

# Endowment Fund Charter

The United Methodist Church of the Dunes, 717 Sheldon Road, Grand Haven, Michigan, (hereafter referred to as "the Church") hereby creates a permanent Endowment Fund to be known as the "United Methodist Church of the Dunes Endowment Fund" (hereafter referred to as "Endowment Fund.") This document, upon execution, is intended to amend and replace any and all previous documents establishing an endowment fund for the Church.

## A. PURPOSE

The primary purpose of this Endowment Fund is to provide a means for constituents of The Church to make gifts and bequests to provide a permanent endowment of financial support and living memorials. Gifts to the Endowment Fund will be held in perpetuity. Income from the Endowment Fund shall be used to assist the Church in fulfilling its purposes in Christian ministry and mission.

This Endowment Fund and resulting income is intended for purposes that are not a part of the Churches' established programs, which are funded, or should be funded, through the annual operating budget of the Church and the regular giving of those attending. It is NOT intended that Endowment Fund income provide for the Church general operating expenses. It IS intended that the Church annual budgetary process, together with annual giving, shall support normal and customary Church activities. Endowment Fund income should only be used to support ministries beyond normal local Church activities or to provide temporary assistance in starting new ministries in the Church.

The Fund may accept both cash and non-cash gifts and bequests. Non-cash gifts may include corporate stock, mutual funds, bonds, bank deposits, real estate interest, precious gems and metals, and other items deemed acceptable by the Committee.

## B. ACCOUNTS

Within this Endowment Fund, the following accounts are hereby established to enable the Church to have an effective ministry:

### General Accounts

1. *Undesignated:* This account will receive gifts to the Endowment Fund, which are not designated for a particular purpose or restricted in any way. Income from this account will be used to fund the ministries or missions selected by the Committee

2. *Missions*: Income from this account shall fund missionary support, work camps, advance specials, and missionary projects locally, nationally, or globally.
3. *Outreach*: Income from this account shall fund local and community-based relief efforts and ministries.
4. *Youth*: Income from this account shall provide funds to increase participation by youth in worship, education, fellowship; expand services provided by the Church for youth; and support the Christian development of youth.
5. *Education*: Income from this account shall be used for special educational or evangelism programs, camperships, scholarships, leadership training of workers, and special workshops or seminars.
6. *Scholarships*: Income from this account shall be used to provide scholarship grants to students seeking post-secondary education. First preference will be given to students who have been an active part of the life of the Church. Scholarship grants may be made to persons who have recently graduated from high school or to persons deciding to seek further education later in life.
7. *Christian Life Development Account*: Income from this account shall be used to further spiritual development of individuals and corporate Christian life. Ministries may include, but are not limited to: Evangelism, Youth, Education, Discipleship and Fellowship.
8. *Music, Worship and Arts*: Income from this account shall be used to enhance the worship experience and may provide funds for musical instrument replacement or major repair, other instruments, music leadership, choirs, special programs and drama.
9. *Building*: Income from this account shall provide for capital improvements, major repairs, equipment, furnishings or decorations for any properties owned by the Church.

Other accounts may be established by action of the Committee or Charge Conference. Such accounts may be established for specific projects, ministries or missions to enhance the total ministry of the Church.

The initial gift to any one of the above accounts shall not be less than \$5,000.00 and any further gifts to an account that is open shall not be less than \$250.00.

### **Donor Designated Accounts:**

Other designated accounts may be established by individual donors who place specific designations or restrictions on their gift. However, such new designated accounts may only be established if the following criteria are met:

1. The Committee agrees to accept the gift with the designations or restrictions proposed by the donor, and
2. The Committee agrees to establish a new designated account to hold this designated or restricted gift, and
3. The initial gift to the new designated account shall not be less than \$5,000.00.

A minimum contribution of \$250.00 shall be required for additional gifts to accounts previously established by a donor.

Principal and income of accounts created by action of individual donors will be used in accordance with the written directives provided by the donor at the time of making the gift. Such directives may not be changed at a later date by the donors or their family members, except where permitted by the Uniform Prudent Management of Institutional Funds Act.

All provisions of the Endowment Fund as to investment of funds, administration of funds, and limitation on use of distributions shall be applicable to both General Accounts and Donor Designated Accounts. All gifts made to the Endowment Fund shall be accepted subject to the terms and limitations set forth in this document.

### **Sub Accounts:**

Funds cannot be designated to establish a sub-account within a previously established account, regardless of the amount of the proposed gift.

### **C. MANAGEMENT OF THE FUND**

Responsibility for the management of the Endowment Fund shall be vested in the Endowment Fund/Planned Giving Committee, subject to the direction of the Charge Conference as prescribed in *The Book of Discipline of The United Methodist Church*.

### **D. ENDOWMENT FUND/PLANNED GIVING COMMITTEE**

The Committee shall be composed of 12 members, including 4 ex-officio members.

*See Attached Note I*

Each Committee member will be elected for a five-year term. Initially, members will be elected to 1, 2, 3, 4, and 5-year terms to establish the five-year rotation. The term limit shall be two consecutive terms. Filling a vacancy for a partial term is not included in this limit.

*See Attached Note II*

Nominations to the Committee shall be consistent with other leadership nominations as outlined in *The Book of Discipline of The United Methodist Church*.

**Ex-officio Members:** There shall be 4 ex-officio members with voting privileges and one without voting privileges. The 3 with voting privileges are the chairpersons (or their designate) of the following committees Lay Leader, Trustees, Finance, and Senior Pastor.

*See Attached Note III*

The Senior Pastor shall serve as an ex-officio member without voting privileges.

Membership of the committee may be adjusted from time to time to maintain consistency with *The Book of Discipline of The United Methodist Church*. Such changes may be made as an action of the Charge Conference.

**Voting:** Unless otherwise indicated in this document, any action taken by the Committee must be approved by a majority of the members attending a committee meeting so long as a quorum is present. A

quorum shall be defined as more than 50% of the members eligible to vote.

**Subcommittees:** The Committee shall appoint subcommittees, as it deems appropriate or necessary.

## **E. POWERS AND DUTIES OF THE ENDOWMENT COMMITTEE**

The Committee shall have the following powers and duties pertaining to the Endowment Fund, and such other powers and duties as may necessarily be required to carry out the terms and conditions of the Endowment Fund.

1. To educate church members and other potential donors on planned giving and to promote giving to the Fund.
2. To accept or reject any designated or restricted gift, bequest or devise. Any unrestricted gift of \$1,000.00 or more received by the Church from an inheritance, trust or estate that does not designate the Endowment Fund as the receipt will be presumed to have been intended for the Endowment Fund.

*See Attached Note IV*

If a gift is received by the Endowment Fund without designation or restriction, it shall be placed in the Undesignated Account.

3. To determine the distribution of income from all General Accounts.
4. To determine the proper distribution of income from all Donor Designated Accounts in accordance with the written instructions of the donor and otherwise follow directions of the donor in the use of income or principal.
5. To manage and administer the Fund, which shall include:
  - a. proper acknowledgment of gifts;
  - b. keeping a record of donors and gifts;
  - c. distributing income;
  - d. incurring and paying ordinary and necessary expenses of managing the Fund;
  - e. paying of local state and federal taxes and fees, where applicable;
  - f. recording receipts and expenditures from the Fund;

- g. maintaining a record of assets of the Fund.
6. To invest all monies of the Fund.
7. To have the Fund audited annually by the Church auditor, and/or any other entity as determined necessary by the Committee and/or the Charge Conference.
8. To present an annual written report to the Charge Conference and Administrative Council. The congregation of the Church should also be informed of Endowment Fund activities through use of the newsletter or other mailing and presentation to the congregation.
9. To select the definition of "income" to be used by the Fund (trust law or corporate law definition.)
10. To determine an appropriate means of offsetting the effects of inflation on Fund assets.
11. To define "Spending Policies" to use in making distributions of income.
12. To develop other policies or by-laws to guide the day-to-day management of the Fund.

## **F. INVESTMENT OF FUNDS**

The Committee shall make a conscious effort to invest in institutions, corporations, companies, or funds whose operations are not detrimental to, or that make a positive contribution toward the realization of the goals of, the Social Principles of The United Methodist Church, in accordance with The *Book of Discipline of The United Methodist Church*.

As a matter of good Christian and corporate stewardship, the principal of gifts, devises, and bequests received by the Endowment Fund shall be invested through the United Methodist Foundation of Michigan to be held in trust for management and investment purposes. The assets of the Endowment Fund shall only be invested through entities that allow continued ownership of the assets by the Endowment Fund.

Investment objectives of the Endowment Fund shall include:

1. Conservation of principal for the effective maintenance of purchasing power.

2. Growth of principal and income to offset cost of living increases.
3. Investment of assets in institutions, companies, corporations, or funds which make a positive contribution toward the realization of the goals outlined in the Social Principles of The United Methodist Church.

## **G. DISTRIBUTION OF INCOME**

It is the intent to preserve principal amounts over the years while using the income generated over the years to provide funds for distribution. It is anticipated that over the years the total rate of return will exceed the expected long-term inflation rate and thus allow for the availability of income for distribution. In a separate policy document, the Committee will adopt a definition of income and spending policies to accomplish the above stated intentions.

The following matters, terms and conditions, shall apply or shall serve as a guide for distribution of income:

1. If a gift is received without designation or restriction, it shall be placed in the Undesignated Account. Income from the Undesignated Account shall be distributed by action of the Committee in accordance with the spending policies set forth in a separate document.
2. Income from all other General Accounts (established by this Charter, the Committee or a Charge Conference) shall be distributed by action of the Committee in accordance with the guidelines for those accounts.
3. If a gift is used to establish a Donor Designated Account, the income and/or principal shall be distributed according to the written directions provided by the donor at the time of the gift.
4. If income in a particular account remains unused at the end of the calendar year, such income may be held in that account for use in a subsequent year. However, it is not within the purposes of the Endowment Fund to accumulate income as a means of enhancing the size of the Fund other than to offset the effects of inflation on assets of the Fund. The Committee, at its discretion, may reclassify unspent income as additions to principal. Thereafter, such accumulated income is no longer available for distribution.

5. It is not intended that Endowment Fund income provide for local Church general operating expenses. It is intended that the Church annual budgetary process, together with annual giving, shall support normal and customary Church activities. Endowment Fund income should only be used to support ministries beyond normal Church activities or to provide temporary assistance in starting new ministries in the Church.
6. Distributions in accordance with the spending policies set forth in a separate document shall not be used to subsidize the cost of a new program, ministry or staff position for more than three years.

#### **H. LIMITATION ON USE OF PRINCIPAL**

The objectives of the Endowment Fund are to conserve principal and make use of only the distributions in accordance with the spending policies set forth in a separate document.

Undesignated Account principal may be withdrawn only in extreme and overwhelming circumstances, bordering on the survival of The Church. Any withdrawal of principal must be approved by a 3/4 vote of the Charge Conference at which a quorum is present. Principal shall not be withdrawn from any other account.

#### **I. BORROWING FROM THE FUND**

Endowment Funds may not be borrowed by the Church except in unusual circumstances for major Church projects. However, such borrowing shall not to exceed 50% of the total Undesignated Account principal. In such an event, borrowing must be approved by a 3/4 vote of all members of the Committee and by a 3/4 vote of the Charge Conference members voting, subject to the rules of *The Book of Discipline of The United Methodist Church*. The terms and conditions of any such loan would be those as set by the Committee and would be generally comparable to terms and conditions available through commercial lending institutions.

#### **J. PLEDGING FUND ASSETS**

Endowment Fund assets shall not be pledged as collateral for any reason.



## **K. TOTAL ENCUMBERANCE**

If there is borrowing by the Church from the Fund, as authorized in Section I. hereof, the combined total of borrowing and pledging shall not exceed 50% of the Undesignated Account principal.

## **L. MERGER OR CONSOLIDATION OF THE CHURCH**

If at any time, the Church is lawfully merged or consolidated with any other church; all the provisions hereof in respect to the Endowment Fund shall be deemed to have been made on behalf of the merged or consolidated Church. The Church shall be entitled to receive all the benefits of said Endowment Fund, and shall be obligated to administer the same in all respects and in accordance with the terms thereof.

## **M. EVENT OF DISSOLUTION OF THE CHURCH**

In the event of the dissolution of the Church, all principal and accumulated earnings of the Endowment Fund shall be distributed as follows:

1. All undesignated principal and accumulated earnings thereon shall be distributed as directed by a 2/3 vote of all members of the Committee and a 2/3 vote of the Charge Conference members voting; provided, however, that in any event, any such distribution must be made for Christian purposes and shall not be made for the direct or indirect benefit of any individual member of the Church. If the required 2/3 vote of the Committee and the Charge Conference cannot be attained after five votes, then the undesignated funds shall be distributed to the United Methodist Foundation of Michigan.
2. All designated principal and accumulated earnings thereon shall be distributed to the United Methodist Foundation of Michigan which shall receive the benefits of the Endowment Fund and shall be obligated to administer the same in all respects in accordance with the terms of the donor designations, to the best of its ability, and in conformity with the Uniform Prudent Management of Institutional Funds Act.

## **N. ADMINISTRATION OF DESIGNATED GIFTS**

The Church recognizes that many times the intent of a gift used to establish a Donor Designated Account is for a benefit to be derived for an indefinite period of time. However, the Church further recognizes that the passage of time, or other circumstances, may make the conditions of the designation impossible or impractical. Therefore, by unanimous vote of the Committee, any such gift that has become impossible or impractical to administer may be transferred without condition or reservation to another existing account, which has similar purposes. If an account with similar purposes does not exist, the funds will be placed in the Undesignated Account. It is presumed that any individual or entity making a gift, bequest, or devise to the Endowment Fund is aware of the conditions of this section of the Charter. Therefore, no such gift shall fail or revert because of changed circumstances, which make the continued administration of any particular Donor Designated Account impossible or impractical.

## **O. AMENDMENTS**

This resolution may be amended by a 2/3 vote of the Committee and two succeeding Charge Conferences duly called in accordance with *The Book of Discipline of The United Methodist Church*. If the Committee is the initiator of the proposed amendment, at least six months shall elapse between the vote of the Committee and First Charge Conference called to vote upon such amendment. At least 30 days shall elapse between the First and Second Charge Conferences called to vote upon such amendment. The proposed amendments as adopted by the Committee shall be generally circulated through the congregation prior to the First Charge Conference called to vote upon such amendment.

If the proposed amendment is initiated by a Charge Conference, said proposed amendment shall be generally circulated throughout the congregation, and no vote shall be taken in the Committee until six months have elapsed from the time said amendment has been adopted by the First Charge Conference. If the Committee approves the amendment initiated by the Charge Conference, a second Charge Conference shall be duly called and the amendment approved or rejected at that time.

No amendment shall become effective until passage by a 2/3 vote of the Committee and by a 2/3 vote of those voting at two consecutive Charge Conferences; provided, however, that the lack of said 2/3 vote at either of the Charge Conferences or at a vote taken by the

Committee shall defeat any proposed amendment. Any defeated amendment may again be considered only after one year following the last vote taken on said proposed amendment and only after again being initiated by either the Committee or a Charge Conference.

#### **P. FREEDOM TO EMPLOY COUNSEL**

The Committee, at its discretion, is free to employ counsel in the management of the Fund which may include but not be limited to legal advice, help of a certified public accountant or guidance from an investment counselor.

#### **Q. EXPENSES FOR MAINTAINING THE FUND**

Any expense incurred in managing, maintaining or operating the Fund as a whole shall come out of the income of the Undesignated Account before distribution. Any expenses incurred in managing or maintaining a specific Account or Accounts shall be paid from that Account or Accounts.

#### **R. BEQUESTS TO THE UNITED METHODIST CHURCH OF THE DUNES**

It is recognized that some persons may have previously executed, or may hereafter execute, wills, trusts, or other planned giving instruments naming the Church as beneficiary rather than naming the Committee as beneficiary. *The Book Of Discipline of The United Methodist Church* provides that a Charge Conference may designate the Endowment Fund to provide services, which are normally provided by the Trustees of the Church. Therefore, any such gift, devise or bequest received by the Church after the date of adoption of this Resolution which is \$1,000.00 or larger, shall be transferred to, and placed in the Endowment Fund for management. The Endowment Fund shall receive and administer all such bequests, devises and gifts made to the Church; shall receive and administer all trusts; and shall invest all trust funds of the church in conformity with laws of the country and state in which the Church is located. The board of trustees is hereby notified that this Charge Conference is delegating such power, duty and authority to the Committee.

Any such gift, devise or bequest received by the Church after the date of adoption of this Resolution which is less than \$1,000.00, shall be held in the Memorial Fund until such amount exceeds \$1,000.00 which shall then be placed in the Endowment Fund.

**S. LIABILITY OF TRUSTEES AND MEMBERS OF THE COMMITTEE**

In the absence of gross negligence or fraud, no member of the Committee or Board of Trustees of the Church shall be personally liable for any action made or omission with respect to the Endowment Program.

**T. SEVERABILITY**

If any provision, or any application of any provision, of the Endowment Fund is determined to be illegal, inoperative or unenforceable, said provision shall not affect any other provisions or any applications of any provisions herein contained or render the same invalid, inoperative, or unenforceable.

**U. ADOPTION**

This Endowment Fund Charter was adopted by the duly authorized Charge Conference of the United Methodist Church of the Dunes at a session held at (city, state) on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
*Name of the Church*

Attest By:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Presiding Officer of the Charge Conference

Recording Secretary of the Charge Conference

**NOTE I:** *A committee of 9 to 12 voting members is recommended. No more than 1/3 of the Committee should be ex-officio members. Persons who have, or may appear to have, a conflict of interest should not serve on the Committee. Committee members should not use their position on the Committee as a means to promote a product or service that is normally sold in the course of their profession or the profession of their spouse or other family member.*

**NOTE II:** *Most church committees rotate after three years. An Endowment Committee needs more consistency of membership than most church committees do. Therefore, five-year terms are recommended. Some turnover of membership on the Committee is needed. However, if the turnover is too frequent it will severely damage the success of the Committee and the ability to attract gifts. There is much to be learned in developing a successful endowment program. Too much Committee turnover will result in constant loss of that knowledge.*

**NOTE III:** *Consider chairpersons of Administrative Council, Board of Trustees, Finance Committee, Memorials Committee, or others.*

**NOTE IV:** *Coordinate amount in this paragraph with amount in section R.*

Revised 8/13/2015