

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

Gift Acceptance Policy

North Georgia Community Foundation, a not-for-profit organization organized under the laws of the State of Georgia, encourages the solicitation and acceptance of gifts to North Georgia Community Foundation (hereinafter referred to as the Foundation) that help donors meet their charitable goals while benefiting the communities and organizations served by the Foundation. The following policies and guidelines govern acceptance of gifts made to the Foundation.

Mission and Vision

The North Georgia Community Foundation exists to be the primary vehicle for building and managing the community's permanent charitable resources. The North Georgia Community Foundation envisions a community with sufficient philanthropic resources that, when invested and utilized effectively, will produce an extraordinary quality of life.

I. PURPOSE

The purpose of these policies is to govern the acceptance of gifts and provide guidance to donors and their professional advisors in completing gifts, both current and deferred. These policies are designed to assure that each gift to the Foundation is structured to provide maximum benefits to the community, the donor, the Foundation and the beneficiaries of the Foundation's charitable programs and activities. The provisions of these policies shall apply to all gifts received by the Foundation for any of its programs or services.

II. USE OF LEGAL COUNSEL

North Georgia Community Foundation shall seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:

- a. Closely held stock transfers that are subject to restrictions or buy-sell agreements
- b. Documents naming North Georgia Community Foundation as Trustee
- c. Gifts involving contracts, such as bargain sales or other documents requiring the North Georgia Community Foundation to assume an obligation
- d. Transactions with potential conflict of interest
- e. Transactions that may invoke IRS sanctions
- f. Other instances in which use of counsel is deemed appropriate by the Gift Acceptance Committee

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

III. GENERAL FOUNDATION RESPONSIBILITIES

Every person acting for on the Foundation's behalf shall adhere to those standards set forth in *A Donor Bill of Rights* and the *Model Standards of Practice for the Charitable Gift Planner*, which are included as appendixes to this document.

A. Advising Donors. The role of Foundation staff shall be to inform, guide and assist a donor in fulfilling his or her philanthropic wishes, but never to pressure or unduly influence a donor's decision. In particular, donors should be advised of the following items in order to make an informed choice about using the Foundation as a vehicle of charitable gifts:

1. the irrevocability of a gift,
2. the Foundation's variance power, where applicable,
3. prohibitions on donor restrictions,
4. items subject to variability (market value, investment return, and income yield),
5. the Foundation's responsibility to provide periodic financial statements on donor funds, and
6. the Foundation's fees

Donors should be advised to seek the advice of independent financial, investment and legal counsel prior to making a gift. The Foundation does not provide legal or tax advice. Any proposals and tax calculations prepared by the Foundation are for illustrative purposes only.

B. Confidentiality. The Foundation will recognize and acknowledge donors in appropriate ways, both publicly and privately, subject to the Foundation's Policy on Confidentiality. Donors reserve the freedom to determine the degree and type of recognition they prefer and the Foundation respects the confidentiality of donors who do not wish to be publicly recognized.

IV. GENERAL GIFT ACCEPTANCE POLICIES

A. Restrictions on Gifts. The purpose of a gift must within the Foundation's broad charitable purposes. The Foundation will customarily accept unrestricted gifts, and gifts for specific programs and purposes, provided that such gifts are not inconsistent with its stated mission, purposes, and priorities. The Foundation will not accept gifts that are too restrictive in purpose and violate the terms of the corporate charter, gifts that are too difficult to administer, gifts that are for purposes outside the mission of the Foundation or gifts that are otherwise deemed by the Foundation's staff or board as too restrictive. In addition, the Foundation reserves the right to reject any gift that might place the other assets of the Foundation at risk

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

or that is not readily convertible into assets that are consistent with the Foundation's investment guidelines. The Foundation may also decline a gift if it is not able to administer the terms of the gift in accordance with the donor's wishes. All final decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by the Gift Acceptance Committee of the Foundation subject to review, if any, by the Foundation's board.

B. Authority to Accept Gifts. In general, Foundation staff will be authorized by the board to accept new gifts and funds subject to the policies outlined herein. To assist staff in the evaluation of complex or hard-to-value gifts, the Board of Directors has authorized the Gift Acceptance Committee to consider and accept or reject complex gifts and funds. The Gift Acceptance Committee is composed of the following:

- The Executive Committee
- Such other members as appointed by the President
- Ex-Officio member(s) include the President

The staff and Gift Acceptance committee are charged to ensure that gifts received are consistent with these policies, and with State and Federal law and IRS Guidelines, and that they are in the best interest of the Foundation. The Gift Acceptance Committee shall act by a simple majority of voting members, with the assistance of advisory members who have expertise in specific types of gifts. Committee members may also review proposed funds that may fall outside the ordinary scope of staff expertise.

In the case of significant disagreement or hesitancy on the part of this Committee, the Committee may wish to present the proposed gift or fund in a confidential way to the NGCF board of directors for further consideration.

1. **Emergency Gifts.** Notwithstanding the Gift Acceptance Committee's authority above, gifts requiring immediate action (such as gifts in late December) may be exempted from full Committee review, if in the President/CEOs judgment, in consultation with the Chair and Vice Chair of the Board of Directors, the gift may be accepted without in any way jeopardizing the Foundation's exempt status.
2. **Timing of Review.** Gifts requiring Committee review will be handled promptly. Foundation staff will immediately notify donors if a gift is not accepted.

C. Excess Business Holdings. The Pension Protection Act of 2006 amended section 4943 of the Internal Revenue Code to limit ownership of closely-held business interests in a donor advised fund. Any proposed gift that may result in an excess

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

building holding shall be referred to the Foundation's counsel for an opinion. A fund's holdings, together with the holdings of disqualified persons (donor, advisor, members of their families and businesses they control) may not exceed any of the following:

- 20% of the voting stock of an incorporated business;
- 20% of the profits interest of a partnership, joint venture, or the beneficial interest in a trust or similar entity;
- Any interest in a sole proprietorship

Ownership of unincorporated businesses that are not substantially related to the fund's purposes is also prohibited.

Donor advised funds receiving gifts of interest in a business enterprise have five years from the receipt of the interest to divest holdings that are above the permitted amount, with the possibility of an additional five years if approved the Secretary of the Treasury. To prevent a violation of these rules, NGCF will divest itself of such holdings within five years from the date the Foundation acquired the asset. If that is not possible, the asset will be transferred to a new or existing fund that is not an advised fund. NGCF will notify potential donors of such interests of this requirement prior to the contribution of such interest.

D. Illiquid Assets. The Foundation's general policy is to liquidate all gifts promptly. On occasion, the Gift Acceptance Committee may decide that it will not liquidate certain gifts immediately. Factors the Committee will consider include:

1. **Market Conditions.** A gift may be retained for a reasonable period of time if the likely sales price would be substantially less than the asset's real value. Similarly, a large block of stock might be sold over a period of time in order not to artificially depress the price.
2. **Use by the Foundation.** The Foundation may elect to keep gifts that it will employ directly in furtherance of its exempt purpose. For example, the Foundation might keep real property that it will use as its office.
3. **Desirability as an investment.** On rare occasions, the Foundation may be given property that it wishes to retain as an investment. Considerations in this decision include the projected return and how the asset fits into the Foundation's investment portfolio.

If a fund's illiquid assets do not generate a sufficient return to permit grantmaking that is consistent with the assets' value, the Foundation will seek an additional gift of cash or marketable securities to allow the fund to begin making distributions.

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

E. Minimum Gifts. Subject to the policies set forth in this document, the Foundation may accept gifts to existing funds of any size. The Community Foundation recommends the minimum gift for a new named fund to be \$10,000. Although, with the exception of scholarship funds, the Community Foundation does not impose a fund minimum.

- The minimum gift for a new scholarship fund is \$10,000; however a new fund may be established with a lower minimum if the donor arranges regular payments to bring the fund to the minimum level within a reasonable time frame. No grants may be made until the minimum is reached.

The Foundation is eager to work with donors to accomplish their charitable goals and therefore will discuss their individual circumstances.

V. ASSETS ACCEPTED BY THE FOUNDATION

Gifts to the Foundation may or may not require review by the Gift Acceptance Committee depending on their nature. The Foundation may accept the following types of contributions:

A. Gifts Which Do Not Require Review.

1. **Cash.** The Foundation accepts gifts of cash in U.S. currency, by checks made payable to the North Georgia Community Foundation or by credit cards or wire transfer to the Foundation's account(s).
2. **Publicly Traded Securities.** Marketable securities may be transferred to an account maintained by the Foundation at one or more brokerage firms or delivered physically with the transferor's signature or stock power attached. As a general rule, all marketable securities shall be sold upon receipt unless otherwise directed by the Investment Committee. In some cases marketable securities may be restricted by applicable securities laws; in such instance the final determination on the acceptance of the restricted securities shall be made by the Gift Acceptance Committee of the North Georgia Community Foundation.

B. Gifts That May Require Review or Approval by the Gift Acceptance Committee.

1. **Real Estate.** Gifts of real estate may include developed property, undeveloped property, or gifts subject to a prior life interest. Prior to acceptance of real estate, the Foundation shall require an initial environmental inspection of the property to help ensure that the property has no environmental damage. Environmental inspection forms are attached

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005

Revised: August 2015

Approved: October 2015

as an appendix to this document. In the event that the initial inspection reveals a potential problem, the Foundation shall retain a qualified inspection firm to conduct an environmental audit. The cost of the environmental audit shall generally be an expense of the donor.

When appropriate, a title insurance policy shall be obtained by the Foundation prior to the acceptance of the real property gift. The cost of this title insurance policy shall generally be an expense of the donor.

Prior to acceptance of the real property, the gift shall be approved by the Gift Acceptance Committee of the Foundation and by the Foundation's legal counsel. Criteria for acceptance of the property shall include but not be limited to the following:

- Is the property useful for the purposes of the Foundation?
- Is the property marketable?
- Are there any restrictions, reservations, easements, or other limitations associated with the property?
- Are there carrying costs, which may include insurance, property taxes, mortgages, or notes, etc., associated with the property?
- Does the environmental audit reflect that the property is not damaged?
- Are there any significant risks associated with the ownership, use or disposal of the property?
- Is the property and the gift thereof otherwise appropriate for acceptance?

Remainder Interest in Property. The Foundation may accept a remainder interest in a personal residence, farm, or vacation property subject to the provisions of the Real Estate guidelines above. The donor or other occupants may continue to occupy the real property for the duration of the stated life or term of years. At the death of the donor, the Foundation may use the property or reduce it to cash. Where the Foundation receives a gift of a remainder interest, expenses for maintenance, real estate taxes, insurance, and any property indebtedness are to be paid by the donor or primary beneficiary.

Bargain Sales. North Georgia Community Foundation may enter into a bargain sale arrangement in instances in which the bargain sale furthers the mission and purposes of the Foundation. All bargain sales must be reviewed and recommended by the Gift Acceptance Committee and

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005

Revised: August 2015

Approved: October 2015

approved by the Board of Directors. Factors used in determining the appropriateness of the transaction include:

- The Foundation must obtain an independent appraisal substantiating the value of the property.
- If the Foundation assumes debt with the property, the debt ratio must be less than 50% of the appraised market value
- The Foundation must determine that it will use the property, or that there is a market for sale of the property allowing sale within 12 months of receipt
- The Foundation must calculate the costs to safeguard, insure, and expense the property (including property tax, if applicable) during the holding period.

Oil, Gas, and Mineral Interests. The Foundation may accept oil and gas property interests, when appropriate. Prior to acceptance of an oil and gas interest the gift shall be approved by the Gift Acceptance Committee, and if necessary, by the Foundation's legal counsel. Criteria for acceptance of the property shall include:

- Gifts of surface rights should have a value of \$20,000 or greater.
- Gifts of oil, gas and mineral interests should generate at least \$3,000 per year in royalties or other income (as determined by the average of the three years prior to the gift).
- The property should not have extended liabilities or other considerations that make receipt of the gift inappropriate
- A working interest is rarely accepted. A working interest may only be accepted where when there is a plan to minimize potential liability and tax consequences.
- The property should undergo an environmental review to ensure that the Foundation has no current or potential exposure to environmental liability.

2. **Tangible Personal Property.** Tangible personal property includes but is not limited to art, furniture, coin and stamp collections, livestock, jewelry, equipment, cars, boats, and clothes. All gifts of tangible personal property shall be examined in light of the following criteria:

- Does the property fulfill the mission of the Foundation?
- Is the property marketable?

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

- Are there any undue restrictions on the use, retention, display, or sale of the property?
- Are there any carrying costs for the property?

The Gift Acceptance Committee has the discretion of accept such gifts on a case by case basis. The Committee should consider whether the gift will be used or sold and shall be sensitive to special tax issues that may affect the donor.

3. **Closely Held Securities.** Closely held securities, which include not only debt and equity positions in non-publicly traded companies but also interests in LLPs and LLCs or other ownership forms, can be accepted subject to the approval of the Gift Acceptance Committee of the Foundation. However, gifts must be reviewed prior to acceptance to determine that:

- there are no restrictions on the security that would prevent North Georgia Community Foundation from ultimately converting those assets to cash,
- the security is marketable, and
- the security will not generate any undesirable tax consequences for the Foundation.
- the security and the gift thereof is otherwise appropriate for acceptance

Every effort will be made to sell closely-held securities as quickly as possible. If potential problems arise on initial review of the security, further review and recommendation by an outside professional may be sought before making a final decision on acceptance of the gift. The final determination on the acceptance of closely held securities shall be made by the Gift Acceptance Committee of the North Georgia Community Foundation and legal counsel when necessary.

4. **Life Insurance Policies.** North Georgia Community Foundation must be named as both beneficiary and irrevocable owner of an insurance policy before a life insurance policy can be recorded as a gift. The gift is valued at its interpolated terminal reserve value (if a whole life policy), or replacement value (if a term policy), upon receipt. If the donor contributes future premium payments, the Foundation will include the entire amount of the additional premium payment as a gift in the year in which that premium payment is made.

If the donor does not elect to continue to make gifts to cover premium payments on the life insurance policy, the Foundation may:

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

- continue to pay the premiums,
- convert the policy to paid up insurance, or
- surrender the policy for its current cash value

C. Deferred & Planned Gifts. The Foundation's planned giving program encompasses gifts whose benefits do not fully accrue to the Foundation until some future time. Donors using planned and testamentary gift techniques may establish any of the component fund types outlined in Section VI. Will, trust or other documents should specify the Foundation as the charitable recipient and name the new or existing fund to which the donor's gift will be added. The type and purpose of a new fund may be described in detail in a separate fund agreement. Planned giving opportunities offered by the Foundation include the following:

1. **Bequests.** The Foundation encourages donors and supports to make bequests to the Foundation under their wills and trusts. The Foundation encourages such donors to contact the Foundation during their lifetime to discuss their charitable intent. Sample bequest language for restricted and unrestricted gifts is available to donors and/or advisors upon request.
2. **Retirement Plan Assets.** Donors and supporters of North Georgia Community Foundation are encouraged to name the Foundation as beneficiary of their retirement plans. Retirement plans include, but are not limited to, Individual Retirement Accounts (IRA), 401(k), 403(b), and defined contribution plans.
3. **Charitable Gift Annuities.** North Georgia Community Foundation may offer charitable gift annuities. The minimum gift for funding is \$5,000. The North Georgia Community Foundation President/CEO may make exceptions to this minimum following consultation with the Gift Acceptance Committee. The minimum age for life income beneficiaries of a gift annuity shall be 55. Where a deferred gift annuity is offered, the minimum age for life income beneficiaries shall be 45. No more than two life income beneficiaries will be permitted for any gift annuity.

Annuity payments may be made on a quarterly, semi-annual, or annual schedule. North Georgia Community Foundation President/CEO may approve exceptions to this payment schedule.

North Georgia Community Foundation will not accept real estate, tangible personal property, or any other illiquid asset in exchange for current charitable gift annuities. North Georgia Community Foundation may accept real estate, tangible personal property, or other illiquid assets in exchange

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005

Revised: August 2015

Approved: October 2015

for deferred gift annuities so long as there is at least a 5 year period before the commencement of the annuity payment date, the value of the property is reasonably certain, the gift is otherwise consistent with the purposes and policies of the Foundation, and the President of North Georgia Community Foundation approves the arrangement.

Funds contributed in exchange for a gift annuity shall be set aside and invested during the term of the annuity payments. Once those payments have terminated, the funds representing the remaining principal contributed in exchange for the gift annuity shall be transferred to North Georgia Community Foundation's general endowment funds, or to such specific fund as designated by the donor.

4. **Charitable Remainder Trusts (CRT)**. This trust makes payments to one or more beneficiaries for their lifetimes, or for a fixed term, or a combination of both. Assets are put into a trust, beneficiaries are paid, and when the trust term ends, the remainder in the trust passes to the Foundation for its charitable purposes. The donor names a Trustee to manage the trust and determines whether the payout will be fixed (a charitable remainder annuity trust (CRAT)) or variable (a charitable remainder unitrust (CRUT)). Trusts can be set up during the donor's lifetime or by will. The Foundation encourages donors to consult their own legal counsel and tax advisors to create a CRT. Upon request, the Foundation will confer with the donor's advisors to assist in establishing the trust from which it will ultimately benefit. With the approval of the Gift Acceptance Committee, the Foundation may accept appointment as Trustee of a charitable remainder trust. The Foundation will obtain legal and accounting review for each proposed charitable remainder trust in regards to the Foundation's responsibilities.
5. **Charitable Lead Trusts (CLT)**. This trust first makes distributions to the Foundation for a specified period, with the remainder reverting to the donor or another beneficiary at the end of the period. It may be set up during one's lifetime or in a will. The Foundation will work closely with the donor and/or his advisor to create the trust and with the approval of the Gift Acceptance Committee may accept an appointment as Trustee of a CLT.
6. **Life Insurance Beneficiary Designations**. Donors and supporters of North Georgia Community Foundation will be encouraged to name the Foundation as beneficiary or contingent beneficiary of their life insurance policies. Such designations shall not be recorded as gifts to the Foundation until such time as the gift is irrevocable. Where the gift is irrevocable, but is not due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable.

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

7. **Remainder Interest in Property.** A donor may contribute real estate and retain the right to occupy the property until death in accordance with the policy set forth in Section V.B.1 above. Upon the donor's death, the Foundation will own the entire interest in the property.

VI. TYPES OF FUNDS

Donors may establish the following types of funds:

- A. **Unrestricted Funds.** Gifts to these funds help the Foundation help our community. The Foundation may make distributions from these funds for any charitable purposes encompassed by the Foundation's mission. The Board of Directors determines how unrestricted funds are used.
- B. **Field of Interest Funds.** These funds are restricted in their use by the donor's preference for a limited charitable purpose, without designation of specific recipient organizations or programs through which such charitable purposes may be served. The Board of Directors determines which organizations and programs receive grants from field of interest funds and the amount and timing of such grants. Alternatively, the donor may request the appointment of an advisory committee to make such decisions.
- C. **Donor Advised Funds.** Donors may make recommendations to the Foundation regarding the recipients and amounts of grants from the fund. The Foundation retains final authority to determine distributions. Donors may appoint their children and grandchildren or others to succeed them as advisors.
- D. **Scholarship Funds.** Scholarship funds provide financial assistance to students at schools, colleges and universities. Donors recommend eligibility criteria and may serve on selection committees. All scholarship funds shall be administered in accordance with the Pension Protection Act.
- E. **Designated Funds.** These funds support one or more charitable organizations or programs and all grants made from such funds must be made to or for the use of the designated organization or program. If the recipient organization ceases to exist or changes its status or mission as a charitable organization, the Foundation will execute the donor's directive as to an alternate beneficiary. If there is no such directive, the Foundation's Board of Directors may exercise its variance power, selecting an alternate use for the fund compatible with its original charitable purpose.

North Georgia Community Foundation

Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

F. Agency Funds. These funds are created by charitable organizations that designate themselves as the fund's beneficiary.

G. Disaster Relief and Emergency Hardship Funds. Contributions to these funds help people in time of need and help our community recover when disaster strikes. The Foundation makes distributions from these funds to support effective organizations that provide assistance to individuals and community organizations.

H. Fiscal Sponsorship Funds. These funds are established for a particular community purpose. Most often a fund is for a short-term charitable project for groups not designated as 501(c)3 organizations.

VII. MISCELLANEOUS PROVISIONS

A. Appraisals and Legal Fees. It will be the responsibility of the donor to secure an appraisal, where required, and independent legal counsel, when necessary, for all gifts made to the Foundation. The Foundation does not pay legal, accounting or appraiser fees for any future gift.

B. Valuation. The Foundation will record a gift received by the Foundation at its valuation for gift purposes on the date the gift is completed.

C. Form 8282. The Foundation will file IRS Form 8282 upon the sale or disposition of any asset sold within two years of receipt by the Foundation when the charitable deduction value of the item is more than \$5,000 or if otherwise required by law. The Foundation must file this form within 125 days of the date of sale or disposition of the asset or within such other period of time as may be required by law. Form 8282 with Filing Instructions is attached as an appendix to these policies.

D. Acknowledgement. The Foundation shall acknowledge all gifts made to the Foundation in compliance with current IRS requirements in acknowledgement of such gifts. IRS Publication 561 Determining the Value of Donated Property and IRS Publication 526 Charitable Contributions are attached to these policies as an Appendix.

E. Changes to Gift Acceptance Policies. These policies and guidelines have been accepted by the Board of Directors of the Foundation, as recommended by the Executive and Operations Committees. The Board of Directors of the Foundation must approve any changes to or deviations from these policies. Exception: When IRS regulations change, the then current IRS policies shall become part of these policies replacing those attached the day of initial approval of the Board of Directors, without action of the Board.

North Georgia Community Foundation Gift Acceptance

Drafted: March 2005
Approved: October 2015

Revised: August 2015

VIII. APPENDICES

Appendix 1 – A Donor Bill of Rights

Appendix 2 – Model Standards of Practice for the Charitable Gift Planner

Appendix 3 - Environmental Review Forms

Donee Information Return – IRS Form 8282 and Instructions
Available online at <http://www.irs.gov/pub/irs-pdf/f8282.pdf>

Determining the Value of Donated Property - IRS Publication 561
Available online at <http://www.irs.gov/pub/irs-pdf/p561.pdf>

Charitable Contributions - IRS Publication 526
Available online at <http://www.irs.gov/pub/irs-pdf/p526.pdf>

Adopted by the Board of Directors: 10/28/15