

**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
August 28, 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 August 28, 2008. The meeting was called to order at 5:00 p.m. by Collis Temple, Chairman. Roll Call was taken and a quorum of Commissioners was present including Bill Benedetto, Vice-Chairman; John Allphin; Audrey Nabors-Jackson and Darryl Robertson. Commissioner Verge Ausberry, Jr. arrived at 5:08 p.m. Commissioners David Guillory and Bettsie Miller were absent. Staff members present were William Palmer, Superintendent; William Blount III; Ken Caldwell; Jack Dirks; Phil Frost; Ted Jack; Donna Mitchell; Mike Proctor; Justin Smith; Debbie Spica; Darlene Winfield and Chris Marchiafava. 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 July 24, 2008 be dispensed with, and that they be approved as written.

Motion by Mr. Benedetto

Seconded 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. Robertson

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 administrative manuals for the I.T. and Communications Departments.

Acceptance of Recommendations of the Finance Advisory Committee

Resolved, That the Commission approve a bid from Fitness Expo in the amount of \$26,765 for fitness equipment for Santa Maria Fitness Center.

Resolved, That the Commission approve change order # 8 for \$26,261 on the Zoo Amenities Project contract with D. Honoré Construction, new contract amount is \$2,903,025; and add 7 days to project.

Summary below:

RFC # 26: \$2,948.00. Add 100' of 8" gutters and down spouts on the north side of the train pavilion to prevent rainwater from falling directly on to the train when parked at the passenger loading area. Add 2 days. Requested by BREC.

RFC # 27: \$1,336.00. Add one 120 volt and one 240-volt outlet in the concession building at the Kid Zoo to accommodate an ice machine and drink dispenser. Required relocation.

RFC # 29: \$5,865.00. Repair unforeseen termite damage to existing walls of the Kid Zoo concession bldg, including structural, drywall and finishing repairs to interior and exterior walls. Mandatory repair.

RFC # 28: \$400.00. Move temperate sensors in the Flamingo and South American bathrooms to prevent damage to these sensors due to vandalism. Requested by BREC.

RFC # 30: \$3,646.00. Install two (2) louver vents in the attic of the Train Pavilion for ventilation. Recommended by GHA.

RFC # 31: \$2,792.00. Substitution of specified serving window at the Cool Critters Café with bi-parting slider window. Reconstruction of counter and window opening is necessary to accommodate new window and POS drawer for this location. Requested by BREC.

RFC # 34: \$2,659.00. Remove existing concrete walkway on west side of entry to Conservation Plaza, which was not in demo plan and outside of the limit of work line. This has to be removed prior to finishing stamped plaza concrete. Requested by BREC.

RFC # 35: \$982.00. Install phase protection devices at four bathroom HVAC units to prevent damage to motors due to frequent power surges at the Zoo. Mandatory safety installation.

RFC # 37: \$1,558.00. Modifications to the train ticket booth to accommodate the cash drawer for the Point of Sale system to be used at this location. + 5 days. Requested by BREC. Mandatory installation.

RFC # 45: \$631.00. Change hand wash assembly in the specifications at the Kid's Zoo outdoor hand wash station. Requested by BREC.

RFC # 40: \$1,027.00. Install insulated BFP enclosure for fountain system that was not required in the specifications. Mandatory installation.

RFC # 42: \$720.00. Emergency repair of broken water line at the Kid Zoo bathroom broken by BREC crews installing a mirror. Mandatory repair.

RFC # 43 \$1,697.00 Reconstruct existing waste drain line in the Kid Zoo to prevent reverse flow to new bathroom. Mandatory repair.

Resolved, That the Commission approve change order #3 to a contract with Blount General Contractors in the amount of \$54,401.00 for Nairn Drive Park Recreation Center Improvements as follows: (1) \$8,097.00 - Additional cost for changing bathroom floors to epoxy; VCT in existing office; painting existing wood stepouts at windows; painting plywood on interior of gym where door was moved for egress. Add five additional days for this work; (2) \$46,304.00 – Additional cost to install new gym floor. Add thirty additional days for this work. Previous contract amount \$535,074.44. New contract amount \$589,475.44.

Acceptance of Recommendations of the Human Resources Advisory Committee

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

Resolved, That the Commission approve recommendations from the Insurance Advisory Sub-Committee as follows:

New Business B:

1. Approval to offer new health plan option for 2009 – Qualified High Deductible Health Plan (QHDHP).
2. Approval to increase premium rate (commission and employee) by 12% for 2009.
3. Approval to change commission contribution rates from the following: 73/73 to 80/70.

Resolved, That the Commission approve the job description and pay rate for Aquatics Manager, full-time position in Therapeutics/Recreation salary range 16: \$35,617- \$63,963.

Resolved, That the Commission approve the job description and pay rate for Inclusive Recreation Manager, full-time position in Therapeutic Recreation salary range 16: \$35,617- \$63,963.

Resolved, That the Commission approve job description and pay rate for Foreman 1, full-time position in Park Operations salary range 9: \$25,312 - \$45,457.

Resolved, That the Commission approve abolishing the following full-time job class through attrition: Crew Leader position salary range 7.

Acceptance of Recommendations of the Planning and Park Resources Advisory Committee

Resolved, That the Commission approve an appropriation from the Enhancement Operating Budget of \$250,000 for architectural renovations and equipment costs for North Sherwood Forest Community Park Interactive Recreation Program.

Resolved, That the Commission authorize staff to prepare site studies including appraisal for possible acquisition of Boys Hope Girls Hope property in Central, LA.

Resolved, That the Commission authorize staff to prepare site studies including appraisal for possible acquisition of eight acres on Comite Drive for blueway launch site and supporting park.

Resolved, That the Commission approve the updates of the Planning and Engineering, Park Operations, and Natural Resources Administrative Manuals.

Acceptance of Recommendations of the Recreation Program and Community Resources Advisory Committee

Resolved, That the Commission approve the Recreation Department Administrative Manual/Recreation Program & Facilities & Community Resources sections.

Acceptance of Recommendations of the Special Facilities, Athletics, Therapeutics Advisory Committee

Resolved, That the Commission approve BREC's Amendment to the Cooperative Endeavor Agreement between BREC & Friends of Magnolia Mound.

Current

Article 5.1:

All revenues derived from MMP operations (admission fees, user fees and rental fees), and all revenue generated by BREC personnel (donations, sponsorships, grants, and fundraiser revenues), will be collected by BREC personnel and accounted for through the BREC accounting office, and will be dedicated to the MMP budget. Financial reports regarding these funds will be provided to Friends, and BREC's financial records will be available for inspection at any reasonable time.

Proposed

Article 5.1:

All revenues derived from MMP operations (admission fees, user fees, rental fees and merchandise sales), and all revenues generated by BREC personnel (donations,

sponsorships, grants, and fundraiser revenues), will be collected by BREC personnel and accounted for through the BREC accounting office, and will be dedicated to the MMP budget. Financial reports regarding these funds will be provided to Friends, and BREC's financial records will be available for inspection at any reasonable time.

5.1.1 Revenues derived from merchandise sales shall be commissioned in the following manner: Merchandise purchased with BREC funds: BREC to receive 100%; Merchandise purchased with Friends funds: Friends to receive 80%, BREC to receive 20%; Merchandise sold on consignment: Seller to receive 60%, Friends to receive 20% and BREC to receive 20%.

Resolved, That the Commission approve the Recreation Department Administrative Manual/Special Facilities and Therapeutics sections.

Resolved, That the Commission approve Athletics Department Administrative Manual.

Acceptance of Recommendations of the Zoo Advisory Committee

Resolved, That the Commission approve the Zoo Administrative Manual.

Presentations

The Commission viewed a brief informational video.

Reports of Officers and Standing Committees

Mr. Palmer introduced Megan Andrews and Bridget Conrad, Publicity Managers in the Communications Department, and recognized BREC's Communications Department for receiving two first place Lantern Awards at the recent Southern Public Relations Federation's annual conference.

Mr. Palmer informed the Commission that the interactive recreation area at Womack Park was open to the public; Baton Rouge Gallery at City Park will be hosting another movies and music on the lawn; and Independence Park Theatre will be holding fall acting classes. He stated that City Park Baton Rouge Gallery received a Clean Business of the Year Award from Keep Baton Rouge Beautiful and commended the Park Operations staff for their efforts to keep the parks clean.

Mr. Palmer stated that the staff was busy with preparations for the hurricane. Mr. Temple asked Mr. Palmer to tell the Commission about some of the agreements that are in place to assist other agencies in the aftermath of the hurricane. Mr. Palmer outlined the agreements that have been completed and the other organizations that had contacted him.

Mr. Temple recognized Mike Proctor, Finance Director, to give the Finance Advisory Committee Report.

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

Motion by Mr. Robertson

Seconded by Mr. Benedetto

Approved by unanimous consent

Ms. Nabors-Jackson moved to approve the following contracts and bids:

Resolved, That the Commission award a contract to Roger Sanders for cement finishing services per his proposal. Terms include a daily rate of \$600.00 per day plus \$175.00 for each

finisher; plus \$0.95 per square foot for concrete slabs \$1.10 per square foot for exposed aggregate and \$4.00 per linear foot for curbs.

Resolved, That the Commission award a purchase order to Jerry Pate Turf & Irrigation, Inc. for one Toro Pro Force blower for \$6,200.00; and one Toro Mid-Duty Workman MDX Utility Vehicle for \$9,019.33. Total purchase: \$15,219.33. Ref: State Contract #406962, commodity code # 070-48-018460.

Resolved, That the Commission approve the purchase of one Jacobsen Greensking IV Greensmower for \$19,995.00 from the low bidder, Ladd's Turf and Golf Supply Company, Memphis, TN.

Seconded by Mr. Allphin

Approved by unanimous consent

Mr. Temple recognized Mr. Allphin to speak regarding the Golf Advisory Committee meeting. Mr. Allphin told the Commission about how well City Park and City Park Golf Course is being received by the public. Ken Caldwell, Golf Director, was recognized to inform the Commission about the success of the First Tee summer program, future plans for the First Tee program, the condition of all the golf courses, and the age requirements for the golf courses.

Mr. Robertson was recognized to give the Planning and Park Resources Advisory Committee report. Ted Jack, Planning and Engineering Director, explained the agenda item needing approval.

Resolved, That the Commission approve an easement request from Baton Rouge Water Company within an existing Entergy servitude in Woodlawn Acres Park.

Motion by Mr. Robertson

Seconded by Mr. Benedetto

Approved by unanimous consent

The Chairman recognized Ms. Nabors-Jackson to give the Selection of Professionals report and Ted Jack to provide information on the agenda items.

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

Resolved, That the Commission approve hiring ARCHITECTS+ LLC for professional services including design development, construction documents, bidding, and construction administration services for a new maintenance facility at Forest Community Park for a fee and reimbursable expenses not to exceed \$80,000.

Resolved, That the Commission approve hiring American Radiation Services Incorporated (Port Allen) and Source Environmental Services Incorporated (Breaux Bridge), from LADEQ's list of licensed providers, to survey pipe rails system wide. Both companies are providing certified inspectors by the hour to survey and prepare reports for parks with pipe rail. Fees are \$50 - \$55 per hour, plus equipment fees and expenses (mileage). Project costs are estimated to be about \$20,000.

Resolved, That the Commission approve hiring Source Environmental Services, a licensed LADEQ approved contractor, to remove and properly handle, per LADEQ regulations, affected pipe from Stanford Avenue, Farr, Independence, and Forty-Eighth Street Parks for a fee not to exceed \$35,000.

Seconded by Mr. Allphin

Approved by unanimous consent

Unfinished Business and General Orders

The Chairman stated that for the next item on the agenda we need to hold a public hearing and adopt an ordinance authorizing the borrowing by the Recreation and Park Commission for the Parish of East Baton Rouge, of Not to Exceed Nine Million Two Hundred Thousand Dollars (\$9,200,000); 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.

Mr. Temple 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. He stated he would entertain a motion on the ordinance. Mr. Benedetto made a motion to approve the following ordinance:

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 Two Hundred Thousand Dollars (\$9,200,000); 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 Nine Million Two Hundred Thousand Dollars (\$9,200,000) 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 Hancock Bank of Louisiana, 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 2008 (the "Notes") of Nine Million Two Hundred Thousand Dollars (\$9,200,000), bearing interest from date thereof, payable on March 1, 2009, at the rate of 2.58% 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 2008
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	\$9,200,000	September 9, 2008	March 1, 2009

THE RECREATION AND PARK COMMISSION FOR THE PARISH OF EAST BATON ROUGE (the "Issuer"), hereby promises to pay to Hancock Bank of Louisiana, 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 two and fifty-eight one hundredths per centum (2.58%) 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 August 28, 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

 Chairman

(SEAL)
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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 28, 2008, the vote on the final adoption thereof was as follows:

YEAS:

NAYS:

ABSENT:

And the Ordinance was declared adopted on this, the 28th day of August, 2008.

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

Mr. Ausberry seconded and a roll call vote was taken.

YEAS: 6 Mr. Allphin, Mr. Ausberry, Mr. Benedetto, Ms. Nabors-Jackson, Mr. Robertson, Mr. Temple

NAYS: 0

ABSENT: 2 Mr. Guillory, Ms. Miller

Mr. Temple asked for a motion to defer discussion on the Mid Year report until the next Commission meeting so that Ms. Miller could be present.

Motion by Mr. Robertson

Seconded by Mr. Benedetto

Approved by unanimous consent

Mr. Temple recognized Mr. Benedetto for a moment of personal privilege. Mr. Benedetto commended Chris Marchiafava for her work on the new agenda format.

Adjournment

There being no further business to come before the Commission, the meeting was adjourned at 5:33 p.m.

William G. Palmer, Superintendent
and Ex-Officio Secretary

Collis Temple, Jr., Chairman