsonat, with Southern Media and Opinion Research, Inc., 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 Park Commission Meeting of July 23, 2009 be dispensed with, and that they be approved as written.

Motion by Ms. Miller

Seconded by Ms. Nabors-Jackson

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. Guillory

Approved by unanimous consent

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

Acceptance of Recommendations of the Communications and I. T. Advisory Committee

Resolved, That the Commission approve the purchase of CBS Sports' NCAA football buy for \$27,720 as part of the approved 2009 Communication Plan expenses.

Resolved, That the Commission approve changing Communication Plan to incorporate a new TV strategy for Leisure Class promotion.

Resolved, That the Commission approve the procedures for Commercial Filming in BREC Parks and Facilities.

Acceptance of Recommendations of the Finance Advisory Committee

Resolved, That the Commission approve bids for playground equipment for various BREC parks from these low bidders meeting specifications:

Bliss Products	\$ 5,133.00
Gametime	\$26,017.85
Miracle Recreation Equipment	<u>\$15,449.46</u>
TOTAL:	\$46,600.31

Resolved, That the Commission approve a bid of \$36,779.00 from Vermeer Louisiana for a stump grinder for park operations tree crew.

Resolved, That the Commission approve a bid for Magnolia Mound site electrical service and lighting from J & J Electric in the amount of \$193,000.00.

Resolved, That the Commission approve settling a lawsuit with Marie Watford for injury to her daughter, Brittany Shears, for \$16,135.00.

Acceptance of Recommendations of the Human Resources Advisory Committee

Resolved, That the Commission approve the Routine Personnel Transactions for the month of August 2009.

Acceptance of Recommendations of the Planning and Park Resources Advisory Committee

Resolved, That the Commission approve a 300 foot Servitude Agreement with Parish Water Company, Inc. to allow construction of a pipeline along the northeast edge of Woodlawn Acres Park; authorize the Superintendent to execute necessary documents.

Presentations

The Commission viewed a brief informational video.

Reports of Officers and Standing Committees

Mr. Palmer asked Carl Stages, Executive Director of BREC Foundation, to provide information regarding the Memorandum of Understanding between BREC, BREC Foundation, and Sue Turner. Ms. Turner will donate \$425,000.00 to Magnolia Mound for the new visitor's center. Part of the donation will be set aside as an endowment for Magnolia Mound.

Mr. Palmer recommended approval of the following:

Resolved, That the Commission approve a Memorandum of Understanding between BREC, BREC Foundation, and Sue Turner for the construction of a Visitors' Center, including a Display Room and related amenities at Magnolia Mound; authorize the Superintendent to execute the necessary documents.

Motion by Ms. Nabors-Jackson

Seconded by Mr. Ausberry

Approved by unanimous consent

Mr. Palmer asked Yvette Marshall, tennis manager, to come forward and introduce Sola Akinniyi, who won a silver medal at the Junior Olympic Tennis Skills Finals in the 8-9 year old girls division in July. The finals were held in San Diego, California at the United States Olympic Training Center. Sola learned to play tennis at BREC's Open House Series at the Capital One Tennis Center, City/Brooks Park.

Mr. Palmer introduced Bernie Pinsonat, with Southern Media and Opinion Research, Inc. to report on the 2009 public opinion survey conducted by his company. He stated that the

87.5% of the respondents gave BREC a positive overall job performance rating. He provided additional analysis of the survey.

Mr. Palmer provided the Commission members with copies of the fall program guide. He also announced that a ceremony to mark the one year anniversary of Hurricane Gustav is being held at City/Brooks Park on September 1st at noon. WAFB is partnering with the mayor's office, BREC, BREC Foundation, and Baton Rouge Green to bring attention to the need to replace the hundreds of park trees that were destroyed by the storm. Some parks lost as much as 30% of the tree canopy.

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

Resolved, That the Commission approve financial statements for month ended July 31, 2009.

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

Resolved, That the Commission approve increasing the staff's allowance to approve change orders in the aggregate from \$100,000 to \$175,000 on a contract with Charles Carter Construction Company for the Perkins Road Community Park project.

Motion by Ms. Miller
Seconded by Mr. Woodall
Approved by unanimous consent

Resolved, That the Commission approve a bid of \$55,800.00 from NETE, LLC for a contract to clear and grub land for Hooper Road Sports Park.

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

The Chairman recognized Ms. Nabors-Jackson for the Selection of Professionals report and she asked Ted Jack to review the items for the Commission. 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 a contract with F.L. Lassiter & Associates for professional architectural services to implement the installation of a metal pavilion over an existing basketball court and related site work at Rollins Road Park for a fee of approximately \$26,200 based on the negotiated 2009 BREC fee curve and contract construction costs. Estimated construction cost is \$286,000.00. Replaces contract with Crump Wilson Architects.

Resolved, That the Commission approve an additional \$20,000 to existing Contract 225C for \$102,200 with SJB Group, LLC, for additional design necessary at Flanacher Road Park for restroom building relocation, electrical relocation, grading revisions, and construction administration. Total contract amount will be \$122,200.

Resolved, That the Commission approve a contract with Natural Resource Professionals, LLC, for additional wetland consulting services including extensive wetland

flagging and on-site meetings during park land preparations at Hooper Road Sports Park for a fee not to exceed \$5,300.

Resolved, That the Commission approve a contract with Trahan Architects to (i) develop a preliminary feasibility study for a Sports Academy and Track potentially located at the site of Memorial Stadium and Goldsby Field for a fee of \$10,000; and (ii) Master Planning contingent on the conclusions of the feasibility study for a fee of \$15,000.

Resolved, That the Commission approve increasing the total amount of existing Contract 471C for \$10,000 with Professional Service Industries, Inc., for soil and concrete testing services to \$25,000 due to the amount of current construction projects underway.

Seconded by Mr. Neal

Approved by unanimous consent

Special Orders

The Chairman stated that the Superintendent had not received any recommendations from the Commission members for action on the item regarding replacing advisory committee members. He asked if any member wished to make any replacements. The Chairman recognized Mr. Neal who proposed that a committee be appointed to review the committee attendance requirements. Mr. Benedetto asked Mr. Neal to chair an ad hoc by-laws committee to address this issue. Mr. Benedetto also appointed Mr. Woodall to the committee. Staff members will be available to advise the committee.

Ms. Miller made a motion to take no further action on the committee attendance issue for the remainder of 2009.

Seconded by Mr. Neal

Approved by unanimous consent

Unfinished Business and General Orders

The Chairman announced that the next item of business on the agenda was to hold a public hearing and adopt ordinance authorizing the borrowing by the Recreation and Park Commission for the Parish of East Baton Rouge, of Not to Exceed Nine Million Eight Hundred Thousand Dollars (\$9,800,000); 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. The item was introduced at the regular Commission meeting on July 23, 2009.

The Chairman declared the public hearing open and asked if there was anyone who would like to speak on the matter, hearing none he closed the public hearing. He asked if there was any discussion from the Commission. Ms. Nabors-Jackson moved and Mr. Guillory seconded to approve the following ordinance and the Chairman asked for a roll call vote.

ORDINANCE

An ordinance authorizing the borrowing by the Recreation and Park Commission for the Parish of East Baton Rouge, of Not to Exceed Nine Million Eight Hundred Thousand Dollars (\$9,800,000); 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, 2010, 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 Nine Million Eight Hundred Thousand Dollars (\$9,800,000) 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 JPMorgan Chase Bank, N. A., Baton Rouge, Louisiana, pursuant to the commitment letter annexed hereto as Exhibit "A" (the "Purchaser"), a total aggregate principal amount of Revenue Anticipation Notes, Series 2009 (the "Notes") of Nine Million Eight Hundred Thousand Dollars (\$9,800,000), bearing interest from date thereof, payable on March 1, 2010, at the rate of 1.70% per annum (calculated on the basis of a 360 day year, consisting of twelve 30 day months), and maturing March 1, 2010, 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, 2009.

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 2009
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	\$9,800,000	September 3, 2009	March 1, 2010

THE RECREATION AND PARK COMMISSION FOR THE PARISH OF EAST BATON ROUGE (the "Issuer"), hereby promises to pay to JPMorgan Chase Bank, N. A., in the City of Baton Rouge, Louisiana, 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 one and seventy one hundredths per centum (1.70%) 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, 2009, and this Note was specially authorized by an ordinance adopted on August 27, 2009 (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, 2009. 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

William G. Palmer, Superintendent

William Benedetto, Chairman

(SEAL)
* * * * *

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 August 27, 2009, the vote on the final adoption thereof was as follows:

YEAS: 8 Mr. Ausberry, Mr. Benedetto, Mr. Guillory, Ms. Miller, Ms. Nabors-Jackson, Mr. Neal, Mr. Woodall
NAYS: 0
ABSTAIN: 0
ABSENT: 1 Mr. Robertson

And the Ordinance was declared adopted on this, the 27th day of August, 2009.

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

Adjournment

There being no further business to come before the Commission, the meeting adjourned at 5:50 p.m.

William G. Palmer, Superintendent
and Ex-Officio Secretary

William L. Benedetto, Chairman