

# BYLAWS OF THE RECREATION AND PARK COMMISSION FOR THE PARISH OF EAST BATON ROUGE

## ARTICLE I – NAME

The name of this commission is the ***Recreation and Park Commission for the Parish of East Baton Rouge***, established by Act 95 of the 1985 Legislature enacting La. R.S. 33:4570 *et seq.*

## ARTICLE II – OBJECT

The object of this commission is to exercise the rights and powers granted to it under the provisions of La. R.S. 33:4570 *et seq.* including, but not limited to, the right to own and acquire, and to develop and administer, lands for public parks, and other properties and improvements, movable and immovable, tangible and intangible, as well as additional rights, leases, concessions, and privileges for public recreational and park purposes generally.

## ARTICLE III – MEMBERS

Membership on this commission, as provided under La. R.S. 33:4570.1 shall comprise the following:

- Five ex officio members and four appointed members for a total of nine commissioner.
- The ex officio members shall be the mayors of the following municipalities: Baker, Baton Rouge, Central, St. George and Zachary.
- Each mayor may designate a person to serve in his place as a member of the commission. Each designee shall serve at the pleasure of the designating mayor.
- The ex officio members shall serve during their terms of office.
- The four appointed members, at least two shall be residents of the city of Baton Rouge, and at least one shall be a resident of the unincorporated area of East Baton Rouge Parish.
- Following the release of each federal decennial census, the commission may, by majority vote, reallocate these designated residency requirements to reflect the changes in population distribution across the parish.
- Any such reallocation shall apply prospectively and shall not alter the term of any sitting member. Vacancies shall be filled by the designating or appointing authority.
- All commission members shall serve without compensation.

## **ARTICLE IV – OFFICERS**

### **SECTION 1. OFFICERS**

The officers of the commission shall be a chairman (described in these bylaws as chair), a vice chairman (described in these bylaws as vice chair), and a treasurer, whose terms of office shall be one year.

### **SECTION 2. SELECTION & TERM**

#### **A. CHAIR VICE CHAIR, AND TREASURER**

The chair, vice chair, and treasurer shall be elected by the board of commissioners the regular meeting in January or no later than the end of the first quarter. These officers shall serve for the calendar year, or until their successors are elected and assume office.

#### **B. SECRETARY**

The office of secretary of the commission shall be vested in the superintendent of the commission, who shall not be a member of the commission, and who shall be named and employed by the commission as provided by La. R.S. 33:4570.1

### **SECTION 3. DUTIES**

The officers shall perform the duties prescribed by statutes governing the commission, these bylaws, and the parliamentary authority adopted by the commission.

#### **A. CHAIR**

The chair shall: be the presiding officer of the commission; be ex officio a member of all committees of the commission; appoint, as provided in these bylaws, commission members to the standing committees, one of whom the chair shall designate as chair unless the bylaws provide otherwise; and be authorized to sign warrants for the payment of bills in the absence of the treasurer.

#### **B. VICE CHAIR**

In the event of the absence of the chair, the vice chair shall preside at commission meetings and perform any ministerial duty ordinarily performed by the chair that may, during such absence, be necessary to the operation of the commission and the conduct of its business. The vice chair shall perform such other duties as the commission may assign. In the case of a vacancy in the office of chair, the vice chair shall assume the office of chair.

**C. TREASURER**

The treasurer shall be the chair of the finance committee, and the treasurer's warrant, countersigned by the superintendent, shall be required in order that any commission monies be disbursed.

**D. SECRETARY**

The secretary shall keep, or cause to be kept, minutes of all commission meetings and meetings of the standing committees of the commission. The secretary shall be the custodian of the records of the commission and shall perform any duties prescribed by the board of commissioners.

**SECTION 4. VACANCY**

**A. CHAIR**

In the event of a vacancy in the office of chair, the vice chair shall automatically become the chair.

**B. VICE CHAIR, TREASURER**

In the event of a vacancy in the office of vice chair or treasurer, the office shall be filled by the commission at the next regular meeting of the commission, or at a special meeting called for that purpose.

**C. SECRETARY**

In the event of a vacancy in the position of superintendent, the commission shall appoint a temporary secretary until a permanent or temporary (acting) superintendent is selected.

**ARTICLE V – MEETINGS**

**SECTION 1. REGULAR MEETINGS**

Regular meetings of the commission shall be held at the commission headquarters at 6201 Florida Boulevard, Baton Rouge, Louisiana, on the fourth Thursday of each month at 5:00 p.m. or at such other time and place as it may, by majority vote of the commission be designated at a meeting.

**SECTION 2. SPECIAL MEETINGS**

**A. HOW CALLED**

Special meetings of the commission shall be convened

1. upon the request of the chair, or

2. upon the written request of four members of the commission, such requests being submitted to the secretary.

**B. SCHEDULING**

The secretary shall designate the date and time of any special meetings that they may occur as soon as possible after receiving the request for the special meeting.

**C. CALL**

The purpose(s) of any special meeting shall be stated in the call, which shall be given in writing to all commission members at least 48 hours before the meeting.

**D. EMERGENCY MEETINGS**

In the event of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbances, suppression of insurrections, the repelling of invasions, or other matters of similar magnitude, special meetings may be called without the 48 hours written notice.

**E. WAIVER OF NOTICE**

Commission members who are present at a meeting shall be deemed to have received due, or to have waived, notice thereof. Notice of a meeting may be waived in writing, at any time and the waiver need not specify the purpose of or the business to be transacted at the meeting. Notice need not be given to any commission member with whom communication is made unlawful by any law of the United States of America, or by any rule, regulation, proclamation or executive order issued under any such law, and any action or meeting taken or held without notice to any such director or committee member shall have the same force and effect as if notice had been given to the commission member as otherwise required.

**F. APPLICABILITY OF NOTICE PROVISIONS**

The notice requirements under this section are applicable to commission members only as they relate to their membership rights.

**SECTION 3. QUORUM**

Five members shall constitute a quorum.

## **SECTION 4. NOTICE OF MEETINGS**

### **A. PUBLIC NOTICE**

The secretary shall provide public notice of all meetings, regular or special, as provided under La. R.S.42:19 – *Notice of Meetings*

### **B. RESCHEDULED REGULAR MEETINGS**

When the commission shall reschedule or relocate a regular meeting, the secretary shall post notice of such different time and place at the commission office within 24 hours after the meeting at which such change is adopted, and, in order that the public may be informed thereof, shall furnish to local news media that have requested to be notified of any such change.

### **C. SPECIAL MEETINGS**

When the commission shall be scheduled to convene in a special meeting, the secretary shall post notice of the time and place at the commission office simultaneously with issuing the call to the special meeting, and in order that the public may be informed thereof, shall furnish to local news media that have requested to be notified of any such meeting.

## **SECTION 5. PUBLIC BODY**

### **A. OPEN MEETINGS**

The commission is a public body within the meaning of La. R.S. 42:11 *et seq.* Commission meetings are, therefore, open to the public except when the commission convenes in executive session as provided by law.

### **B. PUBLIC COMMENT**

The commission shall provide an opportunity for public comment at its meetings, subject to reasonable rules, regulations, and restrictions as adopted by the commission.

## **ARTICLE VI – COMMITTEES**

### **SECTION 1. STANDING ADVISORY COMMITTEES**

#### **A. APPOINTMENTS**

The following standing advisory committees shall be appointed in accordance with, and have such duties and authority as provided in, these bylaws. Standing advisory committees shall include at least one commission member appointed by

the chair of the commission and may include more commission members if specifically authorized in these bylaws. Each commission member, in addition to the chair's appointees, may appoint one non-member to each standing advisory committee, except the Selection of Professionals Committee. Such appointees shall be citizens and registered voters of East Baton Rouge Parish, and their appointment shall be subject to the approval of the commission. Appointments to standing advisory committees shall be made at the regular commission meeting in March or at a subsequent regular commission meeting with all appointments expiring in March of the following year. When appointing members to serve on a standing advisory committee, commissioners must carefully weigh the potential member's background and experience regarding the specific focus area of the committee being considered. Careful consideration must also be given to the interest level, time commitment required to serve, Code of Ethics or other conflicts of interest, and any other related service factors. Any former BREC employee, or member of the commission, being considered for appointment to serve on a standing advisory committee must have been retired or terminated from BREC for a period of two years prior to being eligible to serve.

**B. FINANCE ADVISORY COMMITTEE**

The finance advisory committee shall be composed of the appointees of the commission members, one or two members of the commission, and commission treasurer, who shall be its chair. The committee shall serve in an advisory capacity to the superintendent on financial matters and shall report to the commission its recommendations on any matter referred to it, or otherwise, as it may deem appropriate. The committee shall report the financial status of the agency at each regular meeting of the commission, review the annual budget for publication and presentation at the November meeting of the commission, and perform such additional duties as may be assigned by the commission, the commission chair, or the treasurer.

**C. RECREATION ADVISORY COMMITTEE**

The recreation advisory committee shall consist of the commission members' appointees and two or three commission members appointed by the chair, one of whom the chair shall designate as committee chair. The committee shall serve in an advisory capacity to the superintendent on matters pertaining to the commission's recreation programs, recreation centers, community recreation resources, special facilities, tennis, athletics, aquatics and therapeutic programs,

and shall report to the commission its recommendations on any matter referred to it, or otherwise, as it may deem appropriate. When possible, at least three committee members should be appointed to represent therapeutics/special populations.

**D. HUMAN RESOURCES ADVISORY COMMITTEE**

The human resources advisory committee shall consist of the commission members' appointees and two or three commission members appointed by the chair, one of whom the chair shall designate as committee chair. The committee shall serve in an advisory capacity to the superintendent on personnel matters and shall report to the commission its recommendations on any matter referred to it, or otherwise, as it may deem appropriate.

**E. COMMUNICATIONS AND INFORMATION SYSTEMS ADVISORY COMMITTEE**

The communications and information systems advisory committee shall consist of the commission members' appointees and two or three commission members appointed by the chair, one of whom the chair shall designate as committee chair. The committee shall serve in an advisory capacity to the superintendent on matters pertaining to public relations, marketing, and information systems, and shall report to the commission its recommendations on any matter referred to it, or otherwise, as it may deem appropriate.

**F. GOLF ADVISORY COMMITTEE**

The golf advisory committee shall be composed of the appointees of the commission members and two or three members of the commission appointed by the chair of the commission, one of whom the chair shall appoint as chair of the committee. The committee shall serve in an advisory capacity to the superintendent on matters pertaining to golf operations and programs, and shall report to the commission its recommendations on any matter referred to it, or otherwise, as it may deem appropriate.

**G. ZOO ADVISORY COMMITTEE**

The zoo advisory committee shall be composed of the appointees of the commission members and two or three members of the commission appointed by the chair of the commission, one of whom the chair shall appoint as chair of the committee. The committee shall serve in an advisory capacity to the superintendent on matters pertaining to zoo operations and programs, and shall

report to the commission its recommendations on any matter referred to it, or otherwise, as it may deem appropriate.

#### **H. PLANNING AND PARK RESOURCES ADVISORY COMMITTEE**

The planning and park resources advisory committee shall be composed of the appointees of the commission members and two or three members of the commission appointed by the chair of the commission, one of whom the chair shall appoint as chair of the committee. The committee shall serve in an advisory capacity to the superintendent on matters pertaining to the system master plan, strategic planning, acquisition, conservation, planning, design, engineering, construction, operation, and maintenance of parks and facilities, and shall report to the commission its recommendations on any matter referred to it, or otherwise, as it may deem appropriate.

#### **I. SELECTION OF PROFESSIONALS COMMITTEE**

The selection of professionals committee shall be composed of three members of the commission appointed by the chair of the commission, one of whom the chair shall appoint as chair of the committee. The committee shall report to the commission its recommendations on any matter referred to it including, but not limited to, matters involving commission contracts for services, or otherwise, as it may deem appropriate.

### **SECTION 2. SPECIAL COMMITTEES**

Special committees shall be appointed as the commission deems necessary to carry on the work of the commission. The commission chair shall appoint all special committee members and designate a chair who shall be a commission member.

### **SECTION 3. COMMITTEE MEETINGS**

Except as may otherwise be provided in these bylaws or by the resolution creating a standing or special committee, the committees of the commission shall establish their own regular meeting schedule, with the requirement that standing advisory committees established in the bylaws shall meet at least four times a year, or quarterly, with a minimum of one meeting held before the end of the second quarter. Committees of the commission may adopt such rules as the committee may deem necessary for the conduct of its business, however no such rule shall conflict with these bylaws or any resolution of the commission.

#### **SECTION 4. ATTENDANCE REQUIREMENTS**

Whenever any standing advisory committee member who is not a member of the commission fails to attend seventy-five per cent (75%) of regular committee meetings, without an approved excuse by the standing advisory committee chair, the commission shall have cause to rescind the committee member's appointment. The appointing commissioner or mayor, and the commission chair shall be notified of the committee member's attendance issues, and may recommend action to remove the standing advisory committee member.

#### **SECTION 5. COMMISSION CHAIR'S EX OFFICIO MEMBERSHIP**

The chair shall be ex officio a member of all committees.

### **ARTICLE VII – PARLIAMENTARY AUTHORITY**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the commission in all cases to which they are applicable and in which they are not inconsistent with these bylaws, any special rules of order the commission may adopt, and any statutes applicable to this commission that do not authorize the provisions of these bylaws to take precedence.

### **ARTICLE VIII – AMENDMENT**

These bylaws may be amended at any meeting of the commission by the vote of a quorum of the board provided that notice of the proposed amendment has been submitted in writing at the previous regular meeting or that written notice of the proposed amendment has been sent to all members of the commission at least ten calendar days before the meeting at which it is to be considered.

# **SPECIAL RULES OF ORDER**

The following rules have been adopted as special rules of order, such rules to be in full force and effect and binding on the commission, its committees, and its staff as may be applicable given the substance of each particular rule, until rescinded or amended by the board of commissioners.

## **ORDER OF BUSINESS**

The following shall be the order of business at all regular commission meetings

- 1) Call to order
- 2) Opening ceremonies
- 3) Consent calendar
- 4) Presentations
- 5) Reports of officers and standing advisory committees
- 6) Reports of special committees
- 7) Special orders
- 8) Unfinished business and general orders
- 9) New business
- 10) Adjournment

## **AGENDA FOR REGULAR MEETINGS**

1. The secretary shall prepare a meeting agenda for all regular meetings that conforms to the order of business adopted by the commissioners and shall mail a copy to each commissioner by email by 12:00 noon on a date at least five calendar days before the date of the meeting.
2. Only commissioners and the superintendent may place items on the agenda. An item may be placed on the agenda by the chair or superintendent or upon the written request of one third of the members of the commission, such requests, being submitted to the superintendent or the chair.
3. The three commissioners desiring to place an item on the agenda shall notify the superintendent or chair no later than 9:00 a.m. on the seventh day before the scheduled date of the meeting. The commissioners shall furnish a brief

explanation of the item and, if the item requires the action of the commission, the commissioners seeking the item shall furnish a written motion or resolution, which shall be furnished to all the commissioners with the agenda.

4. Items shall be placed on the agenda under the appropriate order of business in its proper order, and in the order received by the superintendent.
5. Items on the commission agenda that are considered routine by the superintendent or by any commissioner shall be marked and unless a commissioner or the superintendent specifically requests that an item so marked be considered separately and that action be taken separately on said item in the order appearing on the agenda, those items so marked shall be approved, adopted, accepted, referred, etc. by motion and vote under the order of business entitled "Consent Calendar" after the description of each item is read aloud. Items so approved shall nevertheless appear in commission minutes in their proper form under their appropriate headings.

**PROCEDURE FOR HANDLING CORRESPONDENCE, REPORTS AND RECOMMENDATIONS WHICH COME BEFORE THE COMMISSION:**

1. Reports that contain recommendations requiring the action of the commission shall be in writing.
2. All communications on which a recommendation from the superintendent is desired shall be automatically referred to the superintendent when read at the commission meeting unless the recommendation is made to the commission when the communication is reported. Such recommendation shall be automatically referred to the appropriate committee except that it shall be in order for the commission to consider and take action on the recommendation without referral to committee.
3. When the superintendent reports a recommendation on any matter the commission has referred, the report shall be accompanied by any information in the file necessary for the commission to make an informed decision on the recommendation.

**ROLL-CALL VOTE**

A roll-call vote shall be taken at the request of any commissioner.

## **VOTES REQUIRED FOR ADOPTION**

Unless specifically stated elsewhere in this document, the bylaws, or the standing rules any action item placed before the commission for approval must receive a minimum of five votes to be adopted.

## **LIMITS ON DEBATE**

1. A commissioner may speak no more than twice on the same question on the same day without the consent of the commission, and may not speak a second time until everyone who wishes to speak has had the opportunity to do so.
2. A commissioner's first speech on a question shall be limited to five minutes, and the second speech may not exceed three minutes.
3. The limits on debate may be extended with the consent of two-thirds of the commissioners present and voting.

## **PUBLIC HEARINGS AND PUBLIC COMMENT**

1. At any time the commission holds a public hearing, or considers a matter on which a member of the public wishes to address the commission, the commission shall provide the opportunity to a representative number of proponents and opponents on each issue before the commission.
2. Each person appearing before the commission shall be required to provide a name and the group, organization or company represented, if any, and shall notify the chair no later than the beginning of the meeting by completing a basic information form furnished by the secretary.
3. To be certain that an opportunity is afforded all persons who desire to be heard, the chair shall inquire at the beginning of the hearing or period of public comment on each matter if there are additional persons who wish to be heard other than those who have previously notified the chair.
4. Subject to such reasonable time limits the commission may establish for any public hearing or period of public comment, the chair shall allot the time available for the hearing in an equitable manner among those persons who are to be heard. In no case, however, shall any person speak more than three minutes without the consent of the commission.
5. The public shall be allowed a comment period at any point in the meeting prior to action on an agenda item upon which a vote is to be taken. The chair

will decide if public comment should be allowed at other points during the commission meetings where votes are not taken.

#### **ITEMS SUBJECT TO PUBLIC HEARING**

1. No motion, resolution or action of the commission which involves approval of the annual budget, authorizes the borrowing of money, levies a tax, establishes any rule or regulation for the violation of which a fine or other penalty is imposed, abolishes any office or position of employment, or expropriates property shall be adopted at the same meeting at which it was introduced, but shall be read a first time and upon such introduction, a time shall be fixed, not less than 12 days after said introduction, at which time the commission shall hold a public hearing thereon.
2. The public hearing on any such item may be held separate from, or in connection with, a regular or special meeting of the commission, and unless it be an emergency action as hereinafter defined, shall be read a second time, and may be finally passed at any regular or special meeting of the commission after the conclusion of the public hearing on such action.
3. An emergency action is one taken for the immediate preservation of recreational facilities or programs and may be passed at any regular or special meeting, after having been published one time in full in the official journal of the parish. An emergency action shall contain a specific statement of the emergency claimed and shall be adopted only after receiving at least seven affirmative votes.
4. No action levying a tax, authorizing the borrowing of money, or expropriating property shall be adopted as emergency action.

# STANDING RULES

## CODE OF RESPONSIBLE COMMISSIONER SERVICE

The Recreation and Park Commission for the Parish of East Baton Rouge is entrusted with the oversight and administration of the parks, recreation facilities, and related programs and services provided to the people of the parish of East Baton Rouge. By accepting appointment to the commission, the commissioner takes on the obligations of service. The responsible commissioner:

- Attends and participates in commission meetings
- Is knowledgeable of the commission governance procedures as established in the bylaws, standing rules, and rules of order
- Conducts commission business in a professional manner so as to ensure the public confidence in the commission and its integrity
- Accepts committee appointment and participates fully as a committee member
- Is knowledgeable of the characteristics of a well-balanced community parks and recreation program.
- Makes periodic inspection of parks, recreation areas, and other facilities under the authority of the commission
- Keeps informed of the progress and development of the facilities and programs of the commission
- Brings to the attention of the superintendent matters that require, or may require, administrative attention.
- Brings matters before the commission that he or she believes should be considered and decided by the commission.
- Participates in one or more of the programs of the commission as a representative of the commission or as a program participant.
- Serves as an ambassador of goodwill for the commission, at all times being willing to listen to suggestions and well-intended criticism.

## **EXCESSIVE ABSENCES BY A COMMISSION MEMBER**

The public has a right to expect the commission to fulfill its purpose through a deliberative process that includes the participation of all members. Absence from commission meetings impairs its ability to make decisions with the full benefit of each member's voice and vote. By accepting an appointment, each member assumes a duty to attend the commission's business meetings. As such a commissioner's absence from more than three regular commission meetings in any calendar year shall constitute cause for the commission to request that the appointing authority rescind the member's appointment and appoint another person to serve on the commission.

## **AGENCY LIAISON RESPONSIBILITIES**

As an agency liaison, the commission member is responsible for attending an organization's board meetings and relaying information between the commission and the board. Meeting notices are typically sent to the superintendent's office and to the commission member by the subject boards. Boards that are designated to have a liaison commission member are periodically reviewed by the Chair for continued need and involvement. Each year the chair will review the liaison boards and make necessary adjustments and assignments as required. (A list of liaison boards are available for review in the superintendent's office.)

## **APPOINTMENT AND EMPLOYMENT OF THE SUPERINTENDENT**

The commission shall fulfill its obligation to appoint and employ a superintendent under the following policies:

### **Qualifications for appointment**

The commission shall establish such qualifications and specifications for the position of superintendent in its human resources policy and shall make no permanent appointment to the position except from among candidates who meet the staffing qualifications.

### **Salary**

The superintendent shall be employed at such salary and on such terms and conditions as the commission, in its sole discretion, may deem advisable.

## **Tenure**

The employment of the superintendent may be terminated at any time for any reason by the affirmative vote of a two-thirds majority of the commissioners. The superintendent shall, however, be entitled to notice as stipulated in the superintendent's employment contract except when immediate termination is in the best interest of the commission or the agency.

## **Duties and responsibilities:**

The duties and responsibilities of the superintendent shall be defined specifically in a written job description approved by the commission and filed in the human resources policies of the commission. Such job description shall conform to the provisions of law that establish the position.

Such duties and responsibilities shall include the general management and administration of the business of the commission and making all administrative decisions affecting the recreation facilities and programs.

The superintendent shall have oversight authority and responsibility in all matters of facility and program management including, but not limited to, facility maintenance and construction, human resources, finance, concessions, and other related areas. The superintendent shall at all times be subject to the directives of the board of commissioners.

Notwithstanding anything herein provided, no actions of the board of commissioners or actions of the superintendent shall conflict with the provisions of R.S.33:4570 *et seq.*

## **SUPERINTENDENT'S ANNUAL REPORT TO THE COMMISSION**

The superintendent shall, by the regular meeting in March of each year submit a report of the activities of the commission, including financial statement for the preceding year and recommendations for the coming year.