



Gift Solicitation & Acceptance Policy

The Berks Conservancy solicits and accepts gifts that are consistent with its mission and that support its core programs, as well as special projects. This policy is intended to assist in ensuring that accepted gifts do not place other Berks Conservancy assets at risk and that all gifts can be easily converted into assets consistent with the Berks Conservancy's overall investment policies.

Gift Solicitation: Berks Conservancy solicitations will be accurate, truthful, and candid. Solicitation materials should follow all federal and state requirements for solicitations. The Berks Conservancy VP for Development & Community Relations and/or President will approve all fundraising activity conducted by any staff, volunteers, consultants, contractors, board members, and others soliciting on behalf of the organization.

Gift Acceptance: Donations will generally be accepted from individuals, partnerships, corporations, foundations, government agencies, or other entities, without limitations – unless acceptance of gifts from a specific source is inconsistent with the mission of the Berks Conservancy.

In the course of its regular fundraising activities, the Berks Conservancy will accept gifts made outright by living donors, through testamentary arrangements that take effect upon a donor's death or some other form of deferred or split-interest gift. Donors that have informed the Berks Conservancy of a deferred gift in their estate plans will be invited to join the *Woodland Society* as a way to recognize their commitment to the organization.

Unless otherwise determined by the donor or Gift Acceptance Committee, deferred gifts greater than \$25,000 will support the Berks Conservancy's general endowment. Gifts valued below \$25,000 will support the annual operations of the organization.

Berks Conservancy representatives may accept deferred and other planned gifts on behalf of the organization within categories such as: Pooled Income Funds, Charitable Gift Annuities (Immediate Payment), Charitable Gift Annuities (Deferred Payment), Charitable Remainder Unitrusts, Charitable Remainder Annuity Trusts, Charitable Lead Annuity Trusts, Charitable Lead Unitrusts, Retained Life Estates, Life Insurance, Real Estate, Partnership Interests or Tangible Personal Property. Specific guidelines within each of the gift vehicles will be reviewed annually by the Development Staff of the Berks Conservancy, or on an as needed, case-by-case basis.

The Berks Conservancy retains the right to evaluate all potential gifts (whether lifetime or deferred) to ensure that such gifts can be readily liquidated and will not place the Berks Conservancy or its assets at risk. The Berks Conservancy may accept a broad range of gifts, including:

- **Checks/Cash** – review not required;

- **Publicly-traded securities (stocks/bonds)** - stocks, bonds, or other securities may only be accepted upon approval of the President. The following language should serve as a guide to acknowledge all gifts of publicly-traded securities;

(Date of gift) may or may not be the date that should be used in valuing the stock for the purposes of your charitable deduction. You should consult with your own advisors regarding this. If it is the date that should be used for the determination of your charitable deduction, then according to (name of institution), the high value of the (name of stock) stock was \$_____ per share on that date, the low value was \$_____ per share, and the mean value was \$_____ per share on the date of the gift. This would suggest that you are entitled to a charitable tax deduction of \$_____ for this gift.

As a result of the sale of the securities you donated, \$_____ was received by the Berks County Conservancy. This represents the proceeds of the sale after (name of institution) fees were deducted. Remember that this amount has no bearing on the amount of the charitable deduction that you are entitled to. IRS regulations require that we advise you that you received no goods or services from Berks County Conservancy or its affiliates in exchange for this gift.

- **Life Insurance** - Gifts of life insurance may be in the form of an outright gift of the policy, in which case the Berks Conservancy becomes the owner and beneficiary of the policy. Alternatively, the donor may retain ownership of the policy and name the Berks Conservancy as the ultimate beneficiary. Gifts of life insurance may only be accepted upon approval of the President;
- **Restricted gifts** – gifts to be used only for restricted purposes may only be accepted upon approval of the President. The Development Department of the Berks Conservancy will maintain a list of restrictions, gift agreements, and will manage relationships/communication with the donors. Such restrictions will also be managed in coordination with the Finance Department;
- **Real Property** –
 - Outright gifts: All outright gifts of real property require a review process and may only be accepted upon approval of the Board of Directors. The review process will require, at minimum, completion of a property inspection to evaluate environmental factors. If the Land Committee and Gift Review Committee are satisfied with its preliminary review, a recommendation will be made to the Board of Directors. If the gift is accepted, the donor will be expected to arrange for the deed and title work. The Berks Conservancy requests that the donor bear all costs associated with this process. The Development Department of the Berks Conservancy will offer assistance by providing draft language for agreements between the organization and the donor.

The Development Department of the Berks Conservancy will be responsible for forwarding a signed Form 8283 to the donor. The Berks Conservancy will be responsible for filing a Form 8282, if the property is sold within two years of the gift date.

- Deferred gifts: The Berks Conservancy will accept gifts of real property made outright by living donors through testamentary arrangements that take effect upon a donor's death. These arrangements are typically revocable until the time of the donor's death, and therefore do not require action by the Berks Conservancy Board of Directors during the donor's lifetime. The Development Department will work with the donor and/or their professional advisors to define the gift and to develop the appropriate documents to demonstrate the intent of the donor's gift. These documents (at minimum a Statement of Intent) are maintained and filed in the Development Department of the Berks Conservancy, and are critical documentation to ensure

proper execution of the project upon the donor's death. At the time of the donor's death (when the gift is expected) the Land Department of the Berks Conservancy execute the project following the organization's real estate transaction procedures. At that time, for real property that may put the organization at risk, the Board of Directors may choose to disclaim the gift and follow proper state procedures to do so.

- **Tangible Personal Property** - Tangible personal property may be accepted as a gift if such property is saleable. The donor will be responsible for obtaining a qualified appraisal consistent with IRS regulations. Such personal property may only be accepted upon the approval of the President;
- **Unusual gifts** – gifts that are out of the ordinary, such that they differ significantly from the amounts or types of gifts that are routinely received by the Berks Conservancy, may only be accepted upon approval of the President;
- **Life Estate Agreement** - A donor may contribute a personal residence to the Berks Conservancy and retain the right to occupy the property for a limited period of time or until death. Upon the expiration of such time period or the death of the occupant(s), the Berks Conservancy will own the entire interest in the property. Such agreements may only be accepted upon approval of the Board of Directors, and will follow the above guidelines of accepting **Real Property**.

The Berks Conservancy may elect to refuse gifts of cash, securities, real estate or other items of value if there is reason to believe that such gifts are incompatible with the mission of the organization, conflict with its core values, or would create a financial, administrative, or programmatic burden. The President is directed to refer questionable gifts to the Gift Review Committee, Executive Committee and/or the Board of Directors for guidance on a case-by-case basis. Employees of the Berks Conservancy are encouraged to bring to the attention of the President or the VP for Development & Community Relations any concerns they may have about the appropriateness of accepting any gift.

The Berks Conservancy may elect to refuse gifts of any type if the potential gift poses a conflict of interest – including but not limited to real conflicts of interest, appearances of conflicts of interest, or perceived conflicts of interest.

Accountability to Donors: The Berks Conservancy is accountable to its donors and provides written acknowledgement of gifts as required by law, ensures that donor funds are used as specified, keeps accurate records, honors donor privacy concerns and advises donors to seek independent legal and financial advice for substantial gifts. Requests by donors to remain anonymous, have their names removed from mailing lists, or to restrict appeals will be honored. All agreements with donors and all information concerning donors and prospective donors shall be held in strict confidence by the Berks Conservancy, subject to any legally enforceable requests for information made by regulatory bodies and/or courts. All other requests for donor information will be allowed only if permission is obtained from the donor prior to release of such information. Donors will not be subject to excessive pressure when solicited for contributions. When funds are accepted with restrictions, restrictions will be honored. The Berks Conservancy follows the Donor Bill of Rights (developed by American Association of Fund Raising Counsel, Association for Healthcare Philanthropy, the Council for Advancement and Support of Education, and the Association of Fundraising Professionals).

The Berks Conservancy does not pay fundraisers based on a percentage of the amount raised or other commission formulas. For special projects, the Berks Conservancy only hires fundraisers and fundraising counsel who are properly registered with the Commonwealth of Pennsylvania.

Gift Review: The Gift Review Committee shall consist of the Berks Conservancy's President, VP Development & Community Relations, Finance Committee Chair, Development Committee Chair, Chairman of the Board or other qualified persons appointed by the Board of Directors. This Committee shall be called together at the discretion of the President and/or Chairman of the Board.

The primary responsibility of the Gift Review Committee shall be to review (and determine action on) proposed gift transactions which the President refers to the Gift Review Committee. The Gift Review Committee may consider the issues involved through meetings, telephone discussions, mailings or other appropriate means.

The President shall be authorized to carry out decisions made by the Gift Review Committee with no further action by the Board of Directors¹. All such decisions shall be reported to the full Board of Directors no later than its next scheduled meeting. If, in the judgment of the Gift Review Committee, a potential gift falls outside the parameters outlined in this Gift Solicitation & Acceptance Policy, the Gift Review Committee will refer consideration of the potential gift to the full Board of Directors.

Legal & Professional Advice: Berks Conservancy staff will encourage prospective donors to have the terms of proposed fund agreements (and other documents related to a proposed gift) reviewed by the donor's own legal or financial advisers and encourage donors to seek professional advice regarding all tax-related matters. It shall be the responsibility of the donor(s) to obtain any necessary appraisals, file appropriate tax returns and defend against any challenges to claims for tax benefits.

The Berks Conservancy shall, when deemed appropriate, seek the advice of legal counsel in matters pertaining to gift acceptance.

The Berks Conservancy does not typically serve as trustee of charitable remainder, charitable lead or other trust arrangements, and recommends that donors seek the services of an experienced professional trustee. To avoid conflicts of interest, no Berks Conservancy staff member may serve as trustee or executor for a donor or prospective donor without first securing permission from the Berks Conservancy's President.

To assure continued relevance in future years, the Berks Conservancy's Board of Directors will periodically review (and if deemed appropriate amend) this Gift Solicitation & Acceptance Policy and related documents.

¹ In certain instances, a decision regarding gift acceptance must be made immediately. For example, occasionally a donor will request gift acceptance during the last several days of December and wish to have the gift completed by December 31st. In such cases, the President will attempt to consult with all Gift Review Committee members. However, given the likelihood that not all members will be available for such consultation, any one Committee member may authorize the President to accept the gift.