

Land Trust Accreditation Commission

An independent program of the Land Trust Alliance

**Green Acres Land Trust
Accreditation Applicant Conference Call with Commission Review Team
Friday, September 17, 2010 at 12:00 p.m. Pacific
(3:00 p.m. Eastern, 2:00 p.m. Central, 1:00 p.m. Mountain)**

Sample Land Trust Call Agenda – represents more examples than are typically found in a call agenda

Notes to Applicant

Thank you for agreeing to meet with the review team at 12:00 p.m. on Friday, September 17. This phone call is a chance for the review team to discuss with you your application for accreditation. We estimate that it will take approximately two hours.

The agenda below and discussion summary on the next page provide an overview of what we would like to talk about with you. Please plan to have board members on the call who can respond to our questions. Commissioner John Smith and Commission Staff Member Sally Brown will be on the call on behalf of the Commission. Short bios on commissioners and staff are available on our website: <http://www.landtrustaccreditation.org/about-the-commission>.

As you will see, the review team has a number of questions. Many of the questions are intended to explore areas we did not fully understand after reading your application. Please note that questions do not necessarily indicate that additional documentation or corrective action is required. Thank you again for holding this call with us.

Agenda

(5 min) Introductions and Overview of Phone Call

(5 min) Information about Next Steps

(60 – 90 min) Application and Indicator Practices Discussion

(Numbers below reference practices from *Land Trust Standards and Practices*)

- 2A. Compliance with Laws
- 2B. Nonprofit Incorporation and Bylaws
- 2C. Tax Exemption
- 3F. Board Approval of Land Transactions
- 4A. Dealing with Conflicts of Interest
- 5A. Legal and Ethical Practices
- 6B. Financial Records
- 6D. Financial Review or Audit
- 7A. Capacity
- 8B. Project Selection and Criteria
- 9E. Easement Drafting
- 9G. Recordkeeping
- 9H. Title Investigation and Subordination
- 9J. Purchasing Land

- 10B. Appraisals
- 11A. Funding Easement Stewardship
- 11B. Baseline Documentation Report
- 11C. Easement Monitoring
- 11E. Enforcement of Easements
- 11I. Amendments
- 12A. Funding Land Stewardship
- 12C. Land Management
- 12D. Monitoring Land Trust Properties

(5 min) Questions/Feedback from Applicant

SAMPLE

Indicator Practices Discussion Summary
Green Acres Land Trust
For Discussion on Friday, September 17

Introduction

We have learned a great deal about Green Acres Land Trust (Land Trust), its history and progress over the years, and its conservation work. If there have been any major changes in programs or staffing since you submitted your application, please take a moment to let us know.

2A. Compliance with Laws

In your application materials, you indicated that several of your part-time employees are treated as contract employees (e.g., your stewardship associate). Please describe this arrangement. When you use the term “contract employee” does this mean that the Land Trust considers these personnel as independent contractors or as employees for income tax purposes?

2B. Nonprofit Incorporation and Bylaws

We note that the Land Trust board has taken board action without a meeting, and that its bylaws do not contain a provision for this. Is the use of action without a meeting described in any policy or procedure?

2C. Tax Exemption

In your application response, you indicated that the Land Trust operates within limits on lobbying. Please describe your lobbying efforts, and how this information is captured on your Form 990.

3F. Board Approval of Land Transactions

We note that final approval to accept the ABC property was done via e-mail, however the bylaws do not allow for an e-mail vote. Is the use of e-mail communications to vote on transactions described in any board-approved policy or procedure?

Please describe what information is provided to the board prior to its decision to grant final approval on a project.

4A. Dealing with Conflicts of Interest

With respect to contracting for services from companies directly connected with insiders, please describe how compensation rates for these services are determined and documented.

5A. Legal and Ethical Practices

Per your application materials, the Land Trust has received donations from individuals residing outside of the states in which it is registered. Please describe how the Land Trust determines where it must register for charitable solicitation purposes.

6B. Financial Records

Please describe how the Land Trust determines whether a stewardship contribution should be designated in some way as unrestricted, temporarily restricted or permanently restricted.

We note that the Stewardship Endowment principal can be spent on conservation easement defense. Please describe how the Land Trust informs landowners that the principal of their gift may be spent on defending an easement even though they have contributed to what is described as an endowment.

6D. Financial Review or Audit

Thank you for providing the April 2010 letter from your auditing firm. We would like an update on your progress in implementing the recommendations she made.

7A. Capacity

We would like to better understand planning and evaluation at the Land Trust. Please describe in more detail how you evaluate your programs and conduct work planning.

8B. Project Selection and Criteria

We would like to better understand the project selection process at the Land Trust and how conservation values are documented. Please describe on the call how and when your Project Selection Criteria Form is completed.

The Land Trust accepted the transfer of two conservation easements from XYZ Conservancy in 2007. Please discuss how the Land Trust reviewed these projects against the project selection criteria it had in place at the time.

9E. Easement Drafting

Your easement includes a requirement that the landowner receive 30-days written notice before the Land Trust can take action to remedy, abate or otherwise enforce any violation. Have you considered whether there might be any circumstance when you would want to take immediate action?

Please describe how the Land Trust ensures that its easements allowing surface mineral extraction are in keeping with Treasury Regulations, even when gravel is intended to be used on-site.

9G. Recordkeeping

We note that your original transaction and stewardship documents are stored in a private residence. Please tell us a little more about this location including where it is, how often you ship documents to it, and how documents stored there are protected. Also, please describe how you determined that these originals are protected from unauthorized access.

9H. Title Investigation and Subordination

We noted that Land Trust did not have a past practice of investigating title before acquiring properties. Please describe how the Land Trust now ensures that it is working with the legal owner(s) of the property, that it has an accurate and defensible legal description of the property and that it has identified any encumbrances or matters of record that may affect the transaction. Are the Land Trust's title investigation practices the same with respect to donated and purchased properties?

In the XYZ project there was a six-week gap between the title report date and the date the easement was recorded. Please describe how the Land Trust ensured that no new encumbrances were placed on the property during that six-week period.

9J. Purchasing Land

We note that your policy for purchasing land and easements allows for the use of a letter of opinion in certain circumstances rather than an appraisal. Have there been any instances where you determined that a letter of opinion was sufficient?

10B. Appraisals

Please describe how the Land Trust informs landowners about the requirements an appraisal for tax purposes must meet, including the timing of the appraisal, and that the Land Trust will not knowingly participate in a transaction where it has significant concerns about the tax deduction.

We would like to better understand how you review appraisals and Forms 8283 when landowners claim tax benefits for their easement donations. In general, what is your process for determining whether there are aspects of the appraisal or tax deduction that give rise to significant concerns?

11A. Funding Easement Stewardship

The Land Trust's stewardship funding plan strategy relies on securing \$X in a planned fundraising campaign. Please describe any specific strategies with timelines that have been developed to meet this goal over the next five years.

We understand that you request a stewardship contribution that is equal to one percent of the appraised value of the conservation easement. Please describe how you determined that this amount is adequate to cover your future easement costs. If a landowner retains a number of rights that might result in increased stewardship or defense costs, is there flexibility in the current contribution policy to cover such costs?

11B. Baseline Documentation Report

We note that your easements allow the baseline documentation report to be completed up to six months after closing. Please describe your policy for the timing of the completion of baseline documentation reports, and in general how often you need to complete your baselines after closing. When these situations occur, how do you ensure that the IRS requirements are met with respect to documentation of the conditions of the property at closing?

11C. Easement Monitoring

Please describe a typical easement monitoring visit. How does this apply to your larger easements?

11E. Enforcement of Easements

In the application questionnaire, you described a violation that remained unresolved at the time of application. Please update us on the resolution of the violation. What is the next step, if it remains unresolved at this time?

Please describe a situation when your Land Trust used a waiver to resolve a violation, as mentioned in your procedures.

11I. Amendments

We would like to better understand how amendment requests are responded to in your organization. Please describe how landowner requests for an amendment are evaluated, and when the board becomes involved.

12A. Funding Land Stewardship

We note that the Land Trust uses the same calculation to determine its expenses for its fee properties as it does for its easements. Please describe how the Land Trust determined that the calculation is also representative of the true costs of owning a fee property.

12C. Land Management

Please describe when the Land Trust typically prepares a management plan or management summary for the properties it acquires in fee.

In general, what information does the Land Trust have in place at closing until a formal management plan is completed?

12D. Monitoring Land Trust Properties

Thank you for describing how the Land Trust monitors activity on each of its fee properties. Do you have plans to add formal monitoring reports to your management of your fee properties?

Questions/Feedback

This is an opportunity for the land trust to ask questions or provide the review team with any feedback it has about the accreditation process.

Again, thank you for participating in the land trust accreditation program!