



Policy Number:

30

Effective: April 19, 2010

Revised: October 16, 2017

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Subject: Donations

## **PURPOSE:**

Camden County Developmental Disability Resources (CCDDR) shall have a policy to follow sound legal and ethical business practices that comply with all applicable state and federal laws with regard to acceptance of donations.

## **POLICY:**

As a tax-supported entity, it is also the policy of CCDDR not to compete with or otherwise undermine the efforts of affiliated 501(c)3 nonprofit agencies in their efforts in soliciting donations and/or grant funds.

### **I. Gift Acceptance Policy**

CCDDR may occasionally solicit and accept gifts for purposes that will help the organization further and fulfill its mission. Donations shall only be accepted by the Board to support agency-wide programs and activities, and use of all donations shall comply with the Board's stated mission as well as statutory guidelines regarding use of County Board funds (Sections 205.968-205.972 RSMo). Potential donations made with the intent to support individual clients and/or programs and activities that do not fall within the Board's statutory authority shall be referred to other affiliated nonprofit agencies based in Camden County that serve persons with developmental disabilities. As a tax-supported entity, CCDDR shall not solicit donations from funding sources that typically would fund affiliated nonprofit agencies supported by the Board. The following policies and guidelines govern acceptance of gifts made to CCDDR for the benefit of any of its operations, programs, or services.

### **II. Use of Legal Counsel**

CCDDR will seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:

- Gifts of securities that are subject to restrictions or buy-sell agreements
- Documents naming CCDDR as trustee or requiring CCDDR to act in any fiduciary capacity
- Gifts requiring CCDDR to assume financial or other obligations
- Transactions with potential conflicts of interest
- Gifts of property which may be subject to environmental or other regulatory restrictions

CCDDR urges all prospective donors to seek the assistance of personal legal and financial advisors in matters relating to their gifts, including the resulting tax and estate planning consequences.

### III. Gifts Generally Accepted Without Review

#### *Cash*

Cash gifts are acceptable in any form, including by check, money order, or credit card. Donors wishing to make a gift by credit card must provide the card type (e.g., Visa, MasterCard, American Express), card number, expiration date, and name of the card holder as it appears on the credit card.

#### *Marketable Securities*

Marketable securities may be transferred electronically to an account maintained at one or more brokerage firms or delivered physically with the transferor's endorsement or signed stock power (with appropriate signature guarantees) attached. All marketable securities will be sold promptly upon receipt unless otherwise directed by CCDDR's Board of Directors. In some cases, marketable securities may be restricted, for example, by applicable securities laws or the terms of the proposed gift; in such instances the decision whether to accept the restricted securities shall be made by the Board of Directors.

#### *Bequests and Beneficiary Designations under Revocable Trusts, Life Insurance Policies, Commercial Annuities and Retirement Plans*

Donors are encouraged to make bequests to CCDDR under their wills, and to name CCDDR as the beneficiary under trusts, life insurance policies, commercial annuities, and retirement plans.

#### *Charitable Remainder Trusts*

CCDDR will accept designation as a remainder beneficiary of charitable remainder trusts.

#### *Charitable Lead Trusts*

CCDDR will accept designation as an income beneficiary of charitable lead trusts.

### IV. Gifts Accepted Subject to Prior Review

#### *Tangible Personal Property*

The Executive Director shall review and make a recommendation to the Board of Directors as to whether to accept any gifts of tangible personal property in light of the following considerations:

- Does the property further the organization's mission?
- Is the property marketable?
- Are there any unacceptable restrictions imposed on the property?
- Are there any carrying costs for the property for which the organization may be responsible?
- Is the title/provenance of the property clear?

### *Life Insurance*

CCDDR will accept gifts of life insurance where CCDDR is named as both beneficiary and irrevocable owner of the insurance policy. The donor must agree to pay, before due, any future premium payments owing on the policy.

### *Real Estate*

All gifts of real estate are subject to review by the Executive Director and approval by the Board of Directors. Prior to acceptance of any gift of real estate other than a personal residence, CCDDR shall require an initial environmental review by a qualified environmental firm. In the event that the initial review reveals a potential problem, the organization may retain a qualified environmental firm to conduct an environmental audit. Criteria for acceptance of gifts of real estate include:

- Is the property useful for the organization's purposes?
- Is the property readily marketable?
- Are there covenants, conditions, restrictions, reservations, easements, encumbrances or other limitations associated with the property?
- Are there carrying costs (including insurance, property taxes, mortgages, notes, or the like) or maintenance expenses associated with the property?
- Does the environmental review or audit reflect that the property is damaged or otherwise requires remediation?

Certain forms of gifts or donated properties may be subject to review prior to acceptance. Examples of gifts subject to prior review include, but are not limited to gifts that would:

- Result in CCDDR violating its statutory authority
- Are too difficult or too expensive to administer in relation to their value
- Result in any unacceptable consequences for CCDDR
- Are for purposes outside CCDDR's mission

Decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by the Board of Directors, in consultation with the Executive Director and, if appropriate, legal counsel.

V. Monitoring Restricted Gifts Policy

CCDDR will fulfill a donor's specified gift intent to the extent that doing so is legal, consistent with the organization's statutory authority, and capable of being performed. CCDDR will discourage donors from imposing investment and transferability restrictions on assets given to the organization. However, once donations with such restrictions have been accepted, the organization will comply with such restrictions.

VI. Policy Concerning the Use of Solicitors

The Executive Director of CCDDR shall approve any proposed fundraising plan before funds are solicited on behalf of the organization. The plan must indicate the targeted groups or audience that will be solicited, the literature that will be used to support the fundraising effort, the timeframe for the campaign, and the names of the persons who will be soliciting funds on the organization's behalf.

**REFERENCES:**

- CARF Standards Manual
- Sections 205.968-205.972 RSMo