

# St. James' Gift Acceptance Policy

This document is intended to articulate the policies of the Vestry of St. James' Episcopal Church, Leesburg, Virginia (hereinafter "Church" or "Parish") regarding the acceptance of gifts to the Church. As such, it is intended to provide guidance to those who may be involved in the acceptance of gifts on behalf of the Parish, to prospective donors, and to outside advisors who may assist those prospective donors.

It shall be the primary responsibility of the Church Treasurer, the Finance Committee, and a subcommittee of the Finance Committee to be known as the Planned Giving Committee to advise the Rector and the Vestry regarding potential gifts to the Church. The Planned Giving Committee shall also act as the administrator of St. James' planned giving program.

While this policy covers many of the most common gifts to churches, the Vestry understands that circumstances may arise that are outside the scope of this policy. The Vestry necessarily will deal with such instances on an individual basis, keeping in mind both the intent of the donor in supporting the mission and ministries of St. James' and the overall good of the Parish.

## I. **Responsibility to Donors.**

- A. **General.** The Church, its clergy, staff and representatives, Vestry and Finance and Planned Giving Committees (hereinafter "the Church and its representatives") shall endeavor to assist donors in accomplishing their philanthropic objectives in providing gifts to the Parish.
- B. **Confidentiality.** Information concerning all transactions between a donor or potential donor and the Parish shall be held in strict confidence and, unless required by legal or other official process, may be publicly disclosed only with the permission of the donor or donor's legal representative. In particular, the Church shall respect the wishes of donors who want to support the Parish anonymously and will take reasonable steps to safeguard those donors' identities.
- C. **Legal, Accounting, Tax, Financial or Other Professional Advice.** Potential donors should be aware that the Church does not provide legal, accounting, tax, financial or other professional advice. The Church and its representatives shall take care to communicate this to prospective donors and to encourage prospective donors to discuss all gift planning decisions with his or her advisors before entering into any commitment to make a gift to the Church.
- D. **Right of Refusal.** The Rector and Vestry specifically reserve the right to refuse any gift offered to the Parish that does not further the mission or ministries of the Church or that is inconsistent with the values, mission or ministries of the Church or that would create undue administrative burdens or expenses.

II. **Gift Restrictions.**

A. **Unrestricted Gifts.** To provide the Church with maximum flexibility in the pursuit of its ministries and mission, the Vestry encourages donors to make unrestricted gifts to the Church.

1. **Planned Giving.** As part of the Parish's planned giving program, the Vestry has created the St. James' Legacy Fund, which will be the repository for unrestricted gifts. Additionally, in recognition of the Parish's longstanding commitment to the preservation of the Church's historic buildings and grounds, the Vestry has also created the St. James' Historic Preservation Fund, as part of the Parish's planned giving program, which will generally serve as the repository for gifts restricted for the preservation of the Church's building and grounds.
2. **St. James' Foundation.** The St. James' Foundation Fund will continue to be a repository of funds to support capital expenditure requirements, which sometimes arise unexpectedly and require immediate funds beyond those provided in the annual budget for preventive and routine maintenance of St. James' buildings and grounds. It is the intent of the Vestry that the Historic Preservation Fund be both additive and complementary to St. James' existing funds.
3. **Budgeted and Planned Ministries and Mission.** The Church will generally accept a gift that is restricted as to its use for current or planned ministries and mission.
4. **Other Restrictions.** Beyond current and planned ministries and mission, the Church may also accept a gift that is restricted to a particular use with the prior written consent of the Rector and Vestry. The minimum gift amount to establish a new, named fund shall be \$50,000.
5. **Variance Power.** While the Church will endeavor to fulfill the purpose of any restricted gift accepted by the Church, potential donors should be aware that if the purpose of any such restricted gift no longer exists or is no longer needed, the Vestry may remove the original restriction.

III. **Buildings and Other Facilities.** No one shall make commitments to a donor concerning the naming of buildings, rooms or other facilities without the approval of the Rector and Vestry.

IV. **Fiduciary Relationships.**

- A. **General.** Unless approved in advance by the Rector and Vestry, the Church will not agree to serve as executor of a decedent's estate or as trustee of a living trust or other testamentary trust.
- B. **Trusteeships.** With the approval of the Rector and Vestry, the Church may serve as trustee of a trust in certain instances in connection with a gift annuity program or charitable remainder trusts. The Finance Committee and Planned Giving Committee will advise the Vestry regarding any such specific instances. However, the Church may serve as trustee of a trust only in circumstances in which its investment authority as trustee is unrestricted. The Church will not serve as co-trustee of a trust.

V. **Review of Proposed Gifts and Advice of the Finance and Planned Giving Committees.**

- A. **General.** Any questions which may arise in the review and acceptance of gifts to the Parish will be referred to the Finance Committee and Planned Giving Committee for their review and advice. This includes the acceptance of any gift that involves a gift annuity program, bargain sale transaction, partnership, or any interest in real property. However, the Church will not generally accept gifts that expose the Parish to liability unless that liability can reasonably be insured against. In any event, the final decision with respect to any such questions will rest with the Vestry.
- B. **Non-cash Assets.** The method, timing, and other details regarding the liquidation of non-cash assets (such as real, intangible or personal property) proposed to be or given to the Parish will be decided by the Vestry with the advice of the Finance Committee and Planned Giving Committee.

VI. **Specific Guidelines for Various Classes of Gifts.**

A. **Cash.**

- 1. All gifts of cash, whether through currency, checks, ACH or wire transfers, or any other means of money transfer, will generally be accepted by the Parish and may be deposited by the Treasurer in an appropriate Church financial account, pending final disposition of the gift.
- 2. In no event should a check or other financial instrument be made payable to any individual Parish representative.

**B. Publicly Traded Securities.**

1. Marketable securities traded on a public stock exchange will generally be accepted by the Parish.
2. Any marketable securities donated to the Parish shall be sold promptly upon receipt by a registered broker-dealer retained by the Church, in accordance with the Church's normal practice.

**C. Closely Held Securities.**

1. Non-publicly traded securities offered or given to the Parish may be accepted upon approval by the Rector and Vestry, with the advice of the Finance Committee and Planned Giving Committee.
2. Prior to advising the Vestry, the Finance Committee and Planned Giving Committee will explore methods and timing of liquidation of the securities through redemption or sale. In particular, the Finance Committee will try to determine any restrictions on the transfer of such securities, and, where appropriate, whether and when an initial public offering of such securities might be anticipated. It shall be the duty of the donor or the donor's representative to establish the fair market value of the offered securities.

**D. Real Property.**

1. Any gift of real estate proposed to be given to the Parish must be approved by the Rector and Vestry, with the advice of the Finance Committee and Planned Giving Committee.
2. The proposed donor of any real property will normally be responsible for obtaining and paying for an appraisal of the offered property. Such appraisal will be performed by an independent certified appraiser.
  - a. The appraisal should be based on a personal inspection of the property by the appraiser. Whenever possible, the appraisal shall include documented valuation of comparable properties located in the same area. The appraisal should also contain photographs of the property, tax identification, the assessed value, a legal description of the property, zoning status and complete information regarding all mortgages, liens, litigation or title disputes.
3. The Parish reserves the right to require an environmental assessment of any real estate proposed to be given to the Parish.

**E. Life Insurance.**

1. Any gift of life insurance must be approved by the Rector and Vestry, with the guidance and recommendation of the Finance Committee and Planned Giving Committee.
2. The Parish will accept a life insurance policy as a gift only if the Parish is named as the sole owner and beneficiary of the policy.

**F. Tangible Personal Property.**

1. Any gift of tangible personal property must be approved by the Rector and Vestry, with the advice of the Finance Committee and Planned Giving Committee.
2. It shall be the responsibility of the donor to determine, using a qualified appraiser, the fair market value of any gift of tangible personal property.

**G. Bequests and Deferred Gifts.**

1. The Parish encourages deferred gifts in its favor through a variety of means, including:
  - a. Charitable gift annuities (or deferred gift annuities);
  - b. Pooled income funds;
  - c. Charitable remainder trusts;
  - d. Charitable lead trusts;
  - e. Bequests; and
  - f. Retained Life Estates.
2. Where appropriate, the Parish may suggest prospective donors to consider gifts to St. James' through vehicles offered by the Diocese of Virginia or the Episcopal Church Foundation.