

## **Memorial Drive Presbyterian Church Legacy Funds Policies & Procedures -Rev 8 5/7/20**

1. Establishment of Program: In 2016 the Memorial Drive Presbyterian Church Session took steps to revitalize MDPC legacy giving by merging the Memorial Drive Presbyterian Church Foundation into MDPC and launching a permanent effort to encourage sound stewardship principles and present gifting options available to donors of all means who desire to partner with MDPC above and beyond one's own Covenant with God from their income, to learn about the great joy in planning a legacy gift for the Kingdom, and to understand the possible legal and financial benefits to one's estate through Biblical stewardship. A legacy giving program for MDPC (hereinafter referred to as "Church") is hereby established. The adoption of this program will cause the creation of three (3) separate funds to which future gifts may be made and one (1) special gifts fund to accept prior legacy gifts that do not fit into one of the four other Funds because of use or duration conditions and new gifts that do not fit the profile of the other Funds. The plan and the funds collectively will be referred to as the "Memorial Drive Presbyterian Church Legacy Funds Ministry" (hereinafter referred to as the "Program") and will be supervised by the Session. The day-to-day administration of the program as provided in these policies and procedures is delegated by the Session to the Legacy Giving Committee (the "Committee"). For the period beginning upon adoption of these policies and procedures and ending December 31, 2017, an interim committee appointed by the Session will carry out the duties of the Committee.
2. Process and Nature of the Program: The MDPC Foundation will be merged into the Church, and the Foundation funds will be mapped to one of the new Funds. It is intended that the amount of money represented by the principal and income available to the Church from the Funds listed below will be used for needs beyond the normal operating budget of the Church and, except for the Special Gifts, the minimum amount expended each year will be equal to ten percent (10%) of the balance of the Fund at the beginning of the year. In all cases, the donor may provide reasonable written directions for use of his, her or their gifts and if accepted by the Committee, every attempt will be made to comply with the donors' wishes, subject to the Church's existing policies (including the profiles of the Funds and the Gift Acceptance Policy), and its commitment to further the work of Jesus Christ. Legacy gifts that are restricted in ways that do not conform to the foregoing and that are not able to be changed may be accepted as legacy gifts upon the concurrence of the Committee and the Session and if accepted will be managed accordingly.
3. Legacy Giving Committee: Three members will be active Elders on Session and three members from the MDPC membership at large. All members will be selected by the Session. The Moderator will be an active Elder and serve a three year term. The other active Elders will be the Moderator or Moderator Elect of the Generosity Committee and the Treasurer or Treasurer Elect. Ex-officio members will be the Senior Pastor, Executive Pastor, Finance Director and Media & Communications Director
4. Objectives: The objectives of the Program are as follows:
  - A. To lead a permanent focus on encouraging MDPC members and other interested parties to consider sharing their treasure with the church, using the MDPC website, face-to-face meetings, printed materials, messages and testimonials from the pulpit, and other means as appropriate. To equip select Committee members and MDPC staff (including key staff in each designated

Ministry Area) with a familiarity with gift options in order to assist prospective donors, but no legal or professional advice will be offered or given. The program will offer an extra dimension of generosity for the congregation to make special gifts to the Church.

- B. To participate with the Finance Committee and the Investment Management Committee in the management of the assets contributed in accordance with a set of guidelines to be established by the Investment Management Committee.
  - C. To provide definite directions for the use to which the principal and/or income of special or deferred gifts will be applied and to make decisions regarding the application of such funds.
  - D. To administer the outright and deferred gifts of assets which require special administration and processing so as to fully carry forth the intent of the donor.
  - E. To establish a formal Gift Acceptance Policy (“GAP”) that includes review and analysis of the donor’s wishes, if any, for any intended gift. As a general proposition and subject to the Gift Acceptance Policy, if a gift is offered to the Program that Session deems not within the existing policies of the Church and its commitment to further the work of Jesus Christ, and the Session is unable to convince the donor to bring the purpose of the gift within said policies and commitment of the church, the Session may decline the gift and return same, without interest or accruals. Additionally, if in the opinion of the Session, the purpose for which a gift was made has over the years become inconsistent with the policies of the Church and its commitment to further the work of Jesus Christ, the Session shall proceed as provided in the GAP.
5. Gift: As used herein, the term “gift” shall extend to and include intervivos transfers, and testamentary dispositions, as well as other forms of asset transfer as described in the Gift Acceptance Policy. Although it is contemplated that the majority of Gifts made through the Program will be in the form of cash or other liquid assets, the Session realizes that some Gifts may take another form, and in such cases, the Session reserves the right to decline any such Gift under the circumstances described in the Gift Acceptance Policy.
6. Funds
- A. General Legacy Fund. Unrestricted gifts will be applied by the Committee to the programs, missions and capital needs of the Church. All unrestricted gifts will be pooled in one fund, and the Committee will make distributions of (i) principal and (ii) earned income, from the fund, in amounts determined in the Committee’s discretion based on proposals from MDPC Elders and staff for specific new projects and initiatives in specific ministry areas.
  - B. Capital Legacy Fund – Capital funds will be applied by the Committee to the needs of the Church in facilities, technology and media as proposed by Elders or staff.
  - C. Designated Ministry Gifts Fund – Gifts may be directed by the donor to a specific category as listed in Section 7 of the policy document. Funds will be maintained for each category listed in Section 7. The committee will make distributions from each fund, in amounts determined in the Committee’s discretion based on proposals from MDPC Elders and staff for specific new projects and initiatives in specific ministry areas.

D. Special Gift Funds – Each gift exceeding \$250,000.00 (“Special Gifts”) that is directed by the donor to be spent for a specific purpose and/or over a specific period of time, will be placed in a separate fund, and the Committee will make distributions from the fund in accordance with the purposes and the distribution scheme designated by the donor of the gift provided the designation conforms to the vision and strategy of the church.

#### 7. Designated Ministry Categories

- Evangelism and Worship (for example Alpha, Hospitality and Witnessing Initiatives)
- Speakers (for example Congregational Meetings/Initiatives, Church Retreats or Ministries)
- Scholarships (for example Seminary Students and Mission Trips for Adults and Youths)

Proposals for new programs, projects or initiatives not covered by the General Fund, Capital Fund of one of the above categories may be submitted for approval in accordance with the application process in Paragraph 8.

Note the examples listed above are not all inclusive and other new programs or initiatives may be submitted for consideration.

8. Administration: This Program will be overseen by the Session. The Committee shall have administrative responsibility for the Program, and will consider requests for disbursement of Legacy Funds from pastors or ministry directors based on the application process noted below.

- Application reviewed by the Senior Pastor, Executive Pastor & Finance Director  
The application process will include, without limitation, a description of how the proposed expenditure furthers the Church’s policies and commitments, how the funds will be specifically used and “return on investment” of the legacy funds
- Application submitted to Session for final approval if approved by the Legacy Giving Committee except if the project or initiative is less than \$25,000. Projects or initiatives for less than \$25,000 do not require Session approval.

The total cost of any project or initiative must be presented for approval. Projects or initiatives may not be staged in order to be under \$25,000. All projects or initiatives of less than \$25,000 approved by the Legacy Giving Committee will be reported to Session members for their information.

Projects or initiatives presented for approval for funding by the Legacy Giving Program will not be approved unless the funds have already been received.

ALL LEGACY GIFTS OF ANY AMOUNT LESS THAN \$250,000 MUST BE GIVEN TO THE GENERAL FUND, CAPITAL FUND OR ONE OF THREE CATEGORIES NOTED IN PARAGRAPH 7 WITHOUT ANY DESIGNATION FOR SPECIFIC AREAS OR MINISTRIES WITHIN THE FUND OR CATEGORY.

Donors and MDPC members may meet with staff and/or Elders to develop proposals for specific initiatives or projects and present the proposals as noted above for consideration. All proposals should be for new initiatives or projects. **ONGOING PROGRAMS WILL NOT BE FUNDED BY LEGACY GIFTS.**

The Treasurer will cause financial reports of the Program to be presented to the Session from time to time, but not less than semi-annually.

- 9. **Loans.** The Church, through the Session, may borrow legacy Funds for short-term emergency needs provided a written repayment obligation including a term of no more than one year and a market interest rate is provided by the Church.
- 10. **Church Consolidation, Merger or Dissolution:** If at any time the Church shall be lawfully merged or consolidated with any other church, all of the provisions hereof in respect to the Program shall be deemed to have been made for and in behalf of such merged or consolidated church which shall be entitled to receive all of the benefits of said funds and shall be obligated to administer the same in all respects in accordance with the terms hereof. In the event of the dissolution of the Church, the Session shall have the responsibility for the final disposition of all assets of the Program in keeping with all rules, policies and guidelines of A Covenant Order of Evangelical Presbyterians.
- 11. **Amendments:** The provisions of this Plan may be amended by a majority of the Session. Amendments will be affected by such vote after two readings of the proposed amendments. The first reading shall be conducted at its regularly scheduled (stated) meeting. The second reading and vote thereon shall be conducted at the next regularly scheduled (stated) meeting. Any amendments shall not affect any gifts made to the Program prior to such amendment. All such gifts made to the Program will be administered in accordance with the provision of this Program in effect at the time the gift was made.

Effective January 1, 2017 (Revision 8 May 7, 2020)

ADOPTED:

\_\_\_\_\_  
Moderator - Legacy Giving Committee

Date: \_\_\_\_\_

ACCEPTED:

\_\_\_\_\_  
Clerk of Session

Date: \_\_\_\_\_