

**AGREEMENT BETWEEN  
WASHINGTON COUNTY COMMUNITY FOUNDATION, INC.  
(hereinafter, “Foundation”)  
And  
DONORS  
(hereinafter, “Donors”)**

1. A permanent fund shall be established on the books of the Foundation which shall be known as the *Name of Fund* (“the Fund”).
2. The Fund is established to benefit quality of life issue in Washington County, through charitable grants of income. Donors retain the right to advise the Foundation Board of Trustees regarding grants from the Fund. The Board shall not be bound by this advice, but in good faith consider it.
3. The Foundation has adopted a total return investment policy where income shall mean an amount equal to a percentage, to be specified by the Board of Trustees, of the average fair market value of the Fund’s assets over the preceding three years as of the last business day of each year.
4. The Fund shall include property as detailed in “Schedule A”, such property as has been or as may be, from time to time, transferred to the Foundation by Donors for inclusion in the Fund, such property as may, from time to time, be received by the Foundation from any other source and accepted by it for inclusion in the Fund, and all earnings from the foregoing property.
5. 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.
6. In 1976, the Internal Revenue Service issued Treasury Regulations that endorsed and codified the variance power as an essential feature of community foundations. The regulations recognized that a community foundation that is comprised of many separate trusts is a single public charity, rather than treating the trusts as separate private foundations. To qualify for single entity treatment, the community foundation must meet several requirements, including having the power to modify the terms of a component trust or fund. Treasury Reg. §1.170A-9(f)(11)(v)(B)(1) provides that the governing body must have the power to modify a restriction on the use of a fund if a restriction effectively becomes “unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the community or area served.” Accordingly, the Foundation Board shall have the power to modify any restriction or condition on the distribution of funds for any specified charitable purposes 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, incapable of fulfillment or inconsistent with the charitable needs of the community or area served.
7. The Foundation will provide accounting and related financial management services associated with the Fund. It is understood the investment objective be to preserve capital and to increase long-term purchasing power. The Fund may be assessed a Foundation management fee which is currently calculated as a percentage of Fund principal. The Fund may be charged an investment management fee in accordance with Foundation agreements as negotiated with Foundation investment managers.
8. It is intended that the Fund shall be a component part of the Foundation and not a separate trust and nothing in this agreement shall affect the status of the Foundation as an organization described in Section 501(c) (3) of the Internal Revenue Code of 1954, and as an organization which is not a private Foundation within the

meaning of Section 509(a) of the Code. This agreement shall be interpreted in a manner consistent with the foregoing intention and so as to conform to the requirement of the foregoing provisions of the federal tax laws and regulation issued pursuant thereto. The Foundation is authorized to amend this agreement to conform to the provisions of any applicable law or governing regulation in order to carry out the foregoing intention. References herein to provisions of the Internal Revenue Code of 1954 shall be deemed references to the corresponding provisions of any future Internal Revenue Law.

Accepted by:

\_\_\_\_\_  
XXX, Donor

\_\_\_\_\_  
Date

\_\_\_\_\_  
XXX, Donor

\_\_\_\_\_  
Date

\_\_\_\_\_  
xxx,  
Washington County Community Foundation, Inc.

\_\_\_\_\_  
Date

\_\_\_\_\_  
B.R. Trew, President & CEO  
Washington County Community Foundation, Inc.

\_\_\_\_\_  
Date

SCHEDULE A

*XXX Fund*

Description of property donated:

*The Internal Revenue Service requires contemporaneous written receipt for all gifts of \$250 or more. We are required to inform you that the Washington County Community Foundation has exclusive legal control over the contributed assets. Please save this receipt as proof of your charitable gift. The Internal Revenue Service also requires us to confirm that you have received no goods or services from us in exchange for your gift. The official registration and financial information of Washington County Community Foundation may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.*