

***COLLEGE OF MARIN FOUNDATION***

P.O. Box 325  
Kentfield, CA 94914

September 17, 2013

The Honorable Judge James Ritchie  
Marin County Superior Court  
P.O. Box 4988  
San Rafael, CA 94913-4988

Rich Treadgold, Foreperson  
Marin County Grand Jury  
3501 Civic Center Drive, Room #275  
San Rafael, CA 94904

Dear Judge Ritchie and Foreperson Treadgold:

The Grand Jury Report: ***College of Marin Foundation: What's Now? What's Next?*** reflects the thorough and conscientious efforts of the Grand Jury to understand complex issues associated with the current status of the College of Marin Foundation (Foundation) and the development/fundraising program administered by the Advancement Office at the College of Marin.

As members of the Board of Directors of the Foundation, we (Diana Conti and David Wain Coon) are working diligently to address the outstanding issues and challenges facing the Foundation. Our legal counsel had an initial meeting with Elizabeth Kim, Supervising Deputy Attorney General, Charitable Trusts Division, on August 13, 2013. Ms. Kim and her staff requested a substantial number of documents, which we have provided, and they are currently reviewing. They also requested a copy of this letter and a copy of the legal opinion memorandum provided with this letter as Attachment 1, which we are in the process of sending them. We have agreed to determine in early October when we should meet again. With regard to "what's next" for the Foundation, we cannot proceed with decisions until we have completed the process of conferring with the Attorney General's Office.

Certain aspects of the Grand Jury's report address issues related to the College of Marin ("College"), which is a part of the Marin Community College District ("District"). In order to make clear who is

responding and in what role the person or persons are responding, please be advised that the portions of the response below that address District matters come from the Superintendent/President of the College of Marin, Dr. David Wain Coon. Those portions of the response that address Foundation matters come from Foundation board members Diana Conti and David Wain Coon.

The Foundation's and District's responses to the Grand Jury Report's Finding and Recommendations are provided in *italicized blue print*.

## FINDINGS

**The Foundation and/or District disagree with the findings numbered F2, F3, F4, and F5.**

- F2. As of the date of this report's finalization, the Advancement Office of College of Marin is neither a USC 501 (c)(3) nor a California State 23701e-designated non-profit organization and this creates potential problems for the acceptance of corporate donations.

*Response by the District: This conclusion that the College's lack of 501(c)(3) status creates potential problems for the acceptance of corporate donations is incorrect. A tax attorney at Crowe Horwath LLP has provided the District with a legal opinion memorandum that addresses this and other related tax issues (Attachment 1). In pertinent part, the opinion memorandum provides the following conclusion:*

**Corporate Charitable Contributions to the District:**

*Corporate donors who make contributions to the District are permitted a charitable deduction in the same manner as contributions to a section 501(c)(3) charitable organization. Corporate charitable deductions are limited to 10% of the corporation's annual net income. This 10% limit also applies to contributions by a corporation to section 501(c)(3) public charities.*

- F3. As of the date of this report's finalization, The Foundation has not filed IRS Form 990 and California State Form RRF-1 since 2011. These forms are required to be submitted every fiscal year in order to renew an organization's tax-exempt status.

*Response by the Foundation: The Foundation filed the 2012 IRS Form 990 in a timely fashion by the deadline on May 15, 2013 (Attachment 2). The Foundation also filed its California State Form RRF-1 report, which was not delinquent (Attachment 3).*

- F4. The College is currently in charge of all Foundation assets and with that comes potential for a conflict of interest.

***Response by the Foundation: The assertion that the College is in charge of all Foundation assets is incorrect. The Foundation Board of Directors is in charge of all Foundation assets. It is true that Foundation board member David Wain Coon is also the Superintendent/President of the College, and Foundation board member Diana Conti is also a member of the Board of Trustees for the District. The Memorandum of Understanding between the Foundation and the College, the Foundation By-Laws, and College of Marin Board policies all establish official dual roles for the College President and the College Board President in regard to the Foundation. These dual roles do not present an inherent conflict of interest.***

***First, both David Wain Coon and Diana Conti are keenly aware of the separation in their roles and responsibilities in regard to the two organizations. When conducting the business of the Foundation, they exercise and fulfill their duties of loyalty and care under the high standard called for in fulfilling their fiduciary responsibilities to the Foundation.***

***Second, the Foundation's Articles of Incorporation specify that its purposes are: (1) to raise money for the purpose of awarding scholarships and loans to assist students residing in Marin County to attend college; and (2) to afford and encourage the establishment of permanent collections, art endowments, research and educational projects, and otherwise provide aids to education that are supplementary to governmental support for the College of Marin. No part of their duties as College President and member of the District's Board of Trustees are in conflict with the purposes of the Foundation or their role as members of the Foundation Board of Directors.***

- F5. No source for emergency funds exists for students in immediate need of financial assistance since Restricted funds were repurposed.

***Response from the Foundation: The former Foundation Executive Director had a relatively small discretionary fund (less than \$10,000 annually) to assist students with emergency personal needs, such as bus fare or meal vouchers; not scholarships or book grants.***

***Response from the District: The District had and continues to have the authority to grant Board of Governors ("BOG") fee waivers to students with financial need. Currently 46% of all College students receive BOG waivers. In addition, the College Advancement Office is undertaking fundraising efforts to meet the needs of students for emergency financial assistance.***

COMF disagrees partially with the findings number F1.

- F1. Historically, there has been a lack of transparency regarding the Foundation's methods and financial circumstances and this has led to spending donor funds on non-donor designated purposes.

***Response from the Foundation and the District: The Foundation has been a valued partner with the District providing support for the College's students and programs since 1964. While not without challenges along the way, the partnership between the Foundation and the District has worked well more often than not. There is no evidence of a lack of transparency regarding the Foundation's methods and financial circumstances prior to Fiscal Year 2012, the time period in which spending by the former Board of Directors members exceeded the Foundation Board's approved budget by \$474,573. While the Foundation's Standard Operating Procedures perhaps lacked sophistication, they met the needs of the Foundation, donors, and the College until Fiscal Year 2012, when the former directors did not comply with the Foundation's fiscal policies. The former directors also failed to respond to the College's requests in 2012 for current financial information.***

## **RECOMMENDATIONS**

- R1. The Board of Directors of the current Foundation and any successor organization collecting funds in support of College of Marin, its students, programs and departments, make public, on a quarterly basis, the status of the Foundation or its successor, its assets and plans for immediate future.

***Response from the Foundation: The Foundation will provide financial statements on a quarterly basis, which will be available to the public. As to plans for the future, the Foundation directors are committed to transparent and regular communication with the public. We are currently working with the Attorney General's Office to determine next steps. Once this has been accomplished, we will make our next report to the public and media. While we cannot guarantee there will be new information available to report to the public on a quarterly basis, we will commit to reporting to the public in the most efficient and effective way possible as new information becomes available.***

- R2. College of Marin's Advancement Office file for USC 501 (c)(3) and State of California 23701e status.

***Response from the District: As discussed above, we recently received a legal opinion memorandum on tax issues related to the District's fundraising program (Attachment 1). In pertinent part, the opinion memorandum provides information which follows. In light of the receipt of this information, President Coon will be providing the information in the opinion memorandum and the Grand Jury's recommendations (to file for USC 501 (c)(3) and State of California 23701e status) to the District's Board of Trustees for consideration. The Board of Trustees would need to decide if there is a benefit to pursuing this course of action; however, the College is authorized under federal tax law to receive tax-deductible donations without taking this step.***

### **Tax Status of the District**

*For federal income tax purposes, the District is considered to be an instrumentality of the State of California. As such, any income accruing to the District is excluded from gross income under IRC section 115(1).*

#### **Individual Charitable Contributions to the District**

*Individual donors who make contributions to the District are permitted a charitable deduction in the same manner as contributions to section 501(c)(3) organizations for up to 30% of the donor's adjusted gross income. If capital gains property is contributed to the District, the charitable deduction is limited to 20% of the donor's adjusted gross income.*

#### **Corporate Charitable Contributions to the District**

*Corporate donors who make contributions to the District are permitted a charitable deduction in the same manner as contributions to a section 501(c)(3) charitable organization. Corporate charitable deductions are limited to 10% of the corporation's annual net income. This 10% limit also applies to contributions by a corporation to section 501(c)(3) public charities.*

#### **Grants by Charitable Organizations to the District**

*Section 501(c)(3) charitable organizations, including "public charities" and "private foundations," are permitted to make grants/contributions to the District without any restrictions or limits. Grants/contributions from private foundations will be treated as "qualifying distributions" under IRC section 4942 and will not require the private foundation to exercise expenditure responsibility over the grants.*

#### **Public Perception Issues**

*There is a public perception, one that is incorrect but nevertheless one that is somewhat ingrained in the public's thinking, that individual and corporate donors are not entitled to a charitable deduction for contributions made to a governmental unit or for the use of a governmental unit. There is also an incorrect perception on the part of private foundations that such grants either do not count as "qualifying distributions" or require the foundation to exercise expenditure responsibility over the grants. In fact, contributions to, or for the use of governmental units are common and even increasing as government budgets are squeezed, and they are treated as qualifying distributions with no expenditure responsibility required.*

#### **Tax Exempt Charitable Alternative**

*It should be possible for the District itself to obtain recognition of exemption as a section 501(c)(3) charitable organization. This would mean that the*

***District would have “dual status” as an instrumentality [of the State] and a section 501(c)(3) entity at the same time. Pursuant to Rev. Rul. 60-384, 1960-2 CB 172, the IRS ruled that a wholly owned state or municipal instrumentality which is a counterpart of an organization described in IRC section 501(c)(3) such as a separately organized school, college, or university may qualify for exemption under section 501(c)(3)...***

- R3. The Foundation immediately file IRS Form 990 Return of Organization Exempt from Income Tax and State Form RRF-1, Annual Registration Renewal Fee Report to Attorney General of California, for 2012 to renew the organization’s registration as a public benefit corporation. These forms must be on file for the Foundation to collect money legally or to proceed with dissolution.

***Response from the Foundation: As reported in F3, the Foundation has accomplished the recommended actions. The Foundation filed 2012 IRS Form 990 by the deadline on May 15, 2013 (Attachment 2). The Foundation also timely filed California State Form RRF-1 (Attachment 3).***

- R4. The College, immediately following the dissolution of the Foundation, create an independent body to collect and administer donations to benefit students and programs at the College.

***Response from the Foundation: The Foundation Board of Directors has not reached a decision to dissolve the Foundation. Again, we are currently working with the State Attorney General’s Office to determine the next steps.***

***Response from the District: Given that the College of Marin is within permitted by law to receive all types of personal and corporate gifts as well as grant funds, the creation of a separate independent body may not be necessary. However, the District is deferring its decision-making process on these issues until the Foundation completes its consultative process with the Attorney General’s Office and makes a determination about the future of the Foundation.***

- R5. College of Marin’s Office of Advancement contact outside sources, including service groups, to arrange for emergency funds for students in immediate need of financial assistance until a permanent program to address these needs is established.

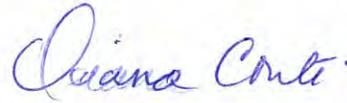
***Response from the District: The Foundation historically had a relatively small discretionary fund (less than \$10,000 annually) to assist students with emergency personal needs, such as bus fare or meal vouchers; not scholarships or book grants. The College’s Advancement Office is actively developing a comprehensive fund development program that will appropriately and effectively support the needs of students and College programs. In less than a year’s time, the Advancement Office has raised in excess of \$450,000.***

Thank you for the opportunity to respond to the Grand Jury Report **College of Marin Foundation: What's Now? What's Next?** Please do not hesitate to contact us should further clarification be needed or desired.

Respectfully,



David Wain Coon, Ed.D.  
Ex-Officio Director  
College of Marin Foundation



Diana Conti  
Ex-Officio Director  
College of Marin Foundation



David Wain Coon, Ed.D.  
Superintendent/President  
College of Marin

Attachments

RESPONSE TO GRAND JURY REPORT FORM

Report Title: College Of Marin Foundation – What’s Now? What’s Next?  
REVISED

Report Date: June 11, 2013

Public Release Date: June 20, 2013

Response by: \_\_\_\_\_ September 20, 2013 \_\_\_\_\_

FINDINGS

- I (we) agree with the findings numbered: \_\_\_\_\_
- I (we) disagree wholly or partially with the findings numbered: F 1 - F 5  
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R 3 have been implemented.  
(Attach a summary describing the implemented actions.)
- Recommendations numbered R 1 R 5 have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)
- Recommendations numbered R 2 R 4 require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

Date: 9-18-13 Signed: [Signature]

Number of pages attached 7



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## MEMORANDUM

DATE: August 30, 2013

TO: Marin Community College District Tax Correspondence File

FROM: John V. Woodhull

RE: Charitable Deductions for Contributions to the Marin Community College District

CC: David Coon, Randy Parent, Kristin Ficker

### Background Information

The Marin Community College District ("District") has asked Crowe Horwath LLP ("Crowe") to determine whether the College of Marin ("College") can, through its own development office, solicit contributions from the general public that would be eligible for a charitable deduction under Section 170(c)(1) of the Internal Revenue Code ("IRC") in the same manner as a section 501(c)(3) charitable organization. The District would like to determine for federal income tax purposes whether contributions made directly to the College enable individuals as well as corporations to claim charitable deductions. By way of background, neither the District nor the College has applied for, or received, recognition of federal tax exempt status under section 501(c)(3).

The District is one of 72 community college districts created by the state of California that operate a total of 112 community colleges. The District is part of the California Community Colleges, a post-secondary educational system, and maintains and oversees the operations of the College.

The California Community Colleges are governed by a seventeen person board, twelve of whom are appointed by the Governor. This board appoints the Chancellor, who serves as the system's chief administrative officer. According to California Education Code Section 71024, the Board of Governors has the duties, powers, purposes, responsibility and jurisdiction previously vested in the State Board of Education, Superintendent of Public Instruction and the California Department of Education.

Each year, the Board of Governors prepares and adopts a proposed budget for California Community Colleges and submits it to the State Department of Finance as part of the annual budget bill. A significant portion of the California Community Colleges' annual support comes from state funding. The Board of Governors allocates the appropriated funds to the 72 Community College Districts.

At the Community College District level, each district is under the control of a board of trustees elected at large from the district to serve terms of four years. According to the California Education Code, community college district governing boards consist of five to seven members. The District has seven governing board members and one non-voting student member (“Board of Trustees”). The Board of Trustees appoints the Superintendent/President who serves as the District’s chief executive officer and provides overall administrative leadership to the College.

It should be noted that the College is not a separate entity for federal tax purposes. It is the District that obtained a federal employer identification number (“EIN”) and it is the District that is the formal entity for our federal tax discussions. The District’s primary activity is to operate the College of Marin – the District is essentially doing business as the College of Marin. Although contributions have been and can continue to be solicited in the name of the College, as noted above, it is the District that is the entity for federal tax purposes.

The District has asked Crowe to provide tax guidance on the following issues and transactions:

- Tax exempt status of the District.
- Tax deductibility of contributions to the District by individual donors.
- Tax deductibility of contributions to the District by corporate donors.
- Tax consequences of contributions to the District by tax exempt organizations
- The ability of the District to solicit gifts and grants from section 501(c)(3) organizations, for-profit corporations and governmental entities.

## **Conclusions**

### ***Tax Status of the District***

For federal income tax purposes, the District is considered to be an instrumentality of the state of California. As such, any income accruing to the District is excluded from gross income under IRC section 115(1). However, because the District is considered an instrumentality, pursuant to IRC section 511(a)(2)(B), any unrelated business income earned by the District would be subject to unrelated business income tax.

### ***Individual Charitable Contributions to the District***

Individual donors who make contributions to the District are permitted a charitable deduction in the same manner as contributions to section 501(c)(3) organizations for up to 30% of the donor’s adjusted gross income. If capital gains property is contributed to the District, the charitable deduction is limited to 20% of the donor’s adjusted gross income.

### ***Corporate Charitable Contributions to the District***

Corporate donors who make contributions to the District are permitted a charitable deduction in the same manner as contributions to a section 501(c)(3) charitable organization. Corporate charitable deductions are limited to 10% of the corporation’s annual net income. This 10% limit also applies to contributions by a corporation to section 501(c)(3) public charities.

### ***Grants by Charitable Organizations to the District***

Section 501(c)(3) charitable organizations, including “public charities” and “private foundations,” are permitted to make grants/contributions to the District without any restrictions or limits. Grants/contributions from private foundations will be treated as “qualifying distributions” under IRC section 4942 and will not require the private foundation to exercise expenditure responsibility over the grants.

### ***Public Perception Issues***

There is a public perception, one that is incorrect but nevertheless one that is somewhat ingrained in the public’s thinking, that individual and corporate donors are not entitled to a charitable deduction for contributions made to a governmental unit or for the use of a governmental unit. There is also an incorrect perception on the part of private foundations that such grants either do not count as “qualifying distributions” or require the foundation to exercise expenditure responsibility over the grants. In fact, contributions to, or for the use of governmental units are common and even increasing as government budgets are squeezed and they are treated as qualifying distributions with no expenditure responsibility required.

### ***Tax Exempt Charitable Alternative***

It should be possible for the District itself to obtain recognition of exemption as a section 501(c)(3) charitable organization. This would mean that the District would have “dual status”, an instrumentality and a section 501(c)(3) entity at the same time. Pursuant to Rev. Rul. 60-384, 1960-2 CB 172, the IRS ruled that a wholly owned state or municipal instrumentality which is a counterpart of an organization described in IRC section 501(c)(3) such as a separately organized school, college, or university may qualify for exemption under section 501(c)(3) so long as it does not have the ability to exercise sovereign powers.

All of our conclusions are discussed in more detail below.

### **Tax Law**

#### ***Tax Status as a Political Subdivision or Instrumentality***

CA. Government Code Section 8557(b) describes a political subdivision as including any city, city and county, county, district or other local governmental agency or public agency authorized by law.

The IRS Exempt Organization Continuing Professional Education Text for FY 1990, “Instrumentalities” (“EO CPE”) states that the term “governmental unit” generally includes a state; a possession of the United States; a “political subdivision” of a state or United States possession; the United States; or the District of Columbia.

Treas. Regs. Section 1.103-1(b) defines a “political subdivision” as either a municipal corporation, or a division of government that has been delegated the right to exercise part of the

government's sovereign power. There are three generally acknowledged sovereign powers: the power to tax, the power of eminent domain, and the police power. An entity is a "political subdivision" however, only if it has substantial sovereign power

In Rev. Rul. 77-165, 1977-1 C.B. 21, the IRS determined whether a state university qualified as a political subdivision under Treas. Regs. Section 1.103-1(b). The University was created pursuant to a state statute and was supported by annual legislative appropriations. It had formed a police force primarily to regulate traffic on campus and had used the state's power of eminent domain in very limited situations with prior legislative approval. The IRS concluded that the University did not possess a substantial right to exercise the sovereign powers of the state, and therefore, did not qualify as a political subdivision.

IRC section 115(1) provides, in part, that gross income does not include income derived from the exercise of any essential governmental function and accruing to a state or any political subdivision of a state. It should be noted that section 115 does not exempt governmental entities from federal taxes, it instead, excludes their income from federal income taxation.

Rev. Rul. 77-261, 1971-1 C.B. 28 concluded that IRC section 115(1) was intended to refer, not to the income of a State or municipality resulting from its own direct participation in industry, but rather to that part of the income of a corporation engaged in the performance of some governmental function that accrues to a State or municipality.

Rev. Rul. 57-128, 1957-1 C.B. 311, sets forth the factors to be taken into account in determining whether an entity is an instrumentality of one or more governmental units: (1) whether the organization is used for a governmental purpose and performs a governmental function; (2) whether performance of its function is on behalf of one or more states or political subdivisions; (3) whether there are any private interests involved, or whether the states or political subdivisions have the power and interests of an owner; (4) whether control and supervision of the organization is vested in a public authority or authorities; (5) whether express or implied statutory or other authority is necessary for the creation and/or use of the organization, and whether this authority exists; and (6) the degree of financial autonomy of the entity and the source of its operating expenses. Each of these factors must be evaluated in order to determine if the District is an instrumentality of the State of California.

In IRS PLR 201220005, the IRS ruled that an educational organization was an instrumentality of the state in which it was incorporated and contributions to it were deductible under IRC section 170(c)(1). According to the facts of the ruling, the organization was created by an act of the state legislature as a public corporation to support educational excellence in certain specified public schools operated by the State Department of Education which was considered as the administrative arm of the State Board of Education. The IRS concluded that the organization satisfied all the factors enumerated in Rev. Rul. 57-128 and therefore was an instrumentality of the state for purposes of section 170(c)(1).

Based on our review of the six factors listed in Rev. Rul. 57-128 and the analysis in IRS PLR 201220005, it is clear that the District does not qualify as a political subdivision, but is an instrumentality of the state of California.

### *Charitable Contributions*

IRC section 170(a)(1) provides, subject to certain limitations, a deduction for contributions or gifts to or for the use of organizations described in section 170(c), payment of which is made within the taxable year.

IRC section 170(c)(1) provides, in part, that the term "charitable contribution" means a contribution to or for the use of a state, a possession of the United States, or any political subdivision of the foregoing, but only if the contribution or gift is made for exclusively public purposes.

IRC section 170(c)(2) provides, in part that the term "charitable contribution" means a contribution to or for the use of a corporation, trust, or community chest, fund, or foundation-

(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States;

(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals;

(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual; and

(D) which is not disqualified for tax exemption under section 501(c)(3) by reason of attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

For individual contributors, IRC section 170(b)(1)(A) provides, in part, that any charitable contribution to churches, educational institutions, hospitals, governmental unit described in section (c)(1) (state and local governments and their political subdivisions) and publicly supported organization shall be allowed a deduction to the extent that the aggregate of such contribution does not exceed 50 percent of the taxpayer's contribution base for the taxable year.

Under IRC section 170(b)(1)(B), deductions for contributions "for the use of" governmental units described in section 170(c)(1) may not exceed 30 percent of the taxpayer's "contribution base" for the taxable year.

Pursuant to Rev. Rul. 75-359, 1975-2 CB 79, a contribution to an instrumentality of a governmental unit described in section 170(c)(1) does not qualify as a contribution "to" an organization described in section 170(c)(1) and therefore does not qualify for the 50 percent deduction. However, because the organization is an instrumentality of state government, contributions to the instrumentality are deductible as contributions "for the use" of such a governmental unit, rather than a contribution "to" such a governmental unit.

We would note that although IRC section 170 and the regulations thereunder provide a significant amount of discussion on the qualifications and distinctions between contributions eligible for a charitable deduction up to 50% of individuals' adjusted gross income and 30% of adjusted gross income, very few individual contributors reach, much less exceed, the 30% threshold.

IRC section 170(b)(1)(G) provides that for purposes of this section, the term "contribution base" means adjusted gross income (computed without regard to any net operating loss carryback to the taxable year under section 172).

IRC section 170(b)(2)(A) provides that in the case of a corporation, the total deductions under subsection (a) for any taxable year (other than for contributions to which subparagraph (B) applies) shall not exceed 10 percent of the taxpayer's taxable income. For corporate donors, the type of charitable or governmental donee does not matter; the maximum charitable deduction for corporations is 10% of their annual taxable income, whether the donee is a section 501(c)(3) organization, a state government, a political subdivision of a state government or an instrumentality of a state government, like the District.

#### *Private Foundation Grants To Governmental Entities and Affiliates*

Treas. Regs. Section 53.4942(a)-3(a)(2) provides that a qualifying distribution means any amount (including program-related investments, as defined in section 4944(c), and reasonable and necessary administrative expenses) paid to accomplish one or more purposes described in section 170(c)(1) or (2)(B), other than any contribution to-

(a) A private foundation which is not an operating foundation (as defined in section 4942(j)(3)), except as provided in paragraph (c) of this section,

IRC section 4945(d) imposes on each taxable expenditure (as defined in subsection (d)) a tax equal to 20 percent of the amount thereof. The tax imposed by this paragraph shall be paid by the private foundation.

IRC Section 4945(d)(4) defines the term "taxable expenditure" to mean any amount paid or incurred by a private foundation as a grant to an organization unless such organization is:

- Described in paragraph 1 or 2 of section 509(a)
- An organization described in section 509(a)(3)
- Is an exempt operating foundation, or
- The private foundation exercises expenditure responsibility with respect to such grant in accordance with subsection (h)

Treas. Regs. Section 53.4945-5(a)(4)(ii) provides that for purposes of this section, an

organization will be treated as a section 509(a)(1) organization if:

- (i) It qualifies as such under paragraph (a) of §1.509(a)-2 of this chapter;
- (ii) It is an organization described in section 170(c)(1) or 511(a)(2)(B), even if it is not described in section 501(c)(3); or
- (iii) It is a foreign government, or any agency or instrumentality thereof, or an international organization designated as such by Executive order under 22 U.S.C. 288, even if it is not described in section 501(c)(3).

However, any grant to an organization referred to in this subparagraph must be made exclusively for charitable purposes as described in section 170(c)(2)(B).

Treas. Regs. Section 53.4945-5(h) provides that a private foundation will be considered to be exercising "expenditure responsibility" under section 4945(h) as long as it exerts all reasonable efforts and establishes adequate procedures-

- (i) To see that the grant is spent solely for the purpose for which made,
- (ii) To obtain full and complete reports from the grantee on how the funds are spent, and
- (iii) To make full and detailed reports with respect to such expenditures to the Commissioner.

In cases in which pursuant to paragraph (a)(6) of this section a grant is considered made to a secondary grantee rather than the primary grantee, the grantor foundation's obligation to obtain reports from the grantee pursuant to section 4945(h)(2) and this section will be satisfied if appropriate reports are obtained from the secondary grantee. For rules relating to expenditure responsibility with respect to transfers of assets described in section 507(b)(2), see section 507(b)(2) and the regulations thereunder.

*(2) Pregrant inquiry.*

- (i) Before making a grant to an organization with respect to which expenditure responsibility must be exercised under this section, a private foundation should conduct a limited inquiry concerning the potential grantee. Such inquiry should be complete enough to give a reasonable man assurance that the grantee will use the grant for the proper purposes. The inquiry should concern itself with matters such as: (a) The identity, prior history and experience (if any), of the grantee organization and its managers; and (b) any knowledge which the private foundation has (based on prior experience or otherwise) of, or other information which is readily available concerning, the management, activities, and practices of the grantee organization. The scope of the inquiry might be expected to vary from case to case depending

upon the size and purpose of the grant, the period over which it is to be paid, and the prior experience which the grantor has had with respect to the capacity of the grantee to use the grant for the proper purposes. For example, if the grantee has made proper use of all prior grants to it by the grantor and filed the required reports substantiating such use, no further pregrant inquiry will ordinarily be necessary. Similarly, in the case of an organization, such as a trust described in section 4947(a)(2), which is required by the terms of its governing instrument to make payments to a specified organization exempt from taxation under section 501(a), a less extensive pregrant inquiry is required than in the case of a private foundation possessing discretion with respect to the distribution of funds.

IRC section 511(a)(2)(B) describes colleges and universities which are agencies or instrumentalities of any government or any political subdivision thereof, or which are owned or operated by a government or any political subdivision thereof, or by any agency or instrumentality of one or more governments or political subdivisions.

### **Discussion and Analysis**

#### ***Characterization of the District as an Instrumentality of the State of California***

Based on the above federal tax statutes, regulations and IRS rulings, the District is considered to be an instrumentality of the state of California for federal income tax purposes, although for state law purposes, it is considered a political subdivision of the State of California. This means that for federal income tax purposes, contributions made directly to the College (As noted above, for federal tax purposes, the College and the District are considered the same) will be considered "charitable contributions" as described in IRC section 170(c) and that both individual and corporate donors will be entitled to claim charitable deductions on their respective tax returns subject to the limits listed in section 170(b).

Although it is clear from IRC section 170(c)(1) that contributions to governmental units and contributions for the use of governmental units are charitable contributions in the same manner as contributions to section 501(c)(3) organizations, most potential donors are either unaware of this code section or if they are aware, are confused by the terms "to governmental units" and "for the use of governmental units". Neither of these terms are defined in the Internal Revenue Code and neither have the preciseness that a section 501(c)(3) classification brings to the discussion nor the simplicity of an official letter from the IRS stating that the organization is recognized as exempt from federal income tax under section 501(c)(3).

Part of the uncertainty with the term "governmental unit" aside from the fact is that it is not defined anywhere in the Internal Revenue Code is the additional fact that there are multiple terms used to describe governmental units, including a state, a political subdivision of a state, an integral part of a state or a political subdivision of a state, as well as an instrumentality of a state or local government. Further compounding the situation is the fact that state and local governments often use different names to describe these entities. For example, it is common to see terms like municipal corporations, public corporations, authorities, districts, etc. without ever

having them defined relative to the federal tax code. All of this makes it very difficult for a donor to be certain that the potential recipient of its contribution is described in IRC section 170(c)(1) unless it receives a formal determination letter from the IRS ruling on the entity's tax status or a separate analysis like one we are doing is conducted.

As noted above, the definition of a "political subdivision" is not found in IRC section 170 or in section 501(c)(3), but is instead found in the tax exempt bond regulations. Treas. Regs. Section 1.103-1(b) defines a political subdivision as either a municipal corporation, or a division of government that has been delegated the right to exercise part of the government's sovereign power. Sovereign powers include the power to tax, the power of eminent domain, and police power.

In Rev. Rul. 77-165, 1977-1 C.B. 21, a transaction with facts very similar to the those of the District, a state university that was established under state statutes and that was supported primarily by legislative appropriations from the state's general funds based on budgets submitted by the University and which had the power to create a police force for purposes of regulating traffic on campus, was considered to have an insubstantial amount of sovereign powers and thus, did not qualify as a political subdivision under Treas. Regs section 1.103-1(b). According to the IRS' ruling, financial support through legislative appropriations did not equate to the power of taxation nor did the creation of a police force that regulated traffic and secured the safety of the campus constitute a sufficient exercise of police power. Based on the above analysis and the conclusions reached in this revenue ruling, it is unlikely that the District would meet the definition of a political subdivision for federal tax purposes.

However, notwithstanding its inability to qualify as a political subdivision, the District is considered to be an "instrumentality" of the state of California for purposes of IRC section 170(c)(1), and contributions made to the District are deductible by a donor as described in section 170(b)(1)(B) (30% and 20% of contribution base).

A review of the factors listed in Rev. Rul. 57-128 and PLR 201220005 support the College's designation as an instrumentality of the state of California, which means that donations made to the College by individual and corporate donors are deductible under IRC section 170(c)(1).

#### ***Deductibility of Charitable Contributions to the District***

As noted in PLR 201220005, an organization that satisfies the criteria of Rev. Rul. 57-128 is considered an instrumentality for purposes of IRC section 170(c)(1). Accordingly, contributions made to the College are deductible to the extent permitted under section 170(b)(1)(B) Although individual donors will be limited in the amount of charitable deductions they can claim as a percentage of their adjusted gross income as reported on their Form 1040, very few donors exceed 30% of the adjusted gross income. In very general terms, it means that an individual earning \$100,000 would be able to contribute up to \$30,000 to the College and have that amount deducted from his or her gross income for federal tax purposes. If the College were considered a political subdivision for federal tax purposes or a section 501(c)(3) public charity, the contribution limit would be 50% or \$50,000 in our example above.

For corporate donors, the only limitation that would apply is the same limitation that would apply with regard to contributions to a section 501(c)(3) charitable organization. Corporations are limited to no more than 10 percent of their taxable income whether the donee is a section 501(c)(3) charitable organization, a state government, a political subdivision of a state government or an instrumentality of a state government, which is what the District is considered.

### ***Private Foundation Grants to the District***

Private foundations are often reluctant to make grants to organizations that are not “public charities”, i.e.; section 509(a)(1) and section 509(a)(2) organizations. There are several other types of charitable organizations that are also eligible to receive qualifying distributions without requiring private foundations to exercise expenditure responsibility over the issuance of the grants. Included within these other organizations are private operating foundations and Type I and Type II Supporting Organizations under section 509(a)(3).

The regulations in IRC section 4945 expand the types of organizations that are considered section 509(a)(1) organizations by including organizations described in 170(c)(1) (states, political subdivisions, etc.) and section 511(a)(2)(B) (college or university which is an agency or an instrumentality of any government or political subdivision) even if it is not described in section 501(c)(3). It is clear under these definitions that for private foundation grant making purposes, the District is considered a section 509(a)(1) public charity.

As noted above, private foundations are especially reluctant to make grants to any entity other than a section 501(c)(3) public charity or a private operating foundation. There are two concerns that private foundations face. The first is that if the grant is not considered a “qualifying distribution”, it may impact the private foundation’s ability to meet its annual “minimum distribution” requirement and be subject to a 30% excise tax on the difference between the amounts distributed that count as qualifying distributions and the minimum distribution amount.

The second concern relates to the “expenditure responsibility” that private foundations must exercise over the grant process if the grant recipient is not a section 501(c)(3) public charity or a private operating foundation. As Treas. Regs. Section 53.4945-5(h) illustrates, if the grantee is not a public charity, private foundations are required to conduct a significant investigation of the potential grant recipient, secure signed agreements and promises as to how the grant will be spent, and obtain detailed reports from the grant recipient as to how the grant was spent, and prepare detailed reports on its own annual Form 990-PF. Because none of this is required if the grant recipient is a section 501(c)(3) public charity or private operating foundation, private foundations try to limit their grants to these types of organizations. Since, as the revenue rulings above indicate, an instrumentality of state government is treated as a section 509(a)(1) organization for purposes of the expenditure responsibility provisions, private foundations will be able to make grants to instrumentalities like the District without any additional responsibilities.

### **Section 501(c)(3) Charitable Status for the District**

Public entities such as the District that qualify for exemption as organizations described in IRC section 501(c)(3) become “dual status organizations” They do not relinquish their status as

governmental entities, but add the additional status of section 501(c)(3). An added advantage as a section 501(c)(3) organization is that these public entities are not required to file a Form 990 like most charitable organizations.

To qualify for tax exemption, the entity must be a separately organized entity and its powers must be limited to those permitted to a section 501(c)(3) organization. One of the biggest hurdles for an instrumentality is in meeting the organizational test, including a determination of whether the instrumentality is a separate entity. Unless it is considered a separate entity by the IRS, it will not be able to qualify for exemption under IRC section 501(c)(3).

According to the IRS in 1996 EO CPE Text, "State Institutions-Instrumentalities", the separately organized entity requirement is met if an instrumentality is incorporated under a state non-profit corporation law. When an instrumentality is created through state statutes and is neither a corporation nor a trust, the IRS has stated in the 1996 CPE Text that "even if not incorporated under state law, any entity that is considered a 'corporation' for federal tax law purposes will be considered a separately organized entity. IRC section 7701(a)(3) provides that the term 'corporation' includes associations. Treas. Regs. Section 301.7701-2 lists six major characteristics that are ordinarily found in a pure corporation, which, taken together, distinguish it from other organizations. Since some of these corporate characteristics are not relevant to unincorporated nonprofit bodies, they have been administratively adapted to cases involving classification of nonprofit organizations. As adapted, the characteristics are: (i) associates, (ii) an objective by the associates to carry on the activity for which the organization was formed, (iii) continuity of life, (iv) centralized management, (v) limited liability, and (vi) free transferability of interests. An instrumentality will be treated as an association if it has a sufficient number of the corporate characteristics such that the instrumentality more nearly resembles a corporation than a partnership, trust or mere aggregation of individuals. If so, it will be considered a separately organized entity for purposes of IRC section 501(c)(3) and Rev. Rul. 60-384."

A review of IRS materials indicates that the IRS has made an extra effort to find ways for instrumentalities to qualify as section 501(c)(3) organization. Based on the above analysis, it would appear that the District can qualify as a separate entity for section 501(c)(3) exemption purposes.

Under Treas. Regs. Section 1.501(c)(3)-1(b), an organization is, in part, organized exclusively for one or more exempt purposes only if its articles of incorporation limit the purposes of the organization to one or more exempt purposes and its assets are dedicated to exempt purposes so that in the event of dissolution, the assets can only be used for exempt purposes. Because most legislation that creates instrumentalities does not contain any "exclusive purpose" or proper "dissolution clause" language, this also can be a difficult test to satisfy.

However, once again the IRS in the 1996 EO CPE Text provides an approach that should enable the District to meet the "organizational test". According to the IRS, "if a careful reading of an instrumentality's enabling document clearly shows that it will operate exclusively for exempt purposes, it will be deemed to have met that portion of the organizational test. Further, if an enabling document, or in the alternative, a state law, provides that, upon dissolution, all of an instrumentality's assets will be transferred to the state or any political subdivision thereof, it will be deemed to have met that portion of the organizational test. In those cases, absent any clear

indication that the assets will be distributed for private use, we will assume that the assets will be used for a public purpose.”

Based on our review, the educational mission of the District is clearly supported in the various statutory provisions of the Education Code. (See, e.g., Ed. Code §§ 66010 – 66010.5.) In addition, the statutory requirement that District assets be transferred to another community college district in the event of loss of academic accreditation (or other situations that would impair the District’s ability to provide education to students) ensure that the dissolution provision of the organizational test is satisfied. (See, e.g., Ed. Code §§ 74000, 74013, 74014, 74280, 74292.) Based on these provisions and the very liberal approach the IRS appears to take with respect of instrumentalities, the District should be able qualify for federal tax exemption under IRC section 501(c)(3). The District is clearly a counterpart of an educational organization described in section 501(c)(3) and thus should meet the “operational test” of section 501(c)(3) as indicated in Rev. Rul. 60-384. Finally, as discussed above in our instrumentality/political subdivision analysis, the District does not appear to have any regulatory/sovereign powers which would preclude it from meeting the organizational test of section 501(c)(3).

\* \* \* \* \*

The information contained above is privileged and confidential tax advice under IRC Section 7525 and the Work-Product Doctrine.

**Under U.S. Treasury rules issued in 2005, we must inform you that any advice in this communication to you was not intended or written to be used, and cannot be used, to avoid any government penalties that may be imposed on a taxpayer.**

Form **990**

**Return of Organization Exempt From Income Tax**

OMB No. 1545-0047

**2011**

Department of the Treasury  
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

Open to Public Inspection

The organization may have to use a copy of this return to satisfy state reporting requirements.

**A** For the 2011 calendar year, or tax year beginning **JUL 1, 2011** and ending **JUN 30, 2012**

**B** Check if applicable:

Address change  
 Name change  
 Initial return  
 Terminated  
 Amended return  
 Application pending

**C** Name of organization: **COLLEGE OF MARIN FOUNDATION**  
 Doing Business As  
 Number and street (or P.O. box if mail is not delivered to street address) Room/suite  
**P.O. BOX 325**  
 City or town, state or country, and ZIP + 4  
**KENTFIELD, CA 94914**

**D** Employer identification number: **94-6109451**

**E** Telephone number: **415-457-8811**

**G** Gross receipts \$: **1,009,702.**

**H(a)** Is this a group return for affiliates?  Yes  No  
**H(b)** Are all affiliates included?  Yes  No  
 If "No," attach a list. (see instructions)

**H(c)** Group exemption number

**F** Name and address of principal officer: **DAVID WAIN COON**  
**PO BOX 325, KENTFIELD, CA 94914**

**I** Tax-exempt status:  501(c)(3)  501(c)( ) (insert no.)  4947(a)(1) or  527

**J** Website: **N/A**

**K** Form of organization:  Corporation  Trust  Association  Other

**L** Year of formation: **1964** **M** State of legal domicile: **CA**

**Part I Summary**

**1** Briefly describe the organization's mission or most significant activities: **SUPPORT COLLEGE OF MARIN STUDENTS AND PROGRAMS.**

**2** Check this box  if the organization discontinued its operations or disposed of more than 25% of its net assets.

**3** Number of voting members of the governing body (Part VI, line 1a) **3** **11**

**4** Number of independent voting members of the governing body (Part VI, line 1b) **4** **11**

**5** Total number of individuals employed in calendar year 2011 (Part V, line 2a) **5** **3**

**6** Total number of volunteers (estimate if necessary) **6** **5**

**7 a** Total unrelated business revenue from Part VIII, column (C), line 12 **7a** **0.**

**b** Net unrelated business taxable income from Form 990-T, line 34 **7b** **0.**

	Prior Year	Current Year
<b>8</b> Contributions and grants (Part VIII, line 1h) .....	645,864.	443,613.
<b>9</b> Program service revenue (Part VIII, line 2g) .....	0.	0.
<b>10</b> Investment income (Part VIII, column (A), lines 3, 4, and 7d) .....	138,603.	69,862.
<b>11</b> Other revenue (Part VIII, column (A), lines 5, 6d, 8c, 9c, 10c, and 11e) .....	0.	0.
<b>12</b> Total revenue - add lines 8 through 11 (must equal Part VIII, column (A), line 12) .....	784,467.	513,475.
<b>13</b> Grants and similar amounts paid (Part IX, column (A), lines 1-3) .....	461,832.	504,868.
<b>14</b> Benefits paid to or for members (Part IX, column (A), line 4) .....	0.	0.
<b>15</b> Salaries, other compensation, employee benefits (Part IX, column (A), lines 5-10) .....	96,327.	201,536.
<b>16a</b> Professional fundraising fees (Part IX, column (A), line 11e) .....	80,647.	0.
<b>b</b> Total fundraising expenses (Part IX, column (D), line 25) <b>71,701.</b>		
<b>17</b> Other expenses (Part IX, column (A), lines 11a-11d, 11f-24e) .....	71,684.	510,123.
<b>18</b> Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25) .....	710,490.	1,216,527.
<b>19</b> Revenue less expenses. Subtract line 18 from line 12 .....	73,977.	<703,052.>
	Beginning of Current Year	End of Year
<b>20</b> Total assets (Part X, line 16) .....	3,983,058.	3,970,707.
<b>21</b> Total liabilities (Part X, line 26) .....	77,123.	164,975.
<b>22</b> Net assets or fund balances. Subtract line 21 from line 20 .....	3,905,935.	3,805,732.

**Part II Signature Block**

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

**Sign Here**

Signature of officer: **DAVID WAIN COON, DIRECTOR** Date: \_\_\_\_\_  
 Type or print name and title

**Paid Preparer Use Only**

Print/Type preparer's name: **DIANA D. BABCOCK** Preparer's signature: \_\_\_\_\_ Date: **05/14/13** Check if self-employed  PTIN: **P00343763**

Firm's name: **VAN ERP, PETERSEN & BABCOCK, LLP** Firm's EIN: **68-0362479**

Firm's address: **2260 DOUGLAS BLVD., #290 ROSEVILLE, CA 95661-4208** Phone no.: **(916)782-3400**

May the IRS discuss this return with the preparer shown above? (see instructions)  Yes  No

Part III Statement of Program Service Accomplishments

Check if Schedule O contains a response to any question in this Part III

1 Briefly describe the organization's mission:

SUPPORT COLLEGE OF MARIN STUDENTS AND PROGRAMS.

2 Did the organization undertake any significant program services during the year which were not listed on the prior Form 990 or 990-EZ?  Yes  No

If "Yes," describe these new services on Schedule O.

3 Did the organization cease conducting, or make significant changes in how it conducts, any program services?  Yes  No

If "Yes," describe these changes on Schedule O.

4 Describe the organization's program service accomplishments for each of its three largest program services, as measured by expenses. Section 501(c)(3) and 501(c)(4) organizations and section 4947(a)(1) trusts are required to report the amount of grants and allocations to others, the total expenses, and revenue, if any, for each program service reported.

4a (Code: ) (Expenses \$ 544,423. including grants of \$ ) (Revenue \$ )  
SUPPORT FOR COLLEGE OF MARIN STUDENTS AND PROGRAMS.

4b (Code: ) (Expenses \$ including grants of \$ ) (Revenue \$ )

4c (Code: ) (Expenses \$ including grants of \$ ) (Revenue \$ )

4d Other program services (Describe in Schedule O.)

(Expenses \$ including grants of \$ ) (Revenue \$ )

4e Total program service expenses 544,423.

**Part IV Checklist of Required Schedules**

	Yes	No
1 Is the organization described in section 501(c)(3) or 4947(a)(1) (other than a private foundation)? <i>If "Yes," complete Schedule A</i>	X	
2 Is the organization required to complete <i>Schedule B, Schedule of Contributors</i> ?	X	
3 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? <i>If "Yes," complete Schedule C, Part I</i>		X
4 <b>Section 501(c)(3) organizations.</b> Did the organization engage in lobbying activities, or have a section 501(h) election in effect during the tax year? <i>If "Yes," complete Schedule C, Part II</i>		X
5 Is the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization that receives membership dues, assessments, or similar amounts as defined in Revenue Procedure 98-19? <i>If "Yes," complete Schedule C, Part III</i>		X
6 Did the organization maintain any donor advised funds or any similar funds or accounts for which donors have the right to provide advice on the distribution or investment of amounts in such funds or accounts? <i>If "Yes," complete Schedule D, Part I</i>		X
7 Did the organization receive or hold a conservation easement, including easements to preserve open space, the environment, historic land areas, or historic structures? <i>If "Yes," complete Schedule D, Part II</i>		X
8 Did the organization maintain collections of works of art, historical treasures, or other similar assets? <i>If "Yes," complete Schedule D, Part III</i>		X
9 Did the organization report an amount in Part X, line 21; serve as a custodian for amounts not listed in Part X; or provide credit counseling, debt management, credit repair, or debt negotiation services? <i>If "Yes," complete Schedule D, Part IV</i>		X
10 Did the organization, directly or through a related organization, hold assets in temporarily restricted endowments, permanent endowments, or quasi-endowments? <i>If "Yes," complete Schedule D, Part V</i>	X	
11 If the organization's answer to any of the following questions is "Yes," then complete Schedule D, Parts VI, VII, VIII, IX, or X as applicable.		
a Did the organization report an amount for land, buildings, and equipment in Part X, line 10? <i>If "Yes," complete Schedule D, Part VI</i>	X	
b Did the organization report an amount for investments - other securities in Part X, line 12 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VII</i>		X
c Did the organization report an amount for investments - program related in Part X, line 13 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part VIII</i>		X
d Did the organization report an amount for other assets in Part X, line 15 that is 5% or more of its total assets reported in Part X, line 16? <i>If "Yes," complete Schedule D, Part IX</i>		X
e Did the organization report an amount for other liabilities in Part X, line 25? <i>If "Yes," complete Schedule D, Part X</i>		X
f Did the organization's separate or consolidated financial statements for the tax year include a footnote that addresses the organization's liability for uncertain tax positions under FIN 48 (ASC 740)? <i>If "Yes," complete Schedule D, Part X</i>		X
12a Did the organization obtain separate, independent audited financial statements for the tax year? <i>If "Yes," complete Schedule D, Parts XI, XII, and XIII</i>	X	
b Was the organization included in consolidated, independent audited financial statements for the tax year? <i>If "Yes," and if the organization answered "No" to line 12a, then completing Schedule D, Parts XI, XII, and XIII is optional</i>		X
13 Is the organization a school described in section 170(b)(1)(A)(ii)? <i>If "Yes," complete Schedule E</i>		X
14a Did the organization maintain an office, employees, or agents outside of the United States?		X
b Did the organization have aggregate revenues or expenses of more than \$10,000 from grantmaking, fundraising, business, investment, and program service activities outside the United States, or aggregate foreign investments valued at \$100,000 or more? <i>If "Yes," complete Schedule F, Parts I and IV</i>		X
15 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of grants or assistance to any organization or entity located outside the United States? <i>If "Yes," complete Schedule F, Parts II and IV</i>		X
16 Did the organization report on Part IX, column (A), line 3, more than \$5,000 of aggregate grants or assistance to individuals located outside the United States? <i>If "Yes," complete Schedule F, Parts III and IV</i>		X
17 Did the organization report a total of more than \$15,000 of expenses for professional fundraising services on Part IX, column (A), lines 6 and 11e? <i>If "Yes," complete Schedule G, Part I</i>	X	
18 Did the organization report more than \$15,000 total of fundraising event gross income and contributions on Part VIII, lines 1c and 8a? <i>If "Yes," complete Schedule G, Part II</i>		X
19 Did the organization report more than \$15,000 of gross income from gaming activities on Part VIII, line 9a? <i>If "Yes," complete Schedule G, Part III</i>		X
20a Did the organization operate one or more hospital facilities? <i>If "Yes," complete Schedule H</i>		X
b <i>If "Yes" to line 20a, did the organization attach a copy of its audited financial statements to this return?</i>		

**Part IV Checklist of Required Schedules** (continued)

	Yes	No
21 Did the organization report more than \$5,000 of grants and other assistance to any government or organization in the United States on Part IX, column (A), line 1? If "Yes," complete Schedule I, Parts I and II	X	
22 Did the organization report more than \$5,000 of grants and other assistance to individuals in the United States on Part IX, column (A), line 2? If "Yes," complete Schedule I, Parts I and II	X	
23 Did the organization answer "Yes" to Part VII, Section A, line 3, 4, or 5 about compensation of the organization's current and former officers, directors, trustees, key employees, and highest compensated employees? If "Yes," complete Schedule J		X
24a Did the organization have a tax-exempt bond issue with an outstanding principal amount of more than \$100,000 as of the last day of the year, that was issued after December 31, 2002? If "Yes," answer lines 24b through 24d and complete Schedule K. If "No," go to line 25		X
b Did the organization invest any proceeds of tax-exempt bonds beyond a temporary period exception?		
c Did the organization maintain an escrow account other than a refunding escrow at any time during the year to defease any tax-exempt bonds?		
d Did the organization act as an "on behalf of" issuer for bonds outstanding at any time during the year?		
25a Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in an excess benefit transaction with a disqualified person during the year? If "Yes," complete Schedule L, Part I		X
b Is the organization aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		X
26 Was a loan to or by a current or former officer, director, trustee, key employee, highly compensated employee, or disqualified person outstanding as of the end of the organization's tax year? If "Yes," complete Schedule L, Part II		X
27 Did the organization provide a grant or other assistance to an officer, director, trustee, key employee, substantial contributor or employee thereof, a grant selection committee member, or to a 35% controlled entity or family member of any of these persons? If "Yes," complete Schedule L, Part III		X
28 Was the organization a party to a business transaction with one of the following parties (see Schedule L, Part IV instructions for applicable filing thresholds, conditions, and exceptions):		
a A current or former officer, director, trustee, or key employee? If "Yes," complete Schedule L, Part IV		X
b A family member of a current or former officer, director, trustee, or key employee? If "Yes," complete Schedule L, Part IV		X
c An entity of which a current or former officer, director, trustee, or key employee (or a family member thereof) was an officer, director, trustee, or direct or indirect owner? If "Yes," complete Schedule L, Part IV		X
29 Did the organization receive more than \$25,000 in non-cash contributions? If "Yes," complete Schedule M		X
30 Did the organization receive contributions of art, historical treasures, or other similar assets, or qualified conservation contributions? If "Yes," complete Schedule M		X
31 Did the organization liquidate, terminate, or dissolve and cease operations? If "Yes," complete Schedule N, Part I		X
32 Did the organization sell, exchange, dispose of, or transfer more than 25% of its net assets? If "Yes," complete Schedule N, Part II		X
33 Did the organization own 100% of an entity disregarded as separate from the organization under Regulations sections 301.7701-2 and 301.7701-3? If "Yes," complete Schedule R, Part I		X
34 Was the organization related to any tax-exempt or taxable entity? If "Yes," complete Schedule R, Parts II, III, IV, and V, line 1		X
35a Did the organization have a controlled entity within the meaning of section 512(b)(13)?		X
b Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," complete Schedule R, Part V, line 2		X
36 Section 501(c)(3) organizations. Did the organization make any transfers to an exempt non-charitable related organization? If "Yes," complete Schedule R, Part V, line 2		X
37 Did the organization conduct more than 5% of its activities through an entity that is not a related organization and that is treated as a partnership for federal income tax purposes? If "Yes," complete Schedule R, Part VI		X
38 Did the organization complete Schedule O and provide explanations in Schedule O for Part VI, lines 11 and 19? Note. All Form 990 filers are required to complete Schedule O	X	

Part V Statements Regarding Other IRS Filings and Tax Compliance

Check if Schedule O contains a response to any question in this Part V

Main form area containing questions 1a through 14b with corresponding Yes/No columns and input fields.

Part VI Governance, Management, and Disclosure For each "Yes" response to lines 2 through 7b below, and for a "No" response to line 8a, 8b, or 10b below, describe the circumstances, processes, or changes in Schedule O. See instructions.

Check if Schedule O contains a response to any question in this Part VI [X]

Section A. Governing Body and Management

Table with columns for question number, description, and Yes/No responses. Includes questions 1a, 1b, 2, 3, 4, 5, 6, 7a, 7b, 8a, 8b, and 9.

Section B. Policies (This Section B requests information about policies not required by the Internal Revenue Code.)

Table with columns for question number, description, and Yes/No responses. Includes questions 10a, 10b, 11a, 11b, 12a, 12b, 12c, 13, 14, 15a, 15b, 16a, and 16b.

Section C. Disclosure

- 17 List the states with which a copy of this Form 990 is required to be filed CA
18 Section 6104 requires an organization to make its Forms 1023 (or 1024 if applicable), 990, and 990-T (Section 501(c)(3)s only) available for public inspection. Indicate how you made these available. Check all that apply.
19 Describe in Schedule O whether (and if so, how), the organization made its governing documents, conflict of interest policy, and financial statements available to the public during the tax year.
20 State the name, physical address, and telephone number of the person who possesses the books and records of the organization: DAVID WAIN COON - 415-457-8811
P.O. BOX 325, KENTFIELD, CA 94914-0325

**Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors**

Check if Schedule O contains a response to any question in this Part VII

**Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees**

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year.

- List all of the organization's current officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's current key employees, if any. See instructions for definition of "key employee."
- List the organization's five current highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.
- List all of the organization's former officers, key employees, and highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's former directors or trustees that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

Check this box if neither the organization nor any related organization compensated any current officer, director, or trustee.

(A) Name and Title	(B) Average hours per week (describe hours for related organizations in Schedule O)	(C) Position (do not check more than one box, unless person is both an officer and a director/trustee)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
(1) ANN HILL PRESIDENT	0.00	X		X				0.	0.	0.
(2) SIDNEY N. BASKIN TREASURER	0.00	X		X				0.	0.	0.
(3) JACK WILKINSON DIRECTOR	0.00	X						0.	0.	0.
(4) JOHN HARRINGTON TREASURER	0.00	X		X				0.	0.	0.
(5) PEGGY KEON DIRECTOR	0.00	X						0.	0.	0.
(6) MARIO E. LOPEZ DIRECTOR	0.00	X						0.	0.	0.
(7) DIANA PUTTERMAN DIRECTOR	0.00	X						0.	0.	0.
(8) JOAN BENNETT PRESIDENT	0.00	X		X				0.	0.	0.
(9) MARGARET E. DEEDY DIRECTOR	0.00	X						0.	0.	0.
(10) DENNIS MACDONNEIL DIRECTOR	0.00	X						0.	0.	0.
(11) DAVID WAIN COON EX-OFFICIO DIRECTOR	0.00	X						0.	0.	0.
(12) DIANA CONTI EX-OFFICIO DIRECTOR	0.00	X						0.	0.	0.
(13) J. DONALD COHON DIRECTOR	0.00	X						0.	0.	0.
(14) MICHAEL E GORTON DIRECTOR	0.00	X						0.	0.	0.
(15) BEVERLEE JOHNSON DIRECTOR	0.00	X						0.	0.	0.
(16) MARGARET ELLIOTT EXECUTIVE DIRECTOR	40.00			X				85,258.	0.	0.
(17) DAVID EASTIS EXECUTIVE DIRECTOR	40.00			X				0.	0.	0.



**Part VIII** Statement of Revenue

		(A) Total revenue	(B) Related or exempt function revenue	(C) Unrelated business revenue	(D) Revenue excluded from tax under sections 512, 513, or 514	
<b>Contributions, Gifts, Grants and Other Similar Amounts</b>	1 a Federated campaigns .....	1a				
	b Membership dues .....	1b				
	c Fundraising events .....	1c				
	d Related organizations .....	1d	59,163.			
	e Government grants (contributions) .....	1e				
	f All other contributions, gifts, grants, and similar amounts not included above .....	1f	384,450.			
	g Noncash contributions included in lines 1a-1f: \$ .....					
	<b>h Total. Add lines 1a-1f</b> .....		<b>443,613.</b>			
	<b>Program Service Revenue</b>	2 a _____	Business Code			
b _____						
c _____						
d _____						
e _____						
f All other program service revenue .....						
<b>g Total. Add lines 2a-2f</b> .....						
<b>Other Revenue</b>	3 Investment income (including dividends, interest, and other similar amounts) .....		81,019.		81,019.	
	4 Income from investment of tax-exempt bond proceeds .....					
	5 Royalties .....					
	6 a Gross rents .....	(i) Real				
		(ii) Personal				
		b Less: rental expenses .....				
		c Rental income or (loss) .....				
	d Net rental income or (loss) .....					
	7 a Gross amount from sales of assets other than inventory .....	(i) Securities	485,070.			
		(ii) Other				
		b Less: cost or other basis and sales expenses .....	496,227.			
		c Gain or (loss) .....	<11,157.>			
	d Net gain or (loss) .....		<11,157.>		<11,157.>	
	8 a Gross income from fundraising events (not including \$ _____ of contributions reported on line 1c). See Part IV, line 18 .....	a				
		b Less: direct expenses .....	b			
c Net income or (loss) from fundraising events .....						
9 a Gross income from gaming activities. See Part IV, line 19 .....	a					
	b Less: direct expenses .....	b				
	c Net income or (loss) from gaming activities .....					
10 a Gross sales of inventory, less returns and allowances .....	a					
	b Less: cost of goods sold .....	b				
	c Net income or (loss) from sales of inventory .....					
<b>Miscellaneous Revenue</b>		<b>Business Code</b>				
11 a _____						
b _____						
c _____						
d All other revenue .....						
<b>e Total. Add lines 11a-11d</b> .....						
<b>12 Total revenue. See instructions.</b> .....		<b>513,475.</b>	<b>0.</b>	<b>0.</b>	<b>69,862.</b>	

**Part IX Statement of Functional Expenses**

Section 501(c)(3) and 501(c)(4) organizations must complete all columns. All other organizations must complete column (A) but are not required to complete columns (B), (C), and (D).

Check if Schedule O contains a response to any question in this Part IX

Do not include amounts reported on lines 6b, 7b, 8b, 9b, and 10b of Part VIII.	(A) Total expenses	(B) Program service expenses	(C) Management and general expenses	(D) Fundraising expenses
1 Grants and other assistance to governments and organizations in the United States. See Part IV, line 21	214,394.	214,394.		
2 Grants and other assistance to individuals in the United States. See Part IV, line 22	290,474.	290,474.		
3 Grants and other assistance to governments, organizations, and individuals outside the United States. See Part IV, lines 15 and 16				
4 Benefits paid to or for members				
5 Compensation of current officers, directors, trustees, and key employees	143,555.		143,555.	
6 Compensation not included above, to disqualified persons (as defined under section 4958(f)(1)) and persons described in section 4958(c)(3)(B)				
7 Other salaries and wages	40,299.		40,299.	
8 Pension plan accruals and contributions (include section 401(k) and section 403(b) employer contributions)				
9 Other employee benefits	4,235.		4,235.	
10 Payroll taxes	13,447.		13,447.	
11 Fees for services (non-employees):				
a Management				
b Legal	86,415.		86,415.	
c Accounting	59,486.		59,486.	
d Lobbying				
e Professional fundraising services. See Part IV, line 17				
f Investment management fees				
g Other	251,656.	39,555.	212,101.	
12 Advertising and promotion	70,843.			70,843.
13 Office expenses	4,822.		4,822.	
14 Information technology	6,705.		6,705.	
15 Royalties				
16 Occupancy	4,520.		4,520.	
17 Travel	572.		572.	
18 Payments of travel or entertainment expenses for any federal, state, or local public officials				
19 Conferences, conventions, and meetings				
20 Interest				
21 Payments to affiliates				
22 Depreciation, depletion, and amortization	0.			
23 Insurance	2,724.		2,724.	
24 Other expenses. Itemize expenses not covered above. (List miscellaneous expenses in line 24e. If line 24e amount exceeds 10% of line 25, column (A) amount, list line 24e expenses on Schedule O.)				
a <b>SUPPLIES</b>	11,256.		11,256.	
b <b>MEETING EXPENSE</b>	5,709.		4,851.	858.
c <b>BANK SERVICE CHARGE</b>	4,519.		4,519.	
d <b>DUES &amp; SUBSCRIPTIONS</b>	896.		896.	
e All other expenses				
25 Total functional expenses. Add lines 1 through 24e	1,216,527.	544,423.	600,403.	71,701.
26 Joint costs. Complete this line only if the organization reported in column (B) joint costs from a combined educational campaign and fundraising solicitation.				

Check here  if following SOP 98-2 (ASC 958-720)

**Part X Balance Sheet**

		(A) Beginning of year		(B) End of year	
<b>Assets</b>	1	Cash - non-interest-bearing	8,849.	1	37,901.
	2	Savings and temporary cash investments	782,166.	2	271,543.
	3	Pledges and grants receivable, net		3	
	4	Accounts receivable, net	600.	4	1,350.
	5	Receivables from current and former officers, directors, trustees, key employees, and highest compensated employees. Complete Part II of Schedule L		5	
	6	Receivables from other disqualified persons (as defined under section 4958(f)(1)), persons described in section 4958(c)(3)(B), and contributing employers and sponsoring organizations of section 501(c)(9) voluntary employees' beneficiary organizations (see instructions)		6	
	7	Notes and loans receivable, net		7	
	8	Inventories for sale or use		8	
	9	Prepaid expenses and deferred charges	1,486.	9	1,628.
	10a	Land, buildings, and equipment: cost or other basis. Complete Part VI of Schedule D	20,281.		
	10b	Less: accumulated depreciation	16,233.		
	10c		0.	10c	4,048.
	11	Investments - publicly traded securities	3,189,957.	11	3,654,237.
	12	Investments - other securities. See Part IV, line 11		12	
	13	Investments - program-related. See Part IV, line 11		13	
	14	Intangible assets		14	
15	Other assets. See Part IV, line 11		15		
16	<b>Total assets.</b> Add lines 1 through 15 (must equal line 34)	<b>3,983,058.</b>	<b>16</b>	<b>3,970,707.</b>	
<b>Liabilities</b>	17	Accounts payable and accrued expenses	17,123.	17	158,650.
	18	Grants payable	60,000.	18	6,325.
	19	Deferred revenue		19	
	20	Tax-exempt bond liabilities		20	
	21	Escrow or custodial account liability. Complete Part IV of Schedule D		21	
	22	Payables to current and former officers, directors, trustees, key employees, highest compensated employees, and disqualified persons. Complete Part II of Schedule L		22	
	23	Secured mortgages and notes payable to unrelated third parties		23	
	24	Unsecured notes and loans payable to unrelated third parties		24	
	25	Other liabilities (including federal income tax, payables to related third parties, and other liabilities not included on lines 17-24). Complete Part X of Schedule D		25	
	26	<b>Total liabilities.</b> Add lines 17 through 25	<b>77,123.</b>	<b>26</b>	<b>164,975.</b>
<b>Net Assets or Fund Balances</b>	Organizations that follow SFAS 117, check here <input checked="" type="checkbox"/> and complete lines 27 through 29, and lines 33 and 34.				
	27	Unrestricted net assets	5,915.	27	<329,094.>
	28	Temporarily restricted net assets	3,900,020.	28	3,939,362.
	29	Permanently restricted net assets		29	195,464.
	Organizations that do not follow SFAS 117, check here <input type="checkbox"/> and complete lines 30 through 34.				
	30	Capital stock or trust principal, or current funds		30	
	31	Paid-in or capital surplus, or land, building, or equipment fund		31	
	32	Retained earnings, endowment, accumulated income, or other funds		32	
33	<b>Total net assets or fund balances</b>	<b>3,905,935.</b>	<b>33</b>	<b>3,805,732.</b>	
34	<b>Total liabilities and net assets/fund balances</b>	<b>3,983,058.</b>	<b>34</b>	<b>3,970,707.</b>	

**Part XI Reconciliation of Net Assets**

Check if Schedule O contains a response to any question in this Part XI

1	Total revenue (must equal Part VIII, column (A), line 12)	1	513,475.
2	Total expenses (must equal Part IX, column (A), line 25)	2	1,216,527.
3	Revenue less expenses. Subtract line 2 from line 1	3	<703,052.>
4	Net assets or fund balances at beginning of year (must equal Part X, line 33, column (A))	4	3,905,935.
5	Other changes in net assets or fund balances (explain in Schedule O)	5	602,849.
6	Net assets or fund balances at end of year. Combine lines 3, 4, and 5 (must equal Part X, line 33, column (B))	6	3,805,732.

**Part XII Financial Statements and Reporting**

Check if Schedule O contains a response to any question in this Part XII

1 Accounting method used to prepare the Form 990:  Cash  Accrual  Other

If the organization changed its method of accounting from a prior year or checked "Other," explain in Schedule O.

2a Were the organization's financial statements compiled or reviewed by an independent accountant?

b Were the organization's financial statements audited by an independent accountant?

c If "Yes" to line 2a or 2b, does the organization have a committee that assumes responsibility for oversight of the audit, review, or compilation of its financial statements and selection of an independent accountant?

If the organization changed either its oversight process or selection process during the tax year, explain in Schedule O.

d If "Yes" to line 2a or 2b, check a box below to indicate whether the financial statements for the year were issued on a separate basis, consolidated basis, or both:

Separate basis  Consolidated basis  Both consolidated and separate basis

3a As a result of a federal award, was the organization required to undergo an audit or audits as set forth in the Single Audit Act and OMB Circular A-133?

b If "Yes," did the organization undergo the required audit or audits? If the organization did not undergo the required audit or audits, explain why in Schedule O and describe any steps taken to undergo such audits.

	Yes	No
2a		X
2b	X	
2c		X
3a		X
3b		

Form 990 (2011)

**SCHEDULE A**  
**(Form 990 or 990-EZ)**

**Public Charity Status and Public Support**

OMB No. 1545-0047

**2011**

Open to Public Inspection

Department of the Treasury  
Internal Revenue Service

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

Name of the organization **COLLEGE OF MARIN FOUNDATION** Employer identification number **94-6109451**

**Part I Reason for Public Charity Status** (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 11, check only one box.)

- 1  A church, convention of churches, or association of churches described in section 170(b)(1)(A)(i).
- 2  A school described in section 170(b)(1)(A)(ii). (Attach Schedule E.)
- 3  A hospital or a cooperative hospital service organization described in section 170(b)(1)(A)(iii).
- 4  A medical research organization operated in conjunction with a hospital described in section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state: \_\_\_\_\_
- 5  An organization operated for the benefit of a college or university owned or operated by a governmental unit described in section 170(b)(1)(A)(iv). (Complete Part II.)
- 6  A federal, state, or local government or governmental unit described in section 170(b)(1)(A)(v).
- 7  An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in section 170(b)(1)(A)(vi). (Complete Part II.)
- 8  A community trust described in section 170(b)(1)(A)(vi). (Complete Part II.)
- 9  An organization that normally receives: (1) more than 33 1/3% of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions - subject to certain exceptions, and (2) no more than 33 1/3% of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Complete Part III.)
- 10  An organization organized and operated exclusively to test for public safety. See section 509(a)(4).
- 11  An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See section 509(a)(3). Check the box that describes the type of supporting organization and complete lines 11e through 11h.
  - a  Type I
  - b  Type II
  - c  Type III - Functionally integrated
  - d  Type III - Other
- e  By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).
- f If the organization received a written determination from the IRS that it is a Type I, Type II, or Type III supporting organization, check this box
- g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?
 

	Yes	No
(i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization? <b>11g(i)</b>		
(ii) A family member of a person described in (i) above? <b>11g(ii)</b>		
(iii) A 35% controlled entity of a person described in (i) or (ii) above? <b>11g(iii)</b>		
- h Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in col. (i) listed in your governing document?		(v) Did you notify the organization in col. (i) of your support?		(vi) Is the organization in col. (i) organized in the U.S.?		(vii) Amount of support
			Yes	No	Yes	No	Yes	No	
<b>Total</b>									

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990 or 990-EZ. Schedule A (Form 990 or 990-EZ) 2011

**Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)**

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.") .....						
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf .....						
3 The value of services or facilities furnished by a governmental unit to the organization without charge .....						
4 Total. Add lines 1 through 3 .....						
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f) .....						
6 Public support. Subtract line 5 from line 4.						

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
7 Amounts from line 4 .....						
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources ...						
9 Net income from unrelated business activities, whether or not the business is regularly carried on ...						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.) .....						
11 Total support. Add lines 7 through 10						
12 Gross receipts from related activities, etc. (see instructions) .....					12	
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here .....						<input type="checkbox"/>

**Section C. Computation of Public Support Percentage**

14 Public support percentage for 2011 (line 6, column (f) divided by line 11, column (f)) .....	14	%
15 Public support percentage from 2010 Schedule A, Part II, line 14 .....	15	%
16a 33 1/3% support test - 2011. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization .....	<input type="checkbox"/>	
b 33 1/3% support test - 2010. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization .....	<input type="checkbox"/>	
17a 10% -facts-and-circumstances test - 2011. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization .....	<input type="checkbox"/>	
b 10% -facts-and-circumstances test - 2010. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization .....	<input type="checkbox"/>	
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions .....	<input type="checkbox"/>	

**Part III Support Schedule for Organizations Described in Section 509(a)(2)**

(Complete only if you checked the box on line 9 of Part I or if the organization failed to qualify under Part II. If the organization fails to qualify under the tests listed below, please complete Part II.)

**Section A. Public Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.") .....	815,158.	761,017.	1250701.	645,864.	443,613.	3916353.
2 Gross receipts from admissions, merchandise sold or services performed, or facilities furnished in any activity that is related to the organization's tax-exempt purpose .....						
3 Gross receipts from activities that are not an unrelated trade or business under section 513 .....						
4 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf .....						
5 The value of services or facilities furnished by a governmental unit to the organization without charge .....						
6 Total. Add lines 1 through 5 .....	815,158.	761,017.	1250701.	645,864.	443,613.	3916353.
7a Amounts included on lines 1, 2, and 3 received from disqualified persons .....						0.
b Amounts included on lines 2 and 3 received from other than disqualified persons that exceed the greater of \$5,000 or 1% of the amount on line 13 for the year .....						0.
c Add lines 7a and 7b .....						0.
<b>8 Public support</b> (Subtract line 7c from line 6.)						3916353.

**Section B. Total Support**

Calendar year (or fiscal year beginning in) ▶	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
9 Amounts from line 6 .....	815,158.	761,017.	1250701.	645,864.	443,613.	3916353.
10a Gross income from interest, dividends, payments received on securities loans, royalties and income from similar sources .....	178,090.	105,942.	23,390.	138,603.	69,862.	515,887.
b Unrelated business taxable income (less section 511 taxes) from businesses acquired after June 30, 1975 .....						
c Add lines 10a and 10b .....	178,090.	105,942.	23,390.	138,603.	69,862.	515,887.
11 Net income from unrelated business activities not included in line 10b, whether or not the business is regularly carried on .....						
12 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.) .....						
13 Total support (Add lines 9, 10c, 11, and 12.)	993,248.	866,959.	1274091.	784,467.	513,475.	4432240.

14 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here

**Section C. Computation of Public Support Percentage**

15 Public support percentage for 2011 (line 8, column (f) divided by line 13, column (f)) .....	15	88.36 %
16 Public support percentage from 2010 Schedule A, Part III, line 15 .....	16	84.75 %

**Section D. Computation of Investment Income Percentage**

17 Investment income percentage for 2011 (line 10c, column (f) divided by line 13, column (f)) .....	17	11.64 %
18 Investment income percentage from 2010 Schedule A, Part III, line 17 .....	18	15.25 %

19a 33 1/3% support tests - 2011. If the organization did not check the box on line 14, and line 15 is more than 33 1/3%, and line 17 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization

b 33 1/3% support tests - 2010. If the organization did not check a box on line 14 or line 19a, and line 16 is more than 33 1/3%, and line 18 is not more than 33 1/3%, check this box and stop here. The organization qualifies as a publicly supported organization

20 Private foundation. If the organization did not check a box on line 14, 19a, or 19b, check this box and see instructions

Schedule B (Form 990, 990-EZ, or 990-PF)

Department of the Treasury Internal Revenue Service

Schedule of Contributors

Attach to Form 990, Form 990-EZ, or Form 990-PF.

OMB No. 1545-0047

2011

Name of the organization

COLLEGE OF MARIN FOUNDATION

Employer identification number

94-6109451

Organization type (check one):

Filers of:

Section:

Form 990 or 990-EZ

[X] 501(c)( 3 ) (enter number) organization

[ ] 4947(a)(1) nonexempt charitable trust not treated as a private foundation

[ ] 527 political organization

Form 990-PF

[ ] 501(c)(3) exempt private foundation

[ ] 4947(a)(1) nonexempt charitable trust treated as a private foundation

[ ] 501(c)(3) taxable private foundation

Check if your organization is covered by the General Rule or a Special Rule.

Note. Only a section 501(c)(7), (8), or (10) organization can check boxes for both the General Rule and a Special Rule. See instructions.

General Rule

[X] For an organization filing Form 990, 990-EZ, or 990-PF that received, during the year, \$5,000 or more (in money or property) from any one contributor. Complete Parts I and II.

Special Rules

[ ] For a section 501(c)(3) organization filing Form 990 or 990-EZ that met the 33 1/3% support test of the regulations under sections 509(a)(1) and 170(b)(1)(A)(vi) and received from any one contributor, during the year, a contribution of the greater of (1) \$5,000 or (2) 2% of the amount on (i) Form 990, Part VIII, line 1h, or (ii) Form 990-EZ, line 1. Complete Parts I and II.

[ ] For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, total contributions of more than \$1,000 for use exclusively for religious, charitable, scientific, literary, or educational purposes, or the prevention of cruelty to children or animals. Complete Parts I, II, and III.

[ ] For a section 501(c)(7), (8), or (10) organization filing Form 990 or 990-EZ that received from any one contributor, during the year, contributions for use exclusively for religious, charitable, etc., purposes, but these contributions did not total to more than \$1,000. If this box is checked, enter here the total contributions that were received during the year for an exclusively religious, charitable, etc., purpose. Do not complete any of the parts unless the General Rule applies to this organization because it received nonexclusively religious, charitable, etc., contributions of \$5,000 or more during the year. \$

Caution. An organization that is not covered by the General Rule and/or the Special Rules does not file Schedule B (Form 990, 990-EZ, or 990-PF), but it must answer "No" on Part IV, line 2, of its Form 990; or check the box on line H of its Form 990-EZ or on Part I, line 2 of its Form 990-PF, to certify that it does not meet the filing requirements of Schedule B (Form 990, 990-EZ, or 990-PF).

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990, 990-EZ, or 990-PF. Schedule B (Form 990, 990-EZ, or 990-PF) (2011)

Name of organization <b>COLLEGE OF MARIN FOUNDATION</b>	Employer identification number <b>94-6109451</b>
--	---

**Part I Contributors** (see instructions). Use duplicate copies of Part I if additional space is needed.

(a) No.	(b) Name, address, and ZIP + 4	(c) Total contributions	(d) Type of contribution
1		\$ 5,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
2		\$ 5,000.	Person <input checked="" type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)
		\$ _____	Person <input type="checkbox"/> Payroll <input type="checkbox"/> Noncash <input type="checkbox"/> (Complete Part II if there is a noncash contribution.)

Name of organization <b>COLLEGE OF MARIN FOUNDATION</b>	Employer identification number <b>94-6109451</b>
--	---

**Part II Noncash Property** (see instructions). Use duplicate copies of Part II if additional space is needed.

(a) No. from Part I	(b) Description of noncash property given	(c) FMV (or estimate) (see instructions)	(d) Date received
		\$ _____	
		\$ _____	
		\$ _____	
		\$ _____	
		\$ _____	
		\$ _____	
		\$ _____	

Name of organization

Employer identification number

**COLLEGE OF MARIN FOUNDATION**

94-6109451

**Part III** Exclusively religious, charitable, etc., individual contributions to section 501(c)(7), (8), or (10) organizations that total more than \$1,000 for the year. Complete columns (a) through (e) and the following line entry. For organizations completing Part III, enter the total of exclusively religious, charitable, etc., contributions of \$1,000 or less for the year. (Enter this information once.) ▶ \$ \_\_\_\_\_  
 Use duplicate copies of Part III if additional space is needed.

(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee	
_____		_____	
_____		_____	
_____		_____	
(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee	
_____		_____	
_____		_____	
_____		_____	
(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee	
_____		_____	
_____		_____	
_____		_____	
(a) No. from Part I	(b) Purpose of gift	(c) Use of gift	(d) Description of how gift is held
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
(e) Transfer of gift			
Transferee's name, address, and ZIP + 4		Relationship of transferor to transferee	
_____		_____	
_____		_____	
_____		_____	

**SCHEDULE D**  
(Form 990)

Department of the Treasury  
Internal Revenue Service

**Supplemental Financial Statements**

▶ Complete if the organization answered "Yes," to Form 990, Part IV, line 6, 7, 8, 9, 10, 11a, 11b, 11c, 11d, 11e, 11f, 12a, or 12b.

▶ Attach to Form 990. ▶ See separate instructions.

OMB No. 1545-0047

**2011**

Open to Public Inspection

Name of the organization

**COLLEGE OF MARIN FOUNDATION**

Employer identification number

**94-6109451**

**Part I Organizations Maintaining Donor Advised Funds or Other Similar Funds or Accounts.** Complete if the organization answered "Yes" to Form 990, Part IV, line 6.

	(a) Donor advised funds	(b) Funds and other accounts
1 Total number at end of year .....		
2 Aggregate contributions to (during year) .....		
3 Aggregate grants from (during year) .....		
4 Aggregate value at end of year .....		
5 Did the organization inform all donors and donor advisors in writing that the assets held in donor advised funds are the organization's property, subject to the organization's exclusive legal control? .....		<input type="checkbox"/> Yes <input type="checkbox"/> No
6 Did the organization inform all grantees, donors, and donor advisors in writing that grant funds can be used only for charitable purposes and not for the benefit of the donor or donor advisor, or for any other purpose conferring impermissible private benefit? .....		<input type="checkbox"/> Yes <input type="checkbox"/> No

**Part II Conservation Easements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 7.

1 Purpose(s) of conservation easements held by the organization (check all that apply).

Preservation of land for public use (e.g., recreation or education)       Preservation of an historically important land area

Protection of natural habitat       Preservation of a certified historic structure

Preservation of open space

2 Complete lines 2a through 2d if the organization held a qualified conservation contribution in the form of a conservation easement on the last day of the tax year.

	Held at the End of the Tax Year
a Total number of conservation easements .....	2a
b Total acreage restricted by conservation easements .....	2b
c Number of conservation easements on a certified historic structure included in (a) .....	2c
d Number of conservation easements included in (c) acquired after 8/17/06, and not on a historic structure listed in the National Register .....	2d

3 Number of conservation easements modified, transferred, released, extinguished, or terminated by the organization during the tax year ▶ \_\_\_\_\_

4 Number of states where property subject to conservation easement is located ▶ \_\_\_\_\_

5 Does the organization have a written policy regarding the periodic monitoring, inspection, handling of violations, and enforcement of the conservation easements it holds? .....

Yes  No

6 Staff and volunteer hours devoted to monitoring, inspecting, and enforcing conservation easements during the year ▶ \_\_\_\_\_

7 Amount of expenses incurred in monitoring, inspecting, and enforcing conservation easements during the year ▶ \$ \_\_\_\_\_

8 Does each conservation easement reported on line 2(d) above satisfy the requirements of section 170(h)(4)(B)(i) and section 170(h)(4)(B)(ii)? .....

Yes  No

9 In Part XIV, describe how the organization reports conservation easements in its revenue and expense statement, and balance sheet, and include, if applicable, the text of the footnote to the organization's financial statements that describes the organization's accounting for conservation easements.

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets.**

Complete if the organization answered "Yes" to Form 990, Part IV, line 8.

1a If the organization elected, as permitted under SFAS 116 (ASC 958), not to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide, in Part XIV, the text of the footnote to its financial statements that describes these items.

b If the organization elected, as permitted under SFAS 116 (ASC 958), to report in its revenue statement and balance sheet works of art, historical treasures, or other similar assets held for public exhibition, education, or research in furtherance of public service, provide the following amounts relating to these items:

(i) Revenues included in Form 990, Part VIII, line 1 .....

▶ \$ \_\_\_\_\_

(ii) Assets included in Form 990, Part X .....

▶ \$ \_\_\_\_\_

2 If the organization received or held works of art, historical treasures, or other similar assets for financial gain, provide the following amounts required to be reported under SFAS 116 (ASC 958) relating to these items:

a Revenues included in Form 990, Part VIII, line 1 .....

▶ \$ \_\_\_\_\_

b Assets included in Form 990, Part X .....

▶ \$ \_\_\_\_\_

**Part III Organizations Maintaining Collections of Art, Historical Treasures, or Other Similar Assets** (continued)

- 3 Using the organization's acquisition, accession, and other records, check any of the following that are a significant use of its collection items (check all that apply):
- a  Public exhibition
  - b  Scholarly research
  - c  Preservation for future generations
  - d  Loan or exchange programs
  - e  Other \_\_\_\_\_
- 4 Provide a description of the organization's collections and explain how they further the organization's exempt purpose in Part XIV.
- 5 During the year, did the organization solicit or receive donations of art, historical treasures, or other similar assets to be sold to raise funds rather than to be maintained as part of the organization's collection?  Yes  No

**Part IV Escrow and Custodial Arrangements.** Complete if the organization answered "Yes" to Form 990, Part IV, line 9, or reported an amount on Form 990, Part X, line 21.

- 1a Is the organization an agent, trustee, custodian or other intermediary for contributions or other assets not included on Form 990, Part X?  Yes  No
- b If "Yes," explain the arrangement in Part XIV and complete the following table:
- |                                 | Amount |
|---------------------------------|--------|
| c Beginning balance             | 1c     |
| d Additions during the year     | 1d     |
| e Distributions during the year | 1e     |
| f Ending balance                | 1f     |
- 2a Did the organization include an amount on Form 990, Part X, line 21?  Yes  No
- b If "Yes," explain the arrangement in Part XIV.

**Part V Endowment Funds.** Complete if the organization answered "Yes" to Form 990, Part IV, line 10.

	(a) Current year	(b) Prior year	(c) Two years back	(d) Three years back	(e) Four years back
1a Beginning of year balance	205,200.				
b Contributions	1,683.				
c Net investment earnings, gains, and losses	-498.				
d Grants or scholarships	9,333.				
e Other expenditures for facilities and programs					
f Administrative expenses					
g End of year balance	197,052.				

2 Provide the estimated percentage of the current year end balance (line 1g, column (a)) held as:

- a Board designated or quasi-endowment  \_\_\_\_\_ %
  - b Permanent endowment  .81 %
  - c Temporarily restricted endowment  99.19 %
- The percentages in lines 2a, 2b, and 2c should equal 100%.

3a Are there endowment funds not in the possession of the organization that are held and administered for the organization by:

	Yes	No
(i) unrelated organizations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) related organizations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b If "Yes" to 3a(ii), are the related organizations listed as required on Schedule R?	<input type="checkbox"/>	<input type="checkbox"/>

4 Describe in Part XIV the intended uses of the organization's endowment funds.

**Part VI Land, Buildings, and Equipment.** See Form 990, Part X, line 10.

Description of property	(a) Cost or other basis (investment)	(b) Cost or other basis (other)	(c) Accumulated depreciation	(d) Book value
1a Land				
b Buildings				
c Leasehold improvements				
d Equipment				
e Other		20,281.	16,233.	4,048.
<b>Total.</b> Add lines 1a through 1e. (Column (d) must equal Form 990, Part X, column (B), line 10(c).)				<b>4,048.</b>

Part VII Investments - Other Securities. See Form 990, Part X, line 12.

Table with 3 columns: (a) Description of security or category, (b) Book value, (c) Method of valuation. Rows include Financial derivatives, Closely-held equity interests, and Other (A-I).

Total. (Col (b) must equal Form 990, Part X, col (B) line 12.)

Part VIII Investments - Program Related. See Form 990, Part X, line 13.

Table with 3 columns: (a) Description of investment type, (b) Book value, (c) Method of valuation. Rows numbered 1 through 10.

Total. (Col (b) must equal Form 990, Part X, col (B) line 13.)

Part IX Other Assets. See Form 990, Part X, line 15.

Table with 2 columns: (a) Description, (b) Book value. Rows numbered 1 through 10.

Total. (Column (b) must equal Form 990, Part X, col (B) line 15.)

Part X Other Liabilities. See Form 990, Part X, line 25.

Table with 2 columns: (a) Description of liability, (b) Book value. Row 1 includes Federal income taxes, followed by rows 2 through 11.

Total. (Column (b) must equal Form 990, Part X, col (B) line 25.)

2. FIN 48 (ASC 740) Footnote. In Part XIV, provide the text of the footnote to the organization's financial statements that reports the organization's liability for uncertain tax positions under FIN 48 (ASC 740).

**Part XI Reconciliation of Change in Net Assets from Form 990 to Audited Financial Statements**

1	Total revenue (Form 990, Part VIII, column (A), line 12)	1	513,475.
2	Total expenses (Form 990, Part IX, column (A), line 25)	2	1,216,527.
3	Excess or (deficit) for the year. Subtract line 2 from line 1	3	<703,052.>
4	Net unrealized gains (losses) on investments	4	
5	Donated services and use of facilities	5	
6	Investment expenses	6	
7	Prior period adjustments	7	
8	Other (Describe in Part XIV.)	8	
9	Total adjustments (net). Add lines 4 through 8	9	
10	Excess or (deficit) for the year per audited financial statements. Combine lines 3 and 9	10	<703,052.>

**Part XII Reconciliation of Revenue per Audited Financial Statements With Revenue per Return**

1	Total revenue, gains, and other support per audited financial statements	1	513,475.
2	Amounts included on line 1 but not on Form 990, Part VIII, line 12:		
a	Net unrealized gains on investments	2a	
b	Donated services and use of facilities	2b	
c	Recoveries of prior year grants	2c	
d	Other (Describe in Part XIV.)	2d	
e	Add lines 2a through 2d	2e	0.
3	Subtract line 2e from line 1	3	513,475.
4	Amounts included on Form 990, Part VIII, line 12, but not on line 1:		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIV.)	4b	
c	Add lines 4a and 4b	4c	0.
5	Total revenue. Add lines 3 and 4c. (This must equal Form 990, Part I, line 12.)	5	513,475.

**Part XIII Reconciliation of Expenses per Audited Financial Statements With Expenses per Return**

1	Total expenses and losses per audited financial statements	1	1,216,527.
2	Amounts included on line 1 but not on Form 990, Part IX, line 25:		
a	Donated services and use of facilities	2a	
b	Prior year adjustments	2b	
c	Other losses	2c	
d	Other (Describe in Part XIV.)	2d	
e	Add lines 2a through 2d	2e	0.
3	Subtract line 2e from line 1	3	1,216,527.
4	Amounts included on Form 990, Part IX, line 25, but not on line 1:		
a	Investment expenses not included on Form 990, Part VIII, line 7b	4a	
b	Other (Describe in Part XIV.)	4b	
c	Add lines 4a and 4b	4c	0.
5	Total expenses. Add lines 3 and 4c. (This must equal Form 990, Part I, line 18.)	5	1,216,527.

**Part XIV Supplemental Information**

Complete this part to provide the descriptions required for Part II, lines 3, 5, and 9; Part III, lines 1a and 4; Part IV, lines 1b and 2b; Part V, line 4; Part X, line 2; Part XI, line 8; Part XII, lines 2d and 4b; and Part XIII, lines 2d and 4b. Also complete this part to provide any additional information.

**PART V, LINE 4: SUPPORT COLLEGE OF MARIN STUDENTS AND PROGRAMS.**



**Part II Fundraising Events.** Complete if the organization answered "Yes" to Form 990, Part IV, line 18, or reported more than \$15,000 of fundraising event contributions and gross income on Form 990-EZ, lines 1 and 6b. List events with gross receipts greater than \$5,000.

		(a) Event #1	(b) Event #2	(c) Other events	(d) Total events (add col. (a) through col. (c))
		(event type)	(event type)	(total number)	
Revenue	1	Gross receipts .....			
	2	Less: Charitable contributions .....			
	3	Gross income (line 1 minus line 2) .....			
Direct Expenses	4	Cash prizes .....			
	5	Noncash prizes .....			
	6	Rent/facility costs .....			
	7	Food and beverages .....			
	8	Entertainment .....			
	9	Other direct expenses .....			
	10	Direct expense summary. Add lines 4 through 9 in column (d) .....			( )
	11	Net income summary. Combine line 3, column (d), and line 10 .....			( )

**Part III Gaming.** Complete if the organization answered "Yes" to Form 990, Part IV, line 19, or reported more than \$15,000 on Form 990-EZ, line 6a.

		(a) Bingo	(b) Pull tabs/instant bingo/progressive bingo	(c) Other gaming	(d) Total gaming (add col. (a) through col. (c))
		1	Gross revenue .....		
Direct Expenses	2	Cash prizes .....			
	3	Noncash prizes .....			
	4	Rent/facility costs .....			
	5	Other direct expenses .....			
	6	Volunteer labor .....	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No	<input type="checkbox"/> Yes _____ % <input type="checkbox"/> No
7	Direct expense summary. Add lines 2 through 5 in column (d) .....				( )
8	Net gaming income summary. Combine line 1, column d, and line 7 .....				( )

9 Enter the state(s) in which the organization operates gaming activities: \_\_\_\_\_

a Is the organization licensed to operate gaming activities in each of these states?  Yes  No

b If "No," explain: \_\_\_\_\_

10a Were any of the organization's gaming licenses revoked, suspended or terminated during the tax year?  Yes  No

b If "Yes," explain: \_\_\_\_\_



**SCHEDULE I**  
**(Form 990)**

Department of the Treasury  
Internal Revenue Service

**Grants and Other Assistance to Organizations,  
Governments, and Individuals in the United States**

Complete if the organization answered "Yes" to Form 990, Part IV, line 21 or 22.  
▶ Attach to Form 990.

OMB No. 1545-0047

**2011**

Open to Public  
Inspection

Name of the organization

**COLLEGE OF MARIN FOUNDATION**

Employer identification number  
**94-6109451**

**Part I** General Information on Grants and Assistance

**1** Does the organization maintain records to substantiate the amount of the grants or assistance, the grantees' eligibility for the grants or assistance, and the selection criteria used to award the grants or assistance?  Yes  No

**2** Describe in Part IV the organization's procedures for monitoring the use of grant funds in the United States.

**Part II** Grants and Other Assistance to Governments and Organizations in the United States. Complete if the organization answered "Yes" to Form 990, Part IV, line 21, for any recipient that received more than \$5,000. Check this box if no one recipient received more than \$5,000. Part II can be duplicated if additional space is needed

1 (a) Name and address of organization or government	(b) EIN	(c) IRC section if applicable	(d) Amount of cash grant	(e) Amount of non-cash assistance	(f) Method of valuation (book, FMV, appraisal, other)	(g) Description of non-cash assistance	(h) Purpose of grant or assistance
COLLEGE OF MARIN 835 COLLEGE AVENUE KENTFIELD, CA 94904			214,394.	0.			SUPPORT OF EDUCATION

**2** Enter total number of section 501(c)(3) and government organizations listed in the line 1 table ..... **1.**

**3** Enter total number of other organizations listed in the line 1 table ..... **1.**

LHA For Paperwork Reduction Act Notice, see the Instructions for Form 990.

**COLLEGE OF MARIN FOUNDATION**

94-6109451

**Part III**

Grants and Other Assistance to Individuals in the United States. Complete if the organization answered "Yes" to Form 990, Part IV, line 22. Part III can be duplicated if additional space is needed.

(a) Type of grant or assistance	(b) Number of recipients	(c) Amount of cash grant	(d) Amount of non-cash assistance	(e) Method of valuation (book, FMV, appraisal, other)	(f) Description of non-cash assistance
SCHOLARSHIPS	199	290,474.	0.		

**Part IV** Supplemental Information. Complete this part to provide the information required in Part I, line 2, and any other additional information.

THE PROCESS FOR ALL SCHOLARSHIPS/GRANTS DISTRIBUTED BY COLLEGE OF MARIN FOUNDATION IS AS FOLLOWS:

- STUDENTS MUST FILL AND COMPLETE AN APPLICATION FORM PROVIDED BY THE FOUNDATION WITHIN THE DESIGNATED TIME FRAME.
- APPLICATIONS ARE REVIEWED IN RELATIONSHIP TO THE ELIGIBILITY CRITERIA FOR SCHOLARSHIP TO BE AWARDED.
- FINAL SELECTION FOR SCHOLARSHIPS/GRANTS IS MADE IN CONSULTATION WITH A DESIGNATED COMMITTEE, FINANCIAL AID AND THE EXECUTIVE DIRECTOR.

**SCHEDULE O**  
(Form 990 or 990-EZ)

**Supplemental Information to Form 990 or 990-EZ**

OMB No. 1545-0047

**2011**

Open to Public  
Inspection

Department of the Treasury  
Internal Revenue Service

Complete to provide information for responses to specific questions on  
Form 990 or 990-EZ or to provide any additional information.  
▶ Attach to Form 990 or 990-EZ.

Name of the organization

COLLEGE OF MARIN FOUNDATION

Employer identification number

94-6109451

FORM 990, PART VI, SECTION B, LINE 11: RETURN REVIEWED BY EX-OFFICIO

DIRECTOR

FORM 990, PART VI, SECTION C, LINE 19: DOCUMENTS AVAILABLE UPON REQUEST.

AUDITED FINANCIAL STATEMENTS ARE AVAILBLE ON THE INTERNET.

FORM 990, PART XI, LINE 5, CHANGES IN NET ASSETS:

PRIOR PERIOD ADJUSTMENT OF NET UNREALIZED GAINS 602,849.

# Application for Extension of Time To File an Exempt Organization Return

▶ File a separate application for each return.

- If you are filing for an **Automatic 3-Month Extension**, complete only Part I and check this box  **X**
- If you are filing for an **Additional (Not Automatic) 3-Month Extension**, complete only Part II (on page 2 of this form).

**Do not complete Part II unless** you have already been granted an automatic 3-month extension on a previously filed Form 8868.

**Electronic filing (e-file).** You can electronically file Form 8868 if you need a 3-month automatic extension of time to file (6 months for a corporation required to file Form 990-T), or an additional (not automatic) 3-month extension of time. You can electronically file Form 8868 to request an extension of time to file any of the forms listed in Part I or Part II with the exception of Form 8870, Information Return for Transfers Associated With Certain Personal Benefit Contracts, which must be sent to the IRS in paper format (see instructions). For more details on the electronic filing of this form, visit [www.irs.gov/efile](http://www.irs.gov/efile) and click on e-file for Charities & Nonprofits.

**Part I Automatic 3-Month Extension of Time. Only submit original (no copies needed).**

A corporation required to file Form 990-T and requesting an automatic 6-month extension - check this box and complete Part I only

All other corporations (including 1120-C filers), partnerships, REMICs, and trusts must use Form 7004 to request an extension of time to file income tax returns.

Type or print  File by the due date for filing your return. See instructions.	Name of exempt organization or other filer, see instructions. <b>COLLEGE OF MARIN FOUNDATION</b>	Employer identification number (EIN) or <input checked="" type="checkbox"/> <b>94-6109451</b>
	Number, street, and room or suite no. If a P.O. box, see instructions. <b>P.O. BOX 446</b>	Social security number (SSN) <input type="checkbox"/>
	City, town or post office, state, and ZIP code. For a foreign address, see instructions. <b>KENTFIELD, CA 94914-0446</b>	

Enter the Return code for the return that this application is for (file a separate application for each return)

Application Is For	Return Code	Application Is For	Return Code
Form 990	01	Form 990-T (corporation)	07
Form 990-BL	02	Form 1041-A	08
Form 990-EZ	01	Form 4720	09
Form 990-PF	04	Form 5227	10
Form 990-T (sec. 401(a) or 408(a) trust)	05	Form 6069	11
Form 990-T (trust other than above)	06	Form 8870	12

**MARGARET ELLIOTT**

- The books are in the care of ▶ **P.O. BOX 446 - KENTFIELD, CA 94914-0446**  
Telephone No. ▶ **415-485-9662** FAX No. ▶ \_\_\_\_\_
- If the organization does not have an office or place of business in the United States, check this box
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) \_\_\_\_\_. If this is for the whole group, check this box . If it is for part of the group, check this box  and attach a list with the names and EINs of all members the extension is for.

1 I request an automatic 3-month (6 months for a corporation required to file Form 990-T) extension of time until **FEBRUARY 15, 2013**, to file the exempt organization return for the organization named above. The extension is for the organization's return for:  
▶  calendar year \_\_\_\_\_ or  
▶  tax year beginning **JUL 1, 2011**, and ending **JUN 30, 2012**

2 If the tax year entered in line 1 is for less than 12 months, check reason:  Initial return  Final return  
 Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.	3a	\$	0.
b If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.	3b	\$	0.
c Balance due. Subtract line 3b from line 3a. Include your payment with this form, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	3c	\$	0.

**Caution.** If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions.

• If you are filing for an Additional (Not Automatic) 3-Month Extension, complete only Part II and check this box  **X**

Note. Only complete Part II if you have already been granted an automatic 3-month extension on a previously filed Form 8868.

• If you are filing for an Automatic 3-Month Extension, complete only Part I (on page 1).

**Part II Additional (Not Automatic) 3-Month Extension of Time.** Only file the original (no copies needed).

Enter filer's identifying number, see instructions

Type or print File by the due date for filing your return. See instructions.	Name of exempt organization or other filer, see instructions <b>COLLEGE OF MARIN FOUNDATION</b>	Employer identification number (EIN) or <input checked="" type="checkbox"/> <b>94-6109451</b>
	Number, street, and room or suite no. If a P.O. box, see instructions. <b>C/O DIANA BABCOCK - 2260 DOUGLAS BLVD. #290</b>	Social security number (SSN) <input type="checkbox"/>
	City, town or post office, state, and ZIP code. For a foreign address, see instructions. <b>ROSEVILLE, CA 95661</b>	

Enter the Return code for the return that this application is for (file a separate application for each return)

Application Is For	Return Code	Application Is For	Return Code
Form 990	01		
Form 990-BL	02	Form 1041-A	08
Form 990-EZ	01	Form 4720	09
Form 990-PF	04	Form 5227	10
Form 990-T (sec. 401(a) or 408(a) trust)	05	Form 6069	11
Form 990-T (trust other than above)	06	Form 8870	12

**STOP! Do not complete Part II if you were not already granted an automatic 3-month extension on a previously filed Form 8868.**

**EXECUTIVE DIRECTOR**

• The books are in the care of **P.O. BOX 446 - KENTFIELD, CA 94914-0446**

Telephone No. **415-485-9662**

FAX No.

• If the organization does not have an office or place of business in the United States, check this box

• If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) . If this is for the whole group, check this box . If it is for part of the group, check this box  and attach a list with the names and EINs of all members the extension is for.

4 I request an additional 3-month extension of time until **MAY 15, 2013**.

5 For calendar year , or other tax year beginning **JUL 1, 2011**, and ending **JUN 30, 2012**.

6 If the tax year entered in line 5 is for less than 12 months, check reason:  Initial return  Final return  Change in accounting period

7 State in detail why you need the extension

**ALL INFORMATION NECESSARY TO FILE A COMPLETE AND ACCURATE RETURN IS NOT YET AVAILABLE.**

8a	If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.	8a	\$	0.
b	If this application is for Form 990-PF, 990-T, 4720, or 6069, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit and any amount paid previously with Form 8868.	8b	\$	0.
c	Balance due. Subtract line 8b from line 8a. Include your payment with this form, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	8c	\$	0.

**Signature and Verification must be completed for Part II only.**

Under penalties of perjury, I declare that I have examined this form, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete, and that I am authorized to prepare this form.

Signature

Title **CPA**

Date

**MAIL TO:**  
 Registry of Charitable Trusts  
 P.O. Box 903447  
 Sacramento, CA 94203-4470  
 Telephone: (916) 445-2021

**WEB SITE ADDRESS:**  
<http://ag.ca.gov/charities/>

## ANNUAL REGISTRATION RENEWAL FEE REPORT TO ATTORNEY GENERAL OF CALIFORNIA

Sections 12586 and 12587, California Government Code  
 11 Cal. Code Regs. sections 301-307, 311 and 312

Failure to submit this report annually no later than four months and fifteen days after the end of the organization's accounting period may result in the loss of tax exemption and the assessment of a minimum tax of \$800, plus interest, and/or fines or filing penalties as defined in Government Code section 12586.1. IRS extensions will be honored.



State Charity Registration Number <u>019505</u> <b>COLLEGE OF MARIN FOUNDATION</b> Name of Organization <u>P. O. BOX 325</u> Address (Number and Street) <u>KENTFIELD, CA 94914</u> City or Town, State and ZIP Code	Check if: <input type="checkbox"/> Change of address <input checked="" type="checkbox"/> Amended report Corporate or Organization No. <u>0474869</u> Federal Employer I.D. No. <u>94-6109451</u>
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**ANNUAL REGISTRATION RENEWAL FEE SCHEDULE (11 Cal. Code Regs. sections 301-307, 311 and 312)**  
 Make Check Payable to Attorney General's Registry of Charitable Trusts

Gross Annual Revenue	Fee	Gross Annual Revenue	Fee	Gross Annual Revenue	Fee
Less than \$25,000	0	Between 100,001 and \$250,000	\$50	Between \$1,000,001 and \$10 million	\$150
Between \$25,000 and \$100,000	\$25	Between \$250,001 and \$1 million	\$75	Between \$10,000,001 and \$50 million	\$225
				Greater than \$50 million	\$300

**PART A - ACTIVITIES**

For your most recent full accounting period (beginning 07 / 01 / 2011 ending 06 / 30 / 2012) list:  
 Gross annual revenue \$ 513,475 Total assets \$ 3,970,707

**PART B - STATEMENTS REGARDING ORGANIZATION DURING THE PERIOD OF THIS REPORT**

Note: If you answer "yes" to any of the questions below, you must attach a separate sheet providing an explanation and details for each "yes" response. Please review RRF-1 instructions for information required.

	Yes	No
1. During this reporting period, were there any contracts, loans, leases or other financial transactions between the organization and any officer, director or trustee thereof either directly or with an entity in which any such officer, director or trustee had any financial interest?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. During this reporting period, was there any theft, embezzlement, diversion or misuse of the organization's charitable property or funds?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. During this reporting period, did non-program expenditures exceed 50% of gross revenues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. During this reporting period, were any organization funds used to pay any penalty, fine or judgment? If you filed a Form 4720 with the Internal Revenue Service, attach a copy.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. During this reporting period, were the services of a commercial fundraiser or fundraising counsel for charitable purposes used? If "yes," provide an attachment listing the name, address, and telephone number of the service provider.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. During this reporting period, did the organization receive any governmental funding? If so, provide an attachment listing the name of the agency, mailing address, contact person, and telephone number.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. During this reporting period, did the organization hold a raffle for charitable purposes? If "yes," provide an attachment indicating the number of raffles and the date(s) they occurred.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the organization conduct a vehicle donation program? If "yes," provide an attachment indicating whether the program is operated by the charity or whether the organization contracts with a commercial fundraiser for charitable purposes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Did your organization have prepared an audited financial statement in accordance with generally accepted accounting principles for this reporting period?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Organization's area code and telephone number ( 415 ) 457 - 8811  
 Organization's e-mail address \_\_\_\_\_

I declare under penalty of perjury that I have examined this report, including accompanying documents, and to the best of my knowledge and belief, it is true, correct and complete.

<u>David Wain Coon</u>	<u>DAVID WAIN COON</u>	<u>DIRECTOR</u>	<u>6/19/2013</u>
Signature of authorized officer	Printed Name	Title	Date