

FUND ID

For internal use only

Thank you for considering a gift from your will or estate plan to establish a charitable fund at the Sacramento Region Community Foundation. A Legacy Fund is an effective way to ensure that the nonprofits and causes you care about will receive support beyond your lifetime.

FOUNDING DONOR 1

FOUNDING DONOR 2 *(if applicable)*

Name

Name

Title or Salutation

Title or Salutation

Mailing Address

Mailing Address

City

City

State

ZIP

State

ZIP

Preferred Phone Home Business Cell

Preferred Phone Home Business Cell

Alternate Phone Home Business Cell

Alternate Phone Home Business Cell

Email Address

Email Address

PLEASE INDICATE THE NAME OF YOUR FUND

e.g., Smith Family Fund, Parkway Preservation Fund, etc.

FUND RECOGNITION

You can decide how you would like grants from your fund to be acknowledged.

- The Foundation may use the Fund name for grants and in Foundation materials and publications.
- This Fund should remain anonymous in grant letters and Foundation publications.
- This Fund should remain anonymous until it becomes active, and then the Foundation may use the Fund name in grant letters and publications.

GIFTS TO ESTABLISH FUND

- WILL/BEQUEST/TRUST
- IRA/RETIREMENT PLAN
- INSURANCE POLICY
- OTHER (PLEASE DESCRIBE) _____

SUPPORTING DOCUMENTATION

- A copy of my estate plans naming the _____ at the Sacramento Region Community Foundation has been provided and is attached.

THIS FUND IS TO BE ADMINISTERED AS:

- ENDOWED** – a permanent fund that will be invested to provide an annual amount to carry out your fund’s charitable purpose in perpetuity
- EXPENDABLE** – a fund that will make grant distributions until all fund assets are exhausted
 - distribute all available assets upon receipt and then close fund
 - distribute all available assets over a specified period of time and then close fund
- COMBINATION OF ENDOWED AND EXPENDABLE AS DESCRIBED IN SPECIAL INSTRUCTIONS**

WHAT TYPE OF FUND WILL THIS BE?

- DESIGNATED** – to support specific nonprofits organization that are important to you. Your instructions will include the list of organizations to be supported, and you may update this list as often as you like.
- FIELD OF INTEREST** – to support nonprofit organizations serving general areas of interest that are important to you, and the Foundation will select grant recipients through a competitive process. Field of interest funds can also specify geographic restrictions, e.g., “Support for the elderly in Placer County.” Your instructions will describe your field of interest.
- SCHOLARSHIP** – to support higher education for students meeting criteria you specify.
- DISCRETIONARY** – to be used where the Foundation determines it is most needed.
- DONOR-ADVISED** – to allow Advisors you name to make grants from the Fund when it becomes active.

SUPPORT FEES

There is no fee for establishing a Legacy Fund with the Sacramento Region Community Foundation; the support fee will be assessed only when your fund becomes active. Fees are based on the type of fund as well as by the level of service that will be required to administer your fund. Currently, support fees range from 1.5% annually on an endowed fund, 2% on an expendable fund (assessed either annually on the balance of the fund or on the grants issued from the fund), and 2.5%-3.5% on scholarships. For legacy gifts, the support fee will conform to the schedule in effect at the time the fund becomes active.

PROFESSIONAL ADVISORS

ARE YOU CURRENTLY WORKING WITH A LEGAL OR FINANCIAL ADVISOR?

- Yes No

(We will not contact your advisor without your authorization, and contact information is not shared outside the Foundation.)

ADVISOR 1

ADVISOR 2

 Name

 Name

Type of Advisor (check one)

Type of Advisor (check one)

- Attorney CPA Financial Planner Other

- Attorney CPA Financial Planner Other

 Name of Firm

 Name of Firm

 Business Address

 Business Address

 City

 City

 State

 ZIP

 State

 ZIP

 Business Phone

 Business FAX

 Business Phone

 Business FAX

 Email Address

 Email Address

PLEASE TELL US HOW YOU LEARNED ABOUT THE FOUNDATION

- My Advisor _____
- Current Fundholder _____
- Foundation Board/Former Board _____
- Foundation Staff _____
- Website _____
- Mailing _____
- Capital Public Radio _____
- KVIE Public Television _____
- Lodi Community Foundation _____
- Yolo Community Foundation _____
- Other _____

SPECIAL INSTRUCTIONS

Please describe below, in as much detail as possible, what causes or organizations you would like your fund to support, and how you would like the Foundation to distribute that support. With this information, we can help you create a fund that accurately reflects your values and hopes for the future, as expressed through your legacy of generosity.

TERMS AND CONDITIONS

TAX STATUS OF CONTRIBUTION

Funds established at the Sacramento Region Community Foundation (“Foundation”) and its affiliates are component funds of the Foundation, a Section 501(c)(3) public benefit corporation. All contributions to the Foundation’s funds are treated as gifts to a Section 501(c)(3) public charity and are tax-deductible, to the extent allowed by law, subject to individual and corporate limitations. Acceptance of all gifts is subject to the provisions of the Foundation’s Gift Acceptance Policy. Any assets contributed to funds at the Foundation, once accepted by the Board of Directors of the Foundation, represent unconditional and irrevocable gifts and are not refundable. Legal control and responsibility for the funds rest with the Foundation.

VARIANCE POWER

All funds established at the Foundation are subject to the Foundation’s “variance power,” as set forth in its Bylaws. Variance power grants the Foundation’s Board of Directors the power to modify any condition or restriction on the distribution of funds for any specified charitable purpose or purposes, or to a specified organization or organizations if, in its sole judgment (without the necessity of the approval of any other party), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served by the Foundation.

INVESTMENT OF ASSETS

All assets contributed to funds established at the Foundation are invested in the Foundation’s investment pools and are managed in accordance with the Foundation’s Investment Policy Statement (IPS). A copy of the Foundation’s current Investment Policy Statement is available upon request.

For the purposes of investments, the Foundation does not segregate the assets of any single fund from the assets of the Foundation’s other component funds, but will keep a separate account of the fund’s assets, and the fund’s proportionate share of all investment earnings and investment fees applied to the fund. In establishing a fund, the donor acknowledges that the investments in the fund are subject to market and interest rate fluctuations. All investment returns are reported net of all investment fees.

All endowed funds are invested in the Foundation’s endowment pool. For expendable funds, the Donor may select from a number of expendable pools. The asset allocation of these pools is geared towards the donor’s spending horizon for the fund. Annually, the donor may select to move to a different pool.

SPENDING RULES

Endowed funds: The spending policy for endowed funds, contained in the IPS, utilizes a formula to determine the amount available to grant from a fund each year. It is designed to maintain a level of current spending while preserving the endowment in order to support future spending. The Foundation shall appropriate for expenditure, for the purposes for which the Fund is established, so much of the Fund as the Foundation deems prudent, in accordance with the Uniform Prudent Management of Institutional Funds Act (UPMIFA) (as amended from time to time) and the Spending Policy adopted by the Foundation (as amended from time to time).

The amount available to spend (ATS) is determined by calculating the rolling average fair market value of the Fund over the previous 12 quarters (or since inception for funds less than three years old). This rolling average is then multiplied by the current spending percentage to arrive at the amount available to spend from the Fund in the following year. The Board reviews its spending policy annually, and may increase or decrease the percentage available to spend. **As of the approval date of this agreement, the spending policy is 4%.**

Endowed funds established before the end of the third quarter (September 30) will have an ATS amount as of January immediately following the establishment of the Fund. Endowed funds established during the fourth quarter will not have an available to spend amount in the January immediately following the establishment of the Fund, but they will have an ATS amount the next January.

Expendable funds: The current balance of an expendable fund (excluding uncleared checks and pending stock transfers) must

be adequate to cover the distribution amount and any current applicable Support Fees. If the Donor desires to keep the Fund open, the Foundation's required minimum balance of \$500 must remain in the Fund.

GRANT DISBURSEMENTS

In order to qualify for a grant from a Foundation fund, the proposed grantee must be a qualified charitable recipient, and the proposed grant must be consistent with the Foundation's charitable purposes. Grants may be recommended to any 501(c)(3) organization or verified charitable entity (e.g., schools, colleges and universities, religious institutions, town and municipal governments, police departments, etc.) located in the United States.

Grant checks sent to organizations are accompanied by a Foundation letter specifying the name of the Fund unless requested otherwise by the Founding Donor or Fund Advisor and as approved by the Foundation. Grants made from funds at the Foundation are issued on checks with the name of the Foundation. The Foundation recommends that grants be a minimum of \$100.00 in order to have impact for the recipient organization.

A Founding Donor or Fund Advisor of a Donor Advised Fund may from time to time, but at least annually, make recommendations to the Foundation concerning the grant distributions exclusively for charitable purposes consistent with the fund's purpose. Recommendations may be approved or denied, in whole or in part, by the Foundation in its sole and absolute discretion.

FUND INACTIVITY

If, despite the Foundation's best efforts to regularly communicate and promote the importance of annual grant disbursements, the Advisor(s) for a Donor Advised Fund have not provided recommendations for distributions of the Fund for a period of three years, the Foundation reserves the right to direct a grant equal to the equivalent of the current spending policy percentage to the Community Impact Fund. This policy is in accordance with the recommendation of the Council on Foundations regarding inactive Donor Advised Funds.

RESTRICTIONS ON GRANTS

In compliance with the Internal Revenue Code, grants are not permitted for non-charitable purposes; for political contributions or to support political campaign activities; or for any purpose that would provide benefits, goods or services to a Donor to the Fund, the Fund's Advisor(s) or other related parties. A Fund Advisor is subject to IRS penalties if the Fund's Donor(s), Advisor(s), or other related parties receive benefits, goods or services in connection with a grant recommendation. This includes grants to satisfy pledges made by any person, including a Fund Advisor, and non-deductible (or partially tax-deductible) memberships, event tickets, sponsorships, registration fees in tournaments, and cause-related marketing activities.

Donor Advised Fund grants cannot be used to satisfy all or a portion of a pre-existing personal pledge or other financial obligation of the Donor(s), Advisor(s) or any related parties. Advisors may, however, recommend that a grant be paid out over multiple years, subject to grant approval and annual due diligence.

Donor Advised Funds may not issue grants to individuals or make expense reimbursements, loans, compensation, or other similar payments. This includes checks written directly to an individual or checks written to an entity for the benefit of a specified individual.

Grants are not allowed to Private Foundations.

FUNDRAISING

Additional gifts may be made directly to a fund at any time. Donors contributing to Foundation funds have the option to donate via credit card. The Foundation reserves the right to deduct the credit card fee from the donation. For liability reasons, fundraising events cannot be held in the name of a Donor Advised Fund, nor can the Foundation pay event vendors out of a charitable fund. A copy of the Foundation document Policies and Guidelines for Promoting Funds of the Community Foundation will be made available on request.

FEES AND FUND MINIMA

As a nonprofit public benefit organization, the Foundation supports its work on behalf of fundholders and the

community by charging Support Fees to manage charitable funds. Within the Foundation, the fees cover fund establishment, gift acknowledgement, investment management, grants administration and individualized donor services, such as research on non-profit organizations and special requests. For the community, the fees are used strategically to improve lives by initiating or partnering in efforts to address key local issues, paying attention to areas of community need not covered by other organizations. The Foundation's commitment to the local community is what sets the Foundation apart from commercial charitable funds, and all of the fees paid by fundholders stay in the region to support the work that the Foundation does in partnership with fundholders.

The Foundation shall retain reasonable compensation for its services and expenses. Such compensation shall be established by the Board of Directors of the Foundation in the form of annual Support Fees. Fees are determined by the level of service required to administer the fund as well as by the amount in the fund, and are initially set at the time the agreement is signed. Fund agreements shall reflect whether the funds are assessed on a per grant basis or annually on a percentage of the annual fund balance. If the annual percentage applies to the Fund, the fee is calculated monthly and paid directly to the Foundation from the Fund on a monthly basis.

The minimum Support Fee on all funds is \$500.00 for scholarships and \$250.00 for all other types of funds. The minimum Support Fee is effective as of the first full calendar year after the fund's establishment. The Support Fee structure may be amended from time to time by the Foundation board of directors with 45 days' written notice to the Donor. The fee structure for legacy funds, to be established by bequest or charitable trust, will be based on the fee structure in place at the date of funding.

There is no set-up fee to open a fund at the Foundation. Minimum funding amounts are required to establish active funds: currently, these amounts are \$25,000.00 for scholarship funds and \$10,000.00 for all other types of funds. Funds may be established with less than the required minimum provided that the minimum is met within a year of the fund's establishment; grants may not be made from funds until the required minimum is achieved. Fees and minimum fund amounts are not applicable to legacy funds until the funds become active. Expendable funds must maintain a minimum balance of \$500.00 to remain open.

ADVISORS AND REPRESENTATIVES

Donor Advised Funds. There are four types of advisors for Donor Advised Funds: **Founding Donor; Advisor; Fund Representative; and Successor Advisor.**

Founding Donors establishing a Donor Advised Fund have full advisory privileges, including grant recommendations, naming other Advisors, Representatives, and Successor Advisors, and the ability to conduct fund business such as releasing restrictions on the fund. A Founding Donor may designate any person over 18 years of age to be an Advisor or Fund Representative on the Fund. **Advisors** have the authority to recommend grants, while **Fund Representatives** have access only to fund information but no fund advisory privileges. No more than four (4) Advisors/Representatives are recommended for any type of fund. Upon the death of an Advisor for a Donor Advised Fund, the remaining Fund Advisors/Representatives retain their assigned privileges associated with the Fund.

The Founding Donor may also designate any person to be a **Successor Advisor** to exercise the privileges and duties of a Fund Advisor. Successor Advisors may assume the privilege to advise the Fund only after the death, resignation, or incapacity of all initial Fund Advisors named on the fund. Successor Advisors may not appoint further successors. In the event that the Donor has not designated Successor Advisors or a succession plan to make recommendations for the Fund after the death or incapacity of the initial Advisors, the Foundation's succession plan policy and procedure shall apply and the Foundation shall have no liability to any party for carrying out such policy and procedure.

POLICIES

The undersigned have received and agree to the foregoing terms and conditions and to Foundation policies referred to herein.

INDEMNITY

In consideration of the Foundation's creating a Fund at the request of the undersigned individual(s) or entity and for other good and valuable consideration, the undersigned hereby agree to indemnify and hold harmless the Foundation against any liability, cost, or expense which the Foundation may incur by reason of its acting upon instructions or recommendations given to the Foundation by any of the undersigned or by persons authorized to make recommendations with regard to the Fund.

DONOR ACKNOWLEDGEMENT AND SIGNATURES

I acknowledge that I have read the Sacramento Region Community Foundation Terms and Conditions and agree to the fees, terms, and conditions described therein. I understand that any contribution, once accepted by the Foundation’s Board of Directors, represents an irrevocable gift to Sacramento Region Community Foundation. The Foundation’s Board of Directors has variance power under IRS regulations, and this gift is not refundable to me.

I hereby certify, to the best of my knowledge, all information presented in connection with this form is accurate, and I will notify Sacramento Region Community Foundation promptly of any changes.

FOUNDING DONOR 1

Signature

Print Name

Date

FOUNDING DONOR 2

Signature

Print Name

Date

SACRAMENTO REGION COMMUNITY FOUNDATION SIGNATURE

Authorized Signature

Print Name

Title

Date

