

1 **BOARD BILL NO.189 INTRODUCED BY: ALDERWOMAN LYDA KREWSON,**  
2 **PRESIDENT LEWIS E. REED, ALDERMAN JOSEPH RODDY**

3 An ordinance relating to Forest Park, recommended by the Board of Estimate and  
4 Apportionment and the Board of Public Service; providing for the execution and delivery  
5 of a 2011 Supplemental Maintenance Cooperation Agreement (the “*2011 Supplemental*  
6 *Maintenance and Cooperation Agreement*” ), between the City of St. Louis and Forest  
7 Park Forever, Inc. ; with an emergency provision.

8 **WHEREAS**, the City’s Community Development Commission has duly adopted  
9 a Master Plan ( as amended from time to time, the “*Master Plan*”) , which calls for  
10 multiple projects including repairs of infrastructure, new construction and landscaping in  
11 Forest Park (the “*Park*”); and

12 **WHEREAS**, Forest Park Forever, Inc. (“*FPF*”) is a Missouri not for profit  
13 corporation which promotes the rebuilding and restoration of the Park through  
14 development of wide-based financial and citizen support; and

15 **WHEREAS**, since the formation of FPF in 1986 the City and FPF have  
16 established successful working relationships reflected in various duly authorized  
17 agreements relating to the Park; and

18 **WHEREAS**, the City Comptroller’s office and the City’s Auditor have  
19 previously determined that the net assets held by FPF and the amount of financial support  
20 to the City provided by FPF did not qualify FPF as a “component unit” of the City as  
21 defined in the Government Accounting Standards Board Statements Nos. 14 and 39, and  
22 the Comprehensive Annual Financial Report of the City dated January 3, 2011, did not  
23 include any reference to FPF; and

October 14, 2011

Page 1 of 3

Board Bill # 189

Lewis E. Reed, Alderman Joseph Roddy

Sponsored by Alderwoman Lyda Krewson, President

1           **WHEREAS**, in 2007 the City and FPF executed a Trust Agreement (the “**2007**  
2 ***FPF Trust Agreement***”) which provides that FPF will donate the sum of \$1,800,000 per  
3 year, in trust, for “**Costs of Maintaining Forest Park**” (as defined in the 2007  
4 Maintenance Cooperation Agreement, hereinafter defined); and

5           **WHEREAS**, in 2007 the City and Barnes Jewish Hospital (“**BJH**”) executed a  
6 Second Amendment to an Agreement, and a Maintenance Trust Agreement (the “**BJH**  
7 ***Trust Agreement***”), which provide that BJH will donate a sum, presently \$2,000,000 per  
8 year, in trust, for costs of maintaining the Park; and

9           **WHEREAS**, in 2007 the City and FPF entered into a Maintenance Cooperation  
10 Agreement (the “**2007 Maintenance Cooperation Agreement**”) which provides for the  
11 allocation and expenditure of the annual FPF and BJH trust donations for Park purposes  
12 and which remains in full force and effect in all respects; and

13           **WHEREAS**, the 2007 Maintenance Cooperation Agreement established a  
14 “**Forest Park Maintenance Steering Committee**” consisting of the City’s Director of  
15 Parks, Recreation and Forestry and the President of Forest Park Forever, Inc.; and

16           **WHEREAS**, the City and FPF now wish to continue and expand their  
17 relationship and upon final approval by the City of the Forest Park Bonds wish to make  
18 additional funding commitments and undertakings with respect to the Park, as provided  
19 in a **2011 Supplemental Maintenance Cooperation Agreement** , in the form attached  
20 to this Ordinance as Exhibit 1 ; and

21           **WHEREAS**, St. Louis Municipal Finance Corporation (“**SLMFC**”) , a not-for-  
22 profit corporation, proposes to issue Subordinate Forest Park Leasehold Revenue  
23 Improvement Bonds (City of St. Louis, Missouri, Lessee) in an aggregate principal

October 14, 2011

Page 2 of 3

Board Bill # 189

Lewis E. Reed, Alderman Joseph Roddy

Sponsored by Alderwoman Lyda Krewson, President

1 amount of approximately Thirty Million Dollars ( “**the Forest Park Bonds**”) for the  
2 construction, renovation, equipping and installation of site furnishings and improvements  
3 for Forest Park; and

4 **WHEREAS**, FPF proposes to buy the Forest Park Bonds in a three year period  
5 beginning on the Forest Park Bond Effective Date; and

6 **WHEREAS**, the City shall use the proceeds of the sale of the Forest Park Bonds  
7 for capital projects in the Park, and pay debt service on the Forest Park Bonds to FPF  
8 over a period of thirty (30) years ; and

9 **WHEREAS**, upon the Effective Date and pursuant to Exhibit 1 hereto FPF shall  
10 be obligated to apply the debt service payments from the City on the Forest Park Bonds  
11 to fund enhanced maintenance services in the Park as provided therein; and

12 **WHEREAS**, the City and FPF are authorized to enter into and perform the 2011  
13 Supplemental Maintenance Cooperation Agreement by Sections 70.210 et seq. RSMo  
14 and St. Louis Ordinance \_\_\_\_\_ (B.B.\_\_\_\_) ;

15 **BE IT ORDAINED BY THE CITY OF ST. LOUIS, MISSOURI, AS FOLLOWS:**

16 **SECTION ONE.** The Mayor and Comptroller are hereby authorized and directed to  
17 execute and deliver, on behalf of the City, a 2011 Supplemental Maintenance  
18 Cooperation Agreement between the City and Forest Park Forever, Inc., in substantially  
19 the form attached hereto as Exhibit 1, with such changes and corrections consistent  
20 herewith as are approved by them and the City Counselor.

21 **SECTION TWO.** This ordinance, being deemed necessary for the immediate  
22 preservation of the public peace and safety, is declared to be an emergency ordinance  
23 under and pursuant to Sections 19 and 20 of Article IV of the City Charter.

October 14, 2011

Page 3 of 3

Board Bill # 189

Lewis E. Reed, Alderman Joseph Roddy

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