

Unofficial Minutes of the August 1, 2009 Meeting

**BOARD OF DIRECTORS
TEXAS MASTER GARDENER ASSOCIATION, INC.
College Station, Texas**

Brenda Cunningham, Secretary

The following officers were present:

President, Doug Quicksall; 2nd Vice President, Lonnie Matthew; Secretary, Brenda Cunningham; Treasurer, Homer Babbitt; Past President, Garey Wylie.

Directors/Alternates from the following associations were present:

Angelina, Aransas/San Patricio, Austin, Bell, Brazoria, Brazos, Collin, Comal, Dallas, Denton, Ector/Midland, Galveston, Grimes, Guadalupe, Harris, Hood, Jefferson, Johnson, McLennan, Montague, Nueces, Parker, Potter/Randall, Rusk, Somervell, Tarrant, Travis, Victoria, Wichita, Wilbarger/Hardeman, and Williamson counties.

Guests from the following associations also attended:

Angelina, Bell, Bexar, Comal, Galveston, Guadalupe, Johnson, Potter/Randall, Tarrant and Victoria counties.

Call to Order:

President Quicksall called the meeting to order at 11:05 pm by welcoming everyone. George J. Ammermann, Guadalupe County, then gave the invocation and led the group in the Pledge of Allegiance.

President Quicksall welcomed all the visitors to the meeting and asked Past President, Garey Wylie, to introduce a special group of visitors from Johnson County. Mr. Wylie introduced Ann Crafton, Alice Lorenz, Rhonda Tatum, Pat Peterson and Bonnie Guerrero, graduates from the most recent Johnson County training program. Mr. Wylie invited the interns to this meeting so they would have an opportunity to see first-hand the possibilities for their involvement in TMGA at the state level.

President Quicksall then reminded all attendees to sign in and update any changes to their personal information. President Quicksall announced that the order of the published agenda needed to be rearranged to accommodate the guest speaker's schedule.

Approval of Minutes:

President Quicksall introduced TMGA Secretary, Brenda Cunningham, Dallas County, who advised those in attendance that some copies of the minutes from the April 24, 2009 were available at the meeting for anyone who had not had an opportunity to review the minutes as posted on the TMGA website. President Quicksall asked if there were questions or changes to the minutes as presented. There being none, motion was made by Fran Amuny, Jefferson County, that the minutes from the April 24, 2009 meeting be approved as submitted. Karen Bitnar, Hood County, seconded the motion and all agreed.

Treasurer's Report:

Financial Report: Treasurer Homer Babbitt, Parker County, reviewed the 2009 YTD expenses as reflected on the Banking Summary noting that there will be more expenses that will be reported in the remainder of the year. Treasurer Babbitt then reviewed the current status of the 2009 Budget comparing actual income and expenses to the budgeted income and expenses. Treasurer Babbitt reported that the budget is break even for this year and that the biggest variance is in the Specialist Training category since only \$150.00 has been spent so far. Even though additional requests for reimbursement from this category are expected, Treasurer Babbitt does not believe that the full budgeted amount of \$5,000.00 will be requested. Based on current information, Treasurer Babbitt anticipates that expenses will be approximately \$8,000.00 this year. The surplus \$3,000.00 in the budget for expenses will stay in the bank for an approximate balance of \$28,000.00 in the bank at the end of the year.

TMGA Coordinator Update – Doug Welsh:

Dr. Doug Welsh thanked everyone for travelling to the meeting then introduced the topic of “Chartering of County Master Gardener Associations”. Dr. Welsh explained that this concept is currently being utilized at the national level and that the concept has evolved as our organization has matured.

The chartering documents will be posted on the TMGA website and will be provided to the TMGA Directors and local association officers, and to the County Extension Agents (CEA's). Implementation will be January 1, 2010, with a thirty day grace period. The document is similar to what is currently being used by 4-H and the Master Naturalist Associations.

The rationale for implementing this is to outline the responsibilities of the CEA's to the Master Gardeners and vice versa and how these responsibilities tie together. Due to the turnover in the CEA staff there can be a lack of continuity of service to the local Master Gardener Association, particularly when the new CEA is a recent college graduate without experience working with Master Gardeners, resulting in confusion. This document will also outline the steps to be taken to ensure that a temporary coordinator is assigned to a Master Gardener group during the time needed to replace a CEA. Dr. Welsh also pointed out that another important aspect of this document is to ensure the transparency of the financial accountability and responsibility of all local associations. In response to a question regarding the integration of the Management Guide and chartering documents, Dr. Welsh advised that the Management Guide would not be modified until the chartering document is refined.

Guest Speaker:

Dr. Welsh introduced Jerry Brown, A & M Legal Counsel who works specifically with AgriLife and Extension, who provided information regarding liability issues when Master Gardeners are working as a volunteer. Mr. Brown advised the audience that he can only provide information, not legal advice, and that he does so in hopes of providing a higher level of comfort for the volunteers.

Mr. Brown stated that all volunteers already have three laws in place that provide them with statutory protection. These laws are the Immunity from Liability for Volunteers to Higher Education (TX Education Code 51.937), the Texas Charitable Immunity and Liability Act of 1987 (TX Civil Practice and Remedies Code, 84.001-84.008) and the Federal Volunteer Protection Act (42 USCA 14501-14505). Mr. Brown reviewed each of these laws as outlined on his handout and answered questions from the audience for clarification.

Beginning with the Immunity from Liability for Volunteers to Higher Education law, Mr. Brown stated that even though immunity is provided, it is an affirmative defense, meaning that if you are involved in an incident that you would have to hire an attorney and plead the case in order to prove your immunity. Mr. Brown emphasized that he would work with any volunteer and their attorney to obtain the best possible result for the volunteer. Mr. Brown also clarified that immunity is provided only if you are acting within the scope of your assigned duties, and that there is no immunity for motor vehicle accidents or intentional or gross negligence. He reminded everyone to have a valid auto policy to ensure they have maximum protection.

Mr. Brown reviewed the definitions of the Texas Charitable Immunity and Liability Act of 1987, also referred to as Chapter 84, and stated that if a group is not organized under IRS as a 501(c)(3) that all activities must stay within the purposes of the organization. Mr. Brown discussed the circumstances under which volunteers are immune and when they would not be immune, as in the case of an act or omission that is intentional, willfully negligent, or done with conscious indifference or reckless disregard for the safety of others, and the limits of liability. Mr. Brown stressed that this Act does not apply to any charitable organization that does not have liability insurance coverage in effect, and it does not apply when volunteers are operating motor-driven equipment.

When determining liability needs, Mr. Brown stated the importance of assessing what the organization's typical activities involve and asking what is the venue, what is the activity and who/what age are the participants, is there a history of problems at that type of event, etc. If the activity is a one-time event, Mr. Brown suggested that the organization explore the possibility of an "Events" policy.

Mr. Brown noted that the Federal Volunteer Protection Act is similar to the State Act (Chapter 84) in that there is no protection under this Act for harm caused by willful conduct or gross negligence, and there is no protection for volunteers when operating a motor vehicle, vessel, aircraft, or other vehicle requiring a license or insurance, or when an act is done while under the influence of alcohol or drugs. Mr. Brown then stressed again that immunity under all three laws is an affirmative defense that must be plead and proven in court by a private attorney hired and paid for by the volunteer and that Extension's attorney cannot represent the volunteers. He also encouraged all volunteers to talk to their personal insurance agent and explain what their role as a volunteer will involve and determine what coverage they might have through their homeowner's policy as those policies typically cover a wide range of events. Mr. Brown also encouraged everyone to get a statement in writing as to what protection would be provided to avoid any potential problems in case of a contested claim.

General Comments:

After the group returned from the lunch break, President Quicksall announced for those who had not yet heard that the co-host organizations for the 2011 TMGA Conference would be Hood and Somervell Counties as a result of the April 24, 2009 vote. President Quicksall also announced that the Dallas Arboretum would again be hosting a day of "The Masters of Gardening" on Saturday, November 7 for Master Gardeners and one guest. Flyers were made available with the details of the event. President Quicksall also reported that thank you notes had been received from each of the recipients of the TMGA donation to the 4-H Round-Up.

Introduction of Standing Committee Chairpersons and Updates:

President Quicksall introduced the chairpersons for the following Standing Committees:

Audit: Doug Richards, Hood County

Awards: Ginger Bason, Tarrant County, encouraged everyone to begin working on their awards submissions now since there will not be any major changes in the handbook or the forms.

Newsletter/Website: Donna Hagar, Somervell County, Newsletter, announced that the format for the next edition of the TMGA monthly newsletter would be different as she would be utilizing a new distribution system called “Vertical Response” in order to facilitate getting the newsletter into the hands of the individual Master Gardeners rather than relying on the Director’s to have to distribute the newsletter to their local association members. The newsletter will have a sign-in box to subscribe and an option to unsubscribe, and there will also be an option on the TMGA website where Master Gardeners can submit their email address to subscribe. Each County Association also has the option of submitting a roster of their members and their email addresses in either Excel or Word format and Donna can upload the entire group rather than having each individual enroll separately. The new web address for the newsletter will be TMGA.news@gmail.com.

Newsletter/Website: Dove Johnson, Somervell County, Website, thanked everyone for their contribution of activities around the state for the website.

Outreach: George Ammermann, Guadalupe County, reported that the Outreach Survey results have been compiled and will be made available to the TMGA Directors and Officers.

Special Tax Advisory: Wayne Rhoden, Williamson County, reported that a letter would be sent to the IRS in September with a list of all the local associations who should be included under the TMGA umbrella.

Introduction of Special Emphasis Program Committee Chairpersons and Updates:

President Quicksall introduced the following Special Committee chairpersons:

Mentoring: Committee member Karen Bitnar, Hood County, reported that this group is putting together a reference booklet that will be made available to everyone.

EarthKind™ Roses: Garey Wylie, Johnson County, reported that there are currently 56 counties involved in the EarthKind™ demonstration/trial gardens and he thanked everyone for their participation. In addition, Mr. Wylie reported that Midland Master Gardeners attended a rose program in Vancouver, British Columbia, Canada, making this an international program, where they were well received. He also reminded everyone that EarthKind™ will be extending into perennials and shrubs.

The next EarthKind™ specialist training is scheduled for October 7, 8, and 9 in Tarrant County. In addition, the second annual RoseDango event will be held on October 17 and 18. Participants will have the opportunity to view all 100 rose cultivars, replicated four times, at the National EarthKind™ **Trail Rose Garden** in Farmers Branch. Others RoseDango events will be held in McKinney and Chambersville. Mr. Wylie also reported that an EarthKind™ forum to support EarthKind™ research is being developed.

Painting Texas with Wildflowers: Maria Sobczak, Victoria County, reported that there are currently 31 counties involved in this project. She also reported that the new email address for requesting seeds is Richard.DeLosSantos@TexasAgriculture.gov Five hundred mixed seed packets will be sent for each request.

Maria also stated that this committee is not always getting a response from the local associations regarding their interest. She asked that even if a county is not interested in participating at this time that they acknowledge the committee’s invitation.

2010 TMGA Conference:

Jane Bartosiewicz, Dallas County, reminded everyone that the Omni Mandalay in Las Colinas will be the headquarters for the 2010 Conference to be hosted by Dallas County Master Gardeners April 8-10, 2010. Ms. Bartosiewicz reviewed the speakers, topics and tours that are being developed and welcomed everyone to attend the conference in Dallas. She also stated that the drawing for the raffle ticket winner will be done on October 1 and the winners name will be posted on the TMGA website.

Ms. Bartosiewicz requested that the group authorize funding in the amount of \$5,000.00 as seed money for the 2010 Conference with the understanding that this amount would be refunded if a profit was posted for the event. Ms. Bartosiewicz stated that the financial documents would be available for review to verify profitability. After motion from SanDee Pitman, Montague County, and second from Wayne Rhoden, Williamson County, the group voted unanimously to provide the requested funding. President Quicksall then directed Treasurer Babbitt to issue a check to the Dallas County Master Gardener Association in the amount of \$5,000.00.

Treasurer Babbitt stated that this action would change his earlier statement regarding the end of year bank balance. The balance would now be \$5,000.00 less, or approximately \$23,000.00.

TMGA Coordinator Update – Jayla Fry:

Ms. Fry advised that the text only version of the updated TMGA Handbook is available for \$28.00. As with the full version of the Handbook, the local CEA has the staff log-in information necessary to place the order.

New Business:

Nominating Committee Report: Fran Amuny, Jefferson County, Chairperson of the Nominating Committee, introduced the following proposed Slate of Officers for 2010:

- President, Lonnie Matthew, Aransas/San Patricio County
- 1st Vice President, Homer Babbitt, Parker County
- 2nd Vice President, Doris Rogers, Potter/Randall Counties
- Secretary, Diane Bush, Angelina County
- Treasurer, Chris Oefinger, Titus County (not in attendance)

President Quicksall offered his thanks to Ms. Amuny and the other members of the Nominating Committee for their efforts in recruiting these candidates and to the individuals who agreed to serve as an officer of TMGA. As a reminder, nominations from the floor will be accepted at the December meeting as long as the candidate being nominated has agreed to serve prior to their nomination. Resumes for the above candidates will be posted on the TMGA website.

Executive Board Meeting Update:

President Quicksall advised those in attendance that the Executive Committee was reviewing the questions posed every year regarding if and how TMGA should provide funding for the annual conference. Although past practice has been for the host county to request funds if they need it, not every host county has done this. There was much discussion regarding when/if repayment should be made based on profitability, accountability of program income and expenses, what the appropriate amount of funding might be, the impact to the TMGA budget, and whether raising dues is the only way to generate the money to fund the conference on an on-going basis. After motion by George Ammermann, Guadalupe County, and second from Wayne Rhoden, Williamson County, it was agreed to table this discussion until the December 5, 2009 meeting.

President Quicksall also shared that the other items that the Executive Committee had discussed at their last meeting included limitation of committee terms, the Local Chartering information that was presented earlier to the group, the annual awards process and the Risk & Liability program that Jerry Brown presented.

There being no further business it was agreed that to adjourn the meeting after motion from Ronell Burke, Aransas/San Patricio County, second from Karen Bitnar, Hood County.

Respectfully submitted,

Brenda Cunningham
Secretary, TMGA