Lutheran Church of the Incarnation Council Meeting Agenda-January 14, 2020, 6:30 pm

Council Member Roster: Carol Huegli (2020), David Hartley (2022), Paul Kolarik (2021), Karl Larson (2022), Becky Linvill (2022), Pr. Dan Smith, David Kukis (2020), Lori Martin Bodhiprasart (2021), Craig Copelan (2021), Jeff de Ropp (2020)

A. Introduction: Carol Huegli and Pr. Dan Smith (10 minutes)

I Welcome

II Devotion

III Weather Reports

- IV Reading of the Behavioral Covenant- next reading scheduled for February 11, 2020
- V Brainstorming: Improving the Health of the Congregation: Jeff and Paul (20 minutes) Attendance Spreadsheet example
- B. Approval of October meeting minutes: Craig (5 minutes)- attached
- C. Treasurers Report and Review: Dave Kukis (20 minutes)
- D. Council Member Action Items: Carol Huegli (45 minutes)
- 1. Pastor's Report
- E. Committee, Task Force and Presidents reports (Information only may be a verbal report) President's Report, Carol: (10 minutes)

 Solar Power System Update,
Personnel Report, Jeff
Contractors becoming employees, AB5 SRTF, Craig
Social Justice Committee, Becky Linvill
Education Committee- David

Reminders:

- Closers:
 - o January 2020 Karl Larson- Craig Copelan Sunday January 5
 - February 2020- Jeff de Ropp
 - March 2020- Lori

Lutheran Church of the Incarnation Council Meeting Minutes- January 14, 2020, 6:30 pm

Council Member Roster: Jeff de Ropp, Carol Huegli (2020), David Hartley (2022), Paul Kolarik (2021), Karl Larson (2022), Becky Linvill (2022), David Kukis (2020), Lori Martin Bodhiprasart (2021) Guests: Pr. Vern Holmes Excused: Pr. Dan Smith, Craig Copelan (2021)

Introduction: Carol Huegli and Pr. Dan Smith (10 minutes)

I. Welcome

II. LCI Constitution & renewal of Council - Jeff read the LCI Constitution Chapter 2-4, and provided Bible verses as inspiration for how each of us can be renewed in Christ as well as congregational renewal. III. Visitor and member contact – Paul wants a process on how we contact visitors and members that are coming often. He requested that Pr. Dan emphasize the importance of filling out the attendance sheets during services (aka friendship registers). Paul has created a spreadsheet to track visitors from 2017 to now. David H. suggested a feedback box and a link on Wednesday 3 Things. Lynn Evert makes gift bags to give to first time visitors.

IV. Rooted Services will be the 2nd and 4th Sundays from now on. Becky suggested having lunch once a month after the Rooted Services. Council requested contacting Pr. Dan, Karen Slabaugh and the staff to ask about a good date to start.

V. Stewardship – Pr. Vern said September/October is primary for stewardship, cottage meetings and membership enhancements. He will preach on Feb. 5. Vern asked, "Who hasn't picked up their offering envelopes yet?" Our goal is a bell curve for stewardship, but we want to create stewards for the church. VI. Treasurer's Report – Dave K. said at the end of 2019, we borrowed \$34,649 from the reserves to pay for general costs. We need to trim the budget more. The special Christmas offering raised \$1291 for Fourth & Hope in Woodland.

VII. Pastor's Report

VIII. Solar project – Paul said the City of Davis asked for design revisions and we hope to have them to the city by next week.

IX. Personnel Report – Jeff said for LCI, California bill AB-5 requires Independent Contractors to be employees. Pr. Dan and Michelle Lippert are now employees.

X. Closing duties after services – Carol requested a text message to her, Jeff or Paul if you cannot be a closer on your assigned day.

Reminders:

Closer for January 2020 _____

Lutheran Church of the Incarnation Treasurer's Report December 31, 2019

Bank Accounts

Operating Reserves	12/31/19
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FNB Checking (Operating Cash)Balance Forward84,249.52Deposits December 201979,141.71Expenditures December 201932,043.80Closing Balance 12/31/19131,347.43Mission Investment Fund (Operating Cash)Balance ForwardBalance Forward34,126.01Deposits December 201937.45

Deposits December 2019	57.45
Expenditures December 2019	0.00
Closing Balance 12/31/19	34,163.46

FNB Money Market (Columbarium Account)

Balance Forward	31,944.37
Deposits December 2019	2,753.05
Expenditures December 2019	0.00
Closing Balance 12/31/19	34,697.42

Cumulated Surplus / Deficit

Operating Cash Deficit 12/31/19	(34,669.15)
Less: Columbarium Reserve 12/31/19	34,697.42
Less: Operating Reserves 12/31/19	200,180.04
Total of all Accounts 12/31/19	200,208.31

	<i>l</i> ortgage	Principal	Balance
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Thrivent First Mortgage as of 01/01/20

514,327.67



LCI's surplus / deficit balance comparison: 2018 vs. 2019

Special Benevolences	0.00		
Fair Trade Coffee Project	1,180.88		
Offering Envelopes	17.00		
Memorial Fund	11,856.41		
Worship/Music Reserve	3,231.18		
Flower Fund	973.11		
Pastor's Discretionary Fund	1,883.57		
Caregivers Fund	148.57		
Children's Ministry			
(Mount Cross Scholarships)	1,215.97		
Day Camp	627.81		
Nursery Supplies/Equip	623.07		
Mission Trip Fund	4,713.01		
Youth	1,938.49		
Hospitality	443.98		
Major Maintenance Reserve	23,748.61		
Building Fund	745.00		
Sanctuary Renovation	89,733.38		
Property Infrastructure Fund	32,100.00		
Endowment Fund	25,000.00		
Total Reserve Funds	200,180.04		
Columbarium Reserve 12/31/19			

Total in FNB Money Market	34,697.42
Columbarium Niche Purchases	12,697.42
Columbarium Fund	22,000.00

Income	Jan - Nov	Dec	Total 2019
Regular (undesignated)	288,529.45	37,442.56	325,972.01
Designated Benevolence	8,291.00	2,320.15	10,611.15
Designated for Reserve Accounts	51,646.24	39,416.45	91,062.69
Designated for Columbarium	35.31	2,753.05	2,788.36
Other	534.25	0.00	534.25
Total Income	349,036.25	81,932.21	430,968.46

Income

Benevolence

Budgeted Benevlolence	Jan - Nov	Dec	Total 2019
Mission Support (5.25%)	15,140.00	1,966.00	17,106.00
Designated Benevolences			
Additional mission support	0.00		0.00
Lutheran Disaster Response: Tornadoes	100.00		100.00
Lutheran Disaster Response: Hurricaines	100.00		100.00
Jan MMP: Yolo Crisis Nursery	560.00		560.00
Feb MMP: Lutheran World Relief	425.00		425.00
March MMP: Fourth and Hope	710.00		710.00
April MMP: Amor	230.00		230.00
Easter Offerings: ELCA Disaster Response: CA / Paradise Wildfires	915.00		915.00
May MMP: Opening Doors	345.00		345.00
June MMP: The Belfry	2,075.00		2,075.00
July MMP: ELCA Accompanying Migrant Minors with Protection, Advocacy, Representation, and Opportunities	325.00		325.00
Aug MMP: Open - Lutheran Social Services	429.00		429.00
Sept MMP: LEVN	435.00		435.00
Oct MMP: CLU / PLTS	295.00		295.00
Nov MMP: ELCA Hunger Appeal	670.00		670.00
Dec MMP: Interfaith Rotating Winter Shelter	17.00	909.15	926.15
Christmas Offerings: Fourth and Hope	0.00	1,291.00	1,291.00
CASA	660.00	120.00	780.00
Gifts specified by Social Justice Committee			
Yolo Interfaith Immigration Network	100.00		100.00
Interfaith Action for Climate Justice	100.00		100.00
California Interfaith Power and Light	100.00		100.00
Lutheran Office of Public Policy	100.00		100.00
Quilts for LWR	155.00		155.00
Total Benevolence	23,986.00	4,286.15	28,272.15
Total Benevolence as % of regular income	8.3%	11.4%	8.7%

Lutheran Church of the Incarnation Actual vs. Budgeted Expenses January 1, 2019 to December 31, 2019

Income	01/01/19 to 12/31/19	2019 Estimate	% of 2019 Estimate
41100 Envelope Offerings	251,188.14		
41200 Loose Offerings	51,327.55		
41310 Rents: Applegate Nursery	18,530.32		
41320 Rents: Other	4,926.00		
41400 Misc Income	0.00		
Total Income	325,972.01	357,050.00	91.30%
Expenses	01/01/19 to 12/31/19	Annual Budget	% of Budget
60000 Budgeted Benevolence			
60100 Synod Mission Support (5.25%)	17,106.00	18,745.00	91.26%
Total 60000 Budgeted Benevolence	17,106.00	18,745.00	91.26%
61000 Worship			
61200 Worship/Altar Care	1,758.32	1,500.00	117.22%
61201 Pulpit Supply/Guests	1,629.76	2,225.00	73.25%
61202 Worship Resources	2,537.59	2,000.00	126.88%
61204 Chancel Choir	573.17	350.00	163.76%
61209 Special Music	0.00	600.00	0.00%
61213 Organ and Piano Maintenance	120.00	400.00	30.00%
61215 Devotional Booklets	180.81	160.00	113.01%
Total 61000 Worship	6,799.65	7,235.00	93.98%
62000 Witness			
62300 Social Justice Committee	555.00	1,150.00	48.26%
62301 Pastor Outreach	288.00	800.00	36.00%
Total 62000 Witness	843.00	1,950.00	43.23%
64000 Learning			
64500 Sunday School	285.23	750.00	38.03%
64501 Confirmation Ministry	542.49	1,160.00	46.77%
64501A Membership Classes	0.00	100.00	0.00%
64501B Elementary Retreat	0.00	550.00	0.00%
64501C Faithful Families	334.40	275.00	121.60%
64502 Adult Education-Bible Studies	67.03	150.00	44.69%
64503 Nursery Supplies & Equipment	0.00	100.00	0.00%
64504 Lutheran College Scholarships	500.00	500.00	100.00%
64551 Youth - LCI Activities	973.97	2,520.00	38.65%
Total 64000 Learning	2,703.12	6,105.00	44.28%
65000 Congregational Events	-,	.,	
65600 Synod Assembly	600.00	1,500.00	40.00%
65601 Council Retreat	146.76	60.00	244.60%
65602 Lutheran Magazine	0.00	20.00	0.00%
65603 Congregational Events	953.82	500.00	190.76%
65605 Hospitality	630.70	1,200.00	52.56%
65611 Clergy Spouses Retreat	0.00	160.00	0.00%
65612 Pr. Prof Leadership	522.00	500.00	104.40%
Total 65000 Congregational Events	2,853.28	3,940.00	72.42%

Expenses	01/01/19 to 12/31/19	Annual Budget	% of Budget
66000 Stewardship		•	
66650 Offering Envelopes	845.41	430.00	196.61%
66652 Stewardship Development	931.66	400.00	232.92%
Total 66000 Stewardship	1,777.07	830.00	214.10%
67000 Administration		•	
67700 Office Supplies and Equipment	11,563.82	7,500.00	154.18%
67701 Postage	330.00	500.00	66.00%
67703 Social Media and Advertising	2,024.99	4,000.00	50.62%
67704 Bookkeeper	3,900.00	3,900.00	100.00%
Total 67000 Administration	17,818.81	15,900.00	112.07%
68000 Property General Maintenance		•	
68750 General Maintenance/Supplies	3,996.57	5,700.00	70.12%
68751 City Services (water)	9,817.81	7,500.00	130.90%
68752 Telephone	3,101.66	3,200.00	96.93%
68752A Fire System	1,271.58	1,275.00	99.73%
68753 Gas, Electricity	10,220.36	10,500.00	97.34%
68756 Property Insurance	5,808.00	6,115.00	94.98%
68757 Cleaning Services	12,650.00	12,000.00	105.42%
68772 / 20774 First Mortgage	36,660.00	36,660.00	100.00%
68775 Property Infrastructructure Reserve	15,600.00	15,600.00	100.00%
Total 68000 Property General Maintenance	99,125.98	98,550.00	100.58%
70000 Support Staff			
70800 Youth Director Salary	18,420.00	18,420.00	100.00%
70802 Youth Director Continuing Ed	0.00	500.00	0.00%
70805 Administrative Asst Pay	20,341.67	20,000.00	101.71%
70810 Administrative Asst Continuing Ed	0.00	500.00	0.00%
70806 Music Director Pay	21,924.50	13,919.00	157.51%
70808 Music Director Continuing Ed	0.00	500.00	0.00%
70817 Pianist / Orgainst Pay	0.00	12,000.00	0.00%
70807 Substitute Musician	4,775.00	900.00	530.56%
00000 Cantor Pay	2,492.33	3,600.00	69.23%
70803 Nursery Caregivers Pay	2,995.88	4,000.00	74.90%
70813 Workers Compensation Insurance	969.00	1,000.00	96.90%
70814 Payroll Taxes	5,815.23	8,100.00	71.79%
70815 Payroll Service Fees	1,616.46	2,300.00	70.28%
Total 70000 Support Staff	79,350.07	85,739.00	92.55%
71000 Pastors Compensation Package			
71900 Net Salary	36,285.36		
71900A Elective Deductions: FSA, Pension	8,646.51	44,932.00	100.00%
71901 Housing Allowance	44,400.00	44,400.00	100.00%
71904 Benefits: Retirement	8,933.16	8,933.16	100.00%
71905 Benefits: Health	32,592.00	32,592.00	100.00%
71906 Benefits: Disability	2,233.32	2,233.32	100.00%
71907 Benefits: Retiree Support	625.32	625.32	100.00%
71910 Benefits: Basic Group Life	178.65	178.68	99.98%
71911 Professional Reimbursements	1,906.00	3,000.00	63.53%
Total 71000 Pastors Compensation Package	135,800.32	136,894.48	99.20%
Total Expenses	364,177.30	375,888.48	96.88%

^{364,177.30}

^{375,888.48}

LCI employees vs contractors

Recently, LCI received a letter from the California EDD (attached). Some version of this was sent to employers all over the state in response to a new California law, AB 5. The letter lays out clearly the distinction between employees and independent contractors. An independent contractor must meet the three criteria A-B-C listed in the letter.

Some version of these criteria have been present for many years (I encountered them when trying to hire independent contractors in my career at UCD); what AB 5 does is further codify the criteria and impose penalties (fines) for violations.

Note that limited duration of a job is not a criterion for classifying someone as a contractor, nor does an offer letter with conditions constitute grounds for making someone a contractor.

Presently LCI has three people/entities we have labeled as contractors:

Dan Smith (Pastor), Michelle Doolittle (Cantor), and Olivia's Cleaning (actually a business).

Under the A-B-C criteria the Pastor and Cantor should be employees, not contractors.

Olivia's Cleaning by contrast meets the criteria of being an independent contractor.

California Payroll Taxes

Social Security; paid both by employee and employer, each pay 6.2% of gross wages

Medicare; paid both by employee and employer, each pay 1.45% of gross wages

Social Security and Medicare sum to 7.65% each for employee and employer.

UI = Unemployment Insurance; paid by employer.

Tax-rated employers pay a percentage on the first \$7,000 in wages paid to each employee in a calendar year. The UI rate schedule and amount of taxable wages are determined annually. The EDD notifies employers of their new rate each December. The maximum tax is \$434 per employee per year (calculated at the highest UI tax rate of 6.2 percent x \$7,000.) Currently LCI's UI rate is 3.3%.

ETT = Employment Training Tax; paid by employer

Employers subject to ETT pay 0.1 percent (.001) on the first \$7,000 in wages paid to each employee in a calendar year. The tax rate is set at 0.1 percent (.001) of UI taxable wages for the employers with positive UI reserve account balances and employers subject to section 977(c) of the California Unemployment Insurance Code. The maximum tax is \$7 per employee, per year (\$7,000 x .001).

SDI = State Disability Insurance; paid by employee

The 2020 SDI tax rate is 1.00 percent (.010) of SDI taxable wages per employee, per year. SDI and PFL are set by the California State Legislature and may change yearly. The maximum tax is \$1,229.09 per employee, per year (\$122,909 x .010).

LCI and our employees pay all of the above taxes every biweekly pay period. In addition, a few of our employees elect to have some federal income tax withheld in their payroll (no one has elected to have CA income tax withheld).

However, our contractors have none of these taxes withheld. Pastor Dan separately pays both the employee and employer shares of SS and Medicare taxes (7.65 + 7.65 = 15.3%) as clergy are supposed to do, since LCI legally cannot hold these taxes in payroll.

Financial effect of making Michelle an employee rather than a contractor

As a contractor, Michelle presently experiences no withholding from her LCI paycheck. Her gross pay equals her net pay.

As an employee she will have Social Security (6.2%) and Medicare (1.45%) withheld from her paycheck. We (LCI) will have to pay a matching amount of SS and Medicare tax (7.65% total). She will also have to pay 1% in CA disability tax. Her total is 8.65% withholding.

If her gross pay were to remain the same, she would experience a cut in take home pay. Thus, we plan to raise her gross from \$266.67 per biweekly pay period to \$295. This table show the effect:

gross	tax 8.65%	net
266.67	23.07	243.60
290	25.09	264.92
295	25.52	269.48

At \$295 per month gross she would see a small increase (about \$3 per biweekly pay period) in take home pay. This all fits within our budget of \$3600 plus designated gifts for the position.

Michelle pay for 2020 = 24 x 295 = \$7080 gross

Taxes LCI will pay:

LCI share of SS & Medicare = \$542

UI tax of 3.3% on the first \$7000 in wages = \$231 for the year.

ETT tax of 0.1% on the first \$7,000 in wages = \$7 for the year.

Total LCI share: \$780

Financial effect of making Pastor Dan an employee rather than a contractor

There are no financial repercussions to LCI in converting Dan from contractor to employee. Dan already pays all his own SS and Medicare taxes. This is the proper way to handle things as legally LCI cannot withhold SS and Medicare taxes for a minister.

Also, ministers are not subject to UI, ETT, and SDI withholding:

https://www.edd.ca.gov/pdf_pub_ctr/de231ee.pdf

Employment Development Department FACD Central Operations 722 Capitol Mall, MIC 94 Sacramento, CA 95814-4703

December 13, 2019





California Department of Industrial Relations



Dear Employer,

On January 1, 2020, Assembly Bill 5 (AB 5) will go into effect and may impact whether your workers are treated as employees or as independent contractors under California law.

In 2018, the California Supreme Court adopted "the ABC test" in *Dynamex v. Superior Court.* Under the ABC test, a worker is considered an employee, and not an independent contractor, unless the hiring entity can demonstrate that it meets **all three** of the following requirements:

- A. The individual is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact.
- B. The individual performs work that is outside the usual course of the hiring entity's business.
- C. The individual is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

AB 5 was signed into law to codify - or write into statute - the ABC test from the *Dynamex v. Superior Court* decision. Under AB 5, the "ABC test" must be used to determine the appropriate classification of workers in most occupations for purposes of the Labor Code, the Unemployment Insurance Code, and Industrial Welfare Commission (IWC) wage orders.

The state has launched a new website with information, including Frequently Asked Questions, to help you understand the ABC test, AB 5, and your obligations as an employer. Please visit **Labor.ca.gov/employmentstatus**, which contains information from various state entities, including:

- The Employment Development Department (EDD), which is your resource for information about your obligations as a taxpayer. EDD has created payroll tax-related resources and is preparing payroll tax seminars to provide guidance for employers.
- The **Department of Industrial Relations Division of Labor Standards Enforcement (DLSE)**, which is your resource for information about wage and hour laws.

- The **Department of Industrial Relations Division of Occupational Safety and Health (DOSH),** which is your resource for more information about workplace health and safety laws.
- The **Department of Industrial Relations Division of Workers' Compensation** (**DWC**), which is your resource for more information on your workers' compensation obligations.

We hope you find this information helpful as this new law takes effect in California.

Sincerely,

PATRICK W. HENNING Director Employment Development Department

DOUGLAS PARKER Chief Division of Occupational Safety & Health

LILIA GARCÍA-BROWER Labor Commissioner Division of Labor Standards Enforcement

GEORGE PARISOTTO Administrative Director Division of Workers' Compensation

Social Justice Committee Minutes 12/17/19 - draft

Attendance: Ellen Kolarik, Lynn Evert, Jill VanZanten, Becky Linville

Information Only:

Lynn Evert retires from Social Justice Committee: Thank you Lynn for your many years of faithful service.

Advocacy and LOPP: Becky Linvil is sharing with interested members the pathway to the ELCA advocacy resources through the LCI website.

LCI Website: Becky working to provide additional links regarding climate change on the website.

LCI Endorsement of open letter regarding ORR: The letter to support undcoumented juveniles was presented at the last council meeting and no objections were raised. The council also did not express a preference regarding whether future letters supporting issues consistent with LCI's mission and values should be endorsed by "The Lutheran Church of the Incarnation" or "The Social Justice Committee of the Lutheran Church of the Incarnation".

MMP: MMP recipients for 2020 were finalized with email confirmation after the November SJ meeting and submitted to council. More information is needed before the Frankie Woods Youth Future Developement Center can be considered. The group's LCI sponsor has been informed.

Budget: As per our plan for 2019, checks (each for the sum of \$100) were mailed early this month to Cool Davis-Interfaith Alliance for Climate Justice, YIIN and the California Interfaith Power and Light. The SJ budget includes funding for similar gifts for 2020.

Action Items

Possible Summer Adult Forum on Climate Change: Katherine Hayhoe has done several TED talks on climate change.

Apparently her approach is well grounded in Christian theology and builds from common interests to a case to fight against climate change. Becky and Jill wish to explore offering a 2-3 Sunday program based on a TED talk with discussion to follow. Ideally, timing would be coordinated with Pastor Dan's sermons.

Action: Becky to connnect with the Education Committe and Pastor to determine if there is space on the schedule.

Homelessness and the proposal for "Paul's Place": Ellen presented a summary from the meeting held at DUMC 12/8/19. The "Paul's Place" facility will offer 4 emergency shelter beds, 10 transitional housing beds and 18 micro apartments for permanent supportive housing. Given the very limited number of emergency beds, the IRWS will still be needed as a winter shelter after the faclity's completion. Concerns were raised in discussion that proponents may be overly optimistic about the funding required to build the proposal and that donors need more information regarding the plan for managing funding when the building is operational to insure that the program will be sustainable after it is completed. Given these unanswered questions, the committee does not support sending out a letter to its members similar to that of Davis Community Church about the program at this time (see attached DCC document.

Action: Ellen to inform James W Borchers (her contact) and Bill Pride that the SJ committee of LCI anticipates that we can raise \$400-500 dollars in 2021 through our MMP program. However, MMP recipients have already been selected for 2020. We can reconsider a letter if more financial information about the program is forthcoming.

Action:

Paul's Place will be a 2020 MMP if the program is still in need of funding.

Supporting the Homeless Community: Becky proposed that our congregation make our commitment to support the homeless more intentional and more regular with a quarterly service program focused on the needs of the homeless. She noted that we already serve in the IRWS in the winter, and recently have chosen to support 4th and Hope in the GWOH

program in the fall. By cooking and serving a meal at 4th and Hope once in the Spring quarter and once again in the summer quarter - we can help our member's understand that the homeless in Davis need our support and compassion throughout the year. Elaine Gloytein and Kay Finn have already offered to lead cooking and serving teams.

Action: Becky Linvill to connect with 4th and Hope and our office to find appropriate dates and then coordinate with Kay and Elaine.

Yolo County Food Bank: YCFB is interested in providing a presenation to our congregation. It is of note that they have already been elected to be our MMP in May 2020.

Action: Becky Linville to contact Randall Cooksey regarding their specific request and followup on scheduling.

Yolo Interfaith Alliance for Climate Justice: YIACJ meets on the 1st Thursday of the month from 12-1:30 at RePower Yolo on 5th street. The group has asked for an LCI presence. Becky's lunch break is too short to enable her to attend any longer.

Action: Ellen will attend in January and will report back.

Next Meeting 1/21/20 at 6:00 at the LCI Library

Respectfully submitted by Ellen Kolarik