

## Donor-advised Fund Agreement

**Welcome to the Community Foundation family.** Thank you for choosing the Community Foundation for Greater Atlanta. Our staff is available to assist you at any time with a wide variety of services, from establishing a fund, to grantmaking, family philanthropy services, and planning for the future.

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### DONOR ADVISOR INFORMATION

#### Donor Advisor 1 (NOTE: all correspondence will be sent to Advisor 1 unless otherwise specified)

Full Name (First, Middle, Last)		Nickname	Preferred Salutation (e.g. Mr. James L. Smith or Jim Smith)	
Home Address		City	State	Zip
Date of Birth	Send mailings to my:		<input type="checkbox"/> Home	<input type="checkbox"/> Office
Business or Organization Name		Position		
Business Address		City	State	Zip
Home Phone	Mobile Phone	Business Phone	E-Mail (Preferred)	

#### Donor Advisor 2

Full Name (First, Middle, Last)		Nickname	Preferred Salutation (e.g. Mr. James L. Smith or Jim Smith)	
Home Address		City	State	Zip
Date of Birth	Send mailings to my:		<input type="checkbox"/> Home	<input type="checkbox"/> Office
Business or Organization Name		Position		
Business Address		City	State	Zip
Home Phone	Mobile Phone	Business Phone	E-Mail (Preferred)	

Relationship to Donor Advisor 1



**2 NAME YOUR FUND**

Please choose a name for your fund. Grants made to charities are accompanied by a letter, which includes the fund name (e.g. The John H. Smith Family Fund) and the name and address of the donor advisor. However, you may recommend that specific grants be sent anonymously.

Your fund name will appear in Foundation materials, including our annual report and on our web site. If you wish your fund name to be anonymous, please name it accordingly (i.e. ABC Fund).

Fund name:

**3 INTITIAL CONTRIBUTION(S)**

- Check for \$   Cash wire for \$
- Publicly Traded Securities  shares of
- Closely held stock, Partnership or LLC interest, etc. *(Contact gift planning department)*
- Real Estate *(Contact gift planning department)*
- Mutual Fund *(Contact gift planning department)*
- Bequest or other estate gift
- Other

**Additional gifts can be made in any amount.** If making a contribution of multiple securities or assets, please attach pages as needed.

**4 ADMINISTRATIVE FEES**

Annual administrative fees* are:	First \$500,000.....	100 basis points (1%)
	Next \$500K-\$5M.....	70 basis points (.70%)
	Next \$5M-\$20M.....	55 basis points (.55%)
	Next \$20M+.....	50 basis points (.50%)

Minimum annual administrative fees:	Standard funds .....	\$1,000
	Enhanced philanthropic services funds.....	\$2,500
	Funds managed by outside investment manager.....	\$5,000

\*The fee is calculated and charged pro-rata at the beginning of each quarter.

*In addition to these administrative fees, an investment management fee will be assessed on your fund to pay the investment managers and related services. Investment management fees vary depending upon your fund's investment option (Community Foundation for Greater Atlanta's Unitized Pool, American Funds, Conservative Fund or an individually managed account).*

**Short-Term Fund Fee**

If 100 percent of the fund is distributed within 36 months of establishment, a short term administrative fee applies on the following schedule based on the amount of grants distributed during such period: 3% for the first \$100,000 of grants, 2% for the next \$900,000, and 1% for all grants in excess of \$1 million. This fee shall be a minimum of \$3,000. This fee shall be assessed in lieu of the annual administrative fee.



**5 PERSONALIZED PHILANTHROPIC SERVICES – MANDATORY OPT IN/OPT OUT**

Personalized philanthropic services provide customized services, such as next generation training and family meeting facilitation. There is a minimum fee of \$2,500/year to engage these services.

- I would like to access personalized philanthropic services
- I do not elect to access personalized philanthropic services

**6 INVESTMENTS**

Our investment philosophy emphasizes long-term results using a diversified portfolio with a bias toward equities. Our objectives are to obtain investment returns that will:

- ◆ provide reasonable funding for charitable distributions;
- ◆ increase the value of the corpus at a rate greater than inflation, net of charitable distributions and expenses; and
- ◆ provide necessary funding to meet administrative expenses.

The Community Foundation is pleased to consider your investment preference from among the options listed below. All investment options are reviewed and approved by the Foundation’s Investment Committee.

**Please select one of the following Community Foundation investment options:**

- CFGA Unitized Pool     American Funds Portfolio     Conservative Option
- An external investment manager of your choice:  
*A minimum administrative fee of \$5,000 will be assessed on these funds.*

Name:  Firm:   
Email:  Telephone:

*For detailed information about the composition of these portfolios, please contact our Director, Gift Planning.*

*Please note that requests to change the investment option of your fund must be made to the Foundation in writing.*

*If you requested the American Funds Blended Portfolio in Section 6, please see the paragraph labeled “Relationship with American Funds” in the procedures attached to this agreement.*



**7** **SUCCESSION PLAN**

You may request that portions of your fund be administered in any or all of the following ways upon the death or incapacity of the fund’s last surviving donor advisor. Total of percentages should equal 100.

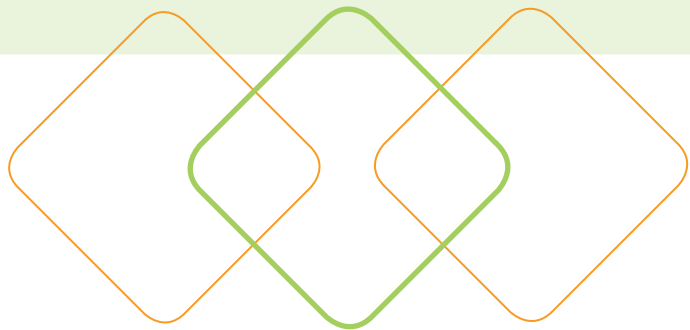
Transfer advisory privileges of this fund to successor advisor(s) as listed later in this agreement.  
 % of fund value

Create a designated fund for the benefit of the organization(s) named below (\$50,000 minimum required).  
 % of fund value

Organization:	<input type="text"/>	%	<input type="text"/>
Organization:	<input type="text"/>	%	<input type="text"/>
Organization:	<input type="text"/>	%	<input type="text"/>

Transfer the fund’s assets to the Community Foundation’s unrestricted operating fund  
 % of fund value

Transfer the fund’s assets to the Community Foundation’s unrestricted fund to help meet the greatest needs of the Greater Atlanta area. The unrestricted fund is the Community Foundation’s competitive grant-making fund.  
 % of fund value





**Successor Advisors**

Donors may designate individuals as successor advisor(s), who have privileges to make recommendations appropriate for the fund. A donor advisor may change this designation at any time by completing the Succession Plan Agreement available from the Foundation.

**Successor Advisor Information**

Successor advisor(s) have privileges to make recommendations appropriate for the fund. All fund correspondence will be sent to successor advisor 1, unless otherwise specified. If more than two advisors are desired, please attach additional information to this form. Furthermore, it is the responsibility of the designated successor advisor(s) to contact the Foundation at such time as he/she/they become donor advisor(s) to the fund.

**Successor Advisor 1**

Full name <i>(First, Middle, Last)</i>		Nickname	Preferred salutation <i>(e.g. Mr. James L. Smith or Jim Smith)</i>	
Home address		City	State	Zip
Date of birth	Send mailings to: <input type="checkbox"/> Home <input type="checkbox"/> Office		Add to mailing list for: <input type="checkbox"/> Invite to events <input type="checkbox"/> Send statement copies	
Business or organization name		Position		
Business address		City	State	Zip
Home phone	Mobile phone	Business phone	E-Mail <i>(Preferred)</i>	
Relationship with Donor Advisor				

**Successor Advisor 2**

Full Name <i>(First, Middle, Last)</i>		Nickname	Preferred salutation <i>(e.g. Mr. James L. Smith or Jim Smith)</i>	
Home address		City	State	Zip
Date of birth	Send mailings to: <input type="checkbox"/> Home <input type="checkbox"/> Office		Add to mailing list for: <input type="checkbox"/> Invite to events <input type="checkbox"/> Send statement copies	
Business or organization name		Position		
Business address		City	State	Zip
Home phone	Mobile phone	Business phone	E-Mail <i>(Preferred)</i>	
Relationship with Donor Advisor				

I/We, as the donor(s), request that the successor advisor(s) named assume this responsibility  on the following date \_\_\_\_/\_\_\_\_/\_\_\_\_  
 on the death of the current advisor(s)



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**DONOR-ADVISED FUNDS POLICIES**

**Donor advisor(s) listed in Section 1 must sign below**

**POLICIES AND PROCEDURES**

The undersigned have received and reviewed the *Procedures for Establishing and Operating Donor-advised Funds* and agree to its terms and conditions described therein. The undersigned understand that any contribution, once accepted by the Foundation, represents an irrevocable gift to the Foundation and is not refundable. The undersigned hereby certify that all information presented in connection with this application is accurate, and the undersigned will promptly notify the Foundation in writing of any changes.

**ADMINISTRATIVE & INVESTMENT CHARGES**

The Community Foundation for Greater Atlanta will receive, as compensation for its services in investing, administering and distributing the funds hereunder, the administrative and investment charges customarily applied.

**INVESTMENTS**

The undersigned acknowledge and agree that IRS regulations enable donor advisor(s) to designate investment preferences, but require the Foundation to retain final discretion regarding those preferences. The undersigned understand that investments will be administered in accordance with the policies of the Community Foundation for Greater Atlanta. The undersigned acknowledge that investments are subject to market and interest rate fluctuation risks, and that any gain or loss generated by the investments described in this agreement will be credited or charged to the fund. The total investment return of each investment vehicle is net of its operating expenses.

**INDEMNITY**

In consideration of the Foundation creating a fund at the request of the individual(s) or entity named, and for other good and valuable consideration, each of the undersigned hereby agrees to indemnify and hold harmless the Foundation, its directors, officers, employees, and other representatives, against any liability, cost, or expense which the Foundation or any of its directors, officers, employees, or other representatives may incur by reason if their acting upon recommendations given to the Foundation by any of the authorized persons named.

**VARIANCE POWER**

It is understood that the fund to be established pursuant to this agreement will be subject to the provisions of the articles of incorporation, bylaws and other governing instruments of the Community Foundation for Greater Atlanta, including the power reserved by the board of directors to modify any condition or restriction on the distribution of funds, if in its sole judgment (without the approval of any trustee, custodian or agent), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable purposes and functions of the Foundation.

<b>Donor Advisor 1</b>	Signature	
	Name <i>(please print)</i>	Date
<b>Donor Advisor 2</b>	Signature	
	Name <i>(please print)</i>	Date
<b>The Community Foundation for Greater Atlanta</b>	By	Title
	Name <i>(please print)</i>	Date



## **ADDENDUM A: Procedures for Establishing and Operating Donor-advised Funds**

### **AUTHORIZATION**

The Community Foundation for Greater Atlanta, Inc. (the “Foundation”) has authorized the establishment of donor-advised funds by resolution of the board of directors adopted on October 27, 1977. These procedures may be amended at any time and from time to time, when deemed necessary or desirable by the board of directors.

### **CHARACTERISTICS OF DONOR-ADVISED FUNDS**

Donor-advised funds may be established by the donation or transfer by any person to, and acceptance by, the Foundation of money or property, whether by contribution, gift, bequest or devise, or by transfer from a charitable or other organization, to further or carry out the charitable purposes of the Foundation, as set forth in its articles of incorporation and bylaws. Contributions to donor-advised funds represent irrevocable gifts subject to the legal and fiduciary ownership and control of the Foundation and its board of directors. A donor may not impose any material restriction or condition that prevents the Foundation from freely and effectively employing the contributed assets, or the income derived therefrom, in furtherance of the charitable purposes of the Foundation.

### **NATURE AND TERMS OF DONOR-ADVISED FUNDS**

Each donor advised fund shall be the property of the Foundation, owned by it in its normal corporate capacity. In such capacity, the Foundation shall have the ultimate authority and control of all property in the fund, and the income derived therefrom, for the charitable purposes of the Foundation. Each fund may be recorded on the books and records of the Foundation as an identifiable and separate fund, and may be given a name or other appropriate designation as requested by the donor. Anything herein or in the deed of gift or other instrument of transfer creating a donor advised fund to the contrary notwithstanding, each fund shall be a component part of the Foundation and shall be subject to the governing instruments of the Foundation, including its articles of incorporation and bylaws, as amended from time to time.

### **ROLE OF DONORS**

The Foundation welcomes the involvement and recommendations of its donors with respect to distributions from donor-advised funds, but such recommendations are advisory only and are in no way binding upon the Foundation. The Foundation honors the charitable intentions of its donors consistent with community needs and applicable laws and regulations. Donor advice will be considered if offered in writing or by fax or e-mail through our online portal. Because the Foundation’s principal geographic area of concern is the greater Atlanta area (23-county metropolitan region), the Foundation’s primary focus is to support and improve the charitable organizations of this region. The Foundation will also consider charitable organizations outside the greater Atlanta area if the grant will fulfill the broader charitable purposes of the Foundation.

### **EVALUATION OF DONOR RECOMMENDATIONS**

In evaluating recommendations for distributions from donor-advised funds, the Foundation staff investigates all prospective grant recipients to ensure that they are organized and operated for charitable purposes within the meaning of section 501(c) (3) of the Internal Revenue Code, and that the grant will be used for a charitable purpose. All distributions from donor-advised funds must be approved or ratified by the Foundation’s board of directors.

*(Procedures continued next page)*



**ADDENDUM A: Procedures for Establishing and Operating Donor-advised Funds** | *continued*

**ADDITIONAL ADVISORS**

The privilege of making recommendations shall be extended to donors, their spouses and their designees. All requests to appoint additional advisors and successor advisors must be communicated to the Foundation in writing by the donor(s) establishing the fund. A donor advisor may change this designation. If any present donor fails to establish a succession plan prior to death, the remaining balance of the fund at the donor's death shall be transferred to the Community Foundation's Operating Fund.

**INACTIVE FUNDS**

If there are no gifts to a donor-advised fund for 36 consecutive months and the Foundation has not received a grant recommendation from the advisor during the same 36 month period, the Foundation will attempt to contact the advisor to ascertain the advisor's desired level of involvement with the Fund. If the advisor or successor advisor does not respond after three attempts by the Foundation to contact the advisor (and, if one has been named, a successor advisor) at the most recent address or phone number in the Foundation's records, then the fund shall be used to support the Foundation's charitable activities based on the Foundation's spending policy at that time. If at a later date the advisor (or, if the advisor has died, a named successor advisor) chooses to become engaged in advising the fund, such privilege will revert back to such advisor (or such successor advisor).

**INVESTMENT OF ASSETS**

The Foundation has the responsibility and authority for the investment of the assets of each donor-advised fund. The assets of any fund may be separately invested or may be commingled with those of other donor-advised funds or endowment funds of the Foundation, or may be invested in units of a common investment fund which may be established or utilized by the Foundation. However, the Foundation shall have no obligation either to invest separately or to commingle the assets, for investment purposes. Any decisions with respect to the retention, investment or reinvestment of assets and with respect to commingling of assets, shall be made by the Foundation's board of directors, in accordance with its regular procedures in accordance with prudent investment standards.

**VARIANCE POWER**

Donor-advised funds will be subject to the provisions of the articles of incorporation and bylaws of the Foundation, including the power vested in the board of directors to modify any condition or restriction on the distribution of funds, if in its sole judgment (without the approval of any trustee, custodian or agent), such restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable purposes and functions of the Foundation.

**DISTRIBUTIONS**

All distributions from donor-advised funds are subject to the Foundation's variance power and must be ratified by the Foundation's board of directors. The Foundation encourages distributions of at least \$100 from any donor-advised fund. Unless otherwise requested by the donor of the fund, any distribution from a donor-advised fund shall identify to the grantee organization the name of the fund from which the distribution is made.

*(Procedures continued next page)*





**ADDENDUM A: Procedures for Establishing and Operating Donor-advised Funds** | *continued*

**RESTRICTIONS ON DISTRIBUTIONS**

Distributions from donor-advised funds established at the Foundation will be made only if they are consistent with the Foundation's charitable purposes and satisfy community needs identified by the Foundation as deserving of its support. Fund distributions will not be made for any purpose or to any organizations that would provide a tangible benefit to the donor recommending the distribution. It is the Foundation's policy that distributions from donor-advised funds may not be made to any named individual, or to organizations that are not qualified section 501(c)(3) public charities. Distributions from donor-advised funds will not be made to support or promote political or legislative activities.

**EXPENSES PAYABLE FROM DONOR-ADVISED FUNDS**

No expenses (including expenses for travel, meals, lodging, and the like) incurred by donors or advisors may be paid or reimbursed from donor-advised funds, except for the costs of meals provided during occasional group meetings at which persons who are neither donors nor advisors are present. However, donor-advised funds will pay or reimburse expenses for transportation, meals, lodging, and other similar expenses paid or incurred by staff of the Community Foundation when providing donor-advised fund-related services outside the Community Foundation's 23-county service area.

**CONFLICT OF TERMS**

In the event of an inconsistency between these procedures and any procedures, terms, or conditions appearing elsewhere in connection with any fund, these procedures, as interpreted by the Foundation, shall govern, and the Foundation reserves the right to take any actions at any time which, in its discretion, it deems reasonably necessary or desirable for the proper administration of any fund of the Foundation.

**FEES**

Donor-advised funds are subject to administrative and investment fees, and the Foundation reserves the right to change its fee structure at any time.

**RELATIONSHIPS WITH PROFESSIONAL ADVISORS**

The Foundation desires to establish a referral network with members of the financial, tax and estate planning professions as a means of increasing its charitable assets to benefit the community. For this reason, the Foundation staff has provided informational materials about the Foundation to professional advisors and held discussions with them explaining the benefits of charitable giving in partnership with the Foundation. The Foundation's role has been to provide information and options for charitable giving through the Foundation; staff of the Foundation do not act as financial planners, legal or tax advisors.

**RELATIONSHIP WITH AMERICAN FUNDS**

The American Funds (American) is one of the Foundation's investment managers; and, as a general rule, the amount of assets managed by American will depend upon the amount of outright and deferred gifts contributed by clients of American's licensed broker dealers. In compensating its broker dealers, American takes into consideration amounts added to American's investment management account for the Foundation resulting from such referrals. Though the financial advisors have an overriding commitment to serve the best interests of their clients, they may receive financial remuneration from American (currently in the amount of 0.25% of each gift to a fund and 0.25% of the fund's balance each year). Any such remuneration is paid entirely by American. By signing this agreement, donors who have requested that their donor-advised funds be invested with American, hereby acknowledge that they have read this disclosure statement and understand the relationship between American Funds, their financial advisor and the Foundation, and the basis for compensation American broker dealers.



## Additional Information

### A FAMILY MEMBERS

Spouse or  Partner:  Date of birth:

Child:  Date of birth:

Child:  Date of birth:

Child:  Date of birth:

### B ETHNICITY/RACE

If you would like to provide information on your ethnicity/race, it helps us compile statistics on philanthropic giving:

### C CHARITABLE INTERESTS

To help us serve you better, please indicate your philanthropic interest. *(Please check all that apply)*

Arts  Nonprofit effectiveness

Community development  Well-being

Education  Other:

- Check here if you are interested in serving on a volunteer committee of the Community Foundation.
- Check here if you would like to learn about funding opportunities in your areas of interest.

### D MOTIVATION

What motivated you to establish this fund? *(Please check all that apply)*

Involve multiple generations in giving  Benefit the community  Reduce tax burden

Simplify my annual charitable giving  Learn about a specific issue  Other:

### E REFERRAL

How did you learn about the Community Foundation for Greater Atlanta? *(please list contact)*

Professional advisor:   Family/friend:

Foundation employee:   Website/media:

Foundation donor or board member:   Other:

### F OTHER

Would you be open to helping CFGA spread the word about our work?  Yes  No