

## MIDWEST FOOD BANK GIFT POLICY

Midwest Food Bank solicits and accepts gifts for purposes that will help the organization further and fulfill its mission. We accept gifts that are given to each division and do not recognize restrictions to a location within the division. We acknowledge the restrictions for General Operations, Tender Mercies, Hope Packs, Capital Projects i.e. Buildings, Equipment, etc., Debt Reduction, and Disaster Relief. Any gift with notations outside the listed restrictions will be used for the general operations of the organization. Midwest Food Bank urges all prospective donors to seek the assistance of personal legal and financial advisors in matters relating to their gifts, including the resulting tax and estate planning consequences. The following policies and guidelines govern acceptance of gifts made to Midwest Food Bank for the benefit of any of its operations, programs or services.

- Use of Legal Counsel—Midwest Food Bank will seek the advice of legal counsel in matters relating to acceptance of gifts when appropriate. Review by counsel is recommended for:
  - A. Gifts of securities that are subject to restrictions or buy-sell agreements.
  - B. Documents naming Midwest Food Bank as trustee or requiring Midwest Food Bank to act in any fiduciary capacity.
  - C. Gifts requiring Midwest Food Bank to assume financial or other obligations.
  - D. Transactions with potential conflicts of interest.
  - E. Gifts of property which may be subject to environmental or other regulatory restrictions.
- Restrictions on Gifts—Midwest Food Bank will not accept gifts that
  - (a) would result in Midwest Food Bank violating its corporate values,
  - (b) would result in Midwest Food Bank losing its status as an IRC 501(c)(3) not-for-profit organization,
  - (c) are too difficult or too expensive to administer in relation to their value,
  - (d) would result in any unacceptable consequences for Midwest Food Bank, or
  - (e) are for purposes outside Midwest Food Bank’s mission.

Decisions on the restrictive nature of a gift, and its acceptance or refusal, shall be made by the Finance & Audit Committee, in consultation with the CFO.

- Gifts Generally Accepted Without Review—
  - Cash. Cash gifts are acceptable in any form, including by check, money order, credit card, wire transfer, or on-line.
  - Marketable Securities. Marketable securities may be transferred electronically to an account maintained at the Midwest Food Bank’s brokerage firm or delivered physically with the transferor’s endorsement attached. All marketable securities will be sold promptly upon receipt unless otherwise directed by Midwest Food Bank’s Finance &

Audit Committee. In some cases marketable securities may be restricted, for example, by applicable securities laws or the terms of the proposed gift; in such instances the decision whether to accept the restricted securities shall be made by the Finance & Audit Committee.

- Gifts Accepted Subject to Prior Review—Certain forms of gifts or donated properties may be subject to review prior to acceptance. Examples of gifts subject to prior review include, but are not limited to:
  - Charitable Remainder Trusts. Midwest Food Bank will accept designation as a remainder beneficiary of charitable remainder trusts.
  - Charitable Lead Trusts. Midwest Food Bank will accept designation as an income beneficiary of charitable lead trusts.
  - Bequests and Beneficiary Designations under Revocable Trusts, Commercial Annuities and Retirement Plans. Donors are encouraged to make bequests to Midwest Food Bank under their wills, and to name Midwest Food Bank as the beneficiary under trusts, commercial annuities and retirement plans.
  - Tangible Personal Property. The Finance & Audit Committee shall review and determine whether to accept any gifts of tangible personal property, including works of art, in light of the following considerations:
    - does the property further the organization’s mission?
    - Is the property marketable?
    - Are there any unacceptable restrictions imposed on the property?
    - Are there any carrying costs for the property for which the organization may be responsible?
    - Is the title/provenance of the property clear?
  - Life Insurance. Midwest Food Bank will accept gifts of life insurance where Midwest Food Bank is named as both beneficiary and irrevocable owner of the insurance policy. The donor must agree to pay, before due, any future premium payments owing on the policy.
  - Real Estate. All gifts of real estate are subject to review by the Finance & Audit Committee. Prior to acceptance of any gift of real estate other than a personal residence, Midwest Food Bank shall require an initial environmental review by a qualified environmental firm. In the event that the review reveals a potential problem, the organization may retain a qualified environmental firm to conduct an environmental audit. Criteria for acceptance of gifts of real estate include:
    - Is the property useful for the organization’s purposes?
    - Is the property readily marketable?
    - Are there covenants, conditions, restrictions, reservations, easements, encumbrances or other limitations associated with the property?
    - Are there carrying costs (including insurance, property taxes, mortgages, notes, or the like) or maintenance expenses associated with the property?
    - Does the environmental review or audit reflect that the property is damaged or otherwise requires remediation?