

Donor Advised Fund Agreement

Terms and Conditions

Tax Status of Contribution

A Donor Advised Fund ("Fund") established at the Jewish Community Foundation ("The Foundation") is a component fund of The Foundation, a Section 501(c)(3) public benefit corporation. All contributions to The Foundation's funds are treated as gifts to a public charity and are generally tax-deductible, subject to individual limitations. The Foundation does not provide tax or legal advice; we recommend consulting a professional advisor with questions about a gift to The Foundation.

This agreement shall be interpreted in a manner consistent with the foregoing intention and so as to conform to the requirements of Section 501(c)(3) of the Internal Revenue Code of 1986 and any regulations issued pursuant thereto. The Foundation is authorized to amend this agreement to conform to the provisions of any applicable law or government regulation in order to carry out the foregoing intention. References to the provision of the Internal Revenue Code of 1986 shall be deemed references to the corresponding provisions of any future Internal Revenue Code.

Ownership of Assets

The Foundation owns the assets in each Donor Advised Fund outright and has complete authority and control over them for the charitable purposes of The Foundation. The records of The Foundation, however, show the dollar value of the assets in each Fund under a name designated by the Donor. The Fund shall be the property of The Foundation held by it in its normal corporate capacity; it shall not be deemed a trust fund held by it in a trustee capacity. The Foundation shall have the ultimate authority and control over all property in the Fund, and the income derived therefrom, for The Foundation's charitable purposes.

Certain contributions other than cash or marketable securities must first be approved by The Foundation. The Foundation has the right to reject the donation of assets not readily marketable or subject to liabilities. Examples of those assets are restricted stock, securities of closely held corporations, partnership interests, real estate, and notes secured by trust deeds or mortgages. The Donor does not have any power to restrict the absolute rights of The Foundation as owner of assets in the Donor Advised Fund to deal with or to use those assets for The Foundation's charitable purposes.

Investment of Assets

In making a gift to The Foundation, donors give up all right, title and interest to the assets contributed. The Board of Trustees and

Investment Committee of The Foundation have the right to make any or all investment decisions regarding gifts received. Fund advisors may be permitted to make investment recommendations among approved investment options. Minimum balances are required for these investments and any recommendations are solely advisory and not binding on The Foundation.

The Foundation may limit the amounts that may be invested in any particular investment. The Foundation reserves the right to revise or revoke at any time, or to change investment objectives and policies of the Fund, without notice to the Donor, and without the Donor's prior approval. There are market risks with respect to any investment and there can be no assurance against risk of loss. The Foundation may hold up to 10% of Fund assets in non-interest bearing cash at any time. All income and capital gains or losses will be allocated to the Fund on a monthly basis. A donor may recommend a customized investment approach through an outside investment advisor for funds carrying a significant balance. The Foundation's Investment Committee must approve the recommended advisor, the advisor's proposed investment strategy and underlying investments. See the Fund Investment Program Policies and Administrative Procedures for additional information regarding investments.

Fees and Minimums

There is no set-up fee to open a Fund at The Foundation, however a \$5,000 minimum gift is required to open a Fund. The Fund shall be charged an annual fee of 1.5% of the market value of the Fund (allocated monthly) to cover the cost of administration. Any unrelated business taxable income (UBTI) tax incurred in connection with any Fund asset will be charged to the Fund. A pass-through fee of 1.5% may be charged on Fund assets at The Foundation's discretion where a contribution of an asset is considered pass-through (i.e., the asset or its proceeds are held for less than one year). The Foundation reserves the right to change its fee or minimum policies at any time.

Grant and Giving Philosophy

As determined by The Foundation's Board of Trustees, the following are categories of specific charitable needs consistent with the broad scope of The Foundation's charitable purpose: to strengthen the Jewish community and community at large by facilitating, increasing and ensuring effective philanthropy in Los Angeles, nationally, in Israel, and abroad.

Foundation grants are made through Donor Advised Funds, as

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well as other giving vehicles such as Family Support Organizations and Endowment Funds, with the purpose of fostering philanthropy that is meaningful to donors, their families and the community at large. Because of this breadth, no one grant or funded entity should be interpreted to represent the specific priorities and viewpoints of The Foundation, and instead should be viewed, collectively, to represent the diversity of ways our donor community practices the Jewish value of tikkun olam, to repair a broken world.

Grants may be made to The Foundation, the Federation, and organizations which are recipients of other funds from the Foundation and the Federation; charitable organizations formed in the United States, serving Jewish charitable purposes; charitable organizations formed in the United States serving charitable needs in the fields of education, including colleges, universities and their educational foundations; arts, culture and civic life; human services; health, science and the environment; and others.

The Foundation has ultimate authority and control over all Donor Advised Funds and reserves the right to deny any grant recommendations, including those deemed to be inconsistent with The Foundation's mission and policies. Grant recommendations shall not be made for any of the following: grants that are not for charitable purposes; non IRS-qualified public charities; grants to support causes outside the US (unless made through US-based intermediaries, such as fiscal sponsors approved by The Foundation); grants that give impermissible benefits to the donor, fund advisor, or any third party; grants for lobbying purposes or to support political campaigns; or grants that support anti-Semitism.

Grant Disbursement Procedures

Most grant recommendations to organizations formed as a 501(c)(3) public charity or verified charitable entity (e.g. schools, religious institutions) will be permitted as detailed above. All grants outside of the United States must be made through an approved United States fiscal sponsor. Grant recommendations are only advisory and The Foundation shall not be bound by such recommendation.

In compliance with the Internal Revenue Code, **grants shall not be made or approved for any of the following:** grants to individuals; grants to private, non-operating foundations; grants that are not for charitable purposes; grants that give impermissible benefits to the fund donor, fund advisor, or any third party; grants for lobbying purposes or to support political campaigns; or grants that support anti-Semitism. Impermissible benefits would include memberships, event tickets, registration fees in tournaments, and cause-related marketing activities. Grants cannot be made to discharge or satisfy a legally enforceable obligation of any person. **The IRS also prohibits grants for the deductible portion of a charity-sponsored event.**

Grants recommendations must be for a minimum of \$100. Grant checks are sent directly to the organizations and are accompanied by a letter from The Foundation specifying the name of the Fund and the Fund advisor's name(s), unless requested otherwise by the donor or fund advisor and as approved by The Foundation. The fund advisor's address may also be included on all letters unless requested otherwise. Any mail The Foundation receives for the fund will not be forwarded. Approved grants are typically sent within 10 business days of the recommendation being received or the fund advisor will be notified as to the reason for a delay. However, any Fund submitting 20 or more grant recommendations at one time should allow up to 15 business days for processing. Grants made from funds at The Foundation are issued on checks with the name and logo of The Foundation. The Foundation shall assume responsibility for check writing, bookkeeping, investment management, tax reporting, auditing and evaluation of projects, and for making available to the fund advisors and fund representatives reports of fund income, expenses and grantmaking, as appropriate. Please contact The Foundation if you have questions about the exclusion of benefits from grant recommendations and/or multiple-year payments.

Successor Advisors

The donor may designate any person within one generation to be a successor advisor to exercise the privileges and duties of a fund advisor. Successor advisors may assume the privilege to advise the fund only after the deaths or resignations of all initial fund advisors named on the fund. The successor advisor(s) may be required to provide written notification and sufficient proof of the donor's or fund advisor's death prior to assuming the privileges and duties of a fund advisor. All requests to modify or appoint additional advisors and successor advisors to a fund must be communicated to The Foundation in writing. In addition, a written acknowledgement must be received from The Foundation confirming that the request has been granted. If The Foundation has not received the name(s) of an additional advisor(s) or successor advisor(s) to the fund, or other special instructions, in writing, The Foundation will use the fund's balance to support The Foundation's Permanent Legacy Fund.