



Donor-Advised Fund Agreement

This Donor-Advised Fund Agreement (the "Agreement") between Rose Community Foundation (the "Foundation") and the donor(s) listed below (the "Donor(s)") hereby establishes a Donor-Advised Fund at the Foundation (the "Fund"). Donor-Advised Funds are flexible vehicles for individual, family, business, or group philanthropy. The Fund is subject to the Foundation's Donor-Advised Fund Guidelines, as amended from time to time ("Guidelines"). A copy of the current Guidelines is attached to this Agreement. Further information about Donor-Advised Funds, this Agreement and charitable giving is available at <https://rcfdenver.org/>

This Agreement is

- an agreement for a new fund or
- a restatement of an original Fund Agreement dated _____
for the Fund named _____

Fund Name

Fund Name: _____ (the "Fund")

It is generally advised to exclude "The" from the Fund name and to include "Fund" at the end of the Fund name. Please note that every grant made from the Fund will be accompanied by a letter that includes the Fund name and the name and address of the Donor Advisor recommending the grant so that the grantee can send an acknowledgement. There is an option to request that a grant be made anonymously at the time of grant recommendation. In addition, the Fund name will be listed in Rose Community Foundation publications.

- Please keep this fund anonymous for all grants and do not list in any publications.

Opening Contribution

The minimum opening contribution is \$10,000. Additional contributions may be made at any time.

- Check, ACH or Wire Transfer: Amount _____
- Marketable Securities _____ shares of _____
from _____
- Mutual Funds _____ shares of _____
from _____
- Other _____

Bequest or planned gift. The Foundation can help you and your professional advisors structure a planned gift during your lifetime to be received by the Foundation after your death. If it is your intention to open the Fund through a planned gift, please contact us for further discussion. If you are able, please provide the Foundation with a copy of the relevant provision for our records.

Donors

Donor 1

Name

Address

City

State

Zip

Home Phone

E-mail

Cell Phone

Work Phone

Donor 2 (optional)

Name

Address

City

State

Zip

Home Phone

E-mail

Cell Phone

Work Phone

Donor Advisors

Named Donor Advisors may recommend grants from the Fund. The final grantmaking and investment authority are vested with the Foundation. See "Role of Donor Advisors" in the Guidelines.

Each named Donor Advisor has the individual authority to act unilaterally in recommending grants from the Fund, or in making changes to the Fund, including annual investment elections, the Fund name, and naming additional advisors or successor advisors, in accordance with the Guidelines.

Donors are not automatically granted Donor Advisor status; please use this section to name the Advisors to the Fund.

Will the Donors also be Donor Advisors? Indicate here and, if yes, leave the Donor Advisor 1 and Donor Advisor 2 sections blank.

Yes, Donor 1 is Donor Advisor 1

Yes, Donor 2 is Donor Advisor 2

If either or both Donors will not be the Donor Advisors, please provide the name(s) and contact information for up to two (2) total Donor Advisors.

Donor Advisor 1

Name Relationship to Donor

Address

City State Zip

Home Phone E-mail

Cell Phone Work Phone

Contact Preference Email Mobile Phone Home Phone Work Phone

Donor Advisor 2 (optional)

Name Relationship to Donor

Address

City State Zip

Home Phone E-mail

Cell Phone Work Phone

Contact Preference Email Mobile Phone Home Phone Work Phone

Authorized Parties (optional)

Donors may designate Authorized Parties to have limited access to view Fund information through the Foundation’s online Fundholder Portal. Authorized Parties may not act on behalf of the Fund, recommend grants or make changes to the Fund.

Authorized Party 1

Name Relationship to Donor

Address

City State Zip

Phone E-mail

Authorized Party 2

_____	_____	
Name	Relationship to Donor	

Address		
_____	_____	_____
City	State	Zip
_____	_____	
Phone	E-mail	

Fund Succession Planning

This information helps the Foundation carry out your long-term intentions for the Fund. For Funds without a submitted written succession plan, upon the death or incapacity of the last remaining Advisor (including any successor Advisors), any assets remaining in the Fund will become unrestricted assets of Rose Community Foundation. Donors may recommend that upon the death or incapacity of the Fund's last remaining Advisor listed above, any assets remaining in the Fund shall be distributed as follows. Percentages should equal 100%.

_____ % to remain in the Fund to be granted at the recommendation of the named Successor Advisor(s) (complete **Successor Advisor** section below). Donors may use the Notes section below to convey any core values, interest areas, regions or causes they would like Successor Advisors to keep in mind.

_____ % Rose Community Foundation: a bequest to the Foundation to serve and strengthen the Greater Denver community into the future.

_____ % The Fund for Jewish Life at Rose Community Foundation: a bequest to support Jewish nonprofits in the Greater Denver region into the future.

_____ % Total in grants to the following named organizations or endowment funds (complete the **Named Beneficiaries** section below including percentages).

SUCCESSOR ADVISORS

The Donor(s) may designate one or more individuals to serve as successor Advisor(s) of the Fund after the resignation, death or incapacity of the last remaining Advisor listed above. Authorize the successor Advisor(s) to designate second successor Advisors by initialing here: _____

Successor Advisor 1 (optional)

Provide view-only access to the online Fundholder Portal now? Yes No

_____	_____	
Name	Relationship to Donor	

Address		
_____	_____	_____
City	State	Zip
_____	_____	
Phone	E-mail	

Successor Advisor 2 (optional)

Provide view-only access to the online Fundholder Portal now? Yes No

Name Relationship to Donor

Address

City State Zip

Phone E-mail

NAMED BENEFICIARY ORGANIZATIONS

Beneficiary Organization or Named Endowed Fund Percentage

1. _____

Mailing Address _____

2. _____

Mailing Address _____

3. _____

Mailing Address _____

4. _____

Mailing Address _____

5. _____

Mailing Address _____

Investment Options

Donors may choose how the Fund will be invested initially, and Donor Advisors may change the investment recommendation on an annual basis at any time during the year. Please select an investment pool based on the following options:

Growth Pool **Mix/Allocation:** 75% Equity / 25% Fixed Income (including private equity)

Balanced Pool **Mix/Allocation:** 40% Equity / 60% Fixed Income

Money Market Pool **Mix/Allocation:** 100% Cash/Money Market Funds

Additional Information

Interests

To help us support your philanthropy, please provide any information to help us understand your intended purposes for this fund and your philanthropic interest areas.

Motivation

What motivated you to establish this fund? (Select all that apply)

- Involve multiple generations in giving
- Simplify my annual charitable giving
- Benefit the community
- Learn about and support an issue or community
- Reduce tax burden
- Other: _____

Notes

Use this section to provide any information not addressed elsewhere in this Agreement or to complete any sections of the Agreement where space was otherwise too limited. Donors may also use this section to convey any core values, interest areas, regions or causes they would like Successor Advisors to keep in mind in making grant recommendations.

Referral

How did you learn about Rose Community Foundation (Please list contact)

- Professional Advisor _____
- Foundation Employee _____
- Foundation Donor or Board Member _____
- Family/Friend _____
- Website/Media _____
- Other _____

Referral Mailing Address

City State Zip

Home Phone Work Phone

Email Relationship to Donor(s)

Governing Law

This Agreement shall be interpreted and enforced in accordance with laws of the State of Colorado without giving effect to its conflict of laws provisions.

Acknowledgment and Signatures

Instructions: This agreement will be sent and signed by all parties via DocuSign.

I/we acknowledge that I/we have read the Rose Community Foundation Donor-Advised Fund Guidelines and agree to the terms and conditions set forth therein. The information I/we have provided in completing this form is accurate to the best of my/our knowledge. I/we understand that any contribution to the Fund, once accepted by the Board of Trustees of Rose Community Foundation, is an irrevocable contribution to Rose Community Foundation and will not be returned to me/us.

Donor 1 Signature

Date

Donor 2 Signature *(if applicable)*

Date

Advisor 1 Signature *(if different from Donor 1)*

Date

Advisor 2 Signature *(if different from Donor 1)*

Date

Acceptance: Thank you for creating a Donor-Advised Fund at Rose Community Foundation. We look forward to being your partner in philanthropy.

Rose Community Foundation

Lindy Eichenbaum Lent, president and CEO

Date

Donor Advised Fund Guidelines

Establishing a Fund

The minimum amount to establish a donor-advised fund (an “advised fund”) at the Foundation is \$10,000. Additional contributions to an advised fund may be made at any time. Acceptance of any non-cash contributions is subject to the Foundation’s Gift Acceptance Policies and Guidelines.

Tax Status of Funds

Advised funds established at the Foundation are component funds of the Foundation, a 501(c)(3) public charity. Accordingly, all contributions to an advised fund are treated for tax purposes as gifts to a 501(c)(3) public charity and are tax deductible to the extent allowed by law, subject to individual and corporate limitations. Please consult your legal or tax advisor regarding the application of such limitations to your personal situation.

Variance Power

All advised funds established at the Foundation are subject to the Foundation’s “variance power,” as set forth in its bylaws. The variance power gives the Foundation the authority to modify any donor recommendation or condition on distributions from a fund for any specified charitable purpose or to any specified organization, if in the sole judgment of the Foundation, such recommendation or condition becomes unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community served by the Foundation. In the unlikely event the Foundation is required to exercise its variance power with respect to a fund, it will endeavor to exercise that power so that the modifications conform in a manner as near as possible to the original intent of the fund.

Role of Donor Advisors

The Foundation welcomes the involvement and recommendations of donor advisors with respect to distributions from advised funds, but such recommendations are solely advisory. When the Foundation receives a recommendation for a distribution, Foundation staff will carefully consider the advisors’ recommendation and will conduct due diligence to ensure that the recommended grantee is organized and operated for charitable purposes and consistent with specific charitable needs identified by the Foundation as benefitting the public good.

Donor advisors may recommend grant distributions through the online Fundholder Portal. The Foundation requires minimum grant recommendations of \$250. Generally, distributions from advised funds will be processed within ten business days from the date received by the Foundation.

Restrictions on Distributions

Distributions from donor-advised funds will be made only if they are consistent with the Foundation’s charitable purposes and satisfy community needs identified by the Foundation as benefitting the public good. Distributions will be made to charitable organizations, including those designated by the Internal Revenue Services as tax-exempt under section 501(c)(3), government-supported entities including schools, museums or libraries, and religious institutions. *The Internal Revenue Code and IRS regulations prohibit any distributions from a donor-advised fund that will result in a benefit to a donor, a donor advisor, or a related party to such persons. Thus, for example, distributions from a donor-advised fund cannot be used: (i) to pay membership dues of such persons, (ii) to purchase tickets or tables to fundraising events, or (iii) to purchase greens fees for charity golf tournaments. Distributions may not involve loans, compensation, expense reimbursements or similar payments to donors, donor advisors, or related parties. In addition, distributions may not be made to any specific individual, or to participate in, or intervene in, any political campaign on behalf of (or in opposition to) any candidate for public office.*

Management and Investment of Assets

Advised funds at the Foundation are the property of the Foundation and are administered by the Foundation in accordance with its Donor-Advised Fund Policies and Procedures, these Guidelines, and applicable laws, including the Internal Revenue Code and Colorado's Uniform Prudent Management of Institutional Funds Act, all as amended from time to time. The Foundation invests the assets in its advised funds in accordance with the Foundation's investment policies, as amended from time to time. Donors to an advised fund may choose to have the Fund invested using the Foundation's asset allocation, or by choosing their own allocation among the Foundation's pool of investments. For investment purposes, the Foundation may commingle the assets of an advised fund with those of other Foundation funds, so long as it maintains separate accounting records with respect to each fund. The Foundation may, in its sole discretion, delegate to its committees, officers, employees or agents authority with respect to investment of its funds. In addition, the Foundation may contract with and pay compensation to independent investment professionals, banks or trust companies.

Fees

Advised funds established at the Foundation are subject to administrative and investment fees. Administrative fees are charged by the Foundation based on the attached Board-approved fee schedule, which may be amended from time to time.

Investment fees are calculated separately and are deducted from investment earnings; investment earnings will always be reported net of investment fees.

The Foundation reserves the right to change its fee structure at any time. The Foundation may also pay or reimburse itself from an advised fund for all direct expenses it incurs in administering the fund. In addition, if the Foundation and the donor advisors agree, the Foundation may provide additional services with respect to the fund in exchange for an additional fee.

Reports

The Foundation will provide donors quarterly fund statement reports showing the then-current balance in the fund and listing all contributions to the fund, distributions from the fund, fees charged to the fund, and net investment gains (losses) allocated to the fund during the period covered by the report. Fund statement reports may be viewed any time after quarterly posting via the online Fundholder Portal.

Confidentiality

The Foundation agrees not to use any confidential information provided in connection with the establishment of a fund for purposes other than those for which it was provided, without receiving the prior written consent of the donor or donor advisor.

Inactive and Low-Balance Funds and Succession

To carry out its policy of consistently distributing charitable dollars to the community, the Foundation will periodically review the distribution activity of every advised fund. If a fund has failed to make distributions commensurate in size with the Foundation's spending policy over a two-year period, the Foundation will contact the advisor(s) to discuss this situation.

If the balance of an advised fund falls below \$10,000, grantmaking will be allowed to continue until the balance reaches \$2,000, when grantmaking will be suspended and the Foundation will contact the donor(s) or the advisor(s) to understand their plan for the future of the Fund. The Foundation will encourage them to: (i) recommend granting the balance in the fund either to another 501(c)(3) charity or to the Foundation's unrestricted funds, or (ii) increase the balance in the Fund to the \$10,000 minimum. In addition, all funds

regardless of balance will be invested in the commingled pool (unless otherwise specified by donors) and will be charged an annual fee.

For advised funds without a written succession plan submitted to the Foundation, upon the death or incapacity of the last remaining Advisor (including successor Advisors), any assets remaining in the fund will become unrestricted assets of the Foundation.

Irrevocable Gifts

All contributions to funds at the Foundation, once accepted by the Foundation, represent irrevocable gifts to the Foundation.

Rose Community Foundation Fee Schedule

Current as of January 1, 2021

For funds held by Rose Community Foundation, administrative fees are charged according to the Board-approved schedule below, which may be amended from time to time. These fees are separate from and in addition to investment management fees. Investment returns are always reported net of fees.

Fees	
Rate	Fund balance
1.0%	for funds with assets up to \$1 million
0.5%	for funds with assets over \$1 million
\$250	Minimum Annual Fee