



**CALIFORNIA ASSOCIATION
FOR RESEARCH IN ASTRONOMY
DBA W. M. KECK OBSERVATORY**
(A Nonprofit California Public Benefit Corporation)

Financial Statements

September 30, 2009 and 2008

(With Independent Auditors' Report Thereon)



KPMG LLP
PO Box 4150
Honolulu, HI 96812-4150

Independent Auditors' Report

The Board of Directors
California Association for Research in Astronomy:

We have audited the accompanying statements of financial position of California Association for Research in Astronomy (CARA) as of September 30, 2009 and 2008, and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of CARA's management. 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 of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of CARA's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of California Association for Research in Astronomy as of September 30, 2009 and 2008, and the changes in its net assets and its cash flows for the years then ended in conformity with U.S. generally accepted accounting principles.

KPMG LLP

February 11, 2010

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Statements of Financial Position
September 30, 2009 and 2008

Assets	2009	2008
Current assets:		
Cash and cash equivalents	\$ 12,565,090	13,057,437
Receivables, net:		
Jet Propulsion Laboratory (note 4)	444,840	55,216
National Science Foundation (note 6)	49,380	42,242
National Aeronautics and Space Administration (note 3)	28,725	15,353
Center for Adaptive Optics	11,777	26,975
University of California	—	18,982
Department of Homeland Security – FEMA (note 7)	—	12,823
Contributions receivable, net (note 8)	50,000	278,675
Other	47,192	20,033
Prepaid expenses	68,327	105,288
Total current assets	13,265,331	13,633,024
Property and equipment, at cost less accumulated depreciation (notes 9 and 12)	87,947,663	84,058,286
Total assets	\$ 101,212,994	97,691,310
Liabilities and Net Assets		
Current liabilities:		
Accounts payable and accrued expenses:		
University of California	\$ 249,117	341,054
California Institute of Technology	500,980	382,455
Other	2,527,149	1,997,441
Advances (note 2):		
University of California:		
Observatory operations	7,475,580	7,167,235
Association of Universities for Research in Astronomy (note 5)	1,232,607	1,296,969
Other	—	12,640
Total current liabilities	11,985,433	11,197,794
Net assets:		
Unrestricted:		
Undesignated	87,964,242	84,074,935
Board designated (note 13)	68,898	229,832
Temporarily restricted (note 14)	1,194,421	2,188,749
Total net assets	89,227,561	86,493,516
Commitments (notes 12 and 15)		
Total liabilities and net assets	\$ 101,212,994	97,691,310

See accompanying notes to financial statements.

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Statements of Activities

Years ended September 30, 2009 and 2008

	2009	2008
Changes in unrestricted net assets (notes 1 and 2):		
Unrestricted operating support and revenues:		
Contributions (note 13)	\$ 172,066	177,646
Operating revenue:		
University of California:		
Observatory operations	11,886,872	12,422,921
Observatory instrumentation	—	119,661
National Aeronautics and Space Administration (note 3):		
Observatory operations	3,183,653	3,083,669
Association of Universities for Research in Astronomy (note 5)	2,616,458	1,815,321
Jet Propulsion Laboratory (note 4)	2,133,272	2,147,950
National Science Foundation (note 6)	692,982	633,526
Center for Adaptive Optics	41,887	124,888
Change Happens Foundation	—	100,212
Department of Homeland Security – FEMA (note 7)	—	(2,219)
Other	13,640	35,250
Interest income:		
Operations	293,739	394,869
Net assets released from restriction:		
Satisfaction of equipment acquisition restrictions (note 14)	1,223,562	2,763,492
Total unrestricted operating support and revenues	22,258,131	23,817,186
Expenditures (notes 11 and 15):		
Program services:		
Observatory operations, including loss from transfer to Caltech of \$0 in 2009 and \$2,958,960 in 2008 (note 9)	15,410,625	17,522,167
Research	262,210	230,405
Administrative and general	2,377,645	3,323,622
Fund-raising	479,278	385,716
Total expenditures	18,529,758	21,461,910
Change in unrestricted net assets	3,728,373	2,355,276
Change in temporarily restricted net assets (note 14):		
Contributions, net	189,551	31,435
Interest earned	39,683	114,838
Net assets released from restriction	(1,223,562)	(2,763,492)
Change in temporarily restricted net assets	(994,328)	(2,617,219)
Change in net assets	2,734,045	(261,943)
Net assets at beginning of year	86,493,516	86,755,459
Net assets at end of year	\$ 89,227,561	86,493,516

See accompanying notes to financial statements.

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Statements of Cash Flows

Years ended September 30, 2009 and 2008

	2009	2008
Cash flows from operating activities:		
Change in net assets	\$ 2,734,045	(261,943)
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
Depreciation	4,975,188	4,764,968
Net (gain) loss on disposal of property and equipment (note 9)	(17,851)	3,462,762
Decrease (increase) in assets:		
Receivables, net	(161,615)	2,149,698
Prepaid expenses	36,961	23,785
Increase (decrease) in liabilities:		
Accounts payable and accrued expenses	556,296	(234,914)
Advances	231,343	(499,122)
Net cash provided by operating activities	8,354,367	9,405,234
Cash flows from investing activities:		
Purchases of property and equipment	(8,870,175)	(10,539,890)
Proceeds on sale of property and equipment	23,461	59,200
Net cash used in investing activities	(8,846,714)	(10,480,690)
Net decrease in cash and cash equivalents	(492,347)	(1,075,456)
Cash and cash equivalents at beginning of year	13,057,437	14,132,893
Cash and cash equivalents at end of year	\$ 12,565,090	13,057,437

See accompanying notes to financial statements.

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September 30, 2009 and 2008

(1) Description of Reporting Entity

California Association for Research in Astronomy (CARA) is a nonprofit corporation formed by the California Institute of Technology (Caltech) and the University of California (UC) in January 1985 to build and operate the W.M. Keck Observatory (Observatory) on the summit of Mauna Kea in Hawaii. Tax exempt under Section 501(c)(3) of the Internal Revenue Code, CARA is a nonprofit California public benefit corporation and, as such, is qualified as a nonprofit corporation in the state of Hawaii.

The principal purpose of CARA is to foster astronomical research and to provide technical direction for the development and operation of astronomical facilities on the island of Hawaii, principally on land owned by the state of Hawaii, leased to the University of Hawaii, and subleased to Caltech. The Observatory is owned by Caltech and is leased to CARA for \$1 per year. In consideration for subleasing the land to Caltech for \$1 per year through 2033, the University of Hawaii receives an opportunity to use the Observatory and related facilities and improvements. The astronomical facilities include two 10-meter telescopes (Keck I and Keck II), related instrumentation, adaptive optics technology, support facilities, and required infrastructure improvements.

The costs of development of the Observatory and the development of adaptive optics technology were borne by Caltech, the majority of which were funded by grants from the W.M. Keck Foundation (the Foundation). Caltech's maximum liability for Keck I and Keck II development costs was \$75,222,000, measured in 1984 dollars, and \$78,600,000, measured in 1990 dollars, respectively. The Foundation's grant to Caltech for adaptive optics technology was \$6,300,000.

UC provided financial support to CARA for pre-operating costs during the Observatory's development periods, acquisition of focal plane instrumentation, and observatory operations. For fiscal years 2009 and 2008, UC provided continuing operating support for Keck I operations in the amount of \$3,500,000 per year, which continues through fiscal year 2017, and \$1,750,000 for the six-month period ending March 31, 2018, all measured in 1984 dollars. For fiscal years 2009 and 2008, UC provided support for Keck II operations in the amount of \$2,105,000 per year, which continues through fiscal year 2017, and \$1,052,500 for the six-month period ending March 31, 2018, all measured in 1990 dollars.

During 1993, Caltech and UC modified their original funding and governance agreement. Certain modifications provided for third-party participation by the National Aeronautics and Space Administration (NASA) in the funding of the costs of the Observatory. In a cooperative agreement between Caltech and NASA, NASA contributed \$44,005,000 to Caltech through fiscal year 2000 in return for collaboration in the project.

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(2) Summary of Significant Accounting Policies

(a) *Recent Accounting Pronouncements*

On July 1, 2009, the Financial Accounting Standards Board (FASB) Accounting Standards Codification™ (the Codification) became the authoritative source of accounting principles to be applied to financial statements prepared in accordance with generally accepted accounting principles (GAAP). In accordance with the Codification, citations to accounting literature in this report are to the relevant Topic of the Codification or are presented in plain English.

(b) *Financial Statement Presentation*

The accompanying financial statements have been prepared on the accrual basis of accounting in accordance with GAAP.

CARA follows the requirements of FASB Accounting Standards Codification (ASC) Section 958-205-45-2, *Not-for-Profit Entities – Presentation of Financial Statement – Other Presentation Matters*. Under FASB ASC Section 958-205-45-2, CARA is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanently restricted net assets based upon the existence or absence of donor-imposed stipulations. Accordingly, net assets of CARA and changes therein are classified and reported as follows:

Unrestricted Net Assets – net assets that are not subject to donor-imposed stipulations and that may be expended for any purpose in performing the objectives of CARA.

Temporarily Restricted Net Assets – net assets subject to donor-imposed stipulations that may or will be met either by actions and/or the passage of time. As the restrictions are satisfied, temporarily restricted net assets are reclassified and reported in the accompanying financial statements as net assets are released from restrictions.

Permanently Restricted Net Assets – net assets subject to donor-imposed stipulations that resources must be maintained in perpetuity. As of September 30, 2009 and 2008, CARA had no permanently restricted net assets.

(c) *Cash Equivalents*

For purposes of the statements of cash flows, CARA considers all highly liquid instruments with original maturities of three months or less to be cash equivalents.

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(d) Property and Equipment

Expenditures incurred by CARA for observatory instrumentation and facilities, operating equipment, and vehicles are capitalized at cost, and depreciated when placed in service. Depreciation is provided over the estimated useful lives of the respective assets using the straight-line method. The estimated useful lives are as follows:

Class of assets	Estimated useful lives
Observatory instrumentation	10 – 20 years
Observatory facility	3 – 15 years
Vehicles and equipment	3 – 25 years

CARA reports contributions designated by donors to acquire long-lived assets as restricted support. Absent explicit donor stipulations about how long those long-lived assets must be maintained, CARA reports expirations of donor restrictions when the acquired long-lived assets are placed in service.

(e) Advances

Operating and instrumentation funds received from UC are recorded as advances until expended for operating expenditures, observatory instrumentation, or vehicles and equipment. Funds received from the Association of Universities for Research in Astronomy (AURA) for the purpose of developing certain instruments for the Keck II telescope or adaptive optics development are recorded as advances until expended for their stated purpose.

(f) Contributions

Contributions are recorded in the period received. CARA reports gifts as restricted support if they are received with donor-imposed stipulations that limit the use of the donated assets. When a donor restriction expires, that is, when a 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.

As described in note 1 to the financial statements, CARA leases the observatory and related facilities and improvements from Caltech for \$1 per year. As the use of the Observatory is so specific that there is no assignable value, it is impractical to determine a fair rental value to be reported as contribution revenue in the accompanying statements of activities.

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(g) *Use of Estimates*

The preparation of the financial statements in accordance with GAAP requires management of CARA to make a number of estimates and assumptions relating to the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Significant items subject to such estimates and assumptions include the carrying amount of property and equipment and valuation allowances for receivables. Actual results could differ from those estimates.

(h) *Impairment of Long-Lived Assets*

In accordance with FASB ASC Section 360-10-35, *Property, Plant, and Equipment – Overall – Subsequent Measurement*, long-lived assets, such as property and equipment, and purchased intangibles subject to amortization, are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount of an asset may not be recoverable. If circumstances require a long-lived asset be tested for possible impairment, CARA first compares undiscounted cash flows expected to be generated by an asset to the carrying value of the asset. If the carrying value of the long-lived asset is not recoverable on an undiscounted cash flow basis, an impairment is recognized to the extent that the carrying value exceeds its fair value. Fair value is determined through various valuation techniques, including discounted cash flow models, quoted market values, and third-party independent appraisals, as necessary.

(i) *Sponsored Programs, Grants, and Contracts*

Governmental and private grants and contracts normally provide for the recovery of direct and indirect costs, subject to audit. CARA recognizes revenues associated with direct costs as incurred. Indirect costs recovered on federally sponsored programs are based on cost reimbursement rates negotiated with CARA's cognizant agency, the Office of Naval Research. Indirect costs recovered on all other grants and contracts are based on rates negotiated with the respective parties.

(j) *Subsequent Events*

In May 2009, FASB issued FASB Statement No. 165, *Subsequent Events* (Statement 165), also referenced as FASB ASC Section 855-10, *Subsequent Events – Overall*. Statement 165 establishes general standards of accounting for and disclosure of events that occur after the balance sheet date but before financial statements are issued or are available to be issued. Statement 165 is effective for periods ending after June 15, 2009. The Company has adopted Statement 165 for the year ended September 30, 2009.

CARA has evaluated subsequent events from the balance sheet date through March 17, 2010, the date at which the financial statements were available to be issued. There are no other matters to disclose.

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(k) Reclassifications

Certain reclassifications have been made to the 2008 financial statements to conform to the 2009 presentation. Such reclassifications had no effect on previously reported change in net assets.

(3) National Aeronautics and Space Administration (NASA) Funding Agreements

In 2005, NASA awarded CARA a three-year cooperative agreement for telescope viewing time and the development of an archived database. Revenues under the cooperative agreements were \$0 and \$1,077,187 in 2009 and 2008, respectively.

In 2008, NASA awarded CARA a new five-year cooperative agreement for telescope viewing time, infrastructure renewal, and the development of an archived database. Revenues under the cooperative agreement were \$3,183,653 and \$2,006,482 in 2009 and 2008, respectively.

(4) Jet Propulsion Laboratory (JPL) Agreements

In 2005, CARA entered into a \$7,284,011 cost-reimbursement subcontract with JPL for the Keck Interferometer project. In 2007, JPL renewed the contract for an additional \$5,142,000 through September 30, 2008. In 2009, JPL extended the subcontract for an additional \$2,114,000 through December 30, 2010. During 2009 and 2008, \$1,601,463 and \$2,575,746, respectively, was received under the subcontract.

Revenues under the cost-reimbursement subcontract were \$2,133,272 and \$2,147,950 in 2009 and 2008, respectively. Amounts due to CARA under the cost-reimbursement subcontract of \$444,840 and \$55,216 as of September 30, 2009 and 2008, respectively, are included as receivables in the accompanying statements of financial position.

(5) Association of Universities for Research in Astronomy Agreements

In 2004, CARA entered into a fixed price contract with AURA for adaptive optics development. CARA was awarded and advanced \$1,080,981 for the development of the next generation of optical wavefront sensor detectors.

In 2005, CARA entered into a fixed price contract with AURA for Keck I instrumentation development. In 2005, CARA was awarded \$2,452,629 for the design of MOSFIRE, a Multi-Object Spectrograph for Infra-Red Exploration. In 2007, the fixed price contract was revised to provide additional funding of \$4,913,664 for the MOSFIRE project.

In 2008, CARA entered into a fixed price sub-award with AURA for next-generation adaptive optics development. CARA was awarded \$2,047,360 for the development of the next generation of optical wavefront sensor detectors.

In 2009, CARA entered into a fixed price contract with AURA for a sodium-wavelength development program. CARA was awarded \$300,000 to procure three sodium-wavelength design studies.

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Revenues recognized under these contracts with AURA amounted to \$2,616,458 and \$1,815,321 in 2009 and 2008, respectively. As of September 30, 2009 and 2008, unspent receipts under the AURA contracts amounted to \$1,232,607 and \$1,296,969, respectively, and are included as advances in the accompanying statements of financial position.

(6) National Science Foundation (NSF) Award

In 2004, NSF awarded CARA a three-year research grant that was subsequently extended for two additional years. As of September 30, 2009, the total award was \$539,968, of which \$0 and \$136,364, respectively, was received in 2009 and 2008.

In 2006, NSF awarded CARA a two-year \$1,958,000 grant to upgrade the Interferometer instrument of which \$685,843 and \$539,193, respectively, was received in 2009 and 2008.

Revenues recognized under these contracts with NSF amounted to \$692,982 and \$633,526 in 2009 and 2008, respectively.

(7) Department of Homeland Security – Federal Emergency Management Agency (FEMA)

During 2008, CARA had expenditures totaling \$418,683 to be reimbursed by FEMA related to repairs for telescope and headquarters damage sustained from the two Kiholo Bay earthquakes on October 15, 2006. As of September 30, 2009, the full reimbursement was received.

(8) Contributions Receivable

Contributions receivable represent unconditional promises to give by donors. In accordance with FASB ASC Section 958-605-25, *Not-for-Profit Entities – Recognition – Promises to Give*, contributions receivable are recorded at their estimated fair value. Amounts due more than one year later are recorded at the present value of the estimated future cash flows, discounted at a risk-free rate ranging from 4.3% to 3.1% applicable to the year in which the promise was received. Contributions receivable expected to be received at September 30, 2009 and 2008 are as follows:

	2009	2008
Amounts due in:		
One year or less	\$ 50,000	281,458
Gross contributions receivable	50,000	281,458
Less discount to present value	—	(2,783)
Contributions receivable, net	\$ 50,000	278,675

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(9) Property and Equipment

A summary of property and equipment at September 30, 2009 and 2008 follows:

	<u>2009</u>	<u>2008</u>
Instrumentation:		
Property and equipment	\$ 54,789,211	50,732,901
Construction in progress	48,534,582	47,680,800
	<u>103,323,793</u>	<u>98,413,701</u>
Adaptive optics:		
Property and equipment	11,244,207	9,083,608
Construction in progress	6,660,630	6,247,301
	<u>17,904,837</u>	<u>15,330,909</u>
Infrastructure:		
Property and equipment	2,276,498	700,557
Construction in progress	1,835,604	2,249,965
	4,112,102	2,950,522
Vehicles and equipment	3,755,866	3,616,780
Less accumulated depreciation	<u>(41,148,935)</u>	<u>(36,253,626)</u>
	<u>\$ 87,947,663</u>	<u>84,058,286</u>

Depreciation expense amounted to \$4,975,188 in 2009 and \$4,764,968 in 2008.

As described in note 1, CARA leases the observatory and related facilities and improvements from Caltech for \$1 per year. In 2008, CARA recorded a \$2,958,960 loss from the transfer to Caltech of capital asset improvements to Observatory facilities that were expended by CARA and recorded on CARA's financial statements. The losses are included in observatory operations expenditures in the accompanying statements of activities.

(10) Income Taxes

CARA has received a determination from taxing authorities that it is an organization exempt from taxation under Section 501(c)(3) of the U.S. Internal Revenue Code and Section 23701d of the California Revenue and Taxation Code and is generally not subject to federal or state income taxes. However, CARA is subject to income taxes on any net income derived from a trade or business, regularly carried on, and not in furtherance of the purposes for which it was granted exemption. No income tax provision has been recorded as the net income, if any from any unrelated trade or business, in the opinion of management, is not material to the financial statements taken as a whole.

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(11) Related-Party Transactions

Caltech and UC provide various instrument and adaptive optics development services to CARA. During fiscal years 2009 and 2008, total expenditures for these services charged to CARA were \$1,010,449 and \$1,919,182, respectively, by Caltech, and \$1,466,262 and \$2,054,183, respectively, by UC.

(12) Commitments

CARA entered into various contractual agreements for observatory construction and development of instrumentation, laser guide star and adaptive optics systems, operations, and interferometry systems. A summary of commitments at September 30, 2009 follows:

Operations	\$	1,785,668
Instrumentation		727,881
Laser Guide Star and Adaptive Optics Systems		628,491
Interferometry		<u>556,502</u>
Total	\$	<u><u>3,698,542</u></u>

(13) Board-Designated Net Assets

In 2006, CARA established a board designated Director's Fund separate from its unrestricted, undesignated net assets for receipt of all unrestricted contributions and their subsequent expenditures. In 2009 and 2008, CARA received contributions of \$87,066 and \$102,316, respectively, which were board designated for the Director's Fund. At September 30, 2009 and 2008, \$68,898 and \$229,832, respectively, was available in the fund.

(14) Temporarily Restricted Net Assets

In 2004, the W. M. Keck Foundation made a contribution of \$2,000,000 to CARA for the purpose of upgrading and optimizing the existing adaptive optics system. In 2009 and 2008, \$3,031 and \$248,046, respectively, of temporarily restricted net assets were released from restriction in satisfaction of equipment acquisition restrictions. At September 30, 2009 and 2008, \$0 and \$20,365, respectively, was available for the purpose of upgrading and optimizing the existing adaptive optics system.

In December 2005, CARA received a restricted contribution pledge of \$4,899,875 for Keck I instrumentation development of MOSFIRE. In 2009 and 2008, \$1,067,789 and \$2,412,066, respectively, of temporarily restricted net assets were released from restriction in satisfaction of equipment acquisition restrictions. At September 30, 2009 and 2008, after discounting the pledge and receipt of interest earned and pledge payments, \$1,136,786 and \$2,162,300, respectively, was available for instrument development.

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In 2006, CARA established a Rising Stars fund to accept contributions in support of the Observatory's sponsored education programs. At September 30, 2009 and 2008, \$7,635 and \$6,084, respectively, was available in this program.

CARA received various restricted contributions for instrument development and advancement activities totaling \$202,742 and \$3,380, respectively, in 2009 and 2008. In 2009 and 2008, \$152,742 and \$103,380, respectively, of temporarily restricted net assets were released from restriction in satisfaction of equipment acquisition and advancement activity restrictions.

(15) Deferred Compensation 403(b) Plan

CARA has a defined contribution retirement plan (the Plan), which was established under Section 403(b) of the U.S. Internal Revenue Code. All eligible employees participate in the Plan. An eligible employee is defined as an employee regularly scheduled to work at least 20 hours per week subject to the appropriate waiting period as defined in the Plan. CARA is required to make contributions to the Plan at various percentages of base salary depending on the participant's age and grade. Contributions to the Plan amounted to \$787,054 and \$788,610 for fiscal years 2009 and 2008, respectively.