

## **Morongo Basin Conservation Association Gift Acceptance Policy**

The Morongo Basin Conservation Association (MBCA) solicits and accepts gifts for purposes that will help the organization further and fulfil its mission: *MBCA advocates for a healthy desert environment that nurtures our rural character, cultural wealth and economic well-being.* MBCA 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. The following policies and guidelines govern acceptance of gifts made to the MBCA for the benefit of any of its operations, programs or services.

*Use of Legal Counsel*—MBCA will seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:

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

*Restrictions on Gifts*—MBCA will not accept gifts that (a) would result in MBCA violating its corporate charter, (b) would result in MBCA losing its status as an IRC § 501(c)(3) not-for-profit organization, (c) are too difficult or too expensive to administer in relation to their value, (d) would result in any unacceptable consequences for the MBCA, or (e) are for purposes outside MBCA's mission. Decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by the Board of Directors with appropriate legal counsel as needed.

*Gifts Generally Accepted Without Review*—

- *Cash.* Cash gifts are acceptable in any form, including by check, money order, credit card, or on-line. 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. Amounts over \$5000 from new donors to MBCA will be subject to approval by the Board of Directors.
- *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 MBCA'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 MBCA under their wills, and to name MBCA as the beneficiary under trusts, life insurance policies, commercial annuities and retirement plans.
- *Charitable Remainder Trusts.* MBCA will accept designation as a remainder beneficiary of charitable remainder trusts.

- *Charitable Lead Trusts.* MBCA will accept designation as an income beneficiary of charitable lead trusts.

*Gifts Accepted Subject to Prior Review.* 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:

- *Tangible Personal Property.* The Board of Directors shall review and determine 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.* MBCA will accept gifts of life insurance where MBCA 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 Board of Directors. Prior to acceptance of any gift of real estate other than a personal residence, MBCA 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?

When considering whether to solicit or accept gifts, MBCA will consider the following factors:

- *Values*—whether the acceptance of the gift compromises any of the core values of MBCA
- *Compatibility*—Whether there is compatibility between the intent of the donor and the organization’s use of the gift
- *Public Relationships*—whether acceptance of the gift damages the reputation of MBCA
- *Primary Benefit*—whether the primary benefit is to MBCA, versus the donor
- *Consistency*—is acceptance of the gift consistent with prior practice?
- *Form of Gift*—Is the gift offered in a form that MBCA can use without incurring substantial expense or difficulty?
- *Effect on Future Giving*—Will the gift encourage or discourage future gifts?

All decisions to solicit and/or accept potentially controversial gifts will be made by the Board of Directors. The primary consideration will be the impact of the gift on the organization.

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Name/ MBCA Official Title  
Final: July 7, 2016

Date