

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: August 19, 2020

SUBJECT: Memorandum of Understanding - Cooperative Extension

PRESENTER: Dr. Terry Kelley, Director, Cooperative Extension

ATTACHMENTS: Yes
(1) MOU Bullington Gardens, Inc.

SUMMARY OF REQUEST:

Bullington Gardens, Inc., is one of the only county-based public gardens in NC. For several years, the facility has offered visitors the opportunity to see plant collections that are usually only found in botanical gardens and special collections. Additionally, Bullington Gardens, Inc. has partnered with Henderson County Public Schools (HCPS) to offer several classes to special needs students. These classes provide work and life skills training for these students.

Henderson County has partially funded the Education Director at Bullington Gardens, Inc. through Henderson County Cooperative Extension (HCCE) and HCPS for several years. However, as the facility has increased in popularity and in intensity of use, the need for an Administrative Director has materialized. The Educational Director is a certified teacher and does not have a background in administration, grant writing or non-profit management.

Fortunately, NC State University has offered to provide a portion of the funding for an Administrative Director position, Henderson County has agreed to provide \$12,000 toward this position and the remainder will be paid by Bullington Gardens, Inc.

Goals for this Administrative Director position will be to seek additional outside funding through grants and fundraisers, manage the many volunteers that assist with the gardens, manage the finances of the gardens, oversee the maintenance and upkeep of the gardens and all facilities, manage the other staff and carry out the direction and vision of the gardens as outlined by the Board of Directors. The proposed Memorandum of Understanding would allow the county to accept Bullington Gardens' Inc. portion of the salary and pay them to NC State University along with the monthly payroll as outlined in the current MOU between NC State and Henderson County. The Administrative Director will be an employee of Henderson County Cooperative Extension.

BOARD ACTION REQUESTED:

The Board is requested to approve the Memorandum of Understanding with Bullington Gardens, Inc.

Suggested Motion:

I move the Board approve the Memorandum of Understanding with Bullington Gardens, Inc., for the Administrative Director position approved in the FY21 Budget and direct staff to move forward per this agreement.

Memorandum of Understanding between Henderson County and Bullington Gardens, Inc. to Direct Funds from Bullington Gardens, Inc. to N.C. State University through the Payroll Process Outlined in the Current MOU between Henderson County and N.C. State University

I. Purpose: The purpose of this Memorandum of Understanding (MOU) is to allow Henderson County to accept funds generated by Bullington Gardens, Inc., through grants, sales and donations in order to partially fund an Administrative Director of Bullington Gardens position based administratively in the Henderson County Cooperative Extension Office. Henderson County would then allocate these funds to N.C. State through the payroll agreement currently in place within the existing MOU between Henderson County and N.C. State University. Henderson County has included \$12,000.00 in funding for this position and N.C. State University has committed to paying all benefits for the remainder of the funding necessary to fund this position.

II. Background: Established in 1990, Bullington Gardens, Inc., is a North Carolina non-profit corporation qualifying as tax exempt under Section 501(c)(3) of the Internal Revenue Code. It operates as Bullington Gardens, a public garden and center for horticultural education. The 12 acre grounds feature a number of themed gardens and a nature trail that attract visitors throughout the year. Through its partnership with N.C. Cooperative Extension and Henderson County Public Schools, Bullington Gardens offers wide-ranging educational opportunities to the community. Elementary School programs that align with each grade's science curriculum are presented during the school year, such as Plant Explorations (K-3rd), Inheritable Traits (5th), Wildlife Interactions (4th), Soils and Invasive Plants (3rd), and School Vegetable Gardens (K-5th). These programs take place either at Bullington or at individual school campuses. In the BOOST program, Bullington hosts high school sophomores in the Occupational Course of Study in weekly sessions as the students learn basic job skills that will help them be independent upon graduation. The feature of this program is a garden competition between the four high schools. Each week, the horticultural therapy program engages approximately 50 middle and high school students with specific needs in gardening and plant activities that help foster life skills and boost confidence. A variety of gardening/landscape classes are offered to the general public all year long, such as Pruning Ornamental Trees & Shrubs, Vegetable Gardening Basics, Growing Small Fruits for the Home Garden, Plants for Shade Gardens and Best Perennials for the WNC Gardens. Additionally, classes in art, and arts & crafts are offered at times.

In recent years, the gardens have become more popular among the public as a place to see unique botanical species and to enjoy the beauty and solitude of the venue. Many volunteers support the gardens and Bullington holds several fundraising activities each year to support the gardens and its programs. This has created an expanded need for administration, including grant writing, fundraising planning, improvements to the grounds and buildings, general maintenance, etc. These expanded duties have encroached on the role of the educator at the gardens to the point that a dedicated administrator is needed to take on the responsibilities mentioned above in order to maintain the quality of educational programming at Bullington Gardens.

III. Collaboration goals: The partners acknowledge and agree that their collaborative goals for this Position include:

- a. Providing leadership and being the principal person charged with grant-writing, fundraising efforts and public relations for Bullington Gardens.
- b. Overseeing the grounds and leading the maintenance and improvements of the buildings and grounds at Bullington Gardens.
- c. Being responsible for budgeting and finance for the gardens including paying bills and invoices.
- d. Supervising staff and volunteers.

e. Developing, designing and executing a new educational component for Bullington Gardens programming as required for all N.C. State Extension employees of agent rank.

- IV. Responsibilities of the Parties:** The Parties acknowledge and agree to the following responsibilities in order to attain the foregoing collaboration goals:
- a. The cost of the annual salary (not including benefits) will be shared by Bullington Gardens, Inc. and Henderson County. Henderson County will provide the amount budgeted by the County for Fiscal Year 2021 (and subsequent years providing this arrangement is not terminated) toward the total salary and Bullington Gardens, Inc. will pay the balance of the cash salary. Bullington Gardens Inc. will each month convey 1/12 (one twelfth) of the amount it is required to pay each year to Henderson County.
 - b. N.C. State University will pay the full employer cost of all benefits. These benefits include, but are not necessarily limited to, the following: health insurance and retirement.
 - c. Henderson County will convey the funds received from Bullington Gardens, Inc., and one-twelfth of the funds budgeted by the County for the then-current fiscal year, each month to N.C. State University through the normal payroll channels outlined in the current MOU between Henderson County and N.C. State University regarding Cooperative Extension
 - d. The employee's place of work will be at Bullington Gardens; notwithstanding, the employee will be an employee of N.C. State University under the direction of the Henderson County Director of Cooperative Extension.
- V. Principal Contacts:** The principal contacts for the Parties are:
- Dr. W. Terry Kelley
Director, Cooperative Extension Henderson County
100 Jackson Park Road Hendersonville, N.C. 28792
wtkelley@ncsu.edu
(828) 697-4891 (office)
- John Murphy
Director, Bullington Gardens
95 Upper Red Oak Trail
Hendersonville, N.C. 28792
jmurphy@ncsu.edu
(828) 698-6104
- VI. Limitations:**
- a. This MOU does not create an obligation for funding or budgeting for continuation of the proposed position. All responsibilities of the Parties are subject to the availability of funds.
 - b. This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity by persons who are not a Party to this agreement against Bullington Gardens, Henderson County, or their partners. This MOU does not apply to any person not directly associated with a Party.
- VII. Commencement/Duration/Modification/Termination:** This MOU takes effect when signed by all Parties and will remain in effect until either Party terminates the MOU by providing written notice to the other. This MOU may be extended or modified at any time per the mutual written consent of the Parties. Upon receipt of the termination notice, all Parties will take all reasonable actions to cancel outstanding commitments and limit financial expenditures related to the work described in this MOU.
- VII. Financial Provisions:** All commitments made by Henderson County and Bullington Gardens in this MOU are subject to the availability of funds. Nothing in this MOU, in and of itself, obligates either Party to expend funds or to enter into any contract or incur financial obligations that would be inconsistent with

either Party's budget priorities.

IX. Compliance with Laws: The Parties will observe all applicable laws and regulations during the execution of the work described in this MOU. The Parties agree and acknowledge that all parties to this transaction are regulated by the federal and state laws and regulations governing governmental and nonprofit corporations as applicable. Neither Party shall engage in any transaction that is illegal or fraudulent.

Approval: This MOU takes effect upon the date of the last signature below.

FOR HENDERSON COUNTY:

William Terry Kelley, Director
Henderson County Cooperative Extension

Date

FOR BULLINGTON GARDENS, INC.:

William Burdett
Chair, Bullington Gardens Board of Directors

Date