


**From:** Barbara Weller bweller@gibbsfirm.com   
**Subject:** Re: Bylaws review  
**Date:** May 17, 2023 at 2:25 PM  
**To:** Robert Godsey rjgodsey@me.com

BW

TO: Mr. Robert Godsey, New Life Methodist Church, Grant, AL

Thanks for forwarding your bylaws which I have reviewed. I also looked at the questions that were asked by the various people and so I have included responses to those with my comments below:

1. The reason that we specifically include the “hot button” LGBT issues in the Statement of Faith is because those are the key issues for churches in our time. After all, this is why the UCM is splitting. Each generation has its own key biblical, controversial issues. In other generations it was things like the nature of Christ, communion differences, divorce, etc. In our age, the LGBT issues are dividing churches because of the way they are addressed in Scripture and whether a church is going to follow Scripture or follow the zeitgeist of the current age. Secondly, the nondiscrimination section later on in Article 12, D is based on the church specifically stating its beliefs on this issue, since LGBT activists are trying to force churches to agree with them about things like sexual orientation and gender identity, which the Bible doesn’t support. Courts are permitting churches to abide by their beliefs in this area, but they must be clearly stated to avoid problems with discrimination issues. But of course, whether or not you include this Statement is entirely up to you.
2. The same comments apply with regard to issues like divorce, abortion and euthanasia. We supply sample language, but churches should edit that language to reflect what they actually believe in these areas.
3. To clarify the content regarding euthanasia, that can be tricky. Euthanasia is when a doctor or the individual purposely brings on death prior to natural death through using drugs to kill the patient, or starving and dehydrating a person who could otherwise live with food and water (e.g., the Terri Schiavo case back in 2005 when our Gibbs Law Firm represented Terri’s parents when they were trying to save her life, while her husband wanted her euthanized, which was done by a court order that denied her food and water for more than 2 weeks). This statement makes it clear, however, that merely choosing not to have extreme life support measures (like breathing machines, certain drugs, etc.) is not euthanasia, but allows for a natural death in God’s timing.
4. In Article 3, it is entirely up to each church what membership requirements they want to have. These are just samples that some churches use. You need to decide which you want to use, if any.
5. With regard to the trespasser issue, every church is private property, even though it is open to the public. So just like you can prevent someone from trespassing by sitting on your front porch at your home (which is private property), you can prevent anyone you like from coming to your church. In days gone by, when the Mennonites split over colors, a church could legally ban someone from attending if they were wearing brown socks if black socks were required. I have attached a Trespasser Policy.

6. The reason the bylaws sample doesn't require issuing a letter when a member leaves or is dismissed for disciplinary reasons is because there might be a situation where a member was dismissed but then shows up to vote at a church business meetings claiming that he/she never got a letter. Of course, it's best to always send letters in these situations, but this language protects the church if the recipient didn't get the letter for some reason (or claims not to have gotten it). Again, your choice regarding all these edits.
7. Generally, a member wouldn't be dismissed without the pastor speaking with that person, or without the person getting a letter asking if he would like to stay. But again, the "automatic" language is here in case for some reason that didn't happen and the person shows up at a controversial business meeting to vote, claiming never to have been dismissed as a member. Again, your church should edit this sample to reflect how you actually do things.
8. I agree with the note stating that "adherent" implies a believer. A non-member is better referred to as an "attendee."
9. With regard to Officers, now that your church is also a corporation owning its own property, the church corporation (church and corporation are the same entity) needs to have at least a President, Secretary and Treasurer. Some churches want these officers to be the same as those for the church governing body (whatever you call that group-board, council, etc.). Other churches want the Pastor to be the President. Still other want to elect a different Pres./Sec./treas. for the church ( also the corporation) than those for the church governing board. Again, your choice whether you want to have the same officers for the governing board as for the general church/corporation or electing others to serve the whole church/corporation. I think having the same people for everything is the best idea, but you can choose.
10. The Officers must be members of the church. However, the church can hire other people (nonmembers) to actually do the work of bookkeeping, etc., but then they would work under the (figurehead) member officers of the church.
11. The terms of service for your board members and officers can be however long (or short) you want it to be. Just indicate in the bylaws what that term is. Some churches elect permanent board members who serve until they resign or die (or are replaced by the board because they can no longer function or they might be causing disruption in the church—(think of Pres. Biden, who many claim is really not able mentally to do the job he now has).
12. All church members are members of the corporation—unless you state in Article 3 that "The church has no members other than its governing board." Generally everyone is a church member and, therefore, is also a member of the corporation, since the church and the corporation are the exact same entity.
13. Generally all members of the church are qualified to vote. It is the "attendees" who are not qualified or those who are members (perhaps through confirmation) but who can't vote until they are 16.

14. Your procedures with regard to communion, etc. are spiritual issues. The only legal requirement is that those who conduct weddings must actually be ordained or licensed.
15. I agree that it is necessary to distinguish between board members, deacons, elders, etc. In some churches the elders or deacons are actually the governing board. In other churches, the board, the deacons and the elders are separate groups with separate functions. Again, you want these bylaws to reflect how your particular church does things.
16. With regard to handling money, we recommend that at least two people should count and different people should count and deposit. We also recommend that 2 people should be required to sign checks.

My biggest issue and best advice is that you have put too many extra things into these bylaws. If you review our sample bylaws again (I've attached them for you again), you will notice that we don't have all these details in there that you have added. I think if you have fewer details (just those we include in the sample) you will have fewer issues to decide.

The bylaws generally only state who will make decisions for the church; they don't state every little detail about the decisions—except for the most important things like who are the members and how the governing body and officers are selected.

So I think that if you put less detail into your bylaws, it will be easier to agree on them. Then your governing board or pastor (or just your ongoing practices) will dictate the details.

Sincerely,

Barbara J. Weller  
Ministry Consultant  
Attorney | admitted in Florida

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**From:** Robert Godsey <rjgodsey@me.com>  
**Date:** Monday, May 15, 2023 at 6:41 PM  
**To:** Barbara Weller <bweller@gibbsfirm.com>  
**Subject:** Re: Bylaws review

Attached are our bylaw draft, thank you for reviewing. If you have any questions please let me know. We look forward to your feedback.

Blessings,  
Robert Godsey  
Chairman of New Life Methodist Church  
rjgodsey@me.com  
770-6016814

On May 10, 2023, at 4:45 PM, Barbara Weller <bweller@gibbsfirm.com> wrote:

TO: Mr. Robert Godsey, New Life Methodist Church, Grant, AL

Michelle let me know that you are looking for a review of your bylaws draft. Would you please email that draft directly to me as a Word document at this email address.

It may be a week or 2 until I respond with the review, since we take these reviews in the order we receive them—like being on hold on the phone.

If possible, please highlight any changes you have made from the sample.

In the future, you can always feel free to email me directly with any questions about Bylaws or anything else, or to request NCLL resources. Just always be sure to include your church name, city and state so I can find you in our files.

Sincerely,

Barbara J. Weller  
Ministry Consultant  
Attorney | admitted in Florida

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Trespasser      Methodist  
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