1. **PURPOSE**

This policy governs the acceptance of gifts by Resurrection Lutheran Church (RLC) and provides guidance to prospective donors and their advisors when making gifts to this Church where all are invited to support our mission and ministry. The provisions of this policy apply to all gifts to RLC over and above regular giving, offering, or pledges, or specific campaign or initiative contributions. Gifts will be accepted when they support the mission, purpose, and procedures of RLC. Donors are encouraged to bless this Church with gifts free of restrictions. All gifts will be considered based on the type of asset, gift transfer costs, donor restrictions, potential liabilities, mission, current needs, and other applicable factors. RLC shall accept only such gifts as are legal and consistent with this RLC Gift Policy, and applicable Bylaws and Constitution. While RLC does not provide tax advice, every effort will be made to assist donors in complying with the intents and purposes of the Internal Revenue Service (IRS) for allowing charitable tax benefits.

1. **COMMITTEE GUIDELINES**

The Committee is charged with the responsibility of reviewing gifts offered to the Church and shall make form recommendations regarding gift acceptance and use according to this *Gift Policy Section V.* for congregation counsel approval.

1. RLC will accept unrestricted gifts and donor restricted gifts for specified programs and purposes, provided that such gifts are consistent with the stated mission, vision, policies and priorities of this Congregation. RLC will not accept gifts that would result in losing its status as a US Internal Revenue Code Section501(c)(3) nonprofit organization; are deemed by the Committee too difficult or too expensive to administer; or be a liability, in relation to the gift value; would result in unacceptable consequences; or are for purposes outside the mission of this Congregation.
2. RLC, as a rule, will convert all gifts to cash.
3. Records of gift acceptance or decline and of gift use shall be audited within this Church’s standard compliance review procedures.
4. The Committee shall complete a ***Gift Worksheet*** (see Exhibit A)to record the gift acceptance and use decisions.
5. The Committee shall offer appreciation for every donor’s generosity, regardless of the decision to accept or decline the gift. Often that appreciation will begin with a verbal conversation with the donor or donor’s estate but will be formalized through written notice sent by US Mail, email with read receipt requested, and signed by a current member of the committee or their designee.
6. Recognition of the donor should not be a condition of the gift. The decision to provide acknowledgement and recognition for the gift will be the decision of the Committee, taking into consideration the desire of the donor and keeping with the standards and culture for the practice of appropriate gratitude for this congregation.
7. If there are questions or concerns regarding any gift including the offer, acceptance, or use thereof, whether defined in this policy or not, the donor and/or the Committee members are always encouraged to consult with the ELCA Foundation’s Regional Gift Planner and Foundation staff or other related professional.
8. **TYPES OF GIFTS CONSIDERED**

The following examples are intended to facilitate donation and acceptance of gifts offered, albeit not intended to represent an exclusive list of potential gifts nor review criteria.

* 1. **Potential Gifts.** A variety of gifts can be shared with this Congregation and donors are encouraged to inform the Committee and/or this Congregation’s ELCA Foundation Regional Gift Planner of such gift plans whenever possible. Some gifts will be accepted outright, and other gifts will be reviewed on a case-by-case basis according to the constitution and polcy of this Congregation. The Committee may seek advice from attorneys, accountants, and other professionals in evaluating potential gifts. The Committee will consider all gifts and reserves the right to decline a gift should it not be aligned with this congregation’s mission or create a liability in its processing. Ways to give to this congregation are noted at the end of this document.
  2. **Tangible Personal Property.** Gifts of tangible personal property will be considered on a case-by-case basis. The Committee may refer to IRS Publication 561 for guidelines in the valuation of different kinds of personal property. IRS.gov/pub/irs-prior/p561--2020.pdf
  3. **In-Kind Donations.** Gifts of in-kind goods or services given by a business or business owner, or a donor willing to pay for such goods or services on behalf of RLC, will be considered on a case-by-case basis. In-Kind donations will be acknowledged in writing by this Congregation but as per Internal Revenue Service (IRS) Guidelines, will not be valued by, nor provided a receipt for charitable contribution by this Congregation. It is the donor’s responsibility to complete and file IRS Form 8283 for any and each noncash contribution more than $500. (Ref. IRS Publication 561 “*Determining the Value of Donated Property)*)

1. **Gift Review Criteria**

* Does the gift further the mission or help fulfill the purpose of this Congregation?
* Is the gift easy to convert to cash, readily marketable, or are there restrictions on the use, display, or sale of the gift?
* Are there covenants, conditions, restrictions, reservations, easements, encumbrance, or other limitations associated with the gift?
* Are there any carrying costs (e.g., insurance, property or other taxes, mortgages, or notes), or maintenance expenses that outweigh the benefit of the gift?
* Does the environmental review or audit reflect that the property warrants additional investigation or otherwise requires remediation?
* Does the property have liabilities or other considerations that make receipt of the gift inappropriate?
* Any other criteria determined to be applicable by the Committee.

1. **GIFT VALUATION**

**Gift Valuation.** For gifts of real estate and personal property valued at more than $5,000, acquiring an independentassessment or appraisal shall be the responsibility of the donor or donor’s estate. Appraisal of all non-cash gifts must take place within 60 days (Ref. IRS Publication 561 *“Determining the Value of Donated Property”* under “Qualified Appraisal”).

NOTE: The ELCA Foundation can be a resource to help determine the necessary appraisal information.

1. **USE OF UNRESTRICTED GIFTS**

An unrestricted gift is given without any stipulation for its use and is accepted to support the mission and ministry of RLC:

* 1. **Endowment.** Absent donor restriction, the Committee will recommend a contribution of ten percent (10%) of the total gift to the Endowment Fund.
  2. **Designated Spending.** The remainder of the gift (90%) will be shared with the ministry and mission of RLC by Congregation Council determination.

1. **USE OF RESTRICTED GIFTS AND GUIDELINES**

A restricted gift is given with specific stipulations for its use and is accepted to support the mission and ministry of this congregation through the donor’s defined restrictions. Gifts with specific donor defined restrictions will be considered on a case-by-case basis with the understanding that the funds are to be used as requested by the donor.

*NOTE: Once a gift is accepted, donors may not direct the way a gift is invested or utilized beyond the stipulated restriction(s). In accordance with the Internal Revenue Service, donors cannot claim tax favor or retain control over gifts to charity.*

1. Donors should be aware that programs offered by this congregation may be discontinued, modified, or incorporated into other programs, therefore a donor who makes a restricted gift, whether in the form of a current gift or through an estate plan, is strongly encouraged to complete the ***Restriction and Release Form*** (see Exhibit B). The Committee shall make the *Restriction and Release Form* readily available in the office and through the website of this congregation.
2. Restricted gifts established prior to the approval of this policy or received without the accompaniment of a *Restriction and Release Form* shall be reviewed by the Committee, the Council, and potentially this congregation to determine if the gift shall be accepted. This congregation may also consult legal counsel and this state’s Attorney General to determine the requirements to lift a donor restriction if necessary.
3. Donors wishing to establish a named endowment, may also be encouraged to contact the ELCA Regional Gift Planner.
4. In the rare event the gift is unable to be used as intended by the donor due to a lack of funding, need, or program; and after a review period of at least twelve (12) months; and in alignment with the restriction release requirements of this congregation and this state, the gift may become unrestricted and the balance of the gift (including any accumulated interest) may be utilized as an unrestricted gift as described in the *Gift Policy Section V.*
5. **MEMORIAL AND HONORARY GIFTS**

Memorial and honorary gifts include gifts given in memory or honor of loved ones, friends, or others and may be unrestricted or restricted.

* Unrestricted gifts will be directed to the Senior Pastor Discretionary fund.
* Restricted gifts will be used in accordance with donor requests to the greatest extent possible.

1. **GIFT POLICY REVIEW**

This policy shall be reviewed annually by the Committee. The initial review will commence in the year two thousand and twenty-four (2024).

1. **RESOURCES**

The **ELCA Foundation**, through Regional Gift Planners and support staff, offer gift planning services at no charge to this Congregation and their donors. Visit **www.elcafoundation.org** or call **800-638-3522** to connect with the ELCA Foundation Regional Gift Planner that supports this Congregation.

**Donors are also encouraged to consult with their personal tax advisor, estate attorney and/or financial advisor for specific tax, legal, and investment information.** **RLC does not provide any tax, legal, or investment advice.**

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| --- | --- | --- | --- | --- | --- |
| Date Approved: | 03/21/2023 | Approved by: | RLC Council |  | |
| Date Reviewed: |  | Reviewed by: |  | Approved by: |  |
|  |  |  |  |  |  |

**Are you considering a special gift or an estate gift to your congregation?**

If so, we have resources available through the services of the ELCA Foundation.  These gift planning services are available at no charge to you as a member of our congregation.  The Charitable Gift Planner assists with establishing a comprehensive estate plan that provides for your family and the ministries you care about.  In addition, the Gift Planner assists with current gifts to our congregation as described in this policy. Contact our pastor, a member of the Committee, or visit elca.org/foundation to connect with our Regional Gift Planner.

**Ways to Make a Gift**

1. Cash, check, or money order
2. Beneficiary designations – primary or secondary/contingent
   1. Retirement accounts
      1. IRA
      2. 401(k)
      3. 403(b)
      4. Annuity
   2. Individual or joint bank/brokerage accounts
      1. Transfer on death
      2. Payable on death
   3. Life insurance
   4. Distribution from donor advised fund or named endowment
   5. Living trust
   6. Will
   7. Real estate
      1. Transfer of deed on death
3. Asset transfer
   1. Transfer securities from your brokerage account directly to our congregation's brokerage account or use the ELCA Foundation to facilitate the transfer.
   2. Transfer a title or deed to our congregation.
   3. Assign ownership of life insurance to our congregation, or ELCA Foundation, FBO (for benefit of) our congregation.
4. Deferred gifts
   1. Charitable gift annuity
   2. Charitable remainder trust
   3. Donor advised fund
   4. Named endowment
   5. Life estate
5. Bargain sale
   1. Sell an asset to our congregation below fair market value.

**Resource:** ELCA Foundation: 800-638-3522 elca.org/foundation