

# Advised Fund Agreement

## AGREEMENT TO ESTABLISH THE \_\_\_\_\_

(A Donor Advised Fund at The Miami Foundation, Inc.)

**THIS AGREEMENT** (hereinafter "Agreement") is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ between \_\_\_\_\_ (hereinafter "Donor") and The Miami Foundation, Inc. (hereinafter "Foundation"), a Florida not for profit corporation and community foundation having its principal office at 40 NW 3rd Street, Suite 305, Miami, Florida 33128. A Donor Advised Fund known as the \_\_\_\_\_ (hereinafter "Fund") shall be established as a Fund of The Miami Foundation to be used for philanthropic and charitable purposes.

The Donor hereby irrevocably assigns, conveys, transfers and delivers to the Foundation the assets listed in **Exhibit A**. TO HAVE AND TO HOLD the same and all income from the foregoing property for charitable uses and purposes as outlined below and subject to the terms and conditions herein set forth. It is agreed and understood that the Fund will in all events be used and dedicated to a purpose permitted by Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (hereinafter "Code"). The Fund created by this Agreement shall be administered in and under the laws of the State of Florida.

**Investment** - Per the investment strategy recommended in **Exhibit B**, the Foundation shall hold, manage, invest and reinvest the Fund exclusively for general charitable uses and purposes in accordance with the investment policy statement adopted by the Foundation.

**Grantmaking** - The Donor may periodically submit recommendations regarding grants to be made from the Fund. Each recommendation will be given careful thought and attention, however, it is understood that the Foundation's Board of Trustees (hereinafter "Board") retains final authority over all grants and distributions made by the Foundation. Grants from the Fund will be made only to organizations which are qualified public charities and government entities with United States affiliation under Section 501(c)(3) of the Code, or to organizations which are described in section 170(b)(1)(A) of the Code (other than disqualified supporting organizations) at the time the grant is made. International grants approved by the Foundation can be made after exercising expenditure responsibility or other required procedures. NOTE: additional fees may apply.

**Grantmaking Restrictions** - Each recommendation by the Donor will be evaluated independently by the Foundation's staff to determine if the recommendations are consistent with the purposes of the Foundation and meet the needs of the community as identified by the Board. Grants from the Fund will not be made if the grant will produce more than an incidental benefit to the Donor. Benefits include the payment of pledges, event tickets, meals, sponsorships, registration fees, discounted merchandise, preferred parking and/or seating and memberships unless the membership confers nothing of value.

**Fundraising Policy** - The Donor is permitted to raise money for their Fund. Use of the Foundation's name on any fundraising material is expressly prohibited without prior approval. The Foundation cannot reimburse the Donor or related parties for expenses related to fundraising activities. All contributions raised in support of the Fund must be made payable to "The Miami Foundation" with the name of the Fund in the memo line. The Foundation is not responsible for the production and/or success of fundraising activities.

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**Fees** - The Foundation shall receive an administrative fee, which may be taken from the Fund, for reasonable and proper compensation for services and expenses rendered to and incurred through the administration of the Fund in accordance with the Foundation's rules governing Donor Advised Funds. Expenses include, but are not limited to, third-party services such as web design, legal fees and translation services. Any costs associated with the acceptance of illiquid assets will be charged to the Fund. Based on the recommendation made in **Exhibit B**, the Fund shall be assessed an investment management fee.

**Variance Power** - The Board shall have the power to modify any restriction or condition placed on the distribution of money for any specified charitable purpose or to specified organizations if in the sole judgment of the Board (without the approval of any trustee, custodian or agent), such restriction or condition becomes, in effect, unnecessary, impractical, incapable of fulfillment or inconsistent with the charitable needs of the community or area served.

**Inactive Funds** - A Fund is deemed inactive if one of the following applies: (1) The Donor dies, resigns or evidence of his or her incapacity is provided to the Foundation and there is no succession plan listed in **Exhibit A**, (2) All named Successor Advisors are unable or unwilling to serve as such, (3) No recommendations are made with respect to grants from the Fund for a period of two years and, during such period, the donor or Successor Advisor does not reply to the Foundation's attempts to contact them. If the Fund becomes inactive, the Foundation will designate the remaining balance of the account to a charitable cause in Greater Miami.

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**IN WITNESS WHEREOF**, the Donor and the Foundation have executed this Agreement as of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Donor Signature**

\_\_\_\_\_  
**Donor Printed Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**The Miami Foundation Signature**  
*Joseph A. Fernandez, Interim President and CEO*

\_\_\_\_\_  
**Date**

# EXHIBIT A

## PRIMARY CONTACT INFORMATION

**Donor:** Individual has full advisory privileges, including grant recommendations, investment recommendations, naming of Successor Advisors and other Fund administration advisory privileges.

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**First Name** **Last Name**

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**Title/Company Name**

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**Preferred Mailing Address**

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**City** **State** **Zip code**

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**Preferred Phone** **Preferred Phone Type**

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**Email Address**

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**Date of Birth**

## ADDITIONAL CONTACT INFORMATION

Role: (choose one)

- Donor:** Individual has full advisory privileges, including grant recommendations, investment recommendations, naming of Successor Advisors and other Fund administration advisory privileges.
- Secondary Fund Advisor:** Individual has full advisory privileges over grant recommendations but no other Fund administration advisory privileges.
- Fund Representative:** Individual has access to Fund information but no advisory privileges.

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**First Name** **Last Name**

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**Title/ Company Name**

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**Preferred Mailing Address**

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**City** **State** **Zip code**

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**Preferred Phone** **Preferred Phone Type**

---

**Email Address**

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**Date of Birth**

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**Relationship to Donor**

# EXHIBIT A

## SUCCESSION PLAN

Donor(s) may designate individuals (for example, children or grandchildren) as Successor Advisors to recommend grants from the Fund after the Donor's death, resignation or incapacity. The Foundation allows for an unlimited number of Successor Advisor(s) who may recommend grants from the Fund but may not invade principal. If no Successor Advisor(s) are named, the original Donor(s) may direct the remaining balance to the organization(s) or field of interest(s) listed below.

Unless otherwise specified, upon the death, resignation or incapacity of the last Donor of the Fund, or if the Fund is determined to be inactive, the assets of the Fund will become a part of the Foundation's unrestricted permanent endowment. If the principal balance of the Fund exceeds \$25,000 the Fund will continue to be maintained as a separate named endowed Fund for discretionary purposes.

Choose one:

- I do not wish to name Successor Advisor(s) at this time.
- I wish to designate the remaining balance to the following organization(s) or field of interest(s), e.g. education, arts and culture:

\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
Field of Interest

\_\_\_\_\_  
Organization Name

\_\_\_\_\_  
Field of Interest

- I wish to name the following individual(s) as Successor Advisor(s):

\_\_\_\_\_  
First Name                      Last Name

\_\_\_\_\_  
First Name                      Last Name

\_\_\_\_\_  
Title/ Company Name

\_\_\_\_\_  
Title/ Company Name

\_\_\_\_\_  
Preferred Mailing Address

\_\_\_\_\_  
Preferred Mailing Address

\_\_\_\_\_  
City                      State                      Zip code

\_\_\_\_\_  
City                      State                      Zip code

\_\_\_\_\_  
Preferred Phone                      Preferred Phone Type

\_\_\_\_\_  
Preferred Phone                      Preferred Phone Type

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Relationship to Donor

\_\_\_\_\_  
Relationship to Donor

# EXHIBIT A

## REFERRAL INFORMATION

How did you learn about the Foundation?  
(complete all that apply)

**My Professional Advisor**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title/ Company Name

\_\_\_\_\_  
Preferred Phone

\_\_\_\_\_  
Email Address

**Foundation current or former Board member**

\_\_\_\_\_  
Name

**Foundation Fundholder**

\_\_\_\_\_  
Name

**Foundation Employee**

\_\_\_\_\_  
Name

**Foundation newsletter, annual report or other publication**

**Foundation website**

**Family/friend**

\_\_\_\_\_  
Name

**Other** \_\_\_\_\_

## FUND CREATION

All contributions made to your Fund are irrevocable as tax deductible gifts. These contributions must further the charitable purpose and mission of the Foundation. Funds require a minimum balance of \$5,000 to be established.

Initial contribution to establish the Fund: \$ \_\_\_\_\_

Type (please choose):

**Check made payable to "The Miami Foundation"**

**Publicly/Private Traded Securities**

**Restricted Securities**

**Wire Transfer**

**Other - Please describe (credit card, personal property, real estate, testamentary, etc.)** \_\_\_\_\_

## Would you like to support the Miami Forever Fund?

The Miami Forever Fund was created to celebrate the Foundation's 50th anniversary year. This Fund is a permanent endowment, allowing passionate Miamians to provide tactical resources for innovation and solutions to the known challenges of today and those of tomorrow we can't yet foresee. This Fund allows our donors to stay on the front lines of protecting and shaping a greater Miami as the community evolves.

Choose one:

I would like to make a one-time gift to the Miami Forever Fund: \$ \_\_\_\_\_

I do not wish to make a gift at this time.

# EXHIBIT A

## FUND PERMANENCE

Donor(s) may choose to make their Fund permanently endowed to ensure impact in perpetuity. This is done by not invading principal and limiting the amount available for grant distributions.

I would like my Fund to be able to make grant distributions from the entire balance.

I would like my Fund to be permanent and limit the amount available for grantmaking to:

- The spending policy of the Foundation (currently 4%, subject to change; or
- \_\_\_\_% of the Fund balance on an annual basis.

NOTE: By permanently endowing your Fund, this Fund agreement is final and cannot be amended.

## PLANNED GIFTS

The Foundation's Legacy Society is comprised of forward-thinking individuals who have left a gift to the Foundation in their estate.

I have remembered the Foundation in my estate plans and would like to be listed in the Foundation's Legacy Society as \_\_\_\_\_.

I have remembered the Foundation in my estate plans, but would prefer to not be listed in the Foundation's Legacy Society.

I would like more information on how to include the Foundation in my estate plans.

I do not want to list the Foundation in my estate plans at this time.

## RECOGNITION

**How would you like to be recognized in all grant letters?** Each grant made from a Fund is mailed with a custom grant award letter. Please specify below how you would like the name(s) of the Donor to appear in the custom grant award letter:

\_\_\_\_\_  
(i.e., Mr. and Mrs. John Smith, Jane and John Smith, The Smith Family, Etc.)

If you would prefer to be anonymous, please indicate that below. Please note that you may issue grants anonymously on a case by case basis through the grant recommendation process.

- I prefer that my name is not included on any grant letters.
- I prefer that my Fund name is not included on any grant letters.

### Can the Foundation publicly acknowledge your Fund?

With approval, the Foundation occasionally recognizes Donor(s) and their charitable giving in its e-newsletter, website and other marketing materials. The Foundation also lists names of Funds in its annual report. Note that details such as specific Fund balance, investment strategy and grantmaking procedures are never disclosed unless the Donor desires the Foundation do so. Please indicate your approval of the Foundation publicly acknowledging your Fund by checking the boxes below. **By leaving them blank, we will never publicly acknowledge you nor your Fund.**

- |  |  |
|--|--|
| <input type="checkbox"/> E-Newsletter  | <input type="checkbox"/> Social Media            |
| <input type="checkbox"/> Annual Report | <input type="checkbox"/> Press/General Awareness |

# EXHIBIT A

## PAPER/PAPERLESS CORRESPONDENCE

The Foundation will periodically mail copies of letters sent on behalf of your Fund or other general correspondence to you. Please check the appropriate box below to indicate your mailing preference.

Please send all copies of grant and acknowledgment letters as well as quarterly Fund statements to me via email at:

\_\_\_\_\_

Please mail all hard copies of grant and acknowledgment letters as well as quarterly Fund statements to me.

## INTEREST AREAS

The Foundation is here to help connect you to the causes you care about. We hold regular gatherings for our Donors for educational and social purposes, and encourage you to join us. We also let our Donors know about community needs that match their interests and the organizations addressing them. Please let us know of any specific interest areas, or if you prefer to not learn about opportunities for giving.

Choose all that apply:

- Accessibility & Disability Services
- Animals
- Arts, Culture & Humanities
- Civic Engagement

- Crime Prevention & Legal Services
- Education & Youth Development
- Environment & Public Spaces
- Faith Based Organizations
- Food, Agriculture & Nutrition
- Health & Human Services
- Housing & Affordability
- Science & Technology
- Other: \_\_\_\_\_
- I prefer to not learn about opportunities for giving.

\_\_\_\_\_  
Donor Signature

\_\_\_\_\_  
Donor Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
The Miami Foundation Signature

*Joseph A. Fernandez, Interim President and CEO*

\_\_\_\_\_  
Date

# EXHIBIT B

## RECOMMENDED INVESTMENT STRATEGY for the \_\_\_\_\_

The Foundation has the sole responsibility and authority for investment of the assets. Decisions with respect to the retention, investment, or reinvestment of assets and with respect to commingling of assets shall be made by the Foundation's Investment Committee.

Please indicate your recommended investment pool allocation below. You may recommend up to two pools for a total of 100%. Refer to the Investment Information document for a description of each investment pool.

\_\_\_\_\_ **Long-Term Growth Pool** - The Long-Term Growth Pool is the most broadly diversified. It is designed to accept more downside short-term risk to achieve a higher level of long-term growth. The primary financial objective is to preserve the purchasing power of the investments after withdrawals are taken. The objective is based on a ten-year time horizon.

\_\_\_\_\_ **Social Impact Pool** - The Social Impact Pool is designed to provide sustainable long term returns by investing primarily in equity and fixed income securities of public companies that effectively and prudently govern their businesses. Investments are designed to encourage long term and meaningful change by influencing corporate behavior as well as promote positive socioeconomic impact. The objective is based on a five to ten-year investment horizon.

\_\_\_\_\_ **Balanced Pool** - The Balanced Pool is designed to achieve moderate risk adjusted returns with an emphasis on total returns, which is the aggregate return from capital appreciation, dividend and interest income. The objective is based on a five to ten-year investment horizon.

\_\_\_\_\_ **Income Pool** - The Income Pool is designed to achieve low to moderate risk adjusted returns. Investments will include the highest quality fixed-income instruments and cash equivalents and may invest in other types of securities, including U.S. stocks, listed on nationally recognized exchanges. The objective is based on a two to five-year investment horizon.

\_\_\_\_\_ **Cash Pool** - The Cash Pool is designed to preserve principal value and maintain a high degree of liquidity while providing current income. The Pool's holdings are comprised of short-term, U.S. dollar denominated debt obligations that fall within the two highest rating categories of nationally recognized credit rating agencies. The objective is based on a 12 to 18-month investment horizon.

\_\_\_\_\_ **Index Pool** - The Index Pool is a simplified and traditional portfolio with broad market asset classes such as U.S. and international equities and investment-grade fixed income. The exclusive use of passive/index strategies keep costs lower than a traditional actively managed portfolio in an effort to provide market-like returns. The objective is based on a five to ten-year investment horizon.

\_\_\_\_\_ **External Investment Manager** - A donor may recommend their own investment manager if Fund assets are over \$1,000,000.

\_\_\_\_\_  
**Donor Signature**

\_\_\_\_\_  
**Donor Printed Name**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**The Miami Foundation Signature**

*Joseph A. Fernandez, Interim President and CEO*

\_\_\_\_\_  
**Date**