

# **Native American Rights Fund, Inc.**

Independent Auditor's Report and Financial Statements

September 30, 2016 and 2015

**Native American Rights Fund, Inc.**  
**September 30, 2016 and 2015**

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## Independent Auditor's Report

Board of Directors  
Native American Rights Fund, Inc.  
Boulder, Colorado

We have audited the accompanying financial statements of Native American Rights Fund, Inc. (NARF), which comprise the statements of financial position as of September 30, 2016 and 2015, and the related statements of activities and cash flows for the years then ended, and the related notes to the financial statements.

### ***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### ***Auditor's Responsibility***

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Board of Directors  
Native American Rights Fund, Inc.

***Opinion***

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of NARF as of September 30, 2016 and 2015, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

***Supplementary Information***

Our audits were conducted for the purpose of forming an opinion on the financial statements as a whole. The schedule of functional expenses listed in the table of contents is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

*BKD, LLP*

Denver, Colorado  
January 18, 2017

**Native American Rights Fund, Inc.**  
**Statements of Financial Position**  
**September 30, 2016 and 2015**

	<u>2016</u>	<u>2015</u>
<b>Assets</b>		
Cash	\$ 747,988	\$ 3,743,134
Prepaid expenses and other assets	299,559	210,914
Other receivables, net of allowance of \$38,000 for 2016 and 2015	389,931	399,083
Government contracts receivable	599,475	304,452
Employee travel advances	32,759	24,500
Grants and contributions receivable, net	3,187,131	884,319
Bequests receivable	76,346	-
Investments	16,914,995	14,225,493
Assets held for others	190,971	-
Property and equipment	262,685	264,126
	<u>262,685</u>	<u>264,126</u>
Total assets	<u>\$ 22,701,840</u>	<u>\$ 20,056,021</u>
<b>Liabilities and Net Assets</b>		
Accounts payable	\$ 453,078	\$ 578,893
Funds held on behalf of others	190,971	-
Accrued vacation payable	318,333	303,845
Other accrued expenses	153,267	160,090
Deferred revenue	22,202	21,493
Capital lease obligations	43,395	63,680
Employee retirement obligation	307,342	288,114
	<u>307,342</u>	<u>288,114</u>
Total liabilities	<u>1,488,588</u>	<u>1,416,115</u>
<b>Net Assets</b>		
Unrestricted	16,137,509	15,577,129
Temporarily restricted	4,065,281	2,077,273
Permanently restricted	1,010,462	985,504
	<u>1,010,462</u>	<u>985,504</u>
Total net assets	<u>21,213,252</u>	<u>18,639,906</u>
Total liabilities and net assets	<u>\$ 22,701,840</u>	<u>\$ 20,056,021</u>

**Native American Rights Fund, Inc.**  
**Statement of Activity**  
**Year Ended September 30, 2016**

	<b>Unrestricted</b>	<b>Temporarily Restricted</b>	<b>Permanently Restricted</b>	<b>Total</b>
<b>Revenues, Gains and Other Support</b>				
Governmental contracts	\$ 1,011,476	\$ -	\$ -	\$ 1,011,476
Foundation grants	371,000	2,737,832	-	3,108,832
Contributions	4,148,806	1,358,794	24,958	5,532,558
Legal fees	2,028,322	-	-	2,028,322
Other	58,233	-	-	58,233
Investment income	1,604,562	-	-	1,604,562
Net assets released from restrictions	2,108,618	(2,108,618)	-	-
	<u>11,331,017</u>	<u>1,988,008</u>	<u>24,958</u>	<u>13,343,983</u>
Total revenues, gains and other support				
<b>Expenses</b>				
Program services				
Litigation and client services	7,749,780	-	-	7,749,780
National Indian Law Library	362,854	-	-	362,854
	<u>8,112,634</u>	<u>-</u>	<u>-</u>	<u>8,112,634</u>
Total program services expenses				
Supporting services				
Management and general	861,057	-	-	861,057
Fundraising expenses	1,796,946	-	-	1,796,946
	<u>2,658,003</u>	<u>-</u>	<u>-</u>	<u>2,658,003</u>
Total supporting services expenses				
Total expenses	<u>10,770,637</u>	<u>-</u>	<u>-</u>	<u>10,770,637</u>
<b>Change in Net Assets</b>	560,380	1,988,008	24,958	2,573,346
<b>Net Assets, Beginning of Year</b>	<u>15,577,129</u>	<u>2,077,273</u>	<u>985,504</u>	<u>18,639,906</u>
<b>Net Assets, End of Year</b>	<u>\$ 16,137,509</u>	<u>\$ 4,065,281</u>	<u>\$ 1,010,462</u>	<u>\$ 21,213,252</u>

**Native American Rights Fund, Inc.**  
**Statement of Activity**  
**Year Ended September 30, 2015**

	<b>Unrestricted</b>	<b>Temporarily Restricted</b>	<b>Permanently Restricted</b>	<b>Total</b>
<b>Revenues, Gains (Losses) and Other Support</b>				
Governmental contracts	\$ 1,330,607	\$ -	\$ -	\$ 1,330,607
Foundation grants	67,000	2,504,000	-	2,571,000
Contributions	2,368,309	273,700	3,088	2,645,097
Legal fees	7,065,520	-	-	7,065,520
Other	16,222	-	-	16,222
Investment loss	(443,858)	-	-	(443,858)
Loss on uncollectible receivables	-	(250,000)	-	(250,000)
Net assets released from restrictions	1,977,559	(1,977,559)	-	-
	<u>12,381,359</u>	<u>550,141</u>	<u>3,088</u>	<u>12,934,588</u>
Total revenues, gains (losses) and other support				
<b>Expenses</b>				
Program services				
Litigation and client services	7,160,564	-	-	7,160,564
National Indian Law Library	358,675	-	-	358,675
	<u>7,519,239</u>	<u>-</u>	<u>-</u>	<u>7,519,239</u>
Total program services expenses				
Supporting services				
Management and general	789,122	-	-	789,122
Fundraising expenses	1,704,661	-	-	1,704,661
	<u>2,493,783</u>	<u>-</u>	<u>-</u>	<u>2,493,783</u>
Total supporting services expenses				
Total expenses	<u>10,013,022</u>	<u>-</u>	<u>-</u>	<u>10,013,022</u>
<b>Change in Net Assets</b>	2,368,337	550,141	3,088	2,921,566
<b>Net Assets, Beginning of Year</b>	<u>13,208,792</u>	<u>1,527,132</u>	<u>982,416</u>	<u>15,718,340</u>
<b>Net Assets, End of Year</b>	<u>\$ 15,577,129</u>	<u>\$ 2,077,273</u>	<u>\$ 985,504</u>	<u>\$ 18,639,906</u>

**Native American Rights Fund, Inc.**  
**Statements of Cash Flows**  
**Years Ended September 30, 2016 and 2015**

	<u>2016</u>	<u>2015</u>
<b>Operating Activities</b>		
Change in net assets	\$ 2,573,346	\$ 2,921,566
Items not requiring (providing) cash		
Depreciation expense	63,205	55,100
Bad debt expense	64,654	-
Net realized and unrealized losses (gains) on investments	(1,214,819)	617,207
Contribution of securities	(243,599)	(200,089)
Changes in		
Other receivables	(55,502)	33,784
Government contract receivable	(295,023)	65,111
Grants and contributions receivable	(2,302,812)	303,181
Bequests receivable	(76,346)	1,242
Prepaid expenses and other assets	(96,904)	(34,120)
Accounts payable and accrued expenses	(118,150)	23,819
Retirement recognition program	19,228	2,918
Deferred revenue	709	5,514
	<u>(1,682,013)</u>	<u>3,795,233</u>
Net cash provided by (used in) operating activities		
<b>Investing Activities</b>		
Proceeds from sales of investments	314,459	252,623
Purchases of investments	(1,545,543)	(3,250,198)
Purchase of furniture and equipment	(61,764)	(53,795)
	<u>(1,292,848)</u>	<u>(3,051,370)</u>
Net cash used in investing activities		
<b>Financing Activities</b>		
Principal payments under capital lease obligation	(20,285)	(18,871)
	<u>(20,285)</u>	<u>(18,871)</u>
Net cash used in financing activities		
<b>Increase (Decrease) in Cash</b>	(2,995,146)	724,992
<b>Cash, Beginning of Year</b>	<u>3,743,134</u>	<u>3,018,142</u>
<b>Cash, End of Year</b>	<u>\$ 747,988</u>	<u>\$ 3,743,134</u>
<b>Supplemental Disclosure of Cash Flow Information</b>		
Interest paid	<u>\$ 3,654</u>	<u>\$ 5,068</u>



# **Native American Rights Fund, Inc.**

## **Notes to Financial Statements**

**September 30, 2016 and 2015**

### **Note 1: Nature of Operations and Summary of Significant Accounting Policies**

#### ***Nature of Operations***

Native American Rights Fund, Inc. (NARF) is a not-for-profit organization whose mission and principal activities are to provide legal representation, assistance and education to Native American people. NARF's revenues and other support are derived principally from support from private foundations, the United States government, public contributions and a limited fee policy with the majority of its funding derived from grant and contribution support and legal fees.

The activities of NARF include the following programs:

#### **Litigation and Client Services**

NARF provides legal representation, assistance and education to Native American people. The major areas of concentration include tribal restoration and recognition, land claims settlements, hunting and fishing rights, the protection of Indian religious freedom and education rights.

#### **National Indian Law Library (NILL)**

NILL is the national repository of, and clearinghouse for, materials in Indian law. NILL collects and distributes catalogues and other materials used for legal and educational purposes. NILL also provides reference and research assistance.

#### ***Use of Estimates***

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues, expenses, gains, losses and other changes in net assets during the reporting period. Actual results could differ from those estimates.

#### ***Cash***

Cash consists of bank deposits in federally insured accounts. At September 30, 2016, NARF's cash accounts exceeded federally insured limits by approximately \$891,000.

#### ***Accounts Receivable***

Accounts receivable are stated at the amount billed to customers plus any accrued and unpaid interest. NARF provides an allowance for doubtful accounts, which is based upon a review of outstanding receivables, historical collection information and existing economic conditions. Delinquent receivables are written off based on individual account evaluation and specific circumstances of the client.

# **Native American Rights Fund, Inc.**

## **Notes to Financial Statements**

**September 30, 2016 and 2015**

### ***Investments and Investment Return***

Investments in equity securities having a readily determinable fair value and all debt securities are carried at fair value. Other investments are valued at the lower of cost (or fair value at time of donation, if acquired by contribution) or fair value. Investment return includes dividend, interest and other investment income; realized and unrealized gains and losses on investments carried at fair value; and realized gains and losses on other investments.

Investment returns that are initially restricted by donor stipulation and for which the restriction will be satisfied in the same year are recorded as temporarily restricted and then released from restriction. Other investment returns are reflected in the statements of activities as unrestricted, temporarily restricted or permanently restricted based upon the existence and nature of any donor or legally imposed restrictions.

### ***Collections***

Collections of works of art, historical treasures and similar assets are not capitalized in as much as the items are preserved and cared for continuously. Purchases of collection items are reported in the year of acquisition as decreases in unrestricted net assets, or in temporarily or permanently restricted net assets if the assets used to purchase the items were restricted to that use by donor stipulation. Contributions of collection items are not reported in the financial statements. Proceeds from disposal of and insurance recoveries related to collection items are reported as increases in the appropriate net asset classes.

NARF's collections consist of rare books and maps. These collections are held for educational and research purposes. They are subject to a policy that requires proceeds from the disposition of collection items to be used to acquire other collection items.

No collection items were sold or removed in 2016 and 2015.

### ***Property and Equipment***

Property and equipment are depreciated on a straight-line basis over the estimated useful life of each asset. Assets under capital lease obligations are depreciated over the shorter of the lease term or their respective estimated useful lives.

### ***Deferred Revenue***

Revenue from fees for legal services is deferred and recognized over the periods to which the fees relate.

### ***Funds Held on Behalf of Others***

Funds held on behalf of others represent assets collected from external donors for the benefit of an inter-tribal coalition (the Coalition). NARF and the Coalition's mission statements align and NARF has not been granted variance power over how the funds received are spent. The unspent balance of the funds collected is accounted for as a liability by NARF.

# **Native American Rights Fund, Inc.**

## **Notes to Financial Statements**

**September 30, 2016 and 2015**

### ***Temporarily and Permanently Restricted Net Assets***

Temporarily restricted net assets are those whose use by NARF has been limited by donors to a specific time period or purpose. Permanently restricted net assets have been restricted by donors to be maintained by NARF in perpetuity.

### ***Contributions***

Gifts of cash and other assets received without donor stipulations are reported as unrestricted revenue and net assets. Gifts received with a donor stipulation that limits their use are reported as temporarily or permanently restricted revenue and net assets. When a donor stipulated time restriction ends or purpose restriction is accomplished, temporarily restricted net assets are reclassified to unrestricted net assets and reported in the statements of activities as net assets released from restrictions. Gifts and investment income that are originally restricted by the donor and for which the restriction is met in the same time period are recorded as temporarily restricted and then released from restriction.

Gifts of land, buildings, equipment and other long-lived assets are reported as unrestricted revenue and net assets unless explicit donor stipulations specify how such assets must be used, in which case the gifts are reported as temporarily or permanently restricted revenue and net assets. Absent explicit donor stipulations for the time long-lived assets must be held, expirations of restrictions resulting in reclassification of temporarily restricted net assets as unrestricted net assets are reported when the long-lived assets are placed in service.

Unconditional gifts expected to be collected within one year are reported at their net realizable value. Unconditional gifts expected to be collected in future years are initially reported at fair value determined using the discounted present value of estimated future cash flows technique. The resulting discount is amortized using the level-yield method and is reported as contribution revenue.

Conditional gifts depend on the occurrence of a specified future and uncertain event to bind the potential donor and are recognized as assets and revenue when the conditions are substantially met and the gift becomes unconditional.

### ***In-kind Contributions***

Contributed goods and services are recorded as in-kind contributions and corresponding expenses at their estimated fair values at the date of donation. In-kind contributions for the years ended September 30, 2016 and 2015 consisted of in-kind public service announcements, which are not reflected in the accompanying financial statements because NARF provided minimal input in producing and placing the announcements.

### ***Government Grants***

Support funded by grants is recognized as NARF performs the contracted services or incurs outlays eligible for reimbursement under the grant agreements. Grant activities and outlays are subject to audit and acceptance by the granting agency and, as a result of such audit, adjustments could be required.

**Native American Rights Fund, Inc.**  
**Notes to Financial Statements**  
**September 30, 2016 and 2015**

***Income Taxes***

NARF is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code and a similar provision of state law. However, NARF is subject to federal income tax on any unrelated business taxable income.

***Functional Allocation of Expenses***

The costs of supporting the various programs and other activities have been summarized on a functional basis in the statements of activities. Certain costs have been allocated among the programs and supporting services benefited.

***Transfers Between Fair Value Hierarchy Levels***

Transfers in and out of Level 1 (quoted market prices), Level 2 (other significant observable inputs) and Level 3 (significant unobservable inputs) are recognized on the actual transaction date.

**Note 2: Investments and Investment Return**

Investments at September 30 consisted of the following:

	<b>2016</b>	<b>2015</b>	<b>Unfunded Commitments</b>	<b>Redemption Frequency</b>	<b>Redemption Notice Period</b>
Cash equivalents	\$ 1,052,444	\$ 1,382,169			
Fixed income securities	3,142,542	2,589,821			
Equities					
Domestic	3,984,972	3,331,712			
International	1,060,113	1,013,433			
Mutual funds					
Fixed income	136,588	124,081			
Equities	3,877,321	3,480,894			
Alternative investments					
REIT (A)	1,129,223	-	None	Quarterly	30 days
Equity long/short fund (B)	2,531,792	2,303,383	None	Quarterly	14 days
Total investments	<u>\$ 16,914,995</u>	<u>\$ 14,225,493</u>			

(A) This category consists of an investment in the Carey Watermark Investors 2 Fund (the Fund) which is a non-traded real estate investment trust (REIT) formed for the purpose of acquiring, owning, disposing of, and managing and seeking to enhance the value of interests in lodging and lodging-related properties. Liquidity varies based on the amount the owners collectively wish to redeem and executed sales by the investment managers of the underlying real estate properties. Fund liquidation is planned in five years. After one year of investment, upon written request with one month notice, funds can be redeemed on a quarterly basis. All valuations are based on annual appraisals of underlying properties conducted by independent appraisers. NARF's position in the fund is valued using net asset value per share.

# Native American Rights Fund, Inc.

## Notes to Financial Statements

**September 30, 2016 and 2015**

(B) This category consists of an investment in the ACAP Strategic Fund (the Fund), a marketable alternative investment, which employs a long-short equity investment strategy with underlying investments being liquid in nature. Management of the Fund has the ability to shift investments among differing investment strategies. Investments can be liquidated with proper notice as indicated above. The Fund is priced daily and is therefore valued using the fair value method.

Total investment return is composed of the following:

	<b>2016</b>	<b>2015</b>
Interest and dividend income	\$ 389,743	\$ 173,349
Net realized and unrealized gains (losses)	1,214,819	(617,207)
	\$ 1,604,562	\$ (443,858)

### **Note 3: Grants and Contributions Receivable**

Grants and contributions receivable at September 30 consist of the following:

	<b>Unrestricted</b>	<b>Temporarily Restricted</b>	<b>Total</b>
Due within one year	\$ 837,000	\$ 1,195,355	\$ 2,032,355
Due in one to five years	-	950,000	950,000
Due in five to ten years	-	250,000	250,000
Discount for time value of money	-	(45,224)	(45,224)
	\$ 837,000	\$ 2,350,131	\$ 3,187,131

	<b>Unrestricted</b>	<b>Temporarily Restricted</b>	<b>Total</b>
Due within one year	\$ 81,960	\$ 717,302	\$ 799,262
Due in one to five years	-	85,057	85,057
	\$ 81,960	\$ 802,359	\$ 884,319

During October 2016, Federal courts approved settlements to various Native American tribes whom NARF provided legal support at various times throughout the cases. Since year-end, NARF has received \$22,875,000 of contribution support as a result of these favorable outcomes. NARF deems these contributions as conditional promises to give, with the condition being met upon formal, documented Federal approval of the settlements. Therefore, as of September 30, 2016, these conditional promises to give are not recorded as approval was obtained after the reporting date.

**Native American Rights Fund, Inc.**  
**Notes to Financial Statements**  
**September 30, 2016 and 2015**

**Note 4: Property and Equipment**

Property and equipment at September 30 consist of the following:

	<u>2016</u>	<u>2015</u>
Land	\$ 58,937	\$ 58,937
Building and leasehold improvements	331,894	331,894
Equipment and furniture	<u>973,134</u>	<u>911,370</u>
	1,363,965	1,302,201
Less accumulated depreciation and amortization	<u>(1,101,280)</u>	<u>(1,038,075)</u>
	<u>\$ 262,685</u>	<u>\$ 264,126</u>

**Note 5: Line-of-Credit**

At September 30, 2016, NARF had a \$600,000 revolving bank line-of-credit expiring March 30, 2017. As of September 30, 2016 and 2015, \$0 had been borrowed against this line. The line is collateralized by NARF's real property in Boulder, Colorado. Interest is accrued at the bank's prime rate, but shall not be less than 5.00% per annum or more than the maximum rate allowed by law. At September 30, 2016, the interest rate was 5.00% and is payable monthly.

**Note 6: Capital Lease Obligations**

Capital leases include leases covering office equipment such as copiers, postage and fax machines. The capital leases expire in various years through 2019. Remaining payments on capital lease obligations, excluding interest, at September 30, 2016, are as follows:

Year Ended September 30,	
2017	\$ 20,797
2018	15,592
2019	<u>7,006</u>
	<u>\$ 43,395</u>

Property and equipment include the following equipment under capital leases at September 30:

	<u>2016</u>	<u>2015</u>
Equipment	\$ 97,478	\$ 97,478
Less accumulated depreciation	<u>60,470</u>	<u>41,627</u>
	<u>\$ 37,008</u>	<u>\$ 55,851</u>

# Native American Rights Fund, Inc.

## Notes to Financial Statements

September 30, 2016 and 2015

### Note 7: Net Assets

#### *Temporarily Restricted Net Assets*

Temporarily restricted net assets at September 30 are available for the following purposes or periods:

	<u>2016</u>	<u>2015</u>
Purpose restrictions		
Alaska Native Global Warming	\$ 16,715	\$ 16,715
Bering Sea Elders Group	171,812	333,341
Boarding School Healing Coalition	117,688	197,694
Representation of Alaskan Villages	2,061,965	1,250,712
Indian Child Welfare Act Web Log	64,030	67,670
Indian Child Welfare Act Trainings	169,327	-
Supreme Court project	565,332	100,000
Law Clerk program	-	15,000
Voting Rights	51,837	54,541
45th Anniversary Events	-	41,600
Time restrictions		
Grants and contributions receivable for unrestricted purposes	846,575	-
	<u>\$ 4,065,281</u>	<u>\$ 2,077,273</u>

# Native American Rights Fund, Inc.

## Notes to Financial Statements

September 30, 2016 and 2015

### **Net Assets Released from Restrictions**

Net assets were released from donor restrictions by incurring expenses satisfying the restricted purposes or by occurrence of other events specified by donors.

	<u>2016</u>	<u>2015</u>
Purpose restrictions accomplished		
Law clerk program	\$ 36,048	\$ 31,700
Supreme Court project	138,333	110,000
National Indian Law Library	-	2,000
Bering Sea Elders Group	161,529	195,996
Boarding School Healing Coalition	240,982	65,925
Representation of Alaskan Villages	693,096	532,016
Alaska Native Global Warming	-	2,784
Indian Child Welfare Act Web Log	3,640	5,679
Indian Child Welfare Act Trainings	30,673	-
Voting Rights	576,329	110,459
Production of PSAs	-	25,000
Water Symposium	-	2,500
Native American Church	42,500	6,000
45th Anniversary Events	185,488	-
Time restrictions expired	-	887,500
	<u>\$ 2,108,618</u>	<u>\$ 1,977,559</u>

### **Permanently Restricted Net Assets**

Permanently restricted net assets at September 30 are restricted to the following:

	<u>2016</u>	<u>2015</u>
21st Century Endowment	<u>\$ 1,010,462</u>	<u>\$ 985,504</u>

### **Note 8: Endowment**

NARF's endowment consists of one fund established for the 21<sup>st</sup> Century Endowment. As of September 30, 2016, the endowment includes only donor-restricted endowment funds. As required by accounting principles generally accepted in the United States of America (GAAP), net assets associated with endowment funds are classified and reported based on the existence or absence of donor-imposed restrictions.



# Native American Rights Fund, Inc.

## Notes to Financial Statements

**September 30, 2016 and 2015**

NARF has interpreted the State of Colorado's Prudent Management of Institutional Funds Act (UPMIFA) as requiring preservation of the fair value of the original gift as of the gift date of the donor-restricted endowment funds absent explicit donor stipulations to the contrary. Although NARF is incorporated in Washington, D.C., its headquarters are located in Boulder, Colorado. Management has compared the acts from the two jurisdictions and does not believe differences between the two jurisdictions to be significant. As a result of this interpretation, NARF classifies as permanently restricted net assets (a) the original value of gifts donated to the permanent endowment, (b) the original value of subsequent gifts to the permanent endowment and (c) accumulations to the permanent endowment made in accordance with the direction of the applicable donor gift instrument at the time the accumulation is added to the fund. The remaining portion of donor-restricted endowment funds is classified as temporarily restricted net assets until those amounts are appropriated for expenditure by NARF in a manner consistent with the standard of prudence prescribed by UPMIFA.

The composition of net assets by type of endowment fund at September 30, 2016 and 2015:

		<b>2016</b>			
		<b>Unrestricted</b>	<b>Temporarily Restricted</b>	<b>Permanently Restricted</b>	<b>Total</b>
	Donor-restricted endowment funds	\$ -	\$ -	\$ 1,010,462	\$ 1,010,462
		<b>2015</b>			
		<b>Unrestricted</b>	<b>Temporarily Restricted</b>	<b>Permanently Restricted</b>	<b>Total</b>
	Donor-restricted endowment funds	\$ -	\$ -	\$ 985,504	\$ 985,504

Changes in endowment net assets for the years ended September 30, 2016 and 2015:

		<b>2016</b>			
		<b>Unrestricted</b>	<b>Temporarily Restricted</b>	<b>Permanently Restricted</b>	<b>Total</b>
	Endowment net assets, beginning of year	\$ -	\$ -	\$ 985,504	\$ 985,504
	Contributions	-	-	24,958	24,958
	Endowment net assets, end of year	\$ -	\$ -	\$ 1,010,462	\$ 1,010,462

**Native American Rights Fund, Inc.**  
**Notes to Financial Statements**  
**September 30, 2016 and 2015**

	2015			Total
	Unrestricted	Temporarily Restricted	Permanently Restricted	
Endowment net assets, beginning of year	\$ -	\$ -	\$ 982,416	\$ 982,416
Contributions	-	-	3,088	3,088
Endowment net assets, end of year	\$ -	\$ -	\$ 985,504	\$ 985,504

NARF has adopted investment and spending policies for endowment assets that attempt to invest all available endowment fund assets in a manner that will provide the highest total return while seeking to provide for the long- and short-term financial needs of NARF and maintain the original donated value of the endowment. Endowment assets include only donor-restricted endowment funds NARF must hold in perpetuity or for donor-specified periods.

Under NARF's policies, endowment assets are invested in a manner that is intended to produce results that exceed the rate of inflation as measured by the Consumer Price Index plus 4.5% while accepting a high level of risk tolerance.

To satisfy its long-term rate of return objectives, NARF relies on a total return strategy in which investment returns are achieved through both current yield (investment income such as dividends and interest) and capital appreciation (both realized and unrealized). NARF targets a diversified asset allocation that places a greater emphasis on equity-based investments to achieve its long-term return objectives within prudent risk constraints.

NARF has a spending policy of appropriating for expenditure each year the amounts needed and available for spending. NARF has interpreted that investment return generated by the endowment assets are unrestricted in accordance with donor stipulations. Under NARF's spending policy, any anticipated investment return from the endowment is included in NARF's internal budgeting process and fully appropriated for spending upon adoption of the budget. Management has elected to combine its investments related to the endowment with other investments. As the proceeds from endowment earnings are unrestricted, management has not allocated the earnings between those earned by endowment funds and other investments. As such, management has not included investment return in the table above.

**Native American Rights Fund, Inc.**  
**Notes to Financial Statements**  
**September 30, 2016 and 2015**

**Note 9: Operating Leases**

Noncancelable operating leases for office space and equipment expire in various years through 2020. Total rent expense for the years ended September 30, 2016 and 2015 was \$184,610 and \$186,907, respectively.

Future minimum lease payments at September 30, 2016:

2017	\$ 169,907
2018	108,805
2019	112,069
2020	<u>85,929</u>
	<u>\$ 476,710</u>

**Note 10: Retirement Benefits**

On August 6, 1994, NARF's Board of Directors authorized the adoption of a noncontributory defined contribution plan for its employees. Effective March 18, 2005, this plan was amended to a Safe Harbor 401(k). Benefits payable under the plan include a 3% minimum safe harbor contribution plus an additional election of 3%, at the yearly discretion of the corporate officers, for those employees who have achieved a minimum of one year of employment and attainment of age 21. Pension expense was \$246,823 and \$239,353 for 2016 and 2015, respectively.

On August 17, 2007, NARF's executive committee authorized the adoption of the NARF Retirement Program. This program provides a one-time cash award payable at the date of retirement for eligible employees. The amount of this award is determined by incorporating years of service, age and average three-year salary. As of September 30, 2016 and 2015, NARF recognized a liability of \$307,342 and \$288,114, respectively, relating to this program.

**Note 11: Allocation of Joint Costs**

It is NARF's policy to allocate costs of activities that include requests for contributions, as well as program and management and general components to applicable functions. Activities include distribution of informational materials that included fundraising appeals. In 2016 and 2015, all activities conducted included requests for contributions. As a result, 100% of such activities were fundraising related and did not contain a programmatic component.

**Native American Rights Fund, Inc.**  
**Notes to Financial Statements**  
**September 30, 2016 and 2015**

**Note 12: Disclosures about Fair Value of Assets and Liabilities**

Fair value is the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value measurements must maximize the use of observable inputs and minimize the use of unobservable inputs. There is a hierarchy of three levels of inputs that may be used to measure fair value:

- Level 1** Quoted prices in active markets for identical assets or liabilities
- Level 2** Observable inputs other than Level 1 prices, such as quoted prices for similar assets or liabilities; quoted prices in markets that are not active; or other inputs that are observable or can be corroborated by observable market data for substantially the full term of the assets or liabilities
- Level 3** Unobservable inputs that are supported by little or no market activity and that are significant to the fair value of the assets or liabilities

Following is a description of the inputs and valuation methodologies used for assets and liabilities measured at fair value on a recurring basis and recognized in the accompanying statements of financial position, as well as the general classification of such assets and liabilities pursuant to the valuation hierarchy. There have been no significant changes in the valuation techniques during the year ended September 30, 2016.

***Investments***

Where quoted market prices are available in an active market, securities are classified within Level 1 of the valuation hierarchy. Level 1 securities include fixed income securities, equities and mutual funds. If quoted market prices are not available, then fair values are estimated by using pricing models, quoted prices of securities with similar characteristics or discounted cash flows. Invested funds as reported by the investment manager and no further adjustments have been made. There were no Level 2 securities for fiscal year 2016 or 2015. In certain cases where Level 1 or Level 2 inputs are not available, securities are classified within Level 3 of the hierarchy. NARF does not have any Level 3 investments.

**Native American Rights Fund, Inc.**  
**Notes to Financial Statements**  
**September 30, 2016 and 2015**

The following tables present the fair value measurements of assets and liabilities recognized in the accompanying statements of financial position measured at fair value on a recurring basis and the level within the fair value hierarchy in which the fair value measurements fall at September 30, 2016 and 2015:

	<b>2016</b>			
	<b>Fair Value Measurements Using</b>			
	<b>Total</b>	<b>Quoted Prices</b>		<b>Significant</b>
		<b>in Active</b>	<b>Other</b>	
	<b>Markets for</b>	<b>Observable</b>	<b>Inputs</b>	
	<b>Identical</b>	<b>Inputs</b>	<b>(Level 3)</b>	
	<b>Assets</b>	<b>(Level 2)</b>	<b>(Level 3)</b>	
	<b>(Level 1)</b>	<b>(Level 2)</b>	<b>(Level 3)</b>	
Investments				
Fixed income securities	\$ 3,142,542	\$ 3,142,542	\$ -	\$ -
Equities				
Domestic	3,984,972	3,984,972	-	-
International	1,060,113	1,060,113	-	-
Mutual funds				
Fixed income	136,588	136,588	-	-
Equities	3,877,321	3,877,321	-	-
Equity long/short fund	2,531,792	2,531,792	-	-
Alternative Investments				
REIT (A)	1,129,223	-	-	-
	15,862,551	\$ 14,733,328	\$ -	\$ -
Cash equivalents	1,052,444			
	<u>\$ 16,914,995</u>			

- (A) Certain investments that are measured at fair value using the net asset value per share (or its equivalent) practical expedient have not been classified in the fair value hierarchy. The fair value amounts included above are intended to permit reconciliation of the fair value hierarchy to the amounts presented in the statements of financial position.

# Native American Rights Fund, Inc.

## Notes to Financial Statements

September 30, 2016 and 2015

	2015			
	Fair Value Measurements Using			
	Total	Quoted Prices		
		in Active Markets for Identical Assets (Level 1)	Significant Other Observable Inputs (Level 2)	Significant Unobservable Inputs (Level 3)
Investments				
Fixed income securities	\$ 2,589,821	\$ 2,589,821	\$ -	\$ -
Equities				
Domestic	3,331,712	3,331,712	-	-
International	1,013,433	1,013,433	-	-
Mutual funds				
Fixed income	124,081	124,081	-	-
Equities	3,480,894	3,480,894	-	-
Equity long/short fund	2,303,383	2,303,383	-	-
	12,843,324	\$ 12,843,324	\$ -	\$ -
Cash equivalents	1,382,169			
	\$ 14,225,493			

### Note 13: Significant Estimates and Concentrations

Accounting principles generally accepted in the United States of America require disclosure of certain significant estimates and current vulnerabilities due to certain concentrations. Those matters include the following:

#### **Concentrations**

Approximately 11% of all contributions received were from one donor in 2016.

Approximately 57% of legal fees in 2015 is related to a single settlement.

**Native American Rights Fund, Inc.**  
**Notes to Financial Statements**  
**September 30, 2016 and 2015**

**Note 14: Related-party Transactions**

During the years ended September 30, 2016 and 2015, NARF used the services of a consulting agency that is owned by a relative of NARF's executive management. Payments to the consulting agency amounted to \$60,000 and \$45,000, respectively. There was \$0 and \$5,000 owed to the related party as of September 30, 2016 and 2015, respectively.

**Note 15: Subsequent Events**

Subsequent events have been evaluated through the date of the Independent Auditor's Report, which is the date the financial statements were available to be issued.

## **Supplementary Information**



**Native American Rights Fund, Inc.**  
**Statement of Functional Expenses**  
**Year Ended September 30, 2016**  
**(With Comparative Totals for September 30, 2015)**

	<b>Litigation and Client Services</b>	<b>National Indian Law Library</b>	<b>Total Program Expenses</b>	<b>Management and General</b>	<b>Fund Raising</b>	<b>Total Supporting Expenses</b>	<b>Total Expenses</b>	<b>2015 Total Expenses</b>
Salaries and wages								
Professional staff	\$ 2,691,046	\$ 178,224	\$ 2,869,270	\$ 366,531	\$ 363,235	\$ 729,766	\$ 3,599,036	\$ 3,469,853
Support staff	590,924	48,072	638,996	131,111	65,216	196,327	835,323	792,414
Fringe benefits	808,368	86,235	894,603	92,819	172,868	265,687	1,160,290	1,128,667
Total salaries and related costs	4,090,338	312,531	4,402,869	590,461	601,319	1,191,780	5,594,649	5,390,934
Contract fees and consultants	2,524,589	-	2,524,589	97,558	185,178	282,736	2,807,325	2,271,090
Travel	444,865	7,518	452,383	70,216	102,327	172,543	624,926	656,818
Space costs	239,996	10,701	250,697	14,638	8,207	22,845	273,542	275,122
Office expenses	219,717	10,620	230,337	57,873	874,307	932,180	1,162,517	1,211,542
Equipment maintenance and rental	60,815	12,928	73,743	23,277	6,554	29,831	103,574	93,141
Litigation costs	16,861	-	16,861	-	-	-	16,861	15,741
Bad debt expense	64,654	-	64,654	-	-	-	64,654	-
Depreciation	45,371	2,142	47,513	5,083	10,609	15,692	63,205	55,101
Library costs	42,574	6,414	48,988	1,951	8,445	10,396	59,384	43,533
Total expenses	<u>\$ 7,749,780</u>	<u>\$ 362,854</u>	<u>\$ 8,112,634</u>	<u>\$ 861,057</u>	<u>\$ 1,796,946</u>	<u>\$ 2,658,003</u>	<u>\$ 10,770,637</u>	<u>\$ 10,013,022</u>