

First Universalist Church Board of Trustees
August 17, 2017
Board Packet

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First Universalist Church of Minneapolis

Board of Trustees Meeting

August 17, 2017

6:30 p.m. Cummins Room

Agenda

I. Call to Order (6:30).

- Lighting of the Chalice

May this flame that burns before us light our way, informed by the wisdom of leaders gone before, and inspired by the trust that we have been given as stewards of this Church. May we have vision, compassion, and courage as we serve this congregation now and for the generations to come.

- Reading (see SM report)
- Spiritual reflection question (see SM report)

II. Consent Agenda (6:50)

- Approval of minutes from Annual Meeting
- Approval of minutes from June 2017 Board of Trustees meeting.
- Monitoring: Acceptance of attendance and membership numbers
- Monitoring: Acceptance of staff and significant volunteer changes

III. Admin (calendarizing future events) (6:55)

- State of the church (Feb. **11 or 25**, 2018)
- Budget meetings (April / May 2018)
- Annual meeting and Board brunch (June 3, 2018, 11:30 am to 2:30 pm)

IV. Financial (7:00)

- A. 2017 Fiscal year-end preliminary financials review (Jen Crow)
- B. 2017-18 pledge status (Justin Schroeder)
- C. Plans for wrapping up Capital Campaign (Justin Schroeder)

IV. Discussion of Board Objectives for 2017 (7:20)

- A. Working with Change Team

- B. Revision and Updating of Bylaws
- C. Ministerial Team Development

BREAK (7:50 - 8:00)

V. Developing Sanctuary Church Objectives and Guidelines (8:00)

Following up on my e-mail from about two weeks ago, we will begin a discussion about what the scope of our Sanctuary Church activities should be in light of the potential legal risks. Another copy of the chart that was previously circulated is included in this month's agenda packet.

VI. Adjournment (8:30)

158th Annual Meeting of the Members
First Universalist Church of Minneapolis
Sunday, June 4, 2017

Call to Order

Reverend Jen Crow called the church to order at 12:33 p.m.

Chalice Lighting and Opening Words

President's Report

Our church is alive!!! This past week it was used by People Moving Forward as well as morning prayers for Ramadan. Blessed are the people who show up. Amen!! This has been a tremendous year. The worship after the election, the sanctuary church vote, the great party – thank you.

Appointment of Parliamentarian

The Chair appointed Kathy Coskran the parliamentarian.

Authorization of Board of Trustees to Approve the Minutes of the Meeting

MOTION: Authorization to have the Board of Trustees approve the minutes of this meeting at a subsequent Board meeting.

SECONDED. APPROVED.

Senior Minister's Report

Reverend Schroeder provided an update on the year. The past year has seen an extraordinary influx of visitors and members responding to our Universalist message. We have welcomed 108 new members. The church has reached over \$5million in capital campaign. Goal is to meet with everyone. We have secured an architectural firm. Congregational input and timeline for construction will be created in the fall. The pre-design team was conceptual. Now we can further refine the plan and figure out the sequencing of the work. Lots of opportunity for input through the fall. The annual campaign and the capital gift campaigns are now unhooked so we can plan our operating budget. Other highlights include:

- Soul matters, Wellspring, Circles, Adult Programming
- Unanimous vote to become a sanctuary church in February
- Green parking lot
- Racial Justice Journey – A Good Time for the Truth book reading, workshops and more

- Pastoral Care ministry continues to be strong
- Sharing our space with Sioux Chef, Southside and Showing up for Racial Justice
- 535 children and youth enrolled, 304 families, 200 adults regularly volunteering on Sunday in RE. Working on talking about hard things with our kids – life, death, white supremacy, sex and more

We are the largest UU religious education in the world!!!

Treasurer's Report and Presentation of Recommended Budget for 2017-2018

This year the Board operated as a committee of the whole and did not use a Finance Committee.

Highlights of Board work on financial affairs:

- Continued strong partnership with Reverend Crow with oversight of the budget and consultant

We anticipate we will end the fiscal year with a balanced budget before payment of the mortgage principal. Paying off the mortgage is part of the capital campaign so that is why it is not included.

Next year budget is dependent on successful completion of the annual campaign (\$1,174,500) and control of on-going expenses. A contingency budget has been developed.

The Church has not had an audit but we have had a financial review from MAP. The Board needs to have a policy position on whether we need an audit periodically or whether we can continue with a financial review.

Focus is on living out our values through our resources. You see this through how we use the building, our staff compensation, giving away our offerings and Holiday Giving program.

Continue to focus on transparency with our finances – check out the monthly Board packets on line to see how we are doing related to our budget month to month.

Our budget is a moral document that shows how we align our resources with our values. The 2017-2018 is presented as a balanced budget. We continue the elimination of RE fees, funding of Racial Justice, increases in our dues

Assuming pledges will come in with no increase or decrease.

Includes a 7% draw from the Legacy Fund. Southside Development Center will continue as a tenant. General fundraising will be \$20,000. Increase in offering plate

for the church. The holiday giving program will be offered with a 10% holdback for administration.

All adults will be paid \$15 per hour, 3% increase for merit pay, increase in health insurance costs (15%), setting aside some money for sanctuary work, 5% increase in Mid-America and UUA dues. We are living into the promise and potential of our faith.

MOTION: To present the Budget for approval.

SUBSIDIARY MOTION: Each person who wants to speak to the motion, is limited to 2:00 minutes and the total of the discussion to 20 minutes.

APPROVED.

Question and Answer regarding the Budget:

? = Mary Ellison. Question about the Artist in Residence and how does that come about?

A: This has been two years in the making and came about as part of the discussion in our Racial Justice journey. Ruth has been working with Give, Get Sistet about this one-year arts in residency to craft worship and lead workshops. The point is to expand the voices of our worship and help break things open on Sunday morning.

? = In the future, how will those decisions be made? Will there be an application process? Who will decide?

A: Likely we will use the Racial Justice Team and the Worship Team and figure out an institutional process after this one year pilot.

? = Peg Meir: When is the first year of the capital campaign?

A: The capital campaign is designed to meet each person's needs. People can decide what works for them as long as they conclude payments by the end of the campaign.

? = What is the 7% of the legacy fund? Is it for something special or just lumped into everything else?

A: The Board developed a policy several years. This is a routine thing that we have been doing for 4 or 5 years. We take 10% in the year that a gift comes in and then we are allowed to take up to 7% of the total.

? = Are pledges from the capital campaign included in this budget and will we be able to see expenditures from that fund going down?

A: Rev Crow would report on it to at Board meeting and then will report on it at each annual campaign.

? = Is it correct that the Legacy Fund will be reduced by \$38,000 (that is the 7%)? What is the size of the Legacy Fund?

A: It is \$700 to \$900K and we need to clean up some of the equity funds. The treasurer and Rev. Crow vow to clean that up so that we can all understand how much is in there.

? = There is growing interest in being a Peace Church. Can there be some investment in the Peace Garden? How do we ask for and receive funds in the future? We understand that the entrance is going to redone as part the capital campaign and how do we make sure that the interests of a larger Peace garden are represented?

A: Bring requests to the respective committees or the staff person who is the staff person who is the liaison (Bree Mattson – operations, Tracy Van Epps - Building or Jen Crow). Also please know that there will be multiple opportunities to have input into the decisions about the campaign.

? = When that day comes that we need another capital campaign, that we ask people FIRST about how much we are willing to give BEFORE we spend \$250,000 on a consultant. Please believe that we are a trusting a loving community and that we can contribute.

A: We likely would not have gotten this far without the consultant. Our consultant costs are 5% and that is not out of line with large capital campaigns. This has been a successful campaign and we should be proud of this campaign.

? = Request for overall budget presentation. It is hard to figure out what we spend on salaries, benefits, building. An overall category of expenses would be helpful.

A: The Board gets expenses broken out by categories. We did not print all the details in the annual report but they are available online.

UNANIMOUSLY APPROVED.

Report of the Nominating Committee

Doug Smalley, who served as chair this year due to the untimely death of our beloved Pamela Vincent Beall, presented the slate of candidates for the Board.

BOARD OF TRUSTEES

-Bryana French- new member to the Board

-Nominated for Board of Trustees Officers:

-Eric Cooperstein

-Richard Spratt

-Dick Niemiec

-Christa Anders

APPROVED

FOUNDATION BOARD

Kristin Siegesmund- Chair

Suzan Klein

Anne McBean

APPROVED

NOMINATING COMMITTEE

Jim Ramnaraine

Marcia Watson

APPROVED

UU GENERAL ASSEMBLY

June 21 – 25 in New Orleans

Stephanie

Roberta Haskins

Arif Mandami

Sarah Smalley

Janel Hill

Karin Wille

Andrea Johnson

Nominated from the Floor:

-Sharon Ramirez

-Denise Konen

-Kim Lund

-Mark Lutterman

-Ginny McAnich

APPROVED.

There are online options for the GA. For \$165 you can see all the streaming content and vote. You can also register and cast a vote for the President. This does not cost anything.

? = Is there any way for the church to give input to the delegates? A: Nothing organized this year. But it could be organized.

Mark Bohnhorst, member of the UU Environmental Team. He is part of the group Commit to Respond – Trying to create a network of UUs who are interested in climate issues.

Encourage people to pay attention to this. The seas are rising and so are we.

MOTION: To authorize the Board of Trustees to authorize additional delegates.

APPROVED.

Doug Smalley – stepping down from Chair of the Nominating Committee, 5 years on the Nominating Committee (preceded by 6 years on the Board of Trustees).

Kristin Siegesmund thanked the outgoing members of the Foundation Board.

Karin Wille, thanked Dave Bach, our former Board President is leaving after 6 years on the Board of Trustees. Dave Bach has done so much for the church. He headed up the Strategic Planning efforts, served as Board Chair, has co-chaired a committee of the Capital campaign.

Always does his work with kindness and compassion. Dave is a PK – a preacher’s kid. He models and believes completely in the power of a faith community to transform the world.

Closing

Reverend Schroeder: The church is strong, we are healthy, we have great leadership. Our church just feels good.

Words by Rev. Mark Morris Read.

The meeting was adjourned at 12:44.

First Universalist Church of Minneapolis
Board of Trustees Meeting
June 7, 2017

I. Call to Order

- a. Lighting of the Chalice
- b. Reading – *First Lesson* by Phillip Booth
- c. Reflection

II. Consent Agenda

- a. Approval of Minutes from May meeting
- b. Monitoring: Acceptance of attendance and membership numbers
- c. Monitoring: Acceptance of staff and significant volunteer changes

III. Administrative

- a. April financials for review
- b. Update on Senior Minister sabbatical

IV. Senior Minister Review (Executive Session)

Members reviewed the results of the survey of the senior minister. Agreed that there has been lots of progress and Justin has really grown as an executive.

All agreed that Eric's preparation of Justin's review was very solid and fair. Karin suggested adding racial justice change team to number three or four.

While some of the scores went down by .1 to .6, we don't believe that is problematic.

Goals for Next Year:

1. Researching and presenting a plan for co-ministry

Co-minister covenant: how will disputes get resolved? what if one wants to leave? How will they be evaluated? Should Jen get professional development for senior ministry? Justin and Jen will need to lead this discussion but the Board will want to weigh in heavily. We need to identify issues and do our own research. It likely matters that they are growing into these roles. What is the leadership structure that is right for First Universalist church?

2. Racial Justice Vision for the Church and continue to develop the Faithful Action Team.

3. Leading the Next Phase of the Capital campaign. When are we done? What are the next steps for decision making? What is the plan going forward? Can we complete the first phase and move on to the next? Include an evaluation of the campaign from the senior minister's perspective.
4. Reflect on the process of the racial justice work and capital campaign work
5. Continue the focus on "Not For Ourselves Alone" and the Visionary Goals and what it means for his outreach and relationship building outside of the church walls. How do those relationships benefit the community? How do they benefit the church?

V. Review of Board Operations in 2016 – 2017 (Executive Session)

Idea:

- Think about some sub-team work around a few issues like analysis of the surveys, or racial justice lens, ways to encourage all voices - as a way to shift the burden off the chair and get some small group work going (and ensure that all voices get heard)
- Ways to encourage deeper dive without having meetings for the sake of meetings

Board Goals for Next Year:

- Future of Racial Justice work for the church Including the Change Team
- Co-ministry
- Bylaws
- GPH revisions

MOTION: That the Board continue to operate as the Committee of the Whole for the next fiscal year.

APPROVED.

Discussing the Board Survey: One question where we scored low: ensure all voices are heard.

What do the survey results mean? Does it mean that people feel like others talk too much? Or does it mean that some feel like they don't have a chance to speak

up? Should we do more about going around and making people's voices are heard? (although that puts people on the spot.). Need to choose the issues where it is worth it to good deep. A point of the nominating committee is to make sure the voices of the congregation are being heard. How do we ensure that the voices of the 1000 people are being heard?

Sometimes process gets in the way of the really big picture issues.

This has been a really big year with lots of additional work on racial justice and capital campaign.

We have not done a retreat this year. But we have done them in the past and they have been good - membership, dashboard. The retreats are more open-ended and focused on one subject.

-Doing more in-depth work and deep dive by a few people and then bring people together

-Need to get to know people better and so would look for opportunities to do that

-We could revisit the techniques that we learned. Do more small group work.

VI. Adjournment

The meeting was adjourned by the Chair.

June Attendance							
			2017				2016
Adults		10:00				10:00	
1st week		399				421	
2nd week		200				220	
3rd week		268				235	
4th week		211				194	
5th week							
Monthly Total		1078				1070	
Average for June		269.5				267.5	
RE							
1st week		19				10	
2nd week		43				49	
3rd week		34				41	
4th week		34				34	
5th week							
Monthly Total		130				134	
Average for June		32.5				33.5	
Combined Average		302				301	

July Attendance							
			2017				2016
Adults		10:00				10:00	
1st week		245				197	
2nd week		107				460	
3rd week		278				275	
4th week		292				255	
5th week		220				282	
Monthly Total		1142				1469	
Average for July		228.4				293.8	
RE							
1st week		28				37	
2nd week		29				67	
3rd week		37				43	
4th week		45				40	
5th week		35				39	
Monthly Total		174				226	
Average for July		34.8				45.2	
Combined Average		263.2				339	

**First Universalist Church
June 2017 Statistical Report
July 20, 2017**

MEMORIAL SERVICES: 1

June 13 – Tom Carrillo, partner of member John Welsh – Rev. Elaine Aron Tenbrink

MARRIAGES/SERVICES OF COMMITMENT: 0

MEMBERS FOR APPROVAL: 3

Brooke Peterson, St. Paul
Mark and Jerri Clark Wagner, Minneapolis

MEMBERS REINSTATED: 0

MEMBERS FOR REMOVAL: 10

Leon Greene – Moving to East Coast
Gratia Reynolds – Moving to Wyoming
Janet and Joseph O’Neill – asked to be removed
Matt Kulseth and Maggie Arends – moved to Minnetonka
Guy and Jean Johnson – asked to be removed
Katherine Little
Christine Lyons

CHILDREN DEDICATED: 0

	To Date	End of Year Totals		2014-2015	2013-2014
MEMBERS (Fiscal Year)	2017-2018	2016-2017	2015-2016	58	46
TOTAL MEMBERS:	1,004	1,011	934	920	921

TOTAL MEMBERS AS OF THE LAST MEETING: 1,011

To be added: 3

To be removed : 10

TOTAL MEMBERS: 1,004

**First Universalist Church
 July 2017 Statistical Report
 Aug. 17, 2017**

MEMORIAL SERVICES: 0

MARRIAGES/SERVICES OF COMMITMENT: 0

MEMBERS FOR APPROVAL: 0

MEMBERS REINSTATED: 0

MEMBERS FOR REMOVAL: 0

CHILDREN DEDICATED: 0

	To Date	End of Year Totals			
MEMBERS	2017-2018	2016-2017	2015-2016	2014-2015	2013-2014
(Fiscal Year)		109	54	58	46
TOTAL MEMBERS:	1,004	1,011	934	920	921

TOTAL MEMBERS AS OF THE LAST MEETING: 1,004

To be added: 0

To be removed : 0

TOTAL MEMBERS: 1,004

Sr. Minister Report for August 17, 2017 Board Meeting

I. Opening Reflection

Reading: From Rev. Rosemary Bray McNatt, President of Starr King Seminary (edited from a Facebook post)

Dear Ones—

If you didn't know, now you know.

This past weekend, Charlottesville Virginia was the epicenter of a massive resurgence of racism and hatred. White nationalists showed up in an attempt to “reclaim” their country from the rest of us. Three people died—one of them, Heather Heyer, killed in a shameless act of domestic terrorism. Dozens of people were hurt; the president made a tepid non-statement; the world watched in stunned disbelief.

If you didn't know that the recurrent, relentless scourge facing this nation is white supremacy, now you know.

If you didn't know that our most recent UU General Assembly rightly focused on the structures and habits that support white supremacy, even in our own beloved faith tradition, now you know.

If you didn't know that for every visible Nazi and white supremacist, there have always been others waiting to emerge, now you know.

And if you didn't know that this is just the beginning of their attempts to spark a renewed reign of terror in the United States, now you know.

The white supremacist movement in the United States believes it is on the verge of a comeback, 100 years after one of its constituent groups, the Klu Klux Klan, first enjoyed the favor of the White House—just as it does now.

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This week, classes begin at Starr King School for the Ministry; as we gather here in Berkeley, we will be holding in loving prayer the people of Charlottesville, Virginia particularly the families of those killed as well as those within our UU congregation there. But as we have long understood here, it is not enough to pray.

I believe there is no higher calling for this seminary (or church, or community), no greater way to honor the Holy, than to educate to counter oppression, and to create just and sustainable communities. Our country and our world cries out for this ministry, for religious leaders who are willing to grapple with white supremacy in all of its complexity and danger.

If you didn't know this work was dangerous before Saturday, now you know. If you didn't know that, as Unitarian Universalists and progressive people of faith, we have no choice but to do the work, now you know.

As we begin to take up our work again this week, I urge each of you to take up the vital work of challenging white supremacy wherever you find yourself, however imperfectly you may pursue it.

If you didn't know our country's future depends on what each of us does now, now you know.

Faithfully,

Rosemary

Reflection: As we hold the reality of the present moment, both our own personal realities, and we all we are carrying and wrestling, and the larger reality we are a part of, including a country that has yet to come to terms with its history, what practices or disciplines are sustaining you, are you giving you courage, and helping you heal, are making you courageous?

II. Monitoring Items from Monitoring Schedule:

A. Staff and Volunteer Changes

We're delighted to announce that Meera Kannan has joined the staff team as our Religious Education Program Assistant.

B. Attendance Trends

We've had slightly higher than average attendance this summer.

III. Information Items

A. Capital Campaign Update

Architecture Update: We have signed the contract with Miller Dunwiddie as our architectural firm. As a reminder, we utilized our Vendor Policy in our architectural selection process, asking each firm to respond specifically to that Policy. Though each firm meet some of our Vendor Policy requirements, the overall team composition at Miller Dunwiddie was the best match for First Universalist and this project, in light of our Vendor Policy. The entire Pre-Design Team was unanimous in our selection of Miller Dunwiddie.

Campaign Update and Plan for Fundraising Wrap Up: We're raised over \$5.25 million. This Sunday, August 20, we'll announce matching gift money to help us wrap this campaign up and energize the final push. Over the coming weeks, we'll continue 1 x 1 meetings, offering group meetings/presentations, and ultimately, mail out campaign material to everyone we haven't yet met with me.

On October 15, after both services, we'll have a final, end-of-the-campaign celebration, cake, etc., as we celebrate what we've been able to do in a year! This timing feels just right: this end date coincides with the launch of publicly working with Miller Dunwiddie, as we begin to host congregational meetings to gather input and refine plans for construction. (Note: October 15 is the end of the public fundraising efforts; we'll continue to invite new members to support the campaign as they join the church.)

First Universalist Church Board Meeting
August 2017 Financial Summary
Prepared by Rev. Jen Crow

End of Year 2016-17

Our Accountant, Brad Schmidt, and our Accounting Consultant, Kurt Hochfeld, are working hard to complete all reconciliations for the 2016-17 fiscal year. A final and complete accounting of our 2016-17 income and expenses, as well as the year-end balance sheet will be presented to the Board at the September 2017 Board meeting.

Preliminary data suggests that we will incur either a small deficit of up to \$14,000 (less than 1% of our budget) or break even depending on how we choose to allocate a number of year-end income and expense items. Jen will talk with Dick and Brad and Kurt to determine how to best allocate these items, and our year-end reconciliations will be complete.

2017-18 Budget Updates

Our first update on the 17-18 budget income and expenses will occur at our September Board meeting. In the meantime, we are keeping an eye on both income and expenses, and we are paying particular attention to our projected pledge number.

We projected pledge income of \$1,174,500 for the 17-18 church year. This number includes not only pledges made, but also projected pledges from new members that will come in over the course of the year. At this time, we project that we will receive \$20,000 in new pledges over the course of the year. We currently have \$1,050,000 pledged for 2017-18. As is typical, many church members and friends who pledged in the previous year (2016-17) have not yet pledged for 2017-18. There are 102 individuals/families who fall into this category, for a total of \$92,000. Justin and the pledge team have been making follow-up calls to reach these previous pledgers, and we remain confident in our projected pledge number of \$1,174,500.

In 2016, pledges totaled \$1,149,000, and actual pledge gifts totaled \$1,056,000. We did receive more income in unrestricted gifts in 2016-17 than projected and this increase helped to offset the discrepancy in pledges made vs. pledges received.

No major adjustments are predicted to be needed for the 2017-18 budget at this point.

Capital Campaign

We have received total income of \$643,276 and incurred total expenses of \$283,341 as of July 31, 2017. The loan from the Legacy Fund was repaid in full prior to the end of the 2016-17 fiscal year.

Consulting costs continue as we've brought administrative support in house with Andrea Love after Skip's departure. We expect to stay within our budget for the overall capital campaign fundraising expenses.

Going forward, you will begin to see costs associated with the next phases of the project, including a fee for our architect.

Capital Budget Development

As discussed last year, Justin and Jen will develop a Capital Budget to recommend to the Board for approval this fall. This Capital Budget will include all renovations/additions/improvements to the building, as well as any program funds. This Capital Budget will be funded by the monies raised from our Capital Campaign. Jen and Justin will be working with a Building Team to develop an appropriate Capital Budget. This team will be composed of congregants, many of whom served on the Pre-Design Team, and individuals from the architectural firm that we have retained, Miller Dunwiddie. We anticipate bringing an initial Capital Budget to the Board no later than November of 2017.

Capital Campaign 2016-2017 Budget Breakdown (As of 07/31/2017)			
Division	Budget	\$	Remaining Budget
Revenue			
Donations/Legacy Fund Transfer	\$ 6,400,000.00	\$ 643,276.33	\$ (5,756,723.67)
Expense			
Consultants	\$ 230,000.00	\$ 224,990.00	\$ 5,010.00
Printing/Supplies	\$ 8,000.00	\$ 5,027.39	\$ 2,972.61
Launch Event	\$ 30,000.00	\$ 51,324.25	\$ (21,324.25)
Architectural Pre-Work	\$ 27,000.00	\$ 2,000.00	\$ 25,000.00
Total Budget	\$ 295,000.00	\$ 283,341.64	
Remaining Budget	\$ 11,658.36		
Total Loan from Legacy Fund	\$ -		
Net Income	\$ 359,934.69		

**Bylaws of the
First Universalist Church of Minneapolis**

Approved June 3, 2012

ARTICLE I. Members

Section 1. Authorized Number

There shall be no limit to the number of Members.

Section 2. Qualification and Admission of Members

Any person fourteen years of age or older who has made a written application for membership, has signified sympathy with the purposes of the Church, and has made an annual pledge and contribution of record to the Church shall be eligible for membership provided that the applicant is approved by a majority of the Board of Trustees. Membership becomes effective upon that vote, after which the President of the Congregation shall issue a Membership Certificate.

All Members under previous bylaws are Members hereunder without further acceptance by the Board. To continue membership and to be eligible to vote, a Member shall make a pledge and a contribution of record to the Church treasury within the twelve (12) months prior to any meeting at which the voting privileges of the Church are exercised, or make such a contribution at the meeting.

Exceptions to the membership requirements, both for new and continuing Members, may be approved by the Senior Minister. Members are encouraged to show continued interest in the Church by taking part in its activities.

Section 3. Cumulative and Proxy Voting

Each voting Member present at a meeting shall have one vote. There shall be no

cumulative voting or proxy voting.

Section 4. Termination of Membership

A Member may resign at any time by submitting a written resignation to the Church office. The Board of Trustees may terminate a membership by a majority vote, with or without notice, if a Member fails to make a contribution of record to the Church treasury during the previous twelve (12) months and has not been granted an exemption by the senior minister.

Section 5. Lifetime Membership

The Board of Trustees may, upon recommendation of the Senior Minister and in recognition of past contributions to First Universalist Church, appoint a Member to the status of Lifetime Member. Lifetime Members shall not be required to make financial contributions to the Church in order to continue membership.

Section 6. Property Rights

No Member shall have rights in or to any property of the Church at any time.

ARTICLE II. Meetings

Section 1. Annual Meeting

The Annual Meeting of the Members shall be held during the month of May or the month of June at such time and place within the Twin Cities Metropolitan Area as the Board of Trustees shall designate. The purposes of the meeting shall be:

- a) Presentation of annual reports;
- b) Election of Trustees, Officers, Chair and Directors of the First Universalist Foundation, Elected Members of the Nominating Committee of the Church, and Delegates to the General Assembly of the Unitarian Universalist Association;

- c) Presentation and approval of the budget recommended by the Senior Minister and the Board of Trustees for the next fiscal year;
- d) Discussion and vote on resolutions properly presented; and
- e) Transaction of other business which may properly come before the meeting.

Thirty (30) days prior to the Board's adoption of a budget to present at the Annual Meeting, the Senior Minister shall notify the Members by posting notice in the Church building and by such other means as are reasonable of a meeting to discuss with Members the planned budget. Such meeting shall occur prior to the Board's adoption of the budget.

Section 2. Special Meetings

A special meeting of the Members may be called for any purpose any time by a) the President of the Congregation; b) a majority vote of the Board of Trustees; or c) a petition, so requesting, signed by at least ten (10) percent of the Members and presented to a Trustee. The subject of the meeting must be specified in the action or petition, vote, petition calling the meeting and the meeting must be limited to the subject specified.

Section 3. Notice

Written notice of each meeting of the Members, whether the Annual Meeting or a Special Meeting, shall be mailed or e-mailed to each Member and posted on the website not less than ten (10) nor more than thirty (30) days before the meeting, addressed according to the most recent membership records. The notice shall include a) the time, place, and purpose of the meeting; b) the proposed agenda; c) the text of any resolution duly presented to the secretary; and d) the text of any proposed amendments to the Bylaws.

Section 4. Quorum

Ten (10) percent of the Members shall constitute a quorum, except that for the purpose of selecting or dismissing a minister the quorum shall be twenty-five (25) percent.

Section 5. Elections

Trustees, Officers, Foundation Chair and Directors, elected Members of the Nominating Committee, and General Assembly Delegates shall be elected by plurality vote of the Members present at the Annual Meeting. The Nominating Committee shall nominate one or more persons to each office to be filled and shall report its nominations by

- a) posting the names of nominees in a conspicuous place in the Church building and by such other means as are reasonable at least ten (10) but not more than thirty (30) days before the Annual Meeting;
- b) by listing the names of nominees in the official meeting notice; and
- c) by reading the names at the meeting.

Nominations may be made from the floor provided that the consent of the nominee has been obtained. The failure of the Board of Trustees or the Nominating Committee to comply with any provision of this section shall not invalidate any election.

Section 6. Resolutions on Public Issues

This provision applies only to resolutions by Members that seek to express a position of the Church as an institution on one or more public issues. In order to be submitted to a vote of the Members a resolution must be

- a) written,
- b) signed by five (5) percent or more Members, and
- c) submitted to the Secretary at least thirty (30) days before the Annual Meeting unless later delivery is approved by the Board of Trustees.

Adoption of such a resolution requires the vote of two-thirds of the Members voting on the question.

Section 7.

Prior to execution of financial transactions involving sale of the primary place of worship, a vote of the Members approving the sale is required.

ARTICLE III. Trustees

Section 1. Number, Terms and Qualifications.

The Board of Trustees shall consist of nine (9) Trustees, each of whom shall be a Member of the Church.

The Trustees shall be elected by Members at the Annual Meeting. The term of office of each of the Trustees shall be three (3) years. The terms of the Trustees shall be staggered so that no more than four (4) Trustees shall be elected for three-year terms at the same Annual Meeting. No Trustee shall serve more than two (2) consecutive, full terms. Trustees appointed or elected to fill out an unexpired term on the Board shall be eligible to serve two (2) full terms in addition to the partial term served. Trustees shall take office on July 1 following their appointment or election, unless they are appointed or elected to fill a vacancy of the Board, in which case they shall take office upon appointment or election. Four (4) Trustees shall be officers, elected by the Members at the Annual Meeting as provided in Article IV.

Section 2. Removal and Vacancies

Trustees may be removed by a majority vote at an Annual or Special Meeting, at which time a replacement shall be elected to serve out the remaining term. Notice stating the proposed removal, which complies with Article II, Section 3, shall be given before the meeting. In the event of a vacancy on the Board, other than removal of a Trustee by a vote of the Members, Members will be notified of vacancies to be filled prior to the next Annual Meeting. The Chair of

the Nominating Committee shall publish notice of vacancies in the same manner as notice of Special Meetings. Two or more weeks after the vacancy is announced, the remaining Trustees, upon the recommendation of the Nominating Committee, may appoint a successor to fill the vacancy until the next Annual Meeting, at which time a replacement shall be elected in accordance with Article II, Section 5, to serve out the remaining term.

Section 3. Meetings

The Board of Trustees shall meet regularly at such times and places as it may designate, and may hold special meetings on such notice as it may specify. All meetings of the Board of Trustees shall be open to the Members of the Church, except that, by majority vote of Trustees at a meeting at which a quorum is present, the Board may move into executive session to discuss confidential matters pertaining to personnel, membership, or legal issues. In addition to the Trustees, a called Minister may be present in executive session unless the matter to be discussed concerns the appointment or performance of that Minister. The Board may also choose to have present in executive session any other person necessary for discussion of the matter under consideration.

A Board meeting not regularly scheduled shall be considered a Special Board Meeting. Board members and the Members of the congregation shall be notified at least 24 hours prior to any special Board meeting. Notification of Members shall be by posting notice in the Church building and by such other means as are reasonable.

Section 4. Quorum

A majority of Trustees shall constitute a quorum. A vote of the majority of Trustees voting on the question shall be considered an act of the Board, except where a greater vote is required either by the laws of the State of Minnesota or by these Bylaws.

Section 5. General Authority

After consultation with the congregation, the Board shall establish policies that effectuate the mission, vision, and values of the Church. Except as otherwise provided in these Bylaws, the Board of Trustees shall oversee the affairs of the Church. The Board shall establish and publish Governing Policies, which shall include policies to delegate the administration of the Church, set the limits of that authority, and assure appropriate progress toward the established Ends (goals). The Board shall have full and unrestricted authority to oversee and direct the activities of the Church except for the following matters, which are specifically reserved to the exclusive jurisdiction of the membership:

- a) The election of Trustees, Officers, Foundation Chair and Directors, members of the Nominating Committee, and General Assembly Delegates subject to the provisions of these Bylaws permitting the Board of Trustees to fill vacancies in such positions.
- b) The call and dismissal of called Ministers;
- c) The adoption and amendment of the Articles of Incorporation and Bylaws;
- d) The amendment of the structure or purpose of the First Universalist Foundation; In carrying out its responsibilities hereunder, the Board, by law, retains fiduciary responsibility for the Church;
- e) The approval of financial transactions as described in Article II, Section 2; and
- f) The approval of the annual budget as an expression of the intent of the membership. The Board of Trustees, in consultation with any called Ministers, shall have the authority to hire contract ministers for periods of no longer than two (2) years, as well as to dismiss them.

ARTICLE IV. Officers

Section 1. Number, Term, and Duties

There shall be four Officers, a President of the Congregation, a Vice-President a

Secretary, and a Treasurer, to be elected by the Members at the Annual Meeting to one-year terms from among the Trustees. Officers shall take office on July 1 following their election unless they are elected to fill a vacancy, in which case they shall take office upon election. No Officer may hold more than one office at a time. The Board of Trustees shall establish such additional officers as it may find necessary. In the event of a vacancy in the offices of Vice-President, Secretary, or Treasurer, the Board may appoint a Member of the Congregation to fill the unexpired portion of that Officer's term.

Section 2. President of the Congregation

The President of the Congregation shall prepare agendas for all Board meetings and all official meetings of the membership and shall preside over these meetings. If the President becomes unable to serve out his/her term, the Board will elect another Trustee to serve as President.

Section 3. Vice-President

The Vice-President shall perform the duties of the President of the Congregation in her/his absence.

Section 4. Secretary

The Secretary shall be responsible for the recording of the minutes of all official meetings of the membership and of the Board of Trustees and forwarding them to Church staff in a timely manner for archiving with other official records of the Church. The Secretary shall oversee the publishing of all notices as required by these Bylaws. The Secretary shall also be responsible for ascertaining the eligibility of all who wish to vote on Church business.

Section 5. Treasurer

The Treasurer shall lead the financial monitoring efforts of the Board of Trustees.

Section 6. Authorization for Board or Member Action

The President of the Congregation, acting together with either the Vice-President, the Secretary, or the Treasurer is hereby authorized and directed to execute and acknowledge any instruments, certificates, and other documents on behalf of the Church and to perform any additional acts on behalf of the Church which they may deem necessary and proper to complete a course of action approved by a majority decision of the Board of Trustees or the Members of the Church at a lawful meeting.

ARTICLE V. Nominating Committee

The Nominating Committee shall continuously seek persons whom it determines are willing and able to serve the Church. The Nominating Committee shall nominate one or more Members to each office to be filled at each Annual Meeting and report such nominations in accordance with Article 2, section 5. The failure of the Board or the Nominating Committee to comply with any provision of this section shall not invalidate any election.

The Nominating Committee shall be composed of the following:

1) one Trustee appointed by the President of the Congregation with approval of the Board of Trustees, in July of each year, and (2) six at-large members elected by the Members at the Annual Meeting. The six (6) at-large members shall be Members of the Church who are not Trustees or Foundation Directors. The chair of the Nominating Committee will be appointed from among the elected members of the Nominating Committee by the President of the Congregation, with the approval of the Board of Trustees. The term of office of the at-large members of the Nominating Committee shall be three years, and their terms shall be staggered so that the term of office of at least one but not more than two at-large members will expire each year. No person shall serve on the Nominating Committee for more than six (6) consecutive years.

Vacancies in any positions on the Nominating Committee which are appointed by the President of the Congregation shall be filled by the President of the

Congregation with the approval of the Board of Trustees. In the event of any vacancies in the at-large positions on the Nominating Committee, Members will be notified as specified in Article II, Section 3, and the Board of Trustees, upon the recommendation of the Nominating Committee, shall appoint replacements for such persons, and such replacements shall serve until the next Annual meeting, at which time a replacement shall be elected in accordance with Article II, Section 5, to serve out the remaining term.

ARTICLE VI. The First Universalist Foundation

Section 1. Purpose

The First Universalist Foundation of the First Universalist Church of Minneapolis shall be responsible to the Trustees of the Church for allocating funds from the First Universalist Foundation for social justice. In carrying out this responsibility the Foundation may initiate, receive, solicit, and evaluate proposals from groups within or outside of the Church to promote social justice. The Foundation shall keep accurate records of all Foundation proceedings and of all business transacted.

Section 2. Directors

The First Universalist Foundation shall consist of nine (9) Directors, each of whom shall be a Member of the Church. The Directors shall be elected by the Members at the Annual Meeting. The term of office of each of the Directors shall be three (3) years. The terms shall be staggered so that no more than three (3) Directors shall be elected for three-year terms at the same Annual meeting. No Director may be a member of the Board of Trustees. No Director shall serve more than two (2) consecutive, full terms. Directors elected to fill out an unexpired term on the Foundation shall be eligible to serve two (2) full terms in addition to the partial term served.

Section 3. Vacancies

Directors unable to carry out their responsibilities as determined by the Foundation shall be replaced by appointment by the Trustees from among nominees presented by the Nominating Committee to the Trustees, following notification of the Members as specified in Article III, Section 3. Persons so appointed shall serve until the next Annual Meeting, at which time they or replacements shall be elected in accordance with Article II, Section 5, to serve out the remaining terms.

Section 4. Officers

The Foundation shall have a Chair, who shall preside at all meetings of the Foundation. The Foundation Chair shall be nominated by the Nominating Committee and elected by the Members at the Annual Meeting from among the Directors of the Foundation. The term of office of the Chair of the Foundation shall be one year.

Section 5. Duration

The Foundation's structure or purpose may not be dissolved or modified except upon the affirmative vote of the majority of Members of the Church voting at an Annual Meeting or Special Meeting of Members called for that purpose.

Section 6. Funds and Disbursements

- a) No part of the Foundation's funds shall be used as a substitute for or replacement of regular operating expenses of First Universalist Church.
- b) Operating Expenses. Proper expenses of the Foundation shall be a legitimate claim on the Foundation's funds and shall be paid from those funds upon certification by the Foundation.
- c) Allocations. The Foundation may allocate its funds in accordance with its Mission and shall report at least quarterly to the Board of Trustees regarding such allocations.

d) Disbursements. Decisions regarding disbursements from the Foundation funds, grants, and operating expenses shall be made by majority vote of the Directors of the Foundation.

ARTICLE VII. The First Universalist Church Legacy Fund

Section 1. Establishment and Purpose:

The Church shall maintain a fund to be known as the First Universalist Church Legacy Fund (the Legacy Fund). The purpose of the Legacy Fund is to support and enhance the mission of the Church. The Legacy Fund will be made up of gifts to the Legacy Fund from Members and friends of the Church and other money placed into the Legacy Fund from time to time by the Board of Trustees.

Section 2. Distributions:

The Board of Trustees shall direct the distribution of money from the Legacy Fund. Except where authorized otherwise in the terms of a gift or by the Membership in accordance with subsection c, the Board of Trustees shall make distributions from the Legacy Fund annually in amounts not to exceed seven (7) percent of the fair market value of the Legacy Fund as determined by the Board of Trustees.

Section 3. Membership Authorization of Additional Distributions:

At an Annual or Special Meeting of the Members, the Membership may adopt a resolution to authorize the Board of Trustees to distribute more than seven (7) percent of the value of the Legacy Fund in any year or otherwise to use the Legacy Fund in accordance with the terms of the resolution. Adoption of such a resolution requires the vote of two-thirds of the Members voting on the resolution. Notice of such meeting shall be given in accordance with Article II, Section 3, and shall include a copy of the proposed resolution.

Section 4. Custodians:

The Board of Trustees shall be the custodians of the Legacy Fund, and shall

maintain a plan of operation setting forth the administration of the Legacy Fund in accordance with Board policies.

ARTICLE VIII. Ministers

Section 1. Selection

This Church shall have one or more called Ministers who are called by the Congregation, as described in this section. Ministers shall be called upon a) the recommendation of (1) a Ministerial Search Committee selected by a process established by the Board of Trustees, or (2) in the case in which a contract Minister is being considered for a position as a called Minister by a Review Committee established by the Board of Trustees; and b) the approval of the Membership.

Approval by the Membership shall be by 4/5 (four-fifths) majority of the qualified Members of the Church present at any meeting duly called for such a purpose. The quorum for this meeting is 25 percent of the Members.

The membership shall not approve as a called Minister anyone who is not in the fellowship of the Unitarian Universalist Association.

Section 2. Dismissal

A called Minister may be dismissed by a majority vote of the Members of the Church present at any meeting duly called. The quorum shall be the same as for selection of a called Minister.

Section 3. Ministerial Agreements.

The Board of Trustees shall fix the amount of compensation for each called minister. The distribution of the compensation shall be set by the Board of Trustees in a manner agreeable to each Minister and in keeping with the tax laws. Other terms of the ministerial agreement shall be set by the Board of Trustees after consultation with each called minister.

Section 4. Accountability

Called Ministers shall be responsible for the conduct of all religious services, ceremonies, and observances and shall minister to the spiritual needs of the Members and community.

Additionally, called ministers are held accountable by the Board of Trustees for all responsibilities stated in the ministerial agreements and delegated through the Governing Policies.

Section 5. Freedom of the Pulpit

In accordance with the liberal religious tradition, all Ministers shall have freedom both in the pulpit and outside to express their opinions. No opinion or position expressed by the Ministers shall be the sole basis for dismissal or any other sanction.

ARTICLE IX. Fiscal Year

The fiscal year shall commence on the first day of July and end on the thirtieth day of June of the following year.

ARTICLE X. Dissolution

In the event of dissolution of this Church, and subject to (1) payment of costs and expenses of the dissolution proceeding including attorney fees and disbursements; and (2) payment of debt, obligations, and liabilities of the Church, all of the Church property and assets and any accumulated earnings shall be distributed to the Unitarian Universalist Association, 25 Beacon Street, Boston, Massachusetts, to be held in trust for the benefit of any Unitarian Universalist Church which may subsequently be formed in Hennepin County, Minnesota, within twenty (20) years after such distribution. If no such church be formed within said county, within such a period of twenty (20) years, then said assets and earnings shall be held in trust for the benefit of any other Unitarian Universalist Church or Churches then in existence in the State of Minnesota, but if there then be no other Unitarian Universalist Association,

church, or fellowship in Minnesota, then for the furtherance of Unitarian Universalism in such places and manner as the Trustees of the Unitarian Universalist Association may determine.

ARTICLE XI. Amendments

These Bylaws may be amended by a vote of two-thirds (2/3) of those voting at a special or Annual Meeting of the Members of the Church. Notice of the meeting, including a copy of the proposed amendment, must be given to each Member in accordance with the requirements of notice for a special or Annual Meeting as stated in Article II, Section 3. Amendments may be proposed either a) by recommendation of the Board of Trustees, or b) by ten (10) percent of the Members in a signed petition to the Secretary of the Church. Unless otherwise specified in the amendment, the amendment becomes effective on adoption.

ARTICLE XII. Parliamentary Procedure

Robert's Rules of Order, Newly Revised shall be the parliamentary rules of procedure governing all meetings of this Church.

ARTICLE XIII. Affiliation

This Church is a member of the Unitarian Universalist Association and the Prairie Star District.

An Overview of Potential Legal Issues and Potential Liabilities for Minnesota Congregations Providing "Sanctuary" to Undocumented Immigrants

Prepared by Dorsey & Whitney, LLP

with contributions from the Minnesota/Dakotas Chapter of the American Immigration Lawyers Association (AILA)¹

A NOTE on Sanctuary: Sanctuary is an ancient, religious custom; not a modern legal defense. Nevertheless, it has been – and still is – United States policy not to enforce immigration violations inside places of worship and other "sensitive locations," such as hospitals, schools, places of public demonstrations, and places where a religious ceremony is taking place, such as weddings and funerals.² For this and other political and public relations reasons, providing sanctuary may deter the federal government from arresting an undocumented immigrant who is inside a church or other congregation building. However, even though enforcement activities at sensitive locations should be avoided under the policy, the policy leaves discretion in the hands of Immigration and Customs Enforcement (ICE) officers. If an ICE officer has written prior approval from an appropriate authority or determines that there exist exigent circumstances, including "a national security or terrorism matter," the ICE officer may proceed at a sensitive location. The Sensitive Locations Policy is subject to revision or revocation at any time. Moreover, it does not make an undocumented immigrant, or someone providing assistance to an undocumented immigrant, *immune* from prosecution under federal immigration laws.

The following chart sets out the kinds of activities a congregation providing "sanctuary" to an undocumented immigrant might take and evaluates, in very general terms, the potential likelihood that action would violate the law, the potential likelihood the violation would be enforced, what the potential penalties could be, who would likely be held liable, and the potential effect on a congregation's tax-exempt status. The purpose is to help provide general guidance on where providing assistance to undocumented immigrants might cross the line into unlawful activity, creating risks of potential legal liability for the congregation providing sanctuary services.

#	Potential Action	Likelihood Illegal	Likelihood Enforced	Persons		
				Potential Liability	Potentially Liable	Risk to Non-Profit Status
1	Directly employing individuals without work authorization.	Definitely illegal. § 274A of the Immigration and Nationality Act, 8 U.S.C. 1324a.	Highly likely, Immigration and Customs Enforcement (ICE) regularly audits employers to enforce this aspect of immigration law.	Department of Homeland Security (DHS) may impose civil penalties of not less than \$539 and not more than \$4,313 for each unauthorized alien and criminal penalties of up to \$3,000 per employee or up to 6 months imprisonment for engaging in	Employers are held liable. The term "employer" in this context includes the owner of the corporate entity, the chief executive, and the	Because employing individuals without work authorization is definitely illegal, doing so <i>could</i> potentially jeopardize a congregation's non-profit status. Factors considered are: whether a court found the congregation knowingly violated the law; the scale of illegal activity relative to

¹ The analysis was originally prepared for the Catholic Community of St. Thomas More in St. Paul, Minnesota, and only addresses federal immigration law as applied in Minnesota and the Eighth Circuit and no other jurisdiction. Dorsey partner Rebecca Bernhard and associates Phil Steger, Betsy Sellers, and Steve Curry prepared this analysis in March 2017, with contributions by John Medeiros of the Faith-Based Advocacy Group of the Minnesota/Dakotas Chapter of AILA.

² Memorandum from John Morton to Field Office Directors, Special Agents in Charge, and Chief Counsel re Enforcement Actions at or Focused on Sensitive Locations, October 24, 2011, available at <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>. An update to the Department of Homeland Security website made on February 21, 2017, stated this policy remains in effect.

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Prepared on March 29, 2017

#	Potential Action	Likelihood Illegal	Likelihood Enforced	Potential Liability	Persons Potentially Liable	Risk to Non-Profit Status
				<p>a pattern or practice of knowingly hiring or continuing to employ unauthorized aliens.</p> <p>Penalties may dramatically increase for multiple offenses.</p> <p>Civil penalties of not less than \$216 and not more than \$2,156 may be imposed for each noncompliant I-9.</p>	<p>person responsible for compliance with immigration laws.</p>	<p>the congregation's other ministries; the number of persons benefiting from the illegal activity; whether the illegal activity posed a threat to public safety; the extent to which the illegal activity was motivated by religious beliefs.</p>
2	<p>Providing housing to an undocumented immigrant targeted for deportation.</p>	<p>Currently not explicitly illegal, but potentially could be found to be so. It is a federal immigration crime to "harbor" an undocumented immigrant. The test is whether the activity <u>substantially facilitates</u> the alien remaining in the United States illegally.³</p> <p>So far, no court with direct authority over Minnesota has decided that providing housing alone is illegal "harboring." Most other courts have decided providing housing alone is not illegal harboring, as long as there is no intent to conceal or profit from the immigrant guest.⁴</p>	<p>Unlikely as long as the Sensitive Locations Policy is adhered to. It is theoretically possible that the Trump Administration could decide to order US Attorneys to pursue prosecution of congregations providing sanctuary in the form of housing to undocumented immigrants. Some churches, including pastors, providing sanctuary were prosecuted in the 1980s, resulting in convictions. However, because housing</p>	<p>Violation of federal anti-harboring laws is a felony-level offense. 8 U.S.C. § 1324(a)(1)(B)(ii) provides that, "for each alien in respect to whom [a violation of the harboring provision] occurs," a defendant shall "be fined under title 18, imprisoned not more than 5 years, or both." Penalties could be:</p> <ul style="list-style-type: none"> • Up to 10 years, if harboring was for the church's commercial gain; • Up to 20 years, if the harbored person causes 	<p>The congregation may face criminal penalties. Whether any individual faces criminal liability may depend on whether the individual committed any prohibited acts and the legal relationships between the individual and the congregation.⁷</p> <p>The Congregation</p>	<p>For housing to create a risk to tax-exempt status, the law would need to clearly make such conduct illegal. If the law were to change, including as the result of a successful prosecution of the congregation, the IRS would consider the following factors:</p> <ul style="list-style-type: none"> • whether a court found the congregation <i>knowingly</i> violated the law; • the scale of illegal activity relative to the congregation's other ministries; • the number of persons benefiting from the illegal activity;

³ *United States v. Gomez*, 2008 U.S. Dist. LEXIS 114801, at *13 (W.D. Mo. July 29, 2008) (collecting cases from United States Courts of Appeal, (2d, 5th, 6th, and 9th Circuits) and explaining that courts "have been fairly consistent in holding that 'harboring' encompasses language to the effect of 'substantially facilitating' an alien's remaining illegally in this country or to afford shelter to an improperly admitted alien").

⁴ *U.S. v. McClellan*, 794 F.3d 743 (7th Cir. 2015) (when the basis for the harboring conviction is housing there must be evidence that the defendant intended to safeguard the person from authorities); *U.S. v. Vargas-Cordon*, 733 F.3d 366 (2d Cir. 2013) ("harboring" means more than "sheltering"). In an early precedent-setting case, the United States Court of Appeals for the Ninth Circuit held that merely providing shelter, with knowledge of a person's illegal presence, is sufficient to constitute the crime of harboring. *U.S. v. Acosta de Evans*, 531 F.2d 428 (9th Cir. 1976)

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#	Potential Action	Persons				
		Likelihood Illegal	Likelihood Enforced	Potential Liability	Potentially Liable	Risk to Non-Profit Status
	<p>Therefore, it is almost certainly illegal to house an undocumented immigrant with the intent to conceal the immigrant from detection or enforcement by immigration officials.</p> <p>However, if the congregation were ever charged with harboring on the basis of providing housing alone, then publicizing the presence of the guest will not necessarily protect the guest or the congregation from legal liability. In a case involving more than just providing housing, the 8th Circuit rejected the argument that a defendant must conceal an undocumented immigrant in order to be convicted of harboring.⁵</p>	<p>alone has not been defined in statute or Minnesota case law as illegal "harboring," initiating a prosecution against a congregation providing sanctuary would contain significant legal and political risks for the US Attorney's Office in the Minnesota.</p>	<p>serious bodily harm or places the life of any person in jeopardy;</p> <ul style="list-style-type: none"> Up to life imprisonment, if the harboring results in the death of a person. <p>In addition, civil forfeiture may apply when there is a "substantial connection between the property and the offense."⁶</p>	<p>could face civil liability, but its employees would not.⁸</p>	<ul style="list-style-type: none"> whether the illegal activity posed a threat to public safety; and the extent to which the illegal activity was motivated by religious beliefs. <p>There is also a risk that tax-exempt status could be revoked on "public policy" grounds. In other words, the Trump Administration could threaten tax-exempt status for congregations providing housing to undocumented immigrants on grounds it is against public policy, regardless of whether doing so is actually illegal. Because this is very broad, and not very well-understood, doctrine, the risk is difficult to evaluate.</p>	
3	Driving an undocumented immigrant to appointments,	Probably not illegal. It is a felony to "transport" an undocumented immigrant. However, 8th Circuit case law has clarified that the act of	Driving an undocumented immigrant to the hospital, or similar appointment, is not illegal and therefore not	Violation of federal anti-transporting laws is a felony-level offense.	The person or persons providing transportation in violation of	See Row 2 above.

("harbor" means to afford shelter to" and does not require the intent to avoid detection). However, more recent case law out of the 9th Circuit suggests that the ruling of *Acosta* may no longer be in effect, and that harboring requires proof of intent to violate the law. *U.S. v. You*, 382 F.3d 958 (9th Cir. 2004) (holding that knowledge and criminal intent are both required, and that acting with the purpose of avoiding the aliens' detection by immigration authorities is synonymous with having acted with the necessary intent).

⁷ E.g., *United States v. Acambaro Mexican Rest., Inc.*, 631 F.3d 880, 882-83 (8th Cir. 2011) (affirming imposition of fines pursuant to plea agreement when statute also provided for forfeiture of profits, land, and buildings, and declining to pierce the corporate veil to impose criminal liability on the defendant company's sole shareholder).

⁵ *United States v. Rushing*, 313 F.3d 428, 434 (8th Cir. 2002) ("They argue that they did not try to hide Ms. Zhong, and that she was working in Mr. Ma's restaurant in plain view. We reject that argument.") (citing *United States v. Evans*, 531 F.2d 428, 428 (9th Cir. 1976)); see also *infra* Row 4 and n.10.

⁶ *United States v. Two Hundred Fifty-Six Thousand Two Hundred Thirty-Five Dollars*, 691 F. Supp. 2d 932, 939 (N.D. Ia. 2010) (citing 18 U.S.C. § 983(c)(3)). We are aware of cases involving forfeiture of money derived from harboring activities and vehicles used to transport immigrants in the United States unlawfully.

⁸ Minn. Stat. § 181.970 ("An employer shall defend and indemnify its employee for civil damages, penalties, or fines claimed or levied against the employee, provided that the employee: (1) was acting in the performance of the duties of the employee's position; (2) was not guilty of intentional misconduct, willful neglect of the duties of the employee's position, or bad faith; and (3) has not been indemnified by another person for the same damages, penalties, or fines.")

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#	Potential Action	Likelihood Illegal	Likelihood Enforced	Potential Liability	Persons Potentially Liable	Risk to Non-Profit Status
	school, work, etc.	<p>transporting must be made in "furtherance of" the immigrant remaining in the United States illegally.⁹ Driving an undocumented immigrant to appointments likely does not further the immigrant remaining in the United States illegally.</p> <p>However, it likely would be illegal "transport" to drive an undocumented immigrant away from the congregation in order to avoid detection by immigration enforcement officers.</p>	<p>likely to be enforced.</p> <p>We currently do not have any data to support an analysis whether enforcement of illegal transporting of an undocumented person in furtherance of the immigrant's illegal presence is likely to be enforced.</p>	See Row 2 above.	<p>federal transporting law could be held liable.</p> <p>The congregation could be held liable for illegal transporting if it can be proved the transporting was arranged by the congregation or on the congregation's behalf.</p>	
4	Providing <u>all</u> of the following together: employment, housing, access to medical care, and banking services.	<p>The 8th Circuit has held that providing all these services together is "more than enough" to support a "harboring" conviction.¹⁰ However, it has not decided what activities or collection of activities is "just enough" to support a "harboring" conviction.</p> <p>Taken individually, it is less clear whether each activity is a violation. The test is whether the activity <u>substantially facilitates</u> the alien</p>	<p>Historically highly unlikely to be enforced in a congregation setting. There could be greater risk of enforcement against a congregation by the current Administration than by previous Administrations. However, as of this writing, the current Administration still follows a policy of not enforcing immigration law in "sensitive areas," like places</p>	See Row 2 above.	See Row 2 above.	See Row 2 above.

⁹ U.S. v. Hernandez, 913 F.2d 568 (8th Cir. 1990).

¹⁰ Rushing, 313 F.3d 428 at 434 ("The evidence reasonably justified a finding that Mr. Ma, knowing that Ms. Zhong had entered the country illegally, gave her a job and a place to live. There was also sufficient evidence, if believed, that Mr. Jones, with the same knowledge, helped Ms. Zhong receive medical care and banking privileges. These activities are more than enough to support a conviction for harboring an illegal alien.").

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#	Potential Action	Likelihood Illegal	Likelihood Enforced	Potential Liability	Persons Potentially Liable	Risk to Non-Profit Status
		remaining in the United States illegally. ¹¹	of worship.			
5	<p>Marshalling resources to support individuals and families facing deportation who are being housed in sanctuary spaces – i.e., “sanctuary supporting” congregations.</p>	<p>Currently not explicitly illegal; but potentially could be found to be so.</p> <p>A “sanctuary supporting” congregation <i>could</i> be exposed to potential criminal liability, especially if the sanctuary congregation it is supporting is charged with illegal activity, such as harboring.</p> <p>First, it could be argued that supporting the sanctuary congregation is itself illegal “harboring,” to the extent the support “substantially facilitates” the person’s continued illegal presence in the country.</p> <p>Second, these activities <i>could</i> give rise to criminal liability under a theory of “aiding and abetting,” as well.¹² Generally, courts will look to whether the defendant aided and abetted the <i>hosting congregation</i>,</p>	<p>To the extent these activities do not take place at the church or other sensitive location, they are less likely to be shielded from enforcement by the 2011 policy memorandum.</p>	<p>See Row 2 above. 18 U.S.C. § 2 provides that a person guilty of aiding and abetting is punishable as a principal.</p>	<p>See Row 2 above.</p>	<p>See Row 2 above.</p>

¹¹ *United States v. Gomez*, 2008 U.S. Dist. LEXIS 114801, at *13 (W.D. Mo. July 29, 2008) (collecting cases from the 2d, 5th, 6th, and 9th Circuits and explaining that courts “have been fairly consistent in holding that ‘harboring’ encompasses language to the effect of ‘substantially facilitating’ an alien’s remaining illegally in this country or to afford shelter to an improperly admitted alien”).

¹² For the government to prosecute the congregation for aiding and abetting, it would need to prove that “(1) the defendant business associated herself with an unlawful venture; (2) the defendant participated in it as something she wished to bring about; and (3) the defendant sought by her actions to make it succeed.” *U.S. v. Mitchell*, 388 F.3d 1139 (8th Cir. 2004).

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#	Potential Action	Likelihood Illegal	Likelihood Enforced	Potential Liability	Persons Potentially Liable	Risk to Non-Profit Status
		and not necessarily the person(s) living in the sanctuary space. ¹³				
6	Creating an accompaniment team to assist families affected by ICE enforcement actions.	Probably not illegal. To the extent accompaniment of an undocumented person impedes an ICE raid, a court may find the response illegal because such action may "substantially facilitate an alien's remaining in the U.S. illegally." ¹⁴ The test is whether the activities <u>substantially facilitate</u> the alien remaining in the US illegally.	To the extent these activities do not take place at the church or other sensitive location, they are less likely to be shielded from enforcement by the 2011 policy memorandum.	See Row 2 above.	See Row 2 above.	See Row 2 above.
7	Participating in rapid response networks to respond to and be present at ICE raids of homes and other institutions.	See Row 6 above.	See Row 6 above.	See Row 2 above.	See Row 2 above.	See Row 2 above.
8	Providing advocacy for positive immigration policy reform	Definitely not illegal.	Not illegal, therefore no risk of enforcement.	Not illegal, therefore no potential legal liability.	Not illegal, therefore no one potentially liable.	A 501(c)(3) tax-exempt congregation <u>may</u> attempt to "influence legislation," ¹⁵ by "contact[ing], or urg[ing] the public to contact, members or employees

¹³ U.S. v. Lopez-Martinez, 543 F.3d 509 (9th Cir. 2008) (ruling that the prosecution need not demonstrate that the defendant was working for financial gain but only that the principal stood to benefit financially); U.S. v. Garcia-Paulin, 627 F.3d 127 (5th Cir. 2010) (an aiding and abetting charge can only be sustained if the defendant is aiding and abetting the principal and not the alien being brought to the United States).

¹⁴ See United States v. Shum, 496 F.3d 390, 391-92 (5th Cir. 2007); United States v. Varkonyi, 645 F.2d 453, 459-60 (5th Cir. 1981) (upholding conviction for harboring where, among other things, the defendant interfered with immigration agents to protect immigrants from apprehension).

¹⁵ According to the IRS, "[w]hether an organization's attempts to influence legislation, i.e., lobbying, constitute a substantial part of its overall activities is determined on the basis of all the pertinent facts and circumstances in each case." See "Measuring Lobbying: Substantial Part Test," available at <https://www.irs.gov/charities-non-profits/measuring-lobbying-substantial-part-test>; see also IRS Pub. 1828.

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#	Potential Action	Likelihood Illegal	Likelihood Enforced	Potential Liability	Persons	
					Potentially Liable	Risk to Non-Profit Status
	and against unjust immigration policy.					of a legislative body for the purpose of proposing, supporting or opposing legislation." A congregation's tax-exempt status will be at risk only if a "substantial part" of its "overall activities" is devoted to "excessive lobbying." ²⁶
9	Providing meeting space for organizers, activists, lawyers, and community members to meet.	Definitely not illegal.	Not illegal, therefore no risk of enforcement.	Not illegal, therefore no potential liability.	Not illegal, therefore no one potentially liable.	Not likely, as merely providing meeting space does not rise to an attempt to "influence legislation."
10	Employees reporting (to church leadership above the congregation or to government authorities) the sanctuary actions of church leadership.	MN employees have the right to report, in good faith, illegal actions taken by their employers. Minn. Stat. § 181.932.	Depends on whether employees would make a report. If they do, the congregation may not retaliate or employees would have a cause of action under Minn. Stat. § 181.932.	Liability under Minn. Stat. § 181.932 is for actual damages and attorneys' fees.	Employer; no personal liability.	There could be some risk to non-profit status if the activity the employee reports on is found to be illegal. See row 2 above.

²⁶ See IRS Pub. 1828, "Tax Guide for Churches & Religious Organizations," available at <https://www.irs.gov/pub/irs-pdf/p1828.pdf> ("IRS Pub. 1828"). . The IRS will "consider[] a variety of factors, including the time devoted by both compensated and volunteer worker(s) and the expenditures devoted by the organization to the activity, when determining whether the lobbying activity is substantial." *Id.* It is important to note that under the "substantial part" test, the IRS does not weigh lobbying activities in isolation, but against the congregation's "overall activities." IRS.gov, "Measuring Lobbying: Substantial Part Test," available at <https://www.irs.gov/charities-non-profits/measuring-lobbying-substantial-part-test> (last checked on March 24, 2017). A congregation's lobbying would thus only become "excessive lobbying" if it were to reach the point where it comprised a "substantial part" of the sum total of all the congregation's activities, including preparing for and providing worship services, religious education, care and support activities provided to congregation members, charitable activities, weddings, funerals, etc. A congregation engaging in significant lobbying activity should consult with a tax or non-profit attorney to identify where that point might be reached in its individual case.

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#	Potential Action	Likelihood Illegal	Likelihood Enforced	Potential Liability	Persons Potentially Liable	Risk to Non-Profit Status
11	Employees refusing to engage in sanctuary activities.	Employees may refuse. Prior to Minn. Stat. § 181.932, MN had a common law whistleblower right and such right also provided for the employee to refuse to engage in the perceived illegal act.	This common law right likely survived the passage of the statute.	Liability for actual damages.	Employer; no personal liability.	See Row 10 above.

Actions to Reduce Risk

Generally

Factors that could reduce the risk of illegality, enforcement, and penalties with respect to actions taken to assist immigrants in the United States illegally:

- Building a written record demonstrating the extent to which actions were taken based on firmly held religious beliefs; and
- Carefully screening and selecting guests based on need and absence of criminal risk or risk of violence.

Consult with an attorney before undertaking sanctuary activities such as providing housing or providing material support to congregations providing housing to undocumented immigrants.

Employment

For purposes of immigration law, "employment" is not defined by whether an immigrant is getting paid. The Government will look at a number of factors, including whether the congregation is benefiting from services provided, regardless of whether they are being paid.

Do not accept any service from a guest that provides a benefit to the congregation, unless they have authorization documents and can complete a Form I-9.

Housing and Support to Other Parties Providing Housing

The following actions will increase the likelihood that providing housing and material support to another party providing housing crosses over into illegal conduct and therefore should be avoided:

- Attempting to shield the guest from immigration enforcement;
- Obtaining financial benefit from the living arrangement; or
- Providing "other inducements" for the guest to remain in the United States.

Rapid Response

If participating in a rapid response at an ICE raid, provide support for those facing potential government actions. Being present helps to ensure that proper procedures are followed by law enforcement and limits the potential for abuses. Do not, however, engage in activity that impedes law enforcement, such as:

- Violent or threatening behavior directed towards law enforcement; or
- Obstructing government officers.

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Advocacy

Providing space for community members to discuss social issues does not create any legal issues. To avoid any lobbying activities (which are permissible up to the point they become “excessive”, the Congregation should only provide space—that is, do not provide material or financial support for activities that contact, or urge others to contact, members of a legislative body.

It is okay to engage in advocacy, including both for legislative change and for other forms opposing unjust policies. The IRS specifically provides that churches “may... involve themselves in issues of public policy without the activity being considered as lobbying,” including, conducting “educational meetings, prepar[ing] and distribut[ing] educational materials, or otherwise consider[ing] public policy issues in an educational manner.”¹⁷

Respect Employees’ Rights

If the church does decide to become a sanctuary or engage in certain sanctuary activities, inform employees of their rights to refuse to participate in sanctuary activities and then permit employees to refuse to participate in sanctuary activities without any adverse employment consequences.

Know Your Rights

- ICE (and other law enforcement) requires either a warrant or consent to enter and search premises.
- Do not agree to allow ICE or other law enforcement in the door without a warrant signed by a judge. If an official does not have a warrant, you can refuse to consent to a search.
- If an official does have a warrant, ask to read it so that you understand its scope (that is, its limits).
- You must give your name if asked, but then ask to speak with an attorney. Aside from giving your name, you have the right to remain silent.
- You can refuse to sign any document.
- Be polite, calm, and truthful.

¹⁷ IRS Pub. 1828.

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