

Interim Ministry Resources

Chapter 10 Constitution

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► Review by synod

- Amendment

*Amendment to the Model Constitution for Congregations as approved by the 2013 Churchwide Assembly
Prepared by the Office of the Secretary Evangelical Lutheran Church in America August 26, 2013*

*C8.05. Membership in this congregation shall be terminated by any of the following:

- a. disciplinary action **in accordance with ELCA constitutional provision 20.40. and the accompanying bylaws by the Congregation Council;**

Background

[Constitutions - Evangelical Lutheran Church in America](#)

[Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America](#) (2013)  Pages 156-159.

20.40. MEMBERS OF CONGREGATIONS

20.41.01. The offenses for which a member or members of a congregation may be disciplined are:

- a. persistent and public denial of the Christian faith;
- b. willful or criminal conduct grossly unbecoming a member of the Church of Christ;
- c. continual and intentional interference with the ministry of the congregation; or
- d. willful and repeated harassment or defamation of member(s) of the congregation.

20.41.02. Discipline for an offense shall be administered consistent with the procedure which

Christ instructed his disciples to follow (Matthew 18:15–17), proceeding through these successive steps, as necessary:

- a. seeking repentance and reconciliation through private counsel and admonition by a pastor;
- b. censure and admonition by a pastor in the presence of two or three members of the Congregation Council;
- c. written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel, pursuant to bylaw 20.41.03;
- d. written referral of the matter pursuant to bylaw 20.41.04. by the consultation panel to the Committee on Discipline of the synod, which shall hold a hearing and render a final decision.

20.41.03. If for any reason a pastor of the congregation is unable to offer the counsel and

administer the admonitions required by bylaw 20.41.02., those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council. No one shall serve as a member of the consultation panel or the discipline hearing panel if such individual (i) is the accused; (ii) is related to an accused; (iii) is a member, an employee, or a former member or employee of the congregation bringing the charges; or if the participation of an individual on either panel could give rise to the appearance of partiality even if the individual would in fact be impartial. For these purposes, a related individual is one who, with respect to the accused, is a spouse, parent, son, daughter, sibling, uncle, aunt, niece, nephew, grandparent, grandchild, including corresponding members of blended families and in-laws (parent, son, daughter, or sibling of a spouse, spouse of a sibling, or the parent or sibling of the spouse of a sibling).

20.41.04. If the counseling, censure and admonitions pursuant to bylaw 20.41.02.a. and b. do not

result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two clergy). A copy of the written charges shall be provided to consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate.

20.41.05. The goal of the consultation panel is to seek repentance, amendment of

life, forgiveness, healing, and reconciliation. The consultation panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it. If the consultation panel fails to resolve the matter, the panel, upon the request of the Congregation Council, shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the consultation panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod.

20.41.06. The Executive Committee of the Synod Council shall select six members from the

Committee on Discipline of the synod to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

- 20.41.07.** The discipline hearing panel shall, within 30 days after its selection, commence a meeting or series of meetings to receive testimony or other evidence offered by the Congregation Council and the accused member(s). Written notice of the date, time, and place of the hearing shall be sent by the nonvoting chair to the Congregation Council and the accused member(s) 10 days in advance of the meeting. Until that first meeting is convened, the vice president of the synod shall, if necessary, appoint other members of the Committee on Discipline to fill vacancies so that the discipline hearing panel consists of six members plus the nonvoting chair.
- 20.41.08.** The discipline hearing panel shall decide the time, manner, and procedures for its meetings consistent with the following:
- the hearing before the discipline hearing panel is intended to be informal;
 - the hearing shall be closed to the public unless the Congregation Council and the accused member(s) agree to a public hearing;
 - all Congregation Council members, including any elected after written charges were first submitted, may attend the hearing and be witnesses;
 - only one Congregation Council member may participate in the proceedings as the council representative;
 - the accused member(s) may choose to testify in person or remain silent;
 - the council representative and the accused member(s) will be allowed to present their arguments and evidence without unnecessary interruption;
 - the accused member(s) may be accompanied by a spouse and one friend or advisor, but the spouse and friend or advisor may not participate in the proceedings, except as witnesses;
 - the panel may conduct some of its sessions outside the presence of the parties to the case;
 - rules of evidence and similar rules used in secular judicial proceedings shall not apply in these hearings;
 - the parties to the case cannot be compelled to provide any information or documents to each other or to the panel.
- 20.41.09.** Upon conclusion of the hearing, one of the following disciplinary sanctions can be imposed by the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting:
- suspension from the privileges of congregation membership for a designated period of time;
 - suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
 - termination of membership in the congregation; or
 - termination of membership in the congregation and exclusion from the church property and from all congregation activities.
- 20.41.10.** The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council in writing within 45 days of the convening of the first hearing for which written notice was given pursuant to 20.41.06. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- 20.41.11.** No member of a congregation shall be subject to discipline a second time for an offense that a discipline hearing panel has heard previously and decided pursuant to these bylaws.

[Constitutions - Evangelical Lutheran Church in America](http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Office-of-the-Secretary/ELCA-Governance/Constitutions-of-the-Evangelical-Lutheran-Church-in-America.aspx)

<http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Office-of-the-Secretary/ELCA-Governance/Constitutions-of-the-Evangelical-Lutheran-Church-in-America.aspx>

[Images for Constitutions - Evangelical Lutheran Church in America](http://www.elca.org/Who-We-Are/Our-Three-Expressions/Churchwide-Organization/Office-of-the-Secretary/ELCA-Governance/Constitutions-of-the-Evangelical-Lutheran-Church-in-America.aspx)

• Question

An interim pastor called me on the Saturday night after Christmas saying that he was going to meet the next day with the president of a Congregation Council to make plans for a congregation vote on a pastoral candidate at the annual meeting on the fourth Sunday in January. He wanted to know what to advise the president for a Congregation Council meeting early in January.

Response

Chapter 9. THE PASTOR

***C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.

Chapter 10. CONGREGATION MEETING

- C10.01.** The [annual][semi-annual][quarterly] meeting of this congregation shall be held at a time specified in the bylaws.
- C10.02.** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of [number][percent] of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all [voting] members at least 10 days in advance of the date of the meeting.
-

- Submitted

CHAPTER 9. THE PASTOR

*C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this **congregation** to recommend the call, shall seek the advice and help of the bishop of the synod.

CHAPTER 13. CONGREGATION COMMITTEES

C13.05. When a pastoral vacancy occurs, a Call Committee of six voting members shall be elected by the **Congregation Council**. Term of office will terminate upon installation of the newly called pastor.

Edited

Please find attached the 2016 model constitution for congregations adapted to your congregation.

- *C16.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Items in **red** need clarification.

Pastor Lowell Bolstad

► *Review by synod*

Chapter 9.

ROSTERED MINISTER

*C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected **by this congregation** to recommend the call, shall seek the advice and help of the bishop of the synod.

Chapter 13.

CONGREGATION COMMITTEES

C13.05. When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected **by the Congregation Council**. Term of office will terminate upon installation of the newly called pastor.

Reply

Pastor Bolstad,

The items in red look as though they conflict each other – it should be the council who elects the call committee.

Congregations are able to declare their ministry policy following the 2009 ELCA Churchwide Assembly.

[PDF] Congregational Declaration Regarding the Ministry Policy

Congregational Declaration Regarding the Ministry Policy Actions Taken at the 2009 ELCA Churchwide Assembly Questions: Is there a way whereby our congregation could formally register its dissent from the ministry policy actions taken at the 2009 Churchwide Assembly? How might we indicate that our congregation is not open to calling a partnered gay or lesbian person to serve as our pastor? Response: The congregation and/or the congregational council could consider and vote upon a resolution such as the following. (It would be important to consult with the synod bishop or a member of the synod staff regarding the best process to use in considering such a resolution— and what “status” the resolution would have in the congregation’s ongoing life, e.g. a resolution by a congregational meeting, a continuing resolution, a bylaw, etc.)

http://www.sdsynod.org/wp-content/uploads/2011/02/Congregational_Dissent_Resolution.pdf

[Images for Congregational Declaration Regarding the Ministry Policy 2009 ELCA Churchwide Assembly](#)

Chapter 9

THE PASTOR

***C9.02.A10.** Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.

Declaration Regarding Same Gendered Relationships and Rostered Ministry at *(name)* Lutheran Church *(name)* Lutheran Church, as a congregation of the Evangelical Lutheran Church in America, understands that it has the right to call, or refuse to call, as a pastor or restored lay leader any person who is on the roster of ordained ministers or lay roster or any candidate approved for those rosters. *(name)* Evangelical Lutheran Congregation, in accordance with the 2009 Churchwide Assembly which resolved that the Evangelical Lutheran Church in America “make provision in its policies to recognize the conviction of members who believe that this church should not call or roster people in a publicly accountable, lifelong monogamous, same-gender relationship”, declares that this congregation will not call a pastor or lay rostered leader who is or intends to be in such a same-gender relationship.

***C9.03.A10.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- b. Each ordained minister with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;

In Regards to Marriage

(name) Lutheran Church declares that marriages, civil unions, or blessings of persons in same-gender relationships will not be performed in this church building or authorized by this congregation.

• Submitted

IV Parish Records

- A. The records of the congregation shall be and remain the property of the congregation.

Model Constitution

***C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

- Submitted

Chapter 9.

PARISH RECORDS

C9.01. The pastor shall be responsible for keeping accurate record of membership and of his/her ministerial acts on forms provided by the congregation and which shall remain the property of the congregation. He/she shall report these statistics to the congregation annually, and, when required, to the secretary of the Evangelical Lutheran Church in America. Upon leaving the congregation, he/she shall complete the records of his/her ministry up to the time of his/her departure.

Disapproved

The numbering for a submitted bylaw is incorrect. The material in the submitted bylaw is already included in required parts of the *Model Constitution Congregation 2013*

- ***C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.
- ***C9.12.** The pastor of this congregation:
 - a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- ***C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- ***C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

-
- Submitted

Chapter 9.

ROSTERED MINISTER

***C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) **supervise** all schools and organizations of this congregation;

Disapproved

Model Constitution for Congregations

- b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) **relate to** all schools and organizations of this congregation;

INTRODUCTION to the *Model Constitution for Congregations*

► **Review by synod:** Each congregation of this church is to provide a copy of its governing documents, and any amendments thereto, to its synod. In accordance with ELCA bylaw 9.53.03., amendments to a congregation constitution become effective *only* when approved by the synod. This bylaw provides:

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them. The synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate.

No governing document amendment will be approved by a synod if it **conflicts** with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. In order to meet constitutional requirements and to avoid potential problems, all proposed amendments to a congregation's constitutional provisions, bylaws, and continuing resolutions should be submitted to the synod for review.

*** Required provision**

• **Question**

Hi Lowell,

Can you tell me if there is language in the model construction regarding visiting pastors officiating weddings?

Response

Chapter 9.

ROSTERED MINISTER

b. Each pastor with a congregational call shall, within the congregation:

- 1) offer instruction, confirm, **marry**, visit the sick and distressed, and bury the dead;
- 2) relate to all schools and organizations of this congregation;
- 3) install regularly elected members of the Congregation Council;
- 4) with the council, administer discipline; and
- 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of the Northwest Synod of Wisconsin of the ELCA.

***C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a **letter of call**, which shall be attested by the bishop of the synod.

[PDF]Handbook for Call Committees

11 Letter of Call (sample) 38

http://images.acswebnetworks.com/1/498/call_committee_handbook_v2_111512.pdf Page 38

https://nwmnsynod.org/resources/calling-a-pastor/Letter_of_Call ———— [\(click here for the fillable version\)](#)

<http://nwmnsynod.org/assets/Letter-of-Call-Minister-of-Word-and-Sacrament-2017.pdf>

Comment

It is more implicit than explicit in the model constitution for congregations and the letter of call that the congregation looks to the called pastor to preside at services of worship. The synod constitution is more explicit in that another minister of word and sacrament may function only upon the invitation of the called pastor. Most often this invitation is to serve as an assisting minister.

Synod Constitution

†S14.14 Ministers of Word and Sacrament shall respect the integrity of the ministry of congregations which they do not serve and shall not exercise ministerial functions therein unless invited to do so by the pastor, or if there is no duly called pastor, then by the interim pastor in consultation with the Congregation Council.

Northwest Synod of Wisconsin | Congregations

<http://nswi.org/leadership/congregations> ADMINISTRATIVE RESOURCES **Synod Constitution Updated 5.19.17** Page 24

Reply

I owe you lunch... thank you!

• **Question**

Lowell,

Is a visitation pastor a called or hired position that we can do by committee?

Response

Chapter 9.

ROSTERED MINISTER

- *C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.02. Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod bishop may be called as a pastor of this congregation.

Depends if the candidate is pre-retired or retired. If the candidate is pre-retired, the candidate will most likely be looking for called status, and so the process will take a Call Committee. If the candidate is retired, [most of the situations I am aware of the pastor is retired], then the Executive Committee, Personnel Committee, or task force acting on behalf of the Congregation/Parish Council may arrange a Letter of Agreement or contract for services rendered either for a set amount or an hourly rate. There may be cases where the candidate is pre-retired and has received a letter of call to another congregation and is able to provide visitation work on a part-time contract basis. I actually did this for one of the churches in (town) back in the 1990s.

C. MINIMUM HOURLY RATE \$20 per Hour plus Actual Travel Expenses In circumstances where the regularly called pastor is on vacation or otherwise unavailable, other pastors can be paid an hourly wage for emergency visits, pre-marriage preparation, hospital visits, confirmation, etc.. Consider the amount of time and preparation involved.

https://s3.amazonaws.com/media.cloversites.com/0a/0a854394-3a19-4d9f-b1ae-f93021508921/documents/number_2_Salary_Standards.pdf

[PDF]Part-Time Ministry Guidelines for Northwest Synod of Wisconsin

https://s3.amazonaws.com/media.cloversites.com/0a/0a854394-3a19-4d9f-b1ae-f93021508921/documents/part-time_ministry_salary_guidelines-feb_14_2014.pdf

Reply

Perfect, Lowell. Thank you.

- Submitted

Chapter 9.

ROSTERED MINISTER

- *C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
 - a. Every minister of Word and Sacrament shall:
 - ...
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through distribution of its communications and publications;
 - 7) witness to the Kingdom of God in the community, in the nation and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
 - b. Each pastor with a congregational call shall, within the congregation:
 - ...
 - 2) relate to all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline.
 - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of the Northwest Synod of Wisconsin of the ELCA.
- *C9.04. The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.05. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:

- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
- ...
- 6) resignation or removal of the pastor from the roster of ministers of Word and Sacrament of this church;
- ...
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of ministers of Word and Sacrament as disabled. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- ...

► **Review by synod**

Please find attached a model constitution downloaded and adapted to the local context, which replaces the submitted constitution. See paragraph on required provisions as to why certain changes ... were disapproved.
Pastor Lowell Bolstad

► **Review by synod**

► **Required provisions:** Sections of this constitution marked by an asterisk [*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (*i.e.*, neither additions nor deletions are permissible). This requirement is based on provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision requires that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. Provisions in the *Model Constitution for Congregations* identified by an asterisk [*] are those required under ELCA constitutional provision 9.25.b.

• **Amendment**

*Amendment to the Model Constitution for Congregations as approved by the 2013 Churchwide Assembly
Prepared by the Office of the Secretary Evangelical Lutheran Church in America August 26, 2013*

C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all [voting] members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient. Electronic notice of meetings may be provided in addition to notice by regular mail.

Wisconsin Open Meetings Law – Summary

Notice of each meeting must be given to the public, any members of the news media requesting it, and the official newspaper designated as the primary news source for the area.

Meeting notice to be posted in one or more places likely to be seen by the general public – advise posting at three different locations within jurisdiction that governmental body services or with a paid notice within jurisdiction. Nothing in the open meetings law prevents a governmental body from determining that multiple notice methods are necessary to provide adequate public notice of the body's meetings.

http://wcvrpc.org/WI_Open_Meetings_Law_Summary.pdf
[Images for Wisconsin Open Meetings Law](#)

• Question

C10.05. Voting by proxy or by absentee ballot shall not be permitted.

What is the down side of voting by Proxie voting/email & ect.?
Why write 'shall', wouldn ;t 'May' be a better choice?

Response

Here are some resources.

Proxy voting - Wikipedia

One of the criticisms of proxy voting is that it carries a risk of fraud or intimidation.^[11] Another criticism is that it violates the concept of a secret ballot, in that paperwork may be filed, for instance, designating a party worker as one's proxy.^[12]

https://en.wikipedia.org/wiki/Proxy_voting
[Images for proxy voting](#)

E-mail Voting: A Practical Approach to a Difficult Trap | Business Law

E-mail voting is seductively simple and fast, but that ease and speed is a trap: in many jurisdictions, a board that relies on e-mail voting fails to comply with statutory and common law requirements for a valid meeting, thereby exposing its decisions to attack.

http://www.americanbar.org/publications/blt/2014/06/06_chatinover.html
[Images for E-mail Voting](#)

If a congregation changes this provision to:

Voting by proxy or by absentee ballot may be permitted.

is such a congregation prepared to deal with the complications of providing for this option?

Having said that, here is commentary on voting by Robert's Rules of Order:

Robert's Rules of Order Online - Voting Procedures and Voting Methods

Absentee Voting. In a strictly deliberative assembly no member can vote who is not present when the question is completely put. But in many societies the membership is scattered all over a state, or even still wider, and it has been found expedient to provide a method of voting that will enable all the members to vote upon certain matters, as upon amendments to constitutions, by-laws, and in elections of officers. This provision, when it is deemed advisable to adopt it, should be placed in the constitution or by-laws, as otherwise, unless the charter or state laws authorize absentee voting, no member can vote except in person. There are two forms of absentee voting -- by mail, and proxy voting.

Voting by Mail is used for election of officers, and for amendments to the constitution or by-laws, and for such other important matters as the society may order to be voted on in this way. If an amendment to the by-laws is to be voted on by mail, a printed copy of the proposed amendment is mailed to every member with the words "yes" and "no" printed underneath, or on a separate slip, with directions to cross out one of them, and return in the enclosed envelope, upon which should be printed the words, "Ballot for Amendment to Constitution." This envelope should usually have the signature of the voter on it, and be sealed and enclosed in another one addressed to the secretary, or to the chairman of the tellers, so that the inner envelope will not be opened except by the tellers when the votes are counted. If it is desired to present the arguments pro and con, the society can allow the leaders on the two sides to prepare brief statements to be printed and mailed with the proposed amendment to every member. Instead of having the voter's signature on the inner envelope, it may be placed on the ballot, but a place for the signature should be indicated, so that there may be some means of protection against votes being cast by other than legal voters. Voting by mail cannot be a secret ballot, as it is necessary for the tellers to know by whom each vote is cast. By some such method as the above it is practicable to give all the members, however scattered they may be, an opportunity to vote on questions of great importance.

Proxy Voting. A proxy is a power of attorney given by one person to another to vote in his stead and it is also used to designate the person who holds the power of attorney. It is unknown to a strictly deliberative assembly, and is in conflict with the idea of the equality of members, which is a fundamental principle of deliberative assemblies. There can be but little use for

debate where one member has more votes than another, possibly more than all the others combined. If the proxy voting is limited to the election of a board of directors, as it is practically in stock corporations, and if, also, the proxies must be given to members of the corporation in all cases where it requires an election to become a member -- with these two limitations proxy voting would be useful and do no harm. In stock companies, the members meet only annually to elect directors, who elect the officers and transact the business of the corporation. Though the directors are elected largely by proxies, their own meetings, where all the business is done, are as secret as they choose to make them, no proxies being allowed in them, and therefore proxy voting does not interfere with their business. As anyone can dispose of his stock to anyone else, there is no objection to his appointing any one as his proxy. But the case is very different with many incorporated societies of a social, benevolent, or religious character, whose business meetings are sometimes secret. Their membership cannot be transferred by the members like stock, and therefore they should not be allowed to appoint any proxies who are not members of the organization. The state law is above the by-laws of the society, and if the state law empowers members of all corporations to appoint proxies to vote at all business meetings, no by-laws of an incorporated secret society could prevent non-members holding proxies from attending and voting at all business meetings of the society. This should not be the case. With stock corporations it does no harm, because all the business is done by directors, and no proxies are allowed in their meetings, and no one can be present without their consent. But in many societies of the kind mentioned the business is transacted in meetings attended by none but members, and unlimited proxies would be a serious interference with their work. If the state law requires proxy voting in all corporations, it should be limited to the election of officers, including directors, and also the proxies should be required to be held by members of the corporation in all organizations whose primary object is not pecuniary profit.

<http://www.rulesonline.com/rror-08.htm>

[Images for Robert's Rules of Order Online - Voting Procedures and Voting Methods](#)

Later Development

C10.08. This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication. To the extent permitted by state law, notice of all meetings may be provided electronically.

[Constitutions - Evangelical Lutheran Church in America](#)

[2019 Model Constitution for Congregations](#)

<https://www.elca.org/constitution>

Chapter 10.

CONGREGATION MEETING

C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

The Northwest Synod of Wisconsin synod assembly booklet includes a Parliamentary Procedure each year.

Resources

[\[PDF\]Parliamentary Procedures At A Glance](#)

https://www.pharmacist.com/sites/default/files/Parliamentary_Procedures_At_A_Glance.pdf

[Images for parliamentary procedure at a glance](#)

The resource page for the Evangelical Lutheran Church churchwide assembly provides a synopsis of Roberts Rules of Order as well as Rules of Organization and Procedure.

[Churchwide Assembly - Evangelical Lutheran Church in America – ELCA](#)

Synopsis of Roberts Rules of Order

Rules of Organization and Procedure

<https://www.elca.org/Resources/Churchwide-Assembly>

[Images of synopsis of robert's rules of order](#)

[Images of rules of organization and procedure](#)

- **Question**

Chapter 12.

CONGREGATION COUNCIL

C12.02. The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for three years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.

Why do we have to cast a written ballot when there is only one name for each position?

Response

Robert's Rules of Order allows *General Consent*.

Robert's Rules of Order Online - Voting Procedures and Voting Methods

Art. VIII. Vote.

46. Voting

General Consent. Business can be expedited greatly by avoiding the formality of motions and voting in routine business and on questions of little importance, the chair assuming general (unanimous) consent until someone objects. It does not necessarily mean that every member is in favor of the motion, but, that knowing it is useless to oppose it, or even to discuss it, the opposition simply acquiesces in the informality. Thus, in the case of approving the minutes, the chair inquires if there are any corrections, and, if one is suggested, it is made: when no correction [or no further correction] is suggested, the chair says: "There being no corrections [or no further corrections] the minutes stand approved." While routine and minor matters can be rapidly disposed of in this way, if at any time objection is made with reasonable promptness, the chair ignores what has been done in that case even if he has announced the result and requires a regular vote. [See also [48](#).]

<http://www.rulesonline.com/rror-08.htm>

[Images for Robert's Rules of Order – General Consent](#)

• Submitted

Chapter 6.

SPECIFIC DUTIES OF THE OFFICERS OF THE CHURCH COUNCIL AND THE CONGREGATION

- C6.01.** The president shall preside over the meetings of the Church Council and Congregation, and be an ex-officio member of all committees appointed by the Church Council or Congregation.
- C6.02.** The vice president shall preside over the meetings of the Church Council and Congregation in the absence of the president, and be responsible for such duties as delegated by the Church Council.
- C6.03.** The secretary shall record and keep the minutes of all Church Council and congregational meetings, preserve the archives of the congregation, carry on such correspondence as the Church Council and Congregation may direct, and prepare a brief summary of Church Council and Congregational meetings for the congregational Newsletter.
- C6.04.** The treasurer shall be bonded and the custodian of all funds of the congregation, disburse all such funds in accordance with the decisions of the Congregation or Church Council, prepare a duly audited report for the regular annual meeting of the congregation, give a summary report to the Church Council at each regularly scheduled meeting of the Church Council, at least semi-annually inform each family unit in the congregation of their total giving and the present financial picture of the congregation in relation to its yearly budget, and with the assistance of a committee from the Church Council prepare a preliminary budget report for the Church Council at its December meeting.

Edited

Chapter 11.

OFFICERS

C11.01.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.

a. Duties of the officers shall be specified in the bylaws.

- 1) The president shall preside over the meetings of the Congregation Council and this congregation.
- 2) The vice president shall preside over the meetings of the Congregation Council and this congregation in the absence of the president and shall be responsible for such duties delegated by the Congregation Council.
- 3) The secretary shall record and keep the minutes of all Congregation Council and meetings of this congregation, preserve the archives of this congregation, carry on such correspondence as the Congregation Council and congregation may direct, and prepare a brief summary of Congregation Council and meetings of this congregation for the congregation newsletter.
- 4) The treasurer shall be bonded and shall be the custodian of all funds of the congregation, disburse all such funds in accordance with the decisions of the congregation or Congregation Council, prepare a duly audited report for the annual meeting of the congregation, give a summary report to the Congregation Council at each regularly scheduled meeting of the Congregation Council, report the current financial picture of the congregation monthly through the church newsletter, and prepare a preliminary budget report with the assistance of a committee from the Congregation Council for the Congregation Council at its December meeting.

C13.08. The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.

• **Question**

We worked from the Model Constitution, and used that language whenever it was required. Could you tell us why you recommend this replacement? Thank you.

Response

The changes are too numerous to enumerate.

Some of the obvious include removing the asterisk to denote required provisions. * Required provision

► **Required provisions:** Sections of this constitution marked by an asterisk [*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (i.e., neither additions nor deletions are permissible). This requirement is based on constitutional provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision requires that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. Provisions in the *Model Constitution for Congregations* identified by an asterisk [*] are those required under ELCA constitutional provision 9.25.b.

Chapters 11, 12, 13 are highly problematic with parts of 12 in 11.

Read Introduction to see how to handle bylaws and continuing resolutions.

► **Codification explanation:** The *Model Constitution for Congregations* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital “C.” If a constitutional provision is mandatory, it will be preceded by an asterisk, “*C.”

- a. Constitutional provisions are codified with two sets of numbers, preceded by a “C”: the chapter number, followed by a period, and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to “Membership” in Chapter 8 is codified as “*C8.02.” A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as “C12.09.” Constitutional provisions are adopted and amended in accordance with Chapter 16 titled “Amendments.”
- b. Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to “Membership” would be codified as “C8.02.01.” A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as “C12.09.01.” Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation’s organization, operation, and life, there is not a model set of bylaws or continuing resolutions. Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations*, the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the constitution of the synod, as indicated in *C6.03.e. Bylaws are adopted and amended in accordance with Chapters 16 and 17.
- c. Continuing resolutions are intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. They follow the relevant constitutional provision or bylaw to which they refer. Continuing resolutions also are codified with three sets of numbers, except that the third set is preceded by a capital letter. Thus, a continuing resolution describing congregational committees in Chapter 13 might be numbered “C13.07A13.” The initial numbers “C13.07” indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers “A13” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2013. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

- **Submitted**

Chapter 11. OFFICERS

C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of the congregation.
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.

BL11.01.01 The Officers of this congregation shall be the President, the Vice-President, the Secretary and the Treasurer of the Congregation Council. These Officers shall work with the Pastor to shepherd the life of the Congregation. The Officers shall be responsible to the congregation and shall prepare reports of their activities and areas of responsibilities for the Congregation Council. These reports will regularly be presented to this congregation at its regularly designated annual meeting.

BL11.01.02 The President of the Congregation Council shall preside over the meetings of the congregation and the Congregation Council and shall conduct its business according to the Constitution, Bylaws, Continuing Resolutions and Robert's Rules of Order.

BL11.01.03 The Vice-President of the Ministries Council shall act on behalf of the President if he/she is absent or if he/she cannot accomplish his/her duties.

- a. The Vice President shall also serve as the President Elect for the Congregation and shall be confirmed for the position as President by a majority vote of the Congregation at the annual meeting one-year following his/her election as Vice President/President Elect. In the event the Congregation fails to confirm the President Elect as President, nominations will be accepted and a vote taken to fill the position of President of the Congregation Council.

- b. The Vice President will also convene the Nominating Ministry as one of the members from the Congregation Council.

BL11.01.04 The Secretary shall be elected from the slate of nominees at the annual meeting.

- a. The Secretary shall be responsible for recording, preserving, and disseminating the minutes of the meeting of the congregation and the Congregation Council.

- b. The Secretary shall also oversee the preservation and updating of the Constitution, Bylaws and Continuing Resolutions of this congregation.

BL11.01.05 The Treasurer of the Congregation Council shall keep the books of account of the congregation. The disbursement of all funds will be reviewed and approved by the Council.

- a. The Treasurer shall make monthly reports of all financial transactions to the Congregation Council and to the congregation at its annual meeting.

- b. The Treasurer is responsible for making monthly remittance of benevolence receipts to the treasurer of the synod.

- c. The Treasurer will meet regularly with the Fiscal Affairs Ministry if such a ministry is convened by the Congregation Council.

Edited

Chapter 11. OFFICERS

C11.01.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer. These officers shall work with the pastor to shepherd the life of the congregation. The officers shall be responsible to the congregation and shall prepare reports of their activities and areas of responsibilities for the Congregation Council. These reports shall be regularly presented to this congregation at its annual meeting.

- a. Duties of the officers shall be specified in the bylaws.

- 1) The president shall preside over the meetings of the congregation and the Congregation Council and shall conduct its business according to the Constitution, Bylaws, Continuing Resolutions, and *Robert's Rules of Order*, latest edition, which shall govern parliamentary procedure of all meetings of this congregation.
- 2) The vice president shall act on behalf of the president in the absence of the president or if the president cannot accomplish the duties of the president. This officer shall also serve as president-elect for the congregation and shall be confirmed for the position as president by a majority vote of the congregation at the annual meeting one year following election as vice president/president-elect. In the event the congregation fails to confirm the president-elect as president, nominations shall be accepted, and a vote taken to fill the position of president.
- 3) The secretary shall be responsible for recording, preserving, and disseminating the minutes of the congregation and the Congregation Council and shall oversee the preservation and updating of the Constitution, Bylaws, and Continuing Resolutions of the congregation.
- 4) The treasurer shall keep the books of account of the congregation and shall disburse the funds with the review and approval by the Congregation Council. This officer shall make monthly reports of all financial transactions to the Congregation Council and to the congregation at the annual meeting. This officer shall be responsible for the monthly forwarding of benevolence monies to the synodical treasurer. This officer shall meet regularly with the Fiscal Affairs Ministry if such a ministry is convened by the Congregation Council.

- **Submitted**

d. The Treasurer/Financial Secretary:

1. Shall be custodian of all funds of the Congregation except as otherwise specified in the Constitution in the Section 12.05; and shall disburse and manage such funds in accordance with decisions of the Congregation and/or the congregation council.
2. Shall submit periodic reports to the Board of Trustees and the congregation council as they deem necessary.
3. An audited report should be presented to the congregation at its annual meeting and such other reports to the Church Council as may be deemed necessary.

Recommended

1. Segregation of duties.

It is important that duties be segregated among two or more persons, if possible. In very small churches, this may be difficult, but it is rarely, if ever, impossible. The objective for small churches is to attain reasonable segregation under all circumstances. Here are some examples.

a. The Financial Secretary and the Church Treasurer(s) should not be related. These should be separate offices occupied by different individuals, who are not related by blood, marriage or employment relationships.

 **Congregational Audit Guide - Evangelical Lutheran Church in America**

www.elca.org/.../Office%20of%20the%20Treasurer/...Similar

File Format: PDF/Adobe Acrobat - [Quick View](#)

see www.elca.org/secretary/RecordsManagement/Congregations and go to the financial records section The **Financial Secretary** and the Church **Treasurer(s)** should not be related. GOVERNANCE AND **ADMINISTRATION**. Obtain the ...

Response

The congregation wrote back the following:

Changes were made to the constitution after the prior submission for your review. One of the areas was to separate Treasurer, an outside individual, and a Financial Secretary, who is a member and responsible for picking up the offering, making the bank deposit, etc. The Financial Secretary is a voting member of the Council, whereas the Treasurer is not.

Review

The duties of the financial secretary need to be spelled out. See reference listed below for ideas.

**Chapter 11.
OFFICERS**

C11.01.01. The officers of this congregation shall be a president, vice president, secretary, treasurer, and financial secretary.

- a. Duties of the officers shall be specified in the bylaws.

- 1) The president shall preside over meetings of the Congregation Council and this congregation, unless the meeting decides otherwise.

- 2) The vice president shall preside in the absence of the president over meetings of the Congregation Council and this congregation, unless the meeting decides otherwise.
- 3) The secretary shall keep minutes of all meetings of the Congregation Council and of this congregation and shall preserve its archives. This officer shall submit periodic minutes as required by the Congregation Council and the meetings of this congregation.
- 4) The treasurer shall maintain custody of all funds of the congregation except as otherwise specified in C12.05. and shall disburse and manage such funds in accordance with the decisions of the congregation and of the Congregation Council. This officer shall submit periodic reports to the Board of Trustees and the Congregation Council as deemed necessary. An audited report shall be presented to this congregation at the annual meeting and such other reports to the Congregation Council as may be deemed necessary.
- 5) The financial secretary shall _____.

Financial Secretary - Job Description – Synod Resource Center

Primary Function of Position: To keep records of contributions of each member of Immanuel and make monthly reports to the Congregation Council and an annual report to the congregation.

http://synodresourcecenter.org/admin/personnel/job_descriptions/office/0007/financial_secretary.html

[Images for Financial Secretary - Job Description – Synod Resource Center](#)

• **Question**

Treasurer not a voting member, like hired or other volunteer No limit as to term then>?

Response

Chapter 11.

OFFICERS

C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.

- d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.

The selected treasurer shall be eligible to serve consecutive years in the same office.

• **Submitted**

Chapter 11.

CONGREGATION COUNCIL/OFFICERS

C11.01. The (*name*) Church Council shall consist of eight voting members and the president. The pastor shall hold an advisory seat on the council.

C11.02. Council officers shall be president, vice president, and secretary, elected by the council at the first council meeting following the annual congregational meeting.

C11.03. 1) **Congregational officers duties shall include by not be limited to:**

a) **President shall preside at council and all congregational meetings. He or she shall inform this congregation of all or any activities undertaken in it's name. Such information shall be made public as soon as prudently possible. The president shall assist the pastor in any way possible to carry out the mission of this congregation.**

b) **Vice president shall act as council member and keep in touch with all matters of the congregation. The vice president shall be available to take over for the president should it become necessary.**

c) **Secretary shall keep an accurate recorded account of all congregational proceedings. Such account shall be recorded in a book and be made readily available whenever necessary.** d) **Financial secretary shall collect, deposit, and record all monies coming into this congregation.**

e) **Treasurer shall dispense monies in a timely manner in harmony with , and under the direction of the congregational council. The treasurer shall keep accounts and timely records, and shall not make use of nor transfer funds without the express permission of council. All expenditures must be approved by council either before or after the fact.**

f) **Council members shall be charged with the affairs of this congregation and shall use all lawful, ethical means to further the mission of the congregation, in both a spiritual and secular sense.**

- g) Head Usher shall be appointed by council for one year. He or she shall schedule and insure ushers, readers, and music for each service of the year.
- h) Nominating committee shall be the pastor, members leaving council, and any members appointed by the council. Nominating committee shall convene 30 days before the annual meeting and secure candidates for vacant council seats.
- 2) All officers holding any church records shall have in their possession, and turn over such records to their successor on Installation Sunday. Such records shall be complete, accurate and up-to-date.
- 3) Financial secretary and treasurer may or may not be a council member and shall be appointed by the council.
- C11.04.** Three council members shall be elected each year for a three year term.
- C11.05.** Council officers shall be appointed each year for a one year term.
- C11.06.** Council shall require its members to attend regularly scheduled meetings. Council may declare a seat vacant if any member is absent from four successive meetings.
- C11.07.** Council shall appoint a successor to fill any seat or office vacated before its term is completed. Such appointment shall terminate at the next annual meeting.
- C11.08.** The Congregation Council of *(name)* Lutheran Church shall stand before God and mankind as servant leaders of this congregation. They shall conduct the spiritual and secular business of this congregation so as to reflect the highest Christian principles.
- C11.09.** The Council shall perform its duties to the best of its collective abilities, these duties shall include but not be limited to the following:
- a) Lead this congregation in stating it's mission.
 - b) Set goals and priorities, do long range planning.
 - c) Seek to include all members in it's mission.
 - d) **Oversee and provide for the administration of the congregation.**
 - e) **Lead this congregation in Christian love and support of it's pastor.**
 - f) **Live lives consistent with Christian ideals.**
 - g) **Promote Christian love, peace, and good will among our members as well as to foster mutual understanding in all matters.**
 - h) **Arrange for pastoral care during sickness or absents of the pastor.**
 - I) Emphasize our partnership with the ELCA and other Christian congregations both Lutheran and non Lutheran.**
- C11.10.** The council shall be responsible for the financial and property matters of this congregation, and shall not enter into any contract in excess of \$1000.00 for items not included in the annual budget. They shall provide leadership and direction in the following secular matters:
- a) Insure that the provisions of this constitution and its bylaws are carried out.
 - b) Provide for an annual review of the membership roster. Able-bodied members shall be declared inactive if they have not communed and made a contribution of record during the past year. Such members shall be a pastoral priority. The third year of inactivity the member shall be dropped from the roll. Absentee members shall be excluded.
 - c) Shall be responsible for the appointment and supervision of salaried workers.
 - d) Shall submit a comprehensive report to the congregation at the annual meeting.
 - e) **Shall meet once a month.**
 - f) Shall conduct no business without a quorum of at least five members present.
 - g) Shall deal with all disciplinary matters within the confines of this constitution and Christian love.

Edited

Chapter 11. OFFICERS

- C11.01.** The officers of this congregation shall be a president, vice president, and secretary.
- a. Duties of the officers shall be specified in the bylaws.
 - b. The officers shall be voting members of the congregation.
 - c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
 - d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. If the financial secretary and treasurer are not selected from the elected membership of the Congregation Council, the financial secretary and treasurer shall have voice but not vote at the meetings of the Congregation Council.
- C11.02.** The officers shall be elected by the Congregation Council and shall serve for one year. The term shall begin with their election at the first meeting of the Congregation Council following the annual meeting.

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 11. OFFICERS

C11.01.01. The officers of this congregation shall be a president, vice president, and secretary.

a. Duties of the officers are specified as follows:

- 1) The president shall preside at all meetings of this congregation and of the Congregation Council and shall inform this congregation of any and all activities undertaken in its name as soon as prudently possible. This officer shall assist the pastor in any way possible to carry out the mission of this congregation. This officer shall turn over complete, accurate, and up-to-date congregation records to the successor on installation Sunday.
- 2) The vice president shall carry out the duties of the president in the absence of the president. This officer shall turn over complete, accurate, and up-to-date congregation records to the successor on installation Sunday.
- 3) The secretary shall maintain an accurate record of all meetings of this congregation and of the Congregation Council. Such accounts shall be recorded in a book and shall be complete, accurate, and up-to-date. This officer shall turn over complete, accurate, and up-to-date congregation records to the successor on installation Sunday.
- 4) The financial secretary shall [REDACTED]. This officer shall turn over complete, accurate, and up-to-date congregation records to the successor on installation Sunday.
- 5) The treasurer shall dispense monies in a timely manner with and under the direction of the Congregation Council. This officer shall turn over complete, accurate, and up-to-date congregation records to the successor on installation Sunday.

Chapter 12. CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of nine members of the congregation. The pastor shall have voice but not vote at the meetings of the Congregation Council. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

C12.02. The members of the Congregation Council shall be elected by written ballot to serve for three years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.

C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.

C12.04. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
- i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Wisconsin, except as otherwise provided herein.
 - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
 - c. The Congregation Council may enter into contracts of up to \$1,000 for items not included in the budget.
 - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than \$1,000 in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
 - e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
 - f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
- C12.06.** The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out.
- C12.07.** The Congregation Council shall provide for an annual review of the membership roster.
- C12.08.** The Congregation Council shall be responsible for the employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.
- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

• **Question**

Can we just use the term "Church Council"? After all, it's shorter than "Congregation Council" on the name tag.

Response

The Model Constitution for the American Lutheran Church used the term "Church Council."

CONSTITUTION AND BYLAWS FOR CONGREGATIONS OF THE AMERICAN LUTHERAN CHURCH

Article I – NAME AND INCORPORATION

The name of the congregation shall be _____.

The congregation shall be incorporated under the laws of the state of _____.

Article XI – OFFICERS AND BOARDS

1. At its annual meeting the congregation shall elect the following officers, each for a term of two years:
 - (a) President
 - (b) Vice-president
 - (c) Secretary
 - (d) Treasurer
 - (e) Financial Secretary

The duties of the officers of the congregation shall be those provided in the bylaws.
2. The Board of Deacons

- (a) There shall be a Board of Deacons of three members elected at the annual meeting of the congregation, each for a term of three years. One-third of the members of the board shall be elected at each annual meeting of the congregation. The pastor shall be an advisory member by virtue of his office, without vote.
- (b) The duties and responsibilities of the Board of Deacons shall be to provide spiritual leadership in the congregation, working with the pastor, to guide the work, witness, worship, and service of the congregation in the world.
- 3. The Board of Trustees
 - (a) There shall be a Board of Trustees of three members elected at the annual meeting of the congregation, each for a term of three years. One-third of the members of the board shall be elected at each annual meeting of the congregation. The pastor shall be an advisory member by virtue of his office, without vote.
 - (b) The duties and responsibilities of the Board of Trustees shall be to have charge of the general management of all matters relating to legal and corporate affairs and to supervise the maintenance of the properties of the congregation.
- 4. The Board of Education
 - (a) There shall be a Board of Education consisting of the Sunday School Superintendent, one member of the Board of Deacons, and three members elected at the annual meeting of the congregation, each for a term of three years. One-third of the members of the board shall be elected at each annual meeting of the congregation. The pastor shall be an advisory member by virtue of his office, without vote.
 - (b) The duties and responsibilities of the Board of Education shall be to provide leadership and supervision of the educational program of the congregation.
- 5. The Church Council
 - (a) The officers of the congregation and the members of the boards together with the pastor serving as an advisory member by virtue of his office, but without vote, shall constitute the Church Council. The President, the Vice-president, and the Secretary of the congregation shall serve as President, Vice-president, and Secretary of the Church Council respectively.
 - (b) The duties and responsibilities of the Church Council shall be to:
 - (1) Have general oversight of the life and work of the congregation and to coordinate the activities of the boards and committees of the congregation.
 - (2) Determine the rosters of the baptized, the confirmed, and the voting members of the congregation.
 - (3) Perform such other duties and responsibilities as are provided in this constitution and its bylaws.

With the formation of the Evangelical Lutheran Church in America in 1987, the three expressions are differentiated: congregation, synod, and churchwide with "Council" used with each of the designations.

INTRODUCTION to the *Model Constitution for Congregations*

The *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, like the other governing documents of this church, reflects the theology and polity of this church as it organizes itself to preach the gospel of Jesus Christ, share the sacraments, reach out to the neighbor with good news and share the love of God in the world. Each expression of this church — **churchwide, synod, and congregation** — is held together in a relationship of interdependence that encourages each to respond to its context. These documents also demonstrate our commitment to seeing ourselves with others as part of the one, holy, catholic, and apostolic Church. As such, the *Model Constitution for Congregations* is deeply rooted in Scripture, the Lutheran Confessions, and the history of this church and its predecessors.

[DOC] Model Constitution for Congregations 2016 - ELCA Resource Repository

Chapter 1.

NAME AND INCORPORATION

- C1.01.** The name of this congregation shall be _____.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of _____ (*Insert full legal name*) is hereinafter designated as "this congregation."
- C1.11.** This congregation shall be incorporated under the laws of the State of _____.

Chapter 12.

CONGREGATION COUNCIL

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s)[, the officers of the congregation,] and [members] [not more than _____ nor fewer than _____ members] of the congregation, at least one of whom shall be a youth and at least one of whom shall be a young adult. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

download.elca.org/ELCA%20Resource%20Repository/Model_Constitution

ELCA Office of the Secretary - Evangelical Lutheran Church in America

Northwest Synod of Wisconsin | Evangelical Lutheran Church in America Resources [View Synod Constitution](#).

10 **Synod** Council 14

http://www.nwswi.org/webfiles/fnitools/documents/synod_constitution_2013_required_provisions_added.pdf

CONSTITUTIONS, BYLAWS, AND CONTINUING RESOLUTIONS of the Evangelical Lutheran Church in America®

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14.20. Responsibilities of the Church Council	105
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http://download.elca.org/ELCA%20Resource%20Repository/Constitutions_of_the_ELCA_April_2015.pdf?_ga=1.100170842.51188063.1407145725

• **Submitted**

SECTION 1
CONGREGATIONAL MEETINGS

5) All elected members of the Church Council shall be installed by the Pastor according to the “Installation of Elected Parish Officers/Members” at the next public service following their election or as soon thereafter as convenient.

Edited

Chapter 12.
CONGREGATION COUNCIL

C12.02.01. The members of the Congregation Council except the pastor shall be elected by written ballot to serve for three years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.

The elected members of the Congregation Council shall be installed by the pastor according to the *Installation of Elected Parish Officers/Members* at the service of worship on the Sunday following the election or as soon thereafter as convenient.

• **Question**

Hi Lowell. At *(this congregation’s)* council meeting today, I was asked what is the minimum number of members who can serve on council.

Their constitution says "pastor, treasurer, and not more than 12 members."

Currently there are five elected council members, plus pastor and treasurer. Several are going off council, and so far no one has been willing to be on the ballot, though I hear many have been asked.

(This congregation’s) annual meeting will be January 26.

Thanks for any insight you can share.

Response

There are no requirements from the model constitution. The congregation may form a governance which best fits the context.

Summation

The pastor wrote, “Today another colleague has advised me that the state may have requirements for non-profit boards. Are you aware of any for Wisconsin? Also, I hear that the congregation’s insurance company may have requirements, since the council has fiduciary responsibility for the congregation’s assets. I will be checking on that, too.”

I replied, “I would be interested to hear what you find out, since I have not looked into that.”

The pastor wrote, “The State of Wisconsin requires a minimum of three board members for a legally incorporated non-profit organization. Church Mutual does not have any upper or lower limit of members for a church board. *(This congregation)* continues to struggle with both stewardship and leadership.”

- **Question**

I know the Council is responsible for deciding worship times. If there is a change in times does the congregation have other than an advisory vote?

I couldn't find it in the constitution or by laws.

Response

C12.04. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its **worship life**, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America.

- **Submitted**

SECTION 3

CHURCH PREMISES USE BY MEMBERS

All voting members of the congregation and their immediate families shall be entitled to use the church building in case of marriage, funeral, baptism and occasions at the discretion of the Church Council. Premises available to nonmembers at the discretion of the Church Council.

SECTION 7

PROTECTING CONGREGATION CONFIDENTIALITY

Records of individual members giving shall remain the confidential information of the Church Council, Financial Secretary, and Offering Counters, and not released to the public.

Edited

Chapter 12.

CONGREGATION COUNCIL

C12.05.01. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Wisconsin, except as otherwise provided herein.

- 1) The Congregation Council shall authorize members the use of the property of this congregation for the occasional services of marriage, funeral, and baptisms, and shall exercise discretion in making the property of this congregation available to members for other occasions. The council shall exercise discretion in making the property of this congregation available to non-members.
 - 2) The Congregation Council, financial secretary, and offering counters shall keep the financial giving records of individual members confidential and shall not release such information to the public.
-

- **Presenting Situation**

I was asked to serve as a bridge interim. In anticipation of starting the assignment, I asked for and received the constitution from the church secretary. I looked it over and discovered significant omissions. I wrote to the church secretary and asked for background. She replied as follows:

I reviewed previous constitutions of this congregations back to 2001. The 2001 constitution does not have C12.06 – C12.13. So I can only assume they were either not included in the original constitution or removed prior to 2001 with a congregational vote during a semi-annual or annual meeting. C13.02 – C13.04 were removed in 2014 by congregational vote at the semi-annual meeting with “Other” being struck before “Committees...” from C13.06. This year, all required elements marked with an asterisk (*)

were added to the constitution. I do not know if they were not part of the original, never added, or if they were removed over the course of the many revisions made over the years.

Action

I brought this matter up to the Congregation Council. They suggested I talk with a member who had been at the congregation for 30+ years and had served in numerous leadership capacities during that time. He rolled his eyes and said, "We've had various pastors come and go who want to change the constitution." He recommended the deleted parts be put back into the constitution. I made the changes to conform to the model constitution and presented it to the Congregation Council, which recommended the changes and updates to the annual meeting.

• Question

C12.13. The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference and, to the extent permitted by state law, notice of all meetings may be provided electronically.

A president of a Congregation Council telephoned to ask if it was necessary to put procedures for meetings by remote communication into a continuing resolution.

Response

I said that it was important to have them written somehow and then asked about the local context. He said the congregation trusted the council to do the right thing and did not think the congregation would insist on the procedure being part of the constitution. I suggested that the procedure could be part of their policies and procedures as documented in the council minutes without being in the constitution. If the congregation were more desirous of the policy being a part of the formal document, then it would be advisable to include.

• Submitted

Chapter 12.

CONGREGATION COMMITTEES

C12.01. The officers of this congregation and the pastor shall constitute the Executive Committee.

C12.02 Other committees of this congregation may be formed as the need arises, by decision of the Council.

C12.03 Duties of committees of this congregation shall be specified in the by laws of this constitution or by continuing resolutions by council.

Chapter 13.

ORGANIZATIONS WITHIN THE CONGREGATION

C13.01. All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

C13.02. (*name*) Sunday School shall operate as the educational arm of this congregation and shall meet as scheduled.

C13.03 Women of (*name*) Lutheran Church, shall define its mission and purpose in a new or updated constitution and shall:

a) Plan and carry out its programs.

b) Maintain its treasury and expend its monies according to its intent and purpose.

c) Provide a comprehensive yearly report on both its activities and finances.

Edited

Chapter 13.

CONGREGATION COMMITTEES

C13.01. The officers of this congregation and the pastor shall constitute the *Executive Committee*.

C13.02. The voting membership of the *Nominating Committee* shall consist of the outgoing members of the Congregation Council and the pastor.

C13.03.

C13.04.

C13.05. When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.

- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of committees of this congregation shall be specified in the bylaws or in the continuing resolutions.
- C13.08.** The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.

Chapter 14.

ORGANIZATIONS WITHIN THE CONGREGATION

- C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.
- C14.02.** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council and specified in a continuing resolution.

• Submitted

B13.05.10 Committee Organization :

- a. A minimum of five voting members of the Congregation shall serve on each committee, two of which shall be from the Congregation council.
- b. committees will meet at least quarterly.
- c. Committee members shall be appointed by the Executive Committee with ratification by the Congregation Council. The term of committee members shall be for one year and a member may succeed themselves on a committee.
- d. A Congregation Council member shall chair each committee.
- e. The committee shall make recommendations to the Congregation Council regarding issues within the committee's area of responsibility, for both immediate and long range planning.

B13.05.20 The Worship committee shall assist the Pastor in developing programs pertaining to the worship life, recommend schedules for worship, involve people in worship leadership, and to develop and encourage a religious music program to enrich congregational worship services.

B1J.05.30 The Finance Committee shall manage the congregation's financial resources, including: monthly review of the operating financial statement; development of an annual congregation budget based on proposals received from various committees for Congregation Council approval; and develop policies and procedures applicable to the financial management of the congregation and with Congregation Council approval administer them accordingly.

B1J.05.40 The Education and Youth committee shall plan and administer the educational and youth programs of the congregation and to provide the necessary means and facilities to carry out these programs.

B13.05.50 The Evangelism committee shall share and make known God's saving Gospel of justification by grace through faith in Jesus Christ by: the deepening of the faith and activity of the members of this Congregation; involving members in sharing of the Gospel with the unchurched and new comers in the community and inviting them to worship and other congregational activities; reaching out to all people both at home and around the world with the
out to all people both at home and around the world with the Gospel through cooperation with and support of the Synod, Region and National Church bodies of the Evangelical Lutheran Church in America.

B13.05.60 The Property committee shall be responsible for the proper maintenance and repair of the Congregation property, the representation of the Congregation in all legal matters, and the general protection of the Congregation against loss or damage of whatever nature.

Edited

CONTINUING RESOLUTIONS

C13.06.A89. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

- a. A **Worship Committee** of not fewer than five voting members of this congregation, two of whom shall be members of the Congregation Council, shall be appointed by the Executive Committee and ratified by the Congregation Council for a term of one year. Members of this committee are eligible for consecutive re-election. This committee shall normally meet once a quarter. A member of the Congregation Council shall chair this committee. This committee shall make recommendations to the Congregation Council regarding issues within the committee's area of responsibility for both immediate and long-range planning.
- b. A **Finance Committee** of not fewer than five voting members of this congregation, two of whom shall be members of the Congregation Council, shall be appointed by the Executive Committee and ratified by the Congregation Council for a term of one year. Members of this committee are eligible for consecutive re-election. This committee shall normally meet once a quarter. A member of the Congregation Council shall chair this committee. This committee shall make recommendations to the Congregation Council regarding issues within the committee's area of responsibility for both immediate and long-range planning.
- c. An **Education and Youth Committee** of not fewer than five voting members of this congregation, two of whom shall be members of the Congregation Council, shall be appointed by the Executive Committee and ratified by the Congregation Council for a term of one year. Members of this committee are eligible for consecutive re-election. This committee shall normally meet once a quarter. A member of the Congregation Council shall chair this committee. This committee shall make recommendations to the Congregation Council regarding issues within the committee's area of responsibility for both immediate and long-range planning.
- d. An **Evangelism Committee** of not fewer than five voting members of this congregation, two of whom shall be members of the Congregation Council, shall be appointed by the Executive Committee and ratified by the Congregation Council for a term of one year. Members of this committee are eligible for consecutive re-election. This committee shall normally meet once a quarter. A member of the Congregation Council shall chair this committee. This committee shall make recommendations to the Congregation Council regarding issues within the committee's area of responsibility for both immediate and long-range planning.
- e. A **Property Committee** of not fewer than five voting members of this congregation, two of whom shall be members of the Congregation Council, shall be appointed by the Executive Committee and ratified by the Congregation Council for a term of one year. Members of this committee are eligible for consecutive re-election. This committee shall normally meet once a quarter. A member of the Congregation Council shall chair this committee. This committee

shall make recommendations to the Congregation Council regarding issues within the committee's area of responsibility for both immediate and long-range planning.

C13.07.A89. Duties of committees of this congregation shall be specified in the continuing resolutions.

- a. The duties of the Worship Committee shall include the following:
 - 1) To assist the pastor in developing programs pertaining to the worship life.
 - 2) To recommend schedules for services of worship.
 - 3) To involve people in worship leadership.
 - 4) To develop and encourage a music ministry to enrich the services of worship.
- b. The duties of the Finance Committee shall include the following:
 - 1) To review the operating financial statement once a month.
 - 2) To develop an annual budget for this congregation based on proposals received from various committees to be approved by the Congregation Council.
 - 3) To develop policies and procedures applicable to the financial management of the congregation and administer them accordingly with the approval of the Congregation Council.
- c. The duties of the Education and Youth Committee shall include the following:
 - 1) To plan and administer the educational and youth ministries of this congregation.
 - 2) To provide the necessary means and facilities to carry out these ministries.
- d. The duties of the Evangelism Committee shall include the following:
 - 1) To share and make known God's saving gospel of justification by grace through faith in Jesus Christ.
 - 2) To deepen the faith and activity of the members of the congregation.
 - 3) To involve members in sharing the gospel with the unchurched and newcomers in the community and to invite them to services of worship and other congregation activities.
 - 4) To reach out to people both at home and around the world with the gospel through cooperation with and support of the synod, region, and churchwide bodies of the Evangelical Lutheran Church in America.
- e. The duties of the Property Committee shall include the following:
 - 1) To exercise responsibility for the maintenance and repair of the property of this congregation.
 - 2) To represent the congregation in all legal matters.
 - 3) To protect the congregation against loss or damage of whatever nature.

• **Question**

The Congregation Council of (*name*) Lutheran Church is having a difficult time getting a quorum together at times. We would like to be able to allow the Ministry Chairs and Officers to have someone stand in for them if they cannot attend a council meeting and be able to vote on issues during the meeting. Our constitution does not address Proxy vote. Do you have any suggestions on how to adopt this or can you suggest wording to propose to the council? Thank you for any suggestions you can offer.

Response

**Chapter 12.
CONGREGATION COUNCIL**

C12.01. The voting membership of the Congregation Council shall consist of the officers of the congregation, the chairs of the congregation ministries **or a designated representative**, and _____ members of this congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

**Chapter 17.
AMENDMENTS**

***C17.01.** Unless provision *C17.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least ten percent of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation

at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

- *C17.02. An amendment to this constitution, proposed under *C17.01., shall:
- be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
 - be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
 - have the effective date included in the resolution² and noted in the constitution.

Follow-up Question

Thank you so much - - - I assume because this section is NOT starred, Chapter C 12.01 is not considered part of the "Model Constitution" and can be presented to the congregation and voted on at the annual meeting?

Response

Follow the process outlined in
Chapter 17.
AMENDMENTS

• Presenting Situation

Shall or may for an annual review of the membership roster?

Model Constitution for Congregations 2013

C12.07. The Congregation Council shall provide for an annual review of the membership roster.

The synod office asked me to accept an assignment where, according to the congregation trend report,

[Research and Evaluation - Evangelical Lutheran Church in America](http://www.elca.org/Our-Work/Congregations-and-Synods/Research-and-Evaluation)

<http://www.elca.org/Our-Work/Congregations-and-Synods/Research-and-Evaluation>

Congregation trend report

the congregation average worship attendance dropped by a third during the three-year tenure of the former pastor with a corresponding drop in congregation receipts. When I got there, I was informed that during that time the Congregation Council changed the *shall* to a *may* for an annual review of the membership roster. I was told that when the former pastor was asked about the loss of members the pastor sarcastically retorted, "I can't change people's choices." I sought to do an informal review of the membership roster by praying for the members over the course of three months September through November. Towards the end of those three months, the church secretary gave me an updated membership roster. When I noticed some of the names had been dropped, I asked her about it. She tersely replied, "I go through the Friendship List and record communion attendance on the computer. The new computer program drops those who have not communed in the past two years." Amidst of attending to the *mission* transition dynamic with the council, I brought up this matter. In particular, I told of one older woman who came to the quilting circle that morning. She routinely stopped at the pastor's study and gave me chocolate candy. I was going to pray for her and her husband that Sunday. Their names had been removed from the roster. I asked, "Who is going to tell her she is no longer on the membership roster? Do you want a computer to do the annual review of the membership roster?"

As it turns out, the church secretary resigned her position shortly after I left, and the older woman's daughter took over as church secretary. I am guessing that she practiced greater discretion in the review of the membership roster.

• Question

Is it not true that a member in good standing can be elected to council or any other board in a congregation? By adding the following "Staff members(this I understand) and immediate members of the staff member's family may not serve on council due to conflict of interest"

Would an operational ethics policy do the same, if this is done right the council should be able to stop any conflict before it starts.

Response

Chapter 12.

CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the pastor(s)[, the officers of the congregation,] and [members] [not more than _____ nor fewer than _____ members] of the congregation, at least one of whom shall be a youth and at least one of whom shall be a young adult. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation

Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

C12.02. The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for _____ years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.

or

The members of the Congregation Council except the pastor(s) shall be elected at a legally called meeting of the congregation during the month of _____. Their term of office shall be for _____ years, with the term of office beginning on _____ (month and day) and ending on _____ (month and day). Newly elected Congregation Council members shall be installed at worship the Sunday prior to the date they assume office.

C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.

C12.04. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.

C12.08. The Congregation Council shall be responsible for the employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

The particular conflict of interest comes in **C12.04.c.d.** and **C12.08.** A staff member whose position the Congregation Council "annually (to) evaluate(s) the fulfillment of their calling or employment" cannot at the same time provide oversight of the administration of the congregation and supervision to the staff. In addition, support staff cannot be both accountable to the pastor and provide supervision of the pastor. My experience is that such attention to conflict of interest is missing in many congregations and much needed. One of the analogies I offer is that it would be a conflict of interest for a teacher to hold a seat on the school board.

Resources

Church Administration: Programs/Process/Purpose [Robert Bacher, Michael Cooper-White]

Appendices

A. **Conflict of Interest** Certification

<http://www.amazon.com/Church-Administration-Programs-Process-Purpose/dp/0800637429>

<http://store.fortresspress.com/store/product/2687/Church-Administration>

For discussion questions on this book go to www.augsburgfortress.org/education/academic/churchadministration/

<http://www.augsburgfortress.org/education/academic/churchadministration/thebook.jsp>

Images for Church Administration: Programs/Process /Purpose [Robert Bacher, Michael Cooper-White]

CODE OF CONDUCT - Diocese of Fargo

Conflicts of Interest. Church workers shall avoid putting themselves in a position that might present a conflict of interest, since the existence, or even the appearance, of a conflict of interest can call into question one's integrity and professional conduct.

<http://www.fargodiocese.org/files/pdf/vicar/fargodio-codeconduct.pdf>

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Images for CODE OF CONDUCT - Diocese of Fargo

Conflict of interest - Wikipedia

A conflict of interest (COI) is a situation occurring when an individual or organization is involved in multiple interests, one of which could *possibly* corrupt the motivation.

The presence of a conflict of interest is independent of the occurrence of impropriety. Therefore, a conflict of interest can be discovered and voluntarily defused before any corruption occurs. A widely used definition is: "A conflict of interest is a set of circumstances that creates a risk that professional judgment or actions regarding a primary interest will be unduly influenced by a secondary interest."^[1] *Primary interest* refers to the principal goals of the profession or activity, such as the protection of patients, the health of patients, the integrity of research, and the duties of public office. *Secondary interest* includes not only financial gain but also such motives as the desire for professional advancement and the wish to

do favors for family and friends, but conflict of interest rules usually focus on financial relationships because they are relatively more objective, fungible, and quantifiable. The secondary interests are not treated as wrong in themselves but become objectionable when they are believed to have greater weight than the primary interests. The *conflict* in a conflict of interest exists whether or not a particular individual is actually influenced by the secondary interest. It exists if the circumstances are reasonably believed (on the basis of past experience and objective evidence) to create a risk that decisions may be unduly influenced by secondary interests.

http://en.wikipedia.org/wiki/Conflict_of_interest

https://simple.wikipedia.org/wiki/Conflict_of_interest

[Images for conflict of interest](#)

Healthy Disclosure: Solving Communication Quandaries in Congregations by Kibbie Simmons Ruth (Author), Karen A. McClintock (Author)

Knowledge is power, and the way knowledge is shared in a congregation can build up or break down community. When congregational leaders are sensitive to the ways that information should be shared, the congregation can become safe and strong. Unfortunately, congregations can easily fall into patterns of communication that lead to disastrous interpersonal and organizational outcomes. Even in times of crisis, however, congregations can learn and practice new skills and healthy communication management.

Congregational consultants Kibbie Ruth and Karen McClintock show clergy and laity how to appropriately handle information. From proper ways to respond to rumors to relating information about a staff firing to the congregation, *Healthy Disclosure* is filled with step-by-step ideas for handling different types of sensitive material. It helps clergy and other congregational leaders understand levels of disclosure, including how and when to reveal information, the difference between privacy and secrecy, legal issues related to public knowledge, and the power of secrets from a congregation's past.

What we don't know can hurt us. The more conscious congregational leaders are of the information they have and how they pass it along to others, the better off the congregation will be. Information management is both a technical process and a spiritual undertaking. Leaders need the ability to spiritually discern, not just intellectually decide, the solutions to congregational dilemmas. Ruth and McClintock guide readers in developing the skills needed to create a congregational environment of healthy disclosure.

<http://www.amazon.com/Healthy-Disclosure-Communication-Quandaries-Congregations/dp/1566993466>

<https://rowman.com/ISBN/9781566993463/Healthy-Disclosure-Solving-Communication-Quandaries-in-Congregations>

<https://www.barnesandnoble.com/w/healthy-disclosure-kibbie-simmons-ruth/1118480761>

https://books.google.com/books/about/Healthy_Disclosure.html?id=AeNhAwAAQBAJ

https://books.google.com/books/about/Healthy_Disclosure.html?id=JK6UGAAACAAJ

<https://thecrg.org/resources/healthy-disclosure-solving-communication-quandaries-in-congregations>

<http://kyros.org/resources/safe-congregation-policy-development/>

<https://www.amazon.com/Karen-A.-McClintock/e/B001JS11U0>

[Images for Healthy Disclosure: Solving Communication Quandaries in Congregations by Kibbie Simmons Ruth \(Author\),](#)

[Karen A. McClintock \(Author\)](#)

New conflict-of-interest policy prompts resignation of Oakridge school board member

An Oakridge school board member has resigned after her work as a substitute teacher in the district was deemed a conflict of interest.

http://www.mlive.com/news/muskegon/index.ssf/2014/02/conflict_of_interest_policy_pr.html

[Images for conflict-of-interest policy school board member](#)

Public School Teacher FAQs on the Conflict of Interest Law | Mass.gov

Running for School Committee

Question: May I run for school committee in the town where I teach?

Answer: Yes, but you will have to give up your teaching job if elected. G.L. c. 71, § 52 provides that school committee members may not be teachers in their own districts. This restriction also applies to per diem substitute teachers.

<http://www.mass.gov/ethics/education-and-training-resources/educational-materials/explanations-of-the-conflict-of-interest-law/public-school-teacher-faqs.html#RunningforSchoolCommittee>

[Images for Public School Teacher FAQs on the Conflict of Interest Law](#)

The Conflicts of Teachers on School Boards | CityEthics.org

Teachers and teachers' family members seem to be just the sort of people to run for school boards. They have either the expertise and/or the interest in education. But with them come conflicts of interest, and these can cast doubt on what they're doing there in the first place.

Teachers in the particular school district generally can't run for school board seats, but many teachers don't live in the districts where they teach. This prohibition often applies to their spouses as well, but not to their parents, siblings, and children.

But when it comes to teacher contracts, even the parents, siblings, and children have a conflict between the interests of the public and the interests of their immediate family members in getting a raise and holding on to their benefits.

<http://www.cityethics.org/content/conflicts-teachers-school-boards>

- **Case Study**

During the course of reviewing the constitution in order to update and edit the document, a number of Congregation Council members expressed disdain for the phrase in C12.12. [except when the pastor or interim pastor requests or consents to be absent and **has given prior approval to the agenda** for a particular regular or special meeting]. The argument was made that the pastor does not need to give prior approval to the agenda when absent and that, in fact, it is desirable for the pastor to be absent at least once a year so that the Congregation Council can speak freely without the pastor present. It so happened that I asked to be excused from a December meeting to attend a memorial service for my aunt. On the day after Christmas, when I was working on the January newsletter, I read in the council minutes that two of the Deacons had made a motion to giving added responsibilities for publications to me. None of the Deacons or Congregation Council members talked to me about this ahead of time, and I was left to find out about it while reading the minutes. I brought this up at the next council meeting as a case in point and explained again why this practice is problematic. Making this case study even more complex was the fact that the Deacon who seconded the motion served as the compensated church secretary. I pointed out the conflict of interest that comes from the provision in

C12.08. The Congregation Council shall be responsible for the **employment and supervision of the staff** of this congregation.

If the congregation was going to continue in this practice, at least the Call Committee should be straightforward in explaining this practice to the candidates.

Chapter 12.

CONGREGATION COUNCIL

C12.08. The Congregation Council shall be responsible for the employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

C12.09. The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.

C12.11. The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.

C12.12. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

- **Question**

What is the difference between a board of trustees and a board of directors?

Chapter 12.

CONGREGATION COUNCIL

C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the **board of [trustees] [directors]** of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of _____, except as otherwise provided herein.

Response

Unless a congregation already uses a Board of Deacons and a Board of Trustees structure used in The Constitution for Congregations of the American Lutheran Church [See Chapter 10. Constitution. Appendix 2: Progression in the Development of a Congregation Constitution.], I recommend the use of the term board of trustees. After the 2016 Churchwide Assembly amended

Chapter 9.

ROSTERED MINISTER

***C9.24.** The specific duties of the **deacon**, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.

to use deacons for rostered minister, it is even more reason to move away from the Board of Deacons and a Board of Trustees structure for the Congregation Council.

Resources

What Are the Duties of a Church Board of Directors? | eHow

The purpose of the board of directors is to handle oversight of the company's business activities conducted on behalf of the shareholders. This includes deciding when or if to pay out shareholder dividends.

http://www.ehow.com/list_7255738_duties-church-board-directors_.html
[Images for Church Board of Directors](#)

What Are the Duties of a Church Trustee Board? | eHow

A church trustee board is the governing body of a Christian organization. Most trustees are elected positions and have time limits of service. Decisions about church property or assets are often under the direct supervision of the trustee board. The trustee board acts as the board of directors of a private company, though it may report to a supervisory body of its denomination.

http://www.ehow.com/info_8148556_duties-church-trustee-board.html
[Images for Church Trustee Board](#)

What Is the Difference Between a Board of Directors and a Board of Trustees? - eHow

A board of directors and a board of trustees have similar structures and purposes, both conducting oversight and governance activities within an organization. The primary difference is the type of organization in which each board operates.

A board of trustees is similar to a board of directors. A board of trustees, however, operates in the context of a nonprofit organization.

http://www.ehow.com/facts_5983181_difference-board-directors-board-trustees_.html
[Images for Board of Directors](#)
[Images for Board of Trustees](#)

• Submitted

C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

a. The Congregation Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Wisconsin, except as otherwise provided herein.

C12.05.A97. Management of business and fiscal affairs

The Congregation Council shall ensure that the offerings of this congregation are counted each week. All members of the Congregation Council shall be designated as counters. The Congregation Council may appoint voting members of this Congregation other than Congregation council members as counters. All counters shall operate under the direction of the Congregation Council Treasurer.

b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.

Edited

Chapter 12.

CONGREGATION COUNCIL

C12.05.a.A97. The Congregation Council shall be responsible for the financial and property matters of this congregation.

a. The Congregation Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Wisconsin, except as otherwise provided herein.

The Congregation Council shall ensure that the offerings of this congregation are counted each week. All members of the Congregation Council shall be designated as counters. The Congregation Council may appoint voting members of this congregation other than members of the Congregation Council as counters. All counters shall operate under the direction of the treasurer of this congregation.

• **Amendment**

*Amendment to the Model Constitution for Congregations as approved by the 2013 Churchwide Assembly
Prepared by the Office of the Secretary Evangelical Lutheran Church in America August 26, 2013*

C12.13. The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

Resource

WISCONSIN OPEN MEETINGS LAW - Department of Justice

2. Convening of members7
a. Written correspondence.....7
b. Telephone conference calls8
c. Electronic communications8
 b. Telephone conference calls.

A telephone conference call, in contrast, is very similar to an in-person conversation and thus qualifies as a convening of members. 69 Op. Att’y Gen. 143 (1980). Under the *Showers* test, therefore, the open meetings law applies to any conference call that: (1) is for the purpose of conducting governmental business and (2) involves a sufficient number of members of the body to determine the body’s course of action on the business under consideration. To comply with the law, a governmental body conducting a meeting by telephone conference call must provide the public with an effective means to monitor the conference. This may be accomplished by broadcasting the conference through speakers located at one or more sites open to the public. 69 Op. Att’y Gen. 143, 145.

c. Electronic communications.

Written communications transmitted by electronic means, such as email or instant messaging, also may constitute a "convening of members," depending on how the communication medium is used. Although no Wisconsin court has applied the open meetings law to these kinds of electronic communications, it is likely that the courts will try to determine whether the communications in question are more like an in-person discussion *e.g.*, a rapid back-and-forth exchange of viewpoints among multiple members-or more like non-electronic written correspondence, which generally does not raise open meetings law concerns. If the communications closely resemble an in-person discussion, then they may constitute a meeting if they involve enough members to control an action by the body. Krischan Correspondence, October 3,2000. In addressing these questions, courts are likely to consider such factors as the following: (1) the number of participants involved in the communications; (2) the number of communications regarding the subject; (3) the time frame within which the electronic communications occurred; and (4) the extent of the conversation-like interactions reflected in the communications. Because the applicability of the open meetings law to such electronic communications depends on the particular way in which a specific message technology is used, these technologies create special dangers for governmental officials trying to comply with the law. Although two members of a governmental body larger than four members may generally discuss the body’s business without violating the open meetings law, features like "forward" and "reply to all" common in electronic mail programs deprive a sender of control over the number and identity of the recipients who eventually may have access to the sender’s message. Moreover, it is quite possible that, through the use of electronic mail, a quorum of a governmental body may receive information on a subject within the body’s jurisdiction in an almost real-time basis, just as they would receive it in a physical gathering of the members.

Inadvertent violations of the open meetings law through the use of electronic communications can be reduced if electronic mail is used principally to transmit information one-way to a body’s membership; if the originator of the message reminds recipients to reply only to the originator, if at all; and if message recipients are scrupulous about minimizing the content and distribution of their replies. Nevertheless, because of the absence of judicial guidance on the subject, and because electronic mail creates the risk that it will be used to carry on private debate and discussion on matters that belong at public meetings subject to public scrutiny, the Attorney General’s Office strongly discourages the members of every governmental body from using electronic mail to communicate about issues within the body’s realm of authority. Krischan Correspondence, October 3, 2000; Benson Correspondence, March 12, 2004. Members of a governmental body may not decide matters by email voting, even if the result of the vote is later ratified at a properly noticed meeting. 1-01-10, January 25, 2010.

<http://www.doj.state.wi.us/sites/default/files/dls/open-meetings-law-compliance-guide-2010.pdf>
[Images for wisconsin open meeting law](#)

- **Question**

I've got another Constitution question. I find it odd that the call committee for a new pastor consists of six people. Why is it not an odd number? Thanks for your time.

Response

C13.05. When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by [this congregation] [the Congregation Council]. Term of office will terminate upon installation of the newly called pastor.

I do not know why the number is six. What I can say is that the decision should be unanimous. Even if the vote was 4-3, for instance, it would be better not to recommend for call rather than to recommend.

[PDF]Moving into the Future - Amazon S3

As the Holy Spirit has guided the call committee to a candidate, the decision to recommend this pastor to the congregation is typically reached by common consent. If through prayer and consideration, the Holy Spirit has led the call committee to a unanimous decision on a candidate, this is certainly a time for celebration. Unanimous consent is definitely the best option.

The call committee should have considerable conversation before moving forward with a less than unanimous candidate. The call committee should be able to articulate why it is moving forward with the recommending the candidate without unanimous consent.

https://s3.amazonaws.com/media.cloversites.com/0a/0a854394-3a19-4d9f-b1ae-f93021508921/documents/Call_Process_Booklet_2016.pdf

Page 29

Reply

Thanks, Lowell. I understand now that the decision must be unanimous. Thanks for the quick response!

- **Submitted**

C13.12. The lead pastor of this congregation shall be a non voting member of all committees and boards of the congregation. The president of this congregation shall have standing as a non voting member of all committees and boards of the congregation with exceptions as follows: a) cannot serve on the Nominating Committee and b) has vote as member of the Executive Committee.

Edited

C13.01. The officers of this congregation and the pastor shall constitute the *Executive Committee*.

C13.08. The lead pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation and shall have voice but not vote at the meetings of the committees and boards of this congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee, and shall have voice but not vote at the meetings of the committees and boards of this congregation.

- **Question**

May a committee of the congregation hold their meetings off-site, and if they do, 1) must they make their meeting time and place known to the congregation, and 2) are they required to give meeting minutes to the church office? If they can NOT meet off church property, where is this in the Model Constitution?

Response

Constitution

C12.11. The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.

[C12.13. from the model constitution was deleted in the congregation constitution. It would be interesting to know the reasoning.]

C12.13. The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference and, to the extent permitted by state law, notice of all meetings may be provided electronically.

BYLAWS

C13.07.01. Duties of committees of this congregation shall be specified in the bylaws and continuing resolutions.

- a. A *Board of Worship and Mission* shall consider matters relating to worship; develop programs of evangelism, stewardship, and fellowship; initiate and implement witness and service to the community; and submit written reports periodically to the Congregation Council and a comprehensive report to this congregation at the annual meeting outlining their goals and accomplishments. The Congregation Council may assign additional tasks by continuing resolution.
- b. A *Board of Faith Formation* shall develop an effective teaching ministry, which includes the training of teachers and leaders; provide opportunity for study by every member of the congregation through teaching agencies; and be responsible for the youth and family ministry of the congregation; and submit written reports periodically to the Congregation Council and a comprehensive report to this congregation at the annual meeting outlining their goals and accomplishments. The Congregation Council may assign additional tasks by continuing resolution.
- c. A *Board of Trustees* shall receive reports regularly from the treasurer to ascertain that the expenditures and within the budget approved by the congregation; prepare a budget for review by the Congregation Council, which shall make a recommendation for submission to the annual meeting of this congregation; assure itself and others who have access to the funds of the congregation are adequately bonded; be responsible for property matters of this congregation; and submit written reports periodically to the Congregation Council and a comprehensive report to this congregation at the annual meeting outlining their goals and accomplishments. The Congregation Council may assign additional tasks by continuing resolution.

There is the letter of the law and the spirit of the law. Underlined are sentences that pertain to the questions. Without knowing more of the details, it seems to me that to inspire trust there needs to be transparency. For me, holding meetings off site and deliberately neglecting to inform the congregation or the Congregation Council raises red flags.

Reply

Thanks for the quick and helpful response.

- **Submitted**

An assistant to the bishop asked me to review a constitution for an executive committee at a congregation where the pastor was retiring earlier than planned, and the congregation was embarking upon a self-study with a consultant. I noticed that the constitution included no mention of a Mutual Ministry Committee. I went to the website for the congregation to read a letter by the president where he said the self-study revealed, "Three important points were made clear from the data collected: Number 1, Satisfaction and energy levels in our congregation are very low."

Action

I included the provision on a Mutual Ministry Committee in the edited constitution to get the executive committee thinking about establishing such a committee so that the message could be conveyed to the pastor directly before having to hear it from a consultant.

C13.04. *Mutual Ministry Committee(s)* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president [vice president¹] and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.**

- **Submitted**

Chapter 13.

CONGREGATION COMMITTEES

C13.01. The officers of this congregation and the pastor shall constitute the *Executive Committee*.

C13.02. A *Nominating Committee* of four voting members of this congregation shall be elected at the annual meeting for a term of one year. In addition, two members of the Congregation Council whose terms expire that year shall be appointed by the president. Members of the Nominating Committee are not eligible for consecutive re-election.

- C13.03.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.
- C13.04.** A *Mutual Ministry Committee* consisting of three members, one Deacon, one Trustee, and the Vice President, shall be appointed by the President at the first Council meeting following the annual meeting.
- C13.05.** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by the Congregation Council. Terms of office will terminate upon installation of the newly called pastor.
- C13.06.** An Education Committee consisting of six members shall be elected by the annual meeting in such a way that the terms of two members expire each year. The term of office shall be three years. Members shall be eligible for re-election. The Education Committee shall be responsible for the leadership and supervision of the educational program of the congregation. The Sunday School Superintendent shall annually be appointed by the Education Committee for a term of one year beginning on July 1. There are no limits to the number of consecutive terms a superintendent may serve. The Sunday School Superintendent shall have oversight of the Sunday School and perform such other duties as the Education committee may decide. One of the Deacons shall be appointed as a liaison to this Committee.
- C13.07.** A Worship Committee, together with the pastor(s), shall have responsibility for planning and coordinating worship services. Members of this committee may include but are not limited to representatives from the ELCW, Sunday School, Congregation Council, and Altar Guild, the church organist and directors of each of the church choirs, as well as those responsible for securing volunteers to acolyte, cantor, serve communion, decorate, greet and usher, read scripture lessons, and provide nursery care. This committee shall normally meet quarterly and at such other times as the need arises. One of the Deacons shall be appointed as a liaison to this committee.
- C13.09.** A Local Missions Committee, consisting of six members, shall be elected at the annual meeting. The term of office shall be three years, with members elected in such a way that the terms of two members expire each year. There are no limits to the number of consecutive terms a member may serve. The Local Missions Committee shall be responsible for receiving requests and responding to special needs within this community. One of the Trustees shall be appointed to serve as a liaison to the Local Missions Committee.
- C13.10.** A Building and Grounds Committee consisting of three members shall be elected at the annual meeting. The term of office shall be three years with members elected in such a way that one member's term expires each year. There are no limits to the number of consecutive terms a member may serve. The Building and Grounds Committee shall have responsibility for the care and maintenance of the church grounds and facilities. They shall work closely with the church custodian to keep the church property clean and in good repair. One of the Trustees shall be appointed to serve as a liaison to the Building and Grounds Committee.

C13.11. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C13.12. Duties of committees of this congregation shall be further specified in the bylaws.

C13.13. The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.

Edited

Chapter 13.

CONGREGATION COMMITTEES

C13.01. The officers of this congregation and the pastor shall constitute the *Executive Committee*.

C13.02. A *Nominating Committee* of four voting members of this congregation shall be elected at the annual meeting for a term of one year. In addition, two outgoing members of the Congregation Council shall be appointed by the president. Members of the Nominating Committee are not eligible for consecutive re-election.

C13.03. An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.

C13.04. A *Mutual Ministry Committee* of one Deacon and one Trustee shall be appointed by the president at the first meeting of the Congregation Council following the annual meeting. The vice president of this congregation shall be *ex officio* a member of the Mutual Ministry Committee.

C13.05. When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.

C13.06. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C13.07. Duties of committees of this congregation shall be specified in the bylaws.

C13.08. The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.

Chapter 13.

CONGREGATION COMMITTEES

C13.06.01. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

- a. An *Education Committee* of six voting members of this congregation shall be elected at the annual meeting. Term of office shall be three years, with two members elected each year. Members shall be eligible for re-election. This committee shall be responsible for the leadership and supervision of the educational ministry of this congregation. This committee shall appoint a Sunday School superintendent. Term of office shall be one year beginning July 1. The Sunday School superintendent shall be eligible for re-election. The Sunday School superintendent shall exercise oversight of the Sunday School and shall perform such other duties as this committee may decide. The Board of Deacons shall appoint one of the members of the Board of Deacons to serve as a liaison to this committee.
- b. The voting members of the *Worship Committee* shall include the pastor and may include but is not limited to representatives from the Women of the ELCA, Sunday School, Congregation Council, Altar Guild, organist, and directors of each of the choirs, as well as those responsible for securing volunteers to acolyte, cantor, assist with communion, decorate, greet, usher, lector, and staff the nursery. This committee shall normally meet once a quarter and at such other times as the need arises. The Board of Deacons shall appoint one of the members of the board as a liaison to this committee.
- c. A *Local Missions Committee* of six voting members of this congregation shall be elected at the annual meeting. Term of office shall be three years, with two members elected each year. No member shall be eligible to serve more than two consecutive terms. This committee shall receive requests and respond to special needs within the community. The Board of Trustees shall appoint one of the members of the board to serve as a liaison to this committee.
- d. A *Buildings and Grounds Committee* of three members shall be elected at the annual meeting. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election. This committee shall be responsible for the property matters of this congregation and shall work closely with the custodian of this

congregation to keep the property clean and in good repair. The Board of Trustees shall appoint a member of the board to serve as a liaison to this committee.

- **Amended**

I served a congregation where the Congregation Council sought to exercise discipline of a member. The council had attempted discipline of this member a few years earlier only to find its powers limited later under amendments changing the constitution.

Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION

AMENDMENTS TO THE MODEL CONSTITUTION FOR CONGREGATIONS

AS APPROVED BY THE 2013 CHURCHWIDE ASSEMBLY

Prepared by the Office of the Secretary
Evangelical Lutheran Church in America
August 26, 2013

Additions are underlined. Deletions are ~~struck through~~ in the text.

Chapter 15.

DISCIPLINE OF MEMBERS AND ADJUDICATION

*C15.01. ~~Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Congregation Council. If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.~~

Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15-17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

*C15.02. ~~The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. The written citation that specifies the time and place of the hearing before the Congregation Council and requests the presence of a member charged with the offense shall be sent at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.~~

The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two clergy). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.

- *C15.03. ~~Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:~~
~~a. censure before the council or congregation;~~
~~b. suspension from membership for a definite period of time; or~~
~~c. exclusion from membership in this congregation.~~
~~Disciplinary actions b. and c. shall be delivered to the member in writing.~~
~~If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.~~
- *C15.04. ~~The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.~~
~~The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.~~
- *C15.05. ~~Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.~~
~~By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:~~
~~a. suspension from the privileges of congregation membership for a designated period of time;~~
~~b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;~~
~~c. termination of membership in the congregation; or~~
~~d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.~~
- *C15.06. ~~For disciplinary actions in this congregation, "due process" shall be observed as specified in 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.~~
~~The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.~~
- *C15.07. ~~No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.~~
~~No member of the congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.~~

ELCA Office of the Secretary - Evangelical Lutheran Church in America
<http://www.elca.org/About/Churchwide/Office-of-the-Secretary/Constitutions>
[Images for ELCA Office of the Secretary](#)

Summation

~~e) citation to appear before the Congregation Council. If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.~~

[is now replaced by]

~~c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.~~

[A Congregation Council is no longer able to suspend or exclude from membership but must submit the matter to the vice president of the synod.]

~~Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:~~

- ~~a. censure before the council or congregation;~~
 - ~~b. suspension from membership for a definite period of time; or~~
 - ~~c. exclusion from membership in this congregation.~~
- ~~Disciplinary actions b. and c. shall be delivered to the member in writing.~~

- **Submitted**

Help in Updating Our Constitution

Pastor (name) brought up your e-mail to him concerning updating name Lutheran Church of name constitution to bring it in line with the "Model Constitution for Congregations of the Evangelical Lutheran Church in America" at our December church council meeting. We all agreed to accept your offer to update our constitution for us. I am attaching both a word and pdf of our present constitution. Our annual meeting isn't until July so we do have a fair amount of time to get it updated and ready for presenting the updated constitution to the congregation, at our annual meeting, for approval. Thanks again for helping us with this task!

Reflection

The submitted document last updated 12/14/1994 can be placed under the rubric of Time to Update the Constitution. I received this submission dated 12/28/2016 at 8:25AM. As it turned out, there were no bylaws and continuing resolutions to edit, so the review was straightforward. I sent a ► *Review by synod* downloaded model constitution adapted to the local context to the president, pastor, and synod office at 10:41AM.

Chapter 16.

AMENDMENTS

- *C16.03. Any amendments to this constitution that result from the processes provided in *C16.01. and *C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- *C16.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

► **Review by synod:** Each congregation of this church is to provide a copy of its governing documents, and any amendments thereto, to its synod. In accordance with ELCA bylaw 9.53.03., amendments to a congregation constitution become effective *only* when approved by the synod. This bylaw provides:

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them. The synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate.

No governing document amendment will be approved by a synod if it conflicts with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. In order to meet constitutional requirements and to avoid potential problems, all proposed amendments to a congregation's constitutional provisions, bylaws, and continuing resolutions should be submitted to the synod for review.

► **Amendment consistent with the Model Constitution for Congregations:** A congregation that amends its constitution to be in conformity with the *Model Constitution for Congregations* will report these changes to its synod. The amendments become effective upon adoption by the congregation, *C16.04. While synod approval is not required, it is wise to work with the synod in preparing to present these amendments to the congregational meeting.

Comment

Occasionally, I receive pushback from members of a congregation constitution task force who evidently think that a review by synod should be limited to making sure that those sections that are preceded by an asterisk are left intact. Otherwise, such thinking goes, a review by synod should be restricted so that, if the other sections without an asterisk do not directly conflict with those sections with an asterisk, such sections should be left up to the discretion of the congregation. My approach is more proactive in that I download the model constitution and adapt it to the local setting to bring the congregation constitution into conformity with the model constitution and the guidelines in the Introduction.

• Question

Is there a SUGGESTED percentage for quorum for congregational meetings? The model has a blank line. We have a fixed # at 60. Dumb.

And it takes TWO annual meetings to change that, right?

Response

Here are what other congregations have for a quorum by way of comparison

Hope of Eau Claire - those voting members present

Immanuel of Eau Claire - 15

Evangelical of Black River Falls - 25

Central of Chippewa Falls - 30

Central of Mondovi - 40

Trinity of Eau Claire - 40

English of Ellsworth - 5%

Ezekiel of River Falls - 5%

Faith of Marshfield - 5%

Our Saviors of Chippewa Falls - 10%

Bethany of Rice Lake - 10%

Our Saviors of Menomonie - 25%

Chapter 16.

AMENDMENTS

*C16.01. Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least fifty percent of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

*C16.02. An amendment to this constitution, proposed under *C16.01., shall:

- a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those voting members present and voting;
 - b. be ratified without change at the next annual meeting by a two-thirds vote of those voting members present and voting; and
 - c. have the effective date included in the resolution² and noted in the constitution.
-

• **Question**

Is the model constitution what all ELCA churches are supposed to have as their constitution? Ours looks quite different hence all the changes you made. While I thought we were keeping up to date on all revisions, it is clear that we definitely were not.

Response

INTRODUCTION to the *Model Constitution for Congregations*

The *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, like the other governing documents of this church, reflects the theology and polity of this church as it organizes itself to preach the gospel of Jesus Christ, share the sacraments, reach out to the neighbor with good news and share the love of God in the world. Each expression of this church — churchwide, synod, and congregation — is held together in a relationship of interdependence that encourages each to respond to its context. These documents also demonstrate our commitment to seeing ourselves with others as part of the one, holy, catholic, and apostolic Church. As such, the *Model Constitution for Congregations* is deeply rooted in Scripture, the Lutheran Confessions, and the history of this church and its predecessors.

The *Model Constitution for Congregations* was adopted by the Constituting Convention of the Evangelical Lutheran Church in America, as required by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This current edition of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* contains changes adopted by all churchwide assemblies, including the fourteenth Churchwide Assembly in 2016. It is consistent with the requirements of the governing documents of the ELCA's churchwide organization and synods, and it provides organizational flexibility to recognize the context of local congregations.

Reply

This is great, thank you!

Peace,

• **Question**

Is section C16.04 the only thing that changed?

Looks like Chapter 20 is added also. Is there a way the changes can be highlighted so they are obvious to those reviewing it?

Thanks,

Response

This is the article I publish in the newsletter to announce the vote on the constitution. I suggest printing out the amendments from the internet address listed below for the use by your review team.

Updated Constitutions to be Brought Before Annual Meetings

Both Congregation Councils at their October meetings voted to place the updated constitutions on the agenda of the annual meeting for approval. The internet address for the amendments passed at the 2016 ELCA Churchwide Assembly is listed below. Highlights include: seasonal membership, rostered ministers, and parish authorization.

[Amendments to the Model Constitution for Congregations](#)

download.elca.org/ELCA%20Resource%20Repository/Amendments_to_Constitution_for_Congregations

• **Question**

How do we know what has been added and what has been changed?

² Such an effective date must be stated in relation to the requirements of *C16.03. to allow time for synodical review of the amendment.

Reply

For the updates to the constitution, go to the Office of Secretary - Evangelical Lutheran Church in America and read all the Model Constitution amendments since the constitution was last updated.

Office of the Secretary - Evangelical Lutheran Church in America

<https://www.elca.org/Resources/Office-of-the-Secretary>

For the edits to the constitution, bylaws, and continuing resolutions, if the reader uses a wide computer screen put the submitted and edited up on the screen side by side and highlight electronically or print hard copies and compare and contrast with highlighters. Otherwise, it would make my job even more tedious if I had to highlight every change.

• Submitted

Amended: First approval date: January 15, 1989 ratified date: January 23, 1990

(NAME) LUTHERAN CHURCH CONSTITUTION

In the name of the Father, and of the Son, and of the Holy Spirit.

Amen

PREAMBLE

Recognizing our unity in the Christian faith and our common practice of it, and desiring to express a fellowship in worship and work, knowing our spiritual needs, mindful of our Christian privileges and duties, and wishing to observe an orderly cooperation, we adopt the following constitution,:

ARTICLE I – NAME

The name of this congregation shall be NAME. This congregation shall be incorporated under the laws of the State of Wisconsin.

ARTICLE I – CONFESSION OF FAITH

- I. This congregation believes and confesses that the Holy Scriptures, the Canonical Books of the Old and New Testament are the Word of God, revealed for man and therefore the only source of all of faith, doctrine, and life.
2. As a concise, true, and pure presentation of the teaching of God's word, this congregation accepts and confesses the teachings of the symbolic books of the Evangelical Lutheran Church in America.
 - A. These Confessions are:
 - (1) The Apostles Creed
 - (2) Nicene Creed
 - (3) Athanasian Creed
 - B. The unaltered Augsburg Confession
 - C. Luther's Small Catechism

ARTICLE III – LITURGY

The public services of this congregation shall conform to the authorized liturgies and rituals of the Evangelical Lutheran Church in America, and the authorized hymn books of the Church shall be used in its worship and its schools.

ARTICLE IV – PURPOSE

The object and purpose of this congregation shall be to proclaim and propagate the Christian faith, through the Means of Grace, and to cooperate in the work and service of the Lutheran Church.

ARTICLE VI - SYNODICAL MEMBERSHIP

1. For better attainment of its objectives and purposes, this congregation shall hold membership in the West-Central Wisconsin Synod of the Evangelical Lutheran Church in America.
2. Being affiliated with the Evangelical Lutheran Church in America, this congregation is ready to be served by representatives of the Church in the various capacities for which they have been called or appointed.
3. Severance of membership in the Evangelical Lutheran Church in America shall require a two-thirds majority vote of all voting members present at a legally called meeting. Such a decision shall not be effective until at least ninety days after the Synodical Bishop has been notified, and until the initial action has been ratified by a two-thirds majority vote at a subsequent legally called meeting.

ARTICLE VII-MEMBERSHIP

Only the following can be members of the congregation:

1. Those baptized in the name of the Triune God.
2. Those confirmed or any one who under special circumstances possess such religious knowledge required of a confinnand.
3. If they will accept Article II of the Constitution.
4. Practice Christian living.
5. When they have erred must submit to discipline in brotherly love.

ARTICLE VIII - CHURCH DISCIPLINE

In the congregation church discipline should be in harmony with Matthew 18:15-18.

ARTICLE IX-PASTORIAL QUALIFICATIONS

In the congregation the pastorate can only be filled by such a pastor . who according to the teachings and practices of the Evangelical Lutheran Church in America who is rightly ordained and properly called and. dedicafof to this Holy office. He also has to accept the Canonica] books of Holy Scripture in the Old and New Testament as the only rule and guide for faith teaching and life and also must confess belief in the unaltered Augsburg Confession ad Luther's Small Catechism.

ARTICLE X-THE PASTORAL CALL

1. Authority to call a pastor shall rest in the congregation. Such authority to call shall be exercised by at least a two-thirds majority vote of members present and voting at a meeting called for that purpose. Before a call is issued, the officers, or a committee authorized by the cong:regation, shall seek the advice and help of the Bishop of the West-Central Wisconsin Synod of Evangelical Lutheran Church in America.
2. Only a clergyman of the Evangelical Lutheran Church in America in good standing or one who is recommended for call by the , Bishop of the Evangelical Lutheran Church in America, may be called as a pastor of this cong:regation.
3. The Pastor, as spiritual leader of the congregation, shall be an ex officio member of all other boards, committees, and organizations of the congregation.
4. No one shall be permitted to officiate in the pastoral office of this congregation who is not a member in good standing of the Evangelical Lutheran Church in America or who is not acceptable according to the standards of the Evangelical Lutheran Church in America.
5. If in the judgment of the congregation the pastor is not able to serve it satisfactorily, he may be requested to resign. However, before the resignation is requested, the matter shall first be : carefully considered at a meeting of the Church Council in consultation with the Synod Bishop. A request for the pastor's resignation shall require a two-thirds majority vote of a special meeting of the congregation called at least ten days in advance for the consideration of a resolution in this matter. If the pastor's resignation has been requested in the manner here specified, ifle shall vacate office at the time specified by the congregation..
6. Matters of discipline involving the pastor for alleged defection in doctrine or for alleged conduct unbecoming a pastor, shall be referred by the Church Council to the Synod Bishop for action according to the Constitution and By-laws of the Evangelical Lutheran Church in America.

ARTICLE XI - POWER OF THE CONGREGATION

1. In all matters of Christian faith and life the authority of the Word of God shall be supreme.
2. In all matters left undecided by the Word of God and not subject to civil laws, the congregation itself, and not any individual or group within it, shall have the right of ultimate decision.
3. All schools, societies, and other organizations within the congregation shall be organized with the approval of the congregation and operate in harmony with its policies.

ARTICLE XII - LEGAL OWNERSHIP

1. Title to all real or personal property acquired by the congregation, its organizations, or individuals for use by the conl:,->regation in its organizations, shall be held by the congregation as a corporation.
2. Real property shall not be purchased, disposed of, or encumbered in any manner except by resolution adopted by vote of two-thirds or more of the members present and voting at a legally called meeting of the congregation.
3. Should the congregation for any reason be dissolved, or its property fall into disuse, title to the land and other estates, real atld personal, shall pass to the Evangelical Lutheran Church in America, unless deeded to another Lutheran congregation or to a local cemetery association.

ARTICLE XIII -THE CONGREGATIONAL MEETING

1. The power and authority of this congregation shall be exercised through the congregational meeting, called and held in conformance with civil laws and the provisions of the Constitution and By-Laws of this Congregation.
2. The annual congregational meeting shall be held in the month of January. Notice of the annual meeting shall be given as provided in the by-laws.
3. The congregation shall also hold such special meetings as may be called by the congregation, or the pastor, or the president, Church Council, or the Synod Bishop, or by petition of at least 10% of the individual voting members. The official call for all special meetings of the congregation shall state in writing the time, place, and purpose of the meeting and shall be signed by the proper officer or individuals authorized above and shall be posted prominently in the place where the congregation worships. The calling of such special meetings, including the time, place, and purpose shall also be announced orally at all public services within ten days prior to such meetings or by notice mailed to voting members at least five days in advance; provided that written notice of meetings called to consider requesting the pastor to resign must be mailed at least ten days in advance; and provided that meeting to consider the disposition or encumbrance of real property must also be called and held in conformity with such specific provisions of civil law as may be applicable.
4. No special meeting of the congregation may be held without properly notifying the pastor, in view of his position as a member of the congregation and an advisor in all congregational affairs. No business other than that stated, as the purpose of the meeting shall be acted upon at such special meetings.
5. When necessary to complete the business of the meeting, a congregational meeting may by majority vote recess to reconvene at a specified time and place. A congregational meeting may also decide to reconvene upon call, but the time and place of such reconvened meeting must then be announced at no less than one public service in advance or by written notice to the voting members mailed not less than three days in advance.

ARTICLE XIV -THE CHURCH COUNCIL - OFFICERS OF THE CONGREGATION

Election of officers shall take place at the annual meeting and they shall take their office from the time of election. All officers are elected for one year with the exception of the deacons and trustees who are elected for a term of three years in such a manner that the term of one trustee and deacon expires each year.

1. The officers shall be:
 - A. President
 - B. Secretary
 - C. Treasurer
 - D. Financial Secretary
 - E. Youth Advisor
 - F. 3 Trustees
 - G. 3 Deacons (Sr. Deacon serves as Vice-President)
2. Their duties are:
 - A. Work with the pastor in providing for the spiritual care of the congregation and in promoting its material welfare.
 - B. Act upon such disciplinary matters as may be referred to it, provided, however, that no member shall be excommunicated without action of the congregation.
 - C. Manage the financial affairs of the congregation.
 - D. Appoint such committees as may be necessary or advisable to facilitate the discharge of the above responsibilities.

ARTICLE XV - BY-LAWS

1. The doctrinal basis and the confessional subscription as contained in Article II; the purpose as contained in Article IV; and this Section 1 of Article XVI may not be altered.
2. To be effective, proposed amendments to other articles of the constitution must be:
 - A. Announced and read at a public service or mailed to the voting members, in either case at least thirty days prior to the annual meeting at which it is to be first considered.
 - B. Approved, with or without change, at the annual meeting first following its announcement by a majority vote of those present and voting.
 - C. Ratified without further change at the next annual meeting by a two-thirds vote of those present and voting.
 - D. Provided, however, that a proposed amendment that fails to be ratified may then be amended by majority vote; and, without change at the next annual meeting thereafter, by a two-thirds vote of those present and voting.

Edited

2016 Model Constitution for Congregations adapted to the local context.

- **Submitted**

12:10 PM (1 hour ago)

Thank you for updating the constitution for (name) Lutheran.

Response

2:04 PM (7 minutes ago)

Please find attached the 2016 model constitution for congregations adapted to your congregation.

***C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Pastor Lowell Bolstad

► **Review by synod**

- **Question**

Our council has approved this change to come before the congregation at our January 16 congregational annual meeting. We are just now publishing our December newsletter. My question is - do I need to just announce the meeting date and time and that the constitution will have amendments to be voted on? Do I need to publish the amendments? Please advise.

Response

***C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Members can be provided with the following internet address and leave out a handful of hard copies of the 2019 amendments.

[Constitutions - Evangelical Lutheran Church in America - ELCA](#)

- [2019 amendments to the Model Constitution for Congregations](#)
- [Rationale for the 2019 Amendments](#) Model Constitution for Congregations
- [2019 Model Constitution for Congregations](#)

<https://www.elca.org/Constitution>

- **Submitted**

8:15AM (1 hour ago)

I am attaching a "workable" copy of the (name) 2004 constitution prepared by our office manager from work that our committee has done to incorporate ELCA model constitution sections. We would be grateful for your review and advice as we have another committee meeting on Wednesday (which may be much to short notice to receive your input!).

The committee will be working to update the bylaw section.

Response

9:43AM (4 minutes ago)

Please find attached a model constitution downloaded and adapted to the local context. I look forward to receiving the bylaws.

- **Favorable responses**

Bishop Rick Hoyme surprised me at the [Northwest Synod of Wisconsin | Synod Assembly 2017](#) when he started talking about review of constitutions and called me forward to recognize me for having reviewed 121 constitutions since the [2016 ELCA Churchwide Assembly](#). He included in his remarks that I had served 43 congregations since ordination. In addition, I was presented with a colorful stole made by Rev. Melinda Halom, a bi-vocational pastor serving Bethel Lutheran in New Auburn, WI. Following are some favorable responses I have received after a ► *Review by synod*.

Thank you so much - we all are so grateful for your attention to detail and your willingness to incorporate all of this into a format that is customized to our congregation.

Pastor Lowell - I wish you the very best that Thanksgiving, Advent, and Christmas can bring!

You are a faithful servant of this great Church and your time and ministry is appreciated.

And thanks for your ongoing work on updating constitutions in our synod. I know that most don't realize the impact you have had, but I want you to know that... I give thanks for the work you've done for all of us.

This faithful service to the whole church is unseen, but greatly appreciated.

That was unbelievably speedy. Thank you, Lowell!

Thank you so much!! This is great and saved me so much time! I will present it at Council in November, give copies to the congregation in December, and we'll vote on it at our Annual meeting in January. Thanks!

Wow! Thanks so much!! Hopefully the secretary will send you the other two next week.

Thank you so much! Have a blessed Advent!

I was finally able to print out the stuff you suggested and understand the changes. We will review at council next week and add to our annual meeting agenda in January.

Thank you again for all your hard work getting this done for us.

I know that I am very late with this but I hope that better late than never applies in this case. I want to thank you for assisting us with this project. It was an immense help and it got done a lot faster than if we had done it.

Many thanks for this.

Thank you Lowell...I count on you to clarify all these mystifying details. I really appreciate all that you do.

Thanks pastor Lowell for getting that back to the executive committee of the council in such a timely fashion.

Many thanks to you for the over 150 constitutions of congregations in our synod you have updated.

Merry Christmas to all.

Oh, and thank you for such a quick review and approval! It is much appreciated.

Let me also take this opportunity to thank you for your quick and timely review of our Constitution - Thank You.

Thanks so much!!! I saved it and I forwarded it to another person so hopefully I will not have to ask you again for these churches.

I really appreciate this. I know our constitution has been languishing, but it's hard to know where to start in updating it, finding the council notes from annual meetings when secretaries have had to miss the annual meeting or weren't very good secretaries, etc. This will help.

Thanks Lowell! You have been helpful.

Thank you for your review. We will be going over the updated version of the *(name)* Lutheran Constitution at our next council meeting and bring it forward to the congregation for incorporation at our annual meeting. Thanks again,

I am so glad you are recognized for all the work you do on these constitutions. Thank you.

Rev. Bolstad you are an amazing blessing to this Synod, and I appreciate so much the time and energy you put into assisting the Congregations follow and update their constitutions.

Lowell, This is what I could find for *(congregation)*. Thanks for doing this for the Synod.

Thankyou for tackling this task with such dispatch!! I didn't take time to review what you returned until this morning. What I see from reviewing it a bit is that almost no changes were necessary, and we can assume that it is acceptable and workable as it is now. I would like to make copies and have them available. We haven't had reason to think about our constitution for a while.

How much do we owe you for this service?? Email me, or bill me.

My second congregation, also has not reviewed its constitution for a long time. Would you please find it attached, and certify it for us.

I had in mind for a long time we needed to do this; and am thankful you were so accommodating when I ran into you at the assembly.

Thank-you, and God bless you.

THANK YOU for all your work on behalf of the synod :)

I found a previous email with the address you mentioned to me.

Thanks for your service and knowledge on constitutions. It's a thankless job, but I really appreciate what you do.

Is there a chance to get this back in time to get council approval, distribute, and have a congregational vote by February 11?

Thank you.

Merry Christmas,

Dear Lowell, you are an angel of mercy! Thank you so much for making the changes I didn't know we'd need.

Thank you, Lowell, for your proficient work on this constitutional adaptation.

Lowell, thank you very much for your help in this. I don't think we could have gotten it done without you. Thanks and have a great weekend!

That was fast. Now I have two more questions

1. I think you said there was an introduction to the bylaws . I looked for it between the constitution and the bylaws and did not find any. Did I misunderstand you and you meant the introduction to the constitution?
2. Looking at the introduction to the constitution, should it still show up as the"model" rather than just removing the word "Model"?
3. Thanks for your help and taking so much time going over the bylaws and other information with me.

10:58AM (1 hour ago)

Pr. Bolstad,

While I have not read the reviewed constitution, did you make changes and if so does this revised document need to be approved by the congregation?

Thank you for your guidance.

(name), Pres.

11:54AM (35 minutes ago)

Hi (name),

I revised and edited the constitution.

The revisions and edits do not need to be approved by the congregation.

12:06PM (25 minutes ago)

Great, thanks!

Dear Pr. Bolstad,

Thank you for your excellent work in redoing our constitution. As a whole it now fits the ELCA model, and the By-laws apparently now follow a model as well.

Thank You

(name)

I think we've got it with this one.

Thanks Lowell.

(name)

10:38 AM (4 hours ago)

Hello Pastor Bolstad,

I have attached our constitution for your review....

I hope you will have enough time to review this document in time for our annual meeting on March 3rd...

Sincerely,

(name)

12:53 PM (2 hours ago)

Please find attached a 2016 Model Constitution for (your congregation) ► **Review by synod 9/26/2016** and now adapted to include the changes submitted 2/14/2019 (date) in a 2013 Model Constitution. The attached document replaces the submitted document.

3:13 PM (14 minutes ago)

Thank you so much for your prompt review.

God bless you,

(name)

[A member of a constitution task force telephoned me at 2:45pm to say that her task force was working on language for a mission endowment fund. I sent via electronic mail a sample copy of a Mission Endowment Draft – Permanent Resolution to Establish the Mission Endowment Fund from Chapter 10 Constitution Appendix 1 at 3pm and received the following response by email at 3:53pm.]

WOW! Thanks immensely! I will be anxious to share all of this at our January 8th meeting.

An ELCA Good Gift from (name) has been given in your honor.

Thank you Pastor Bolstad for ALL your help modifying the (name) Lutheran Church constitution. Your assistance was greatly appreciated!

- **Question**

What all do we need to delete/change/add? Is it simple. At CWA, it was up on the big screen and it looked very nit-picky. We all voted just to make it go away!

(pastor)

Response

[DOC] [Model Constitution for Congregations 2016 - ELCA Resource Repository](#)

Chapter 16.

AMENDMENTS

***C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

download.elca.org/ELCA%20Resource%20Repository/Model_Constitution

[ELCA Office of the Secretary - Evangelical Lutheran Church in America](#)

<http://www.elca.org/en/Resources/Office-of-the-Secretary>

- **Submitted**

[This constitution approved 3/7/1982 was received from an interim pastor who had been at the setting less than 5 months.]

they had to type up the one from (name) as it is dated prior to computer!!!! Will forward when I receive it.

Blessings, Pastor (name)

Response

The attached constitution, which is a download of the *Model Constitution Congregations 2016* adapted to the local context, replaces the submitted constitution.

Make the choices highlighted in red.

Follow current constitution for adopting the ELCA model constitution.

Article XIII Amendments

2. Proposed amendment to this constitution shall be

(a) read at a public service of the congregation or mailed to the voting members, not less than thirty days before the legally called meeting at which it is to be considered.

(b) approved without change at the legally called meeting following its announcement, by a majority vote of those present and voting;

(c) ratified without further change at the next annual meeting by a two-third vote of those present and voting.

- **Question**

Ok. Question though. If my congregation needs to vote on the changes, how do I show them the changes?

Response

Please find attached the letter sent out to Rostered Ministers and Congregation Leaders. The first paragraph addresses the question.

Rostered Ministers and Congregation Leaders,

The 2019 ELCA Churchwide Assembly convening August 5-10 in Milwaukee, WI amended the Model Constitution for Congregations. I recommend you to take

- [2019 amendments to the Model Constitution for Congregations](#)
- [Rationale for the 2019 Amendments](#) Model Constitution for Congregations
- [2019 Model Constitution for Congregations](#)

to your Congregation Councils for approval to present to the annual meetings according to *C16.04.

• Question

Also, any advice you could give about presenting the new constitution to council and the congregation and how much time they might need to think it over would be greatly appreciated. Thank you!

Response

Article XII. Bylaws – Amendments 1. “A change in the bylaws to amend this constitution...” gives the procedure for adopting a new constitution. If, at all possible, you can get the council to agree to introduce it at the annual meeting in 2020, that could get the process started so that the congregation could vote on it in 2021. The congregation would have the year to study it more in preparation for the vote. The process is actually simpler in your constitution than in the model constitution, which includes 60 days to propose and a majority vote the first time around. Some congregations have posted the constitution on their website to cut down on printing out so many copies for the members.

I know now why the congregation has been reluctant in the past to submit their constitution in that this document looks like a holdover from the American Lutheran Church, which joined with other church bodies to form the ELCA in 1988. Also, a long-term pastorate with a pastor in declining health ending in retirement. I have seen this in other congregations also.

Notes

Following are intended to be suggestive and not prescriptive.

Change name of assistant treasurer to that of financial secretary

Change name of Board of Deacons to Spiritual Care (term used in submitted constitution for describing duties of this board)

Committee because the term has come to have a specific meaning in Chapter 9. Rostered Ministers. See *9.21. and *C 9.22.

Change name of Board of Trustees to Property Management Committee since C12.05.a. is usually board of [trustees]. Otherwise, [directors] is used.

Change the three boards and one committee to four committees for Spiritual Care, Property Management, Parish Education, Stewardship.

• Questions

Hi Lowell, I am pastor at *(name)* parish now, rural *(name)*. It is a parish consisting of *(name)*, *(name)*, and *(name)*. I received via Liz Bartsch the 2016 model constitution for *(name)*, and *(name)* today.

Here's the thing -

I have read it through but, would appreciate your advice.

What's the best way to help my congregation adopt the new constitution? Are two congregational meetings still required?

What are the main points of change that I can summarize for them? I'll admit. I'm lost!

Generally, what are the main things I need to know about constitutions? Is there a bullet point tutorial available?

Can I find/trust a congregational constitution expert, or should I try to become the resident expert?

Response

On a lighter note, I quote the quarterback for the green and gold, "R-E-L-A-X."

On a more serious note, your suggestion about a "tutorial" is helpful, as I expect I will receive other reactions of the same nature.

Please find attached some pointers on updating the constitution.

Let me know if you need more detail.

Updating a Constitution

I updated the constitutions for the two congregations at *(name)* and *(name)* I am presently serving as an interim pastor and asked the parish secretary to send copies electronically to the members of each of the Congregation Councils to be put on the agenda for the next council meeting. I will be reviewing the updated constitution with each of the Congregation Councils and asking them to place a vote on the updates on the agenda for the annual meeting as provided for in *C16.04.

I suggest the same process for other congregations. This is why I am trying to update as many constitutions as possible following the posting of the 2016 Model Constitution for Congregations after the 2016 ELCA Churchwide Assembly so that Congregation Councils can review them and put them on the agenda for the annual meeting.

***C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

If such reviews do not happen in time to be placed on the agenda of the annual meeting, it is possible to schedule a special Congregation Meeting for the sole purpose of updating the constitution.

C10.02. A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of thirty percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.

I suggest looking at the **Amendments to the Model Constitution for Congregations 2016** to explain the updates.

ELCA Office of the Secretary - Evangelical Lutheran Church in America

Amendments to the Model Constitution for Congregations 2016

<https://www.elca.org/Resources/Office-of-the-Secretary>

Here are some highlights:

*C8.02.e. *Seasonal members*

Some congregation have people who attend on a seasonal basis (in this state most often in the summer) who could be invited to be seasonal members. I know my previous interim was at *(name)* in lake country, and this provision could be appealing to them.

The 2016 ELCA Churchwide Assembly clarified rostered ministers.

Chapter 9.

ROSTERED MINISTER

ELCA Churchwide Assembly - Evangelical Lutheran Church in America

Approved the Ministry of Word and Service roster. Beginning Jan. 1, 2017, ELCA associates in ministry, deaconesses and diaconal ministers will be a single, unified roster of Ministry of Word and Service.

Approved the accompanying constitutional amendments related to the Ministry of Word and Service roster.

<https://www.elca.org/ChurchwideAssembly>

The chapter on parish authorization is especially important for those in shared ministry situations. The changes in this chapter reflect the fact that more congregations are entering into shared ministry in different forms. Assistant to the Bishop Greg Kaufman in a meeting on collaborative ministry at Trinity in Eau Claire on 8/31 brought up the significance of what is known as “one congregation – one call.”

Chapter 20.

PARISH AUTHORIZATION

*C20.02. One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synodical bishop to serve the congregations of the parish.

Some congregations include the shared ministry agreement in the constitution. I suggest including it as a Continuing Resolution rather than as a Bylaw, because a Continuing Resolution can be changed by action of the Congregation Council rather than having to bring a Bylaw change to a Congregation Meeting.

Chapter 18. CONTINUING RESOLUTIONS

*C18.01. The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.

*C18.02. Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

• Question

How do we adopt the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* when our present constitution is the *Constitution for Congregations of the American Lutheran Church*?

Response

[PDF] [Guide for Use of the Model Constitution for Congregations](#)

L. ADOPTION BY A CONGREGATION OF A NEW CONSTITUTION

1. To adopt a new constitution, a congregation is to follow the process prescribed for adoption of a constitutional amendment as specified in Chapter 17 of the Model Constitution for Congregations. If a congregation that existed prior to January 1, 1988, has not yet adopted the provisions of Chapter 17, then the process for constitutional amendments in the congregation's existing constitution would apply.
2. "Since a congregation's constitution will usually be treated, alone or in conjunction with another document, as the congregation's 'bylaws' for purposes of governing state law, it readily appears that the adoption of an entirely new constitution must be treated as an amendment of the congregation's bylaws for corporate law purposes," according to a legal memorandum, which addresses this matter.⁶ You may obtain a copy of this legal memorandum, if needed, from the Office of the Secretary.

http://download.elca.org/ELCA%20Resource%20Repository/Guide_for_Use_2014.pdf

Page 7

Article XII - Bylaws from the *Constitution for Congregations of the American Lutheran Church* spells out the process for amending the constitution.

1. A proposed amendment to this constitution shall be:
 - (a) read at a public service of the congregation or mailed to the voting members, not less than thirty days before the annual meeting at which it is to be considered;
 - (b) approved without change at the annual meeting following its announcements, by a majority vote of those present and voting;
 - (c) ratified without further change at the next annual meeting, by a two-third vote of those present and voting.

• Presenting Situation

In 2019, I received a three-page constitution from a small congregation located in an unincorporated village last amended in 1992, which included the following:

ARTICLE 9 – UNALTERABLE ARTICLES

In order to preserve and maintain intact the doctrinal and confessional portion of (*name*) Congregation, to bind its pastor likewise to faithfulness thereto in the administration of his sacred office, and to secure and preserve unto all those members of the congregation who remain faithful to the constitution the rightful possession and use of the church property, Articles 2, 3, 5, 6, and 9 of this constitution cannot be repealed or altered.

• Question

So, there are portions of our constitution that are unchangeable. How do we address such a distinct change violation?

Response

The 2019 ELCA Model Constitution for Congregations adapted to the local context can be adopted by following the procedure in Article 12 – AMENDMENTS. 2. a. b. c.

ARTICLE 12 – AMENDMENTS

- 2. A proposed amendment to this constitution shall be:
 - a) Read at a public service of the congregation or mailed to the voting members, in either case at least thirty days before the annual meeting at which it is to be considered.
 - b) Approved, with or without change, at the annual meeting following its announcement, by a majority vote of those present and voting.
 - c) Ratified without change at the next annual meeting by a two-thirds (2/3) vote of those present and voting at the next following annual meeting.

• **Question**

Thank you for editing our constitution. The plan is to hand it out to our members as they arrive for church on a Sunday morning 2 weeks prior to the annual meeting. Can we then have a congregational vote at the annual meeting and consider it accepted without any further action?

Response

***C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council’s recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

• **Question**

Hello! (name) Lutheran is holding a special meeting at 11:15 am on Sunday, Feb. 17th to vote on updating by-laws and on the constitutional amendments from 2013 and 2016. Would you be available to be present at this meeting to field any questions for the congregation? We could skype or zoom you in if that would be more convenient.

Please let me know.

Peace,

-Pr. name

Response

I cannot be present as I will be preaching at 8:30am and 10:30am that day and I am not familiar with the technology mentioned. If you can anticipate any possible questions, I would be open to responding ahead of time.

• **Question**

Do we have to submit our constitution to the synod if we just update the constitution with the amendments from the Churchwide Assembly and nothing else?

Response

***C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state

law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

- **Question**

I wonder if you could help me clarify something? The question has come up on the meaning of "ratify" and "effective date" with regard to our proposed constitutional amendments that will be voted on at the Annual Meeting on January 27 (from Chapter 17 of our current constitution).

For amendments made to the our congregation constitution that are not coming down from Churchwide Assembly, approved at the annual meeting, when do they become effective? Once synod has informed the congregation of approval? Once the synod has informed the congregation of approval and the congregation has voted at the next annual meeting to ratify the amendments?

And, what is being ratified at the annual meeting a year from now? The effective date? Or, is it to ratify/affirm what is already effective because of prior approval?

Response

Chapter 17.

AMENDMENTS

*C17.02. An amendment to this constitution, proposed under *C17.01., shall:

- a. be **approved at a legally called Congregation Meeting** according to this constitution by a majority vote of those present and voting;
- b. be **ratified without change at the next annual meeting** by a two-thirds majority vote of those present and voting; and
- c. have the **effective date** included in the resolution and noted in the constitution.

Ratification vs Approval - What's the difference? | WikiDiff

As nouns the difference between **ratification** and **approval**

is that **ratification** is the act or process of ratifying, or the state of being ratified while **approval** is an expression granting permission; an **indication of agreement with a proposal**; an acknowledgement that a person, thing or event meets requirements.

<https://wikidiff.com/approval/ratification>

Approve is a synonym of **ratify**.

As verbs the difference between **ratify** and **approve**

is that **ratify** is to give formal consent to; **make officially valid** while **approve** is to sanction officially; to ratify; to confirm or **approve** can be (english law) to make profit of; to convert to one's own profit;—said especially of waste or common land appropriated by the lord of the manor.

<https://wikidiff.com/ratify/approve>

effective date – (when) ratified without change at the next annual meeting

- **Question**

I led a breakout group on The Constitution as a Mission Document at the **Northwest Synod of Wisconsin | E.P.I.C.** 2/2/2019 on Effective Practices for Innovative Church Councils. During the Q & A, one attendee asked, "What provisions are best suited for bylaws and what for continuing resolutions?"

Response

INTRODUCTION to the *Model Constitution for Congregations*

► **Codification explanation:** The *Model Constitution for Congregations* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital "C." If a constitutional provision is mandatory, it will be preceded by an asterisk, "*C."

- a. Constitutional provisions are codified with two sets of numbers, preceded by a "C": the chapter number, followed by a period, and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to "Membership" in Chapter 8 is codified as "*C8.02." A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as "C12.09." Constitutional provisions are adopted and amended in accordance with Chapter 16 titled "Amendments."

- b. **Bylaw** provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to “Membership” would be codified as “C8.02.01.” A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as “C12.09.01.” **Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation’s organization, operation, and life, there is not a model set of bylaws or continuing resolutions.** Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations*, the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the constitution of the synod, as indicated in *C6.03.e. Bylaws are adopted and amended in accordance with Chapters 16 and 17.
- c. **Continuing resolutions are intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation.** They follow the relevant constitutional provision or bylaw to which they refer. Continuing resolutions also are codified with three sets of numbers, except that the third set is preceded by a capital letter. Thus, a continuing resolution describing congregational committees in Chapter 13 might be numbered “C13.07A13.” The initial numbers “C13.07” indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers “A13” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2013. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

Chapter 4.

STATEMENT OF PURPOSE

***C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. [Such descriptions shall be contained in **continuing resolutions** in the section on the Congregation Committees.]

Chapter 5.

POWERS OF THE CONGREGATION

C5.05. This congregation shall have a mission endowment fund that will operate as specified in this congregation’s **bylaws** **continuing resolutions**. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

Chapter 10.

CONGREGATION MEETING

C10.01. The [annual][semi-annual][quarterly] meeting of this congregation shall be held at a time specified in the **bylaws**.

Chapter 11.

OFFICERS

C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.
a. Duties of the officers shall be specified in the **bylaws**.

Chapter 13.

CONGREGATION COMMITTEES

C13.07. Duties of committees of this congregation shall be specified in the **bylaws****continuing resolutions**.

Chapter 14.

ORGANIZATIONS WITHIN THE CONGREGATION

C14.02. Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council **and specified in a continuing resolution**.

Chapter 17.

BYLAWS

- *C17.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C17.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds vote of those voting members present and voting.
- *C17.03. Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C17.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 18.

CONTINUING RESOLUTIONS

- *C18.01. The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- *C18.02. Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

• Question

Do we have to include **Chapter 20. PARISH AUTHORIZATION** in our constitution if our congregation is not part of a parish?

Chapter 20.

PARISH AUTHORIZATION

[Required provisions when congregation is part of a parish]*

- *C20.01. This congregation may unite with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C20.02. and *C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.
- *C20.02. One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- *C20.03. One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- *C20.04. Any one of the congregations of the parish may terminate their relationship with the pastor as provided in †S14.18.d. of the synod constitution of the synod named in *C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- *C20.05. Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in †S14.43.d. of the synod constitution of the synod named in *C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- *C20.06. Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.

Response

J. PARISH AUTHORIZATION

In response to requests from congregations and particular synods, Chapter 20, which addresses particular issues related to parish arrangements, was adopted by the 1997 Churchwide Assembly.

- a. This chapter is required for a congregation that is part of a parish. A parish is defined as two or more congregations functioning in an established partnership for the calling and serving of a pastor and other matters. Chapter 20 provides a process for the creation and operation of a parish.
- b. A congregation that is not part of a parish does not need to include the provisions of Chapter 20 in its constitution.

Office of the Secretary - Evangelical Lutheran Church in America
 Guide for Use of the Model Constitution for Congregations 2014
http://download.elca.org/ELCA%20Resource%20Repository/Guide_for_Use_2014.pdf

Even though **Chapter 20. PARISH AUTHORIZATION** is not required when a congregation is not part of a parish, I recommend that all congregations include this chapter in the constitution to include provisions in place in the event that a congregation decides to become part of a parish. Bishop Duane Pederson of the Northwest Synod of Wisconsin concurred with this recommendation, and the recommendation was forwarded to the appropriate staff at the ELCA churchwide office.

One call, one pastor

The 2016 ELCA Churchwide Assembly clarified the **one call, one pastor** in its changes to **Chapter 20. PARISH AUTHORIZATION**.

Chapter 20. PARISH AUTHORIZATION

[Required provisions when congregation is part of a parish]*

***C20.01.** This congregation may unite in partnership with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C20.02. and *C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to a Parish Council.

***C20.02.** Whenever a letter of call is being recommended for extension to an ordained minister of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended to the congregation by the synodical bishop to serve the congregations of a parish, such letter of call shall be first approved by a two-thirds vote at congregational meetings of each of the congregations forming the parish. If any congregation of the parish should fail to approve extending this call, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.

***C20.03.** Any one of the congregations of a parish may terminate the call of a pastor as provided in †S14.13.d. of the synodical constitution of the synod named in *C6.01. In such case, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.

***C20.04.** Whenever a parish arrangement is terminated, the call of any rostered person serving that parish is terminated. Should any congregation that formerly was part of the parish arrangement desire to issue a new call to that rostered person, it may do so in accordance with the call process of this church.

***C20.01.** This congregation may unite in partnership with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C20.02. and *C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.

***C20.02.** One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synodical bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.

***C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synodical bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.

- **Presenting Situation**

Chapter 20.

PARISH AUTHORIZATION

[Required provisions when congregation is part of a parish]*

***C20.01.** This congregation may unite in partnership with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C20.02. and *C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to a Parish Council.

Reflection

One congregation submitted a written agreement as part of the bylaws for synod review. Here is a resource for other parishes seeking to put together a written agreement.

Resources

A Resource for Persons Considering Forming a Multiple Point Parish

In most cases, the written agreement also clarifies the common purposes of the congregations forming the parish; the composition of the parish council; a detailed plan for sharing of pastoral leadership; worship service times; the nature and extent of other shared programmatic activities; and all financial obligations. There may also be other more general understandings that set out guiding principles for the cooperative work.

Several examples of written agreements are provided at the end of this document.

[\[PDF\] ELCA Multi-Point Resource - Clover](#)

<http://storage.cloversites.com/easternnorthdakotasynod/documents/ELCA%20MultiPointResource-1.pdf>

[Images for Resource for Persons Considering Forming a Multiple Point Parish](#)

- **Action**

I sent the following email to Secretary Wm. Chris Boerger regarding Chapter 20. Parish Authorization and other matters on 6/16/2018.

chrisboerger@elca.org

Secretary Wm. Chris Boerger

Allow me to introduce myself. I am an interim pastor in the Northwest Synod of Wisconsin who has served in 49 congregations since 1980 who will be attending the Interim Ministry Network annual conference in St. Louis, MO June 18-21. In addition, I do the review by synod of constitutions for congregations and have done so since 2009. During 9/13-12/23/2016, following the churchwide assembly, I updated, reviewed, and edited 105 constitutions by downloading the model constitution and adapting it to the local context. I have continued to update constitutions since that time as they come in. I would like to propose that the bracketed statement in Chapter 20

[Required provisions when congregation is part of a parish]*

be deleted by decision of the next churchwide assembly. When I first started doing the review of constitutions, congregations wanted to delete the chapter because they were not part of a parish. Now, in the last few years, as an interim pastor I have seen more congregations entering into shared ministry agreements and letters of agreement than at any point in my parish ministry. I recall a conversation with former bishop Duane Pederson who agreed that congregations need to keep Chapter 20. Interestingly, the congregation he served in Eau Claire, WI merged with another congregation in 2015 and took a new name. In my mind, the bracketed statement confuses things. I remember communicating with a staff at churchwide while Pederson was bishop who said congregations that deleted Chapter 20 could reinstate it if they intended to take measures to enter into a parish. I think, by having Chapter 20 in place, congregations would be ready in case.

Model Constitution Congregation 2016

Chapter 20.

PARISH AUTHORIZATION

[Required provisions when congregation is part of a parish]*

GUIDE FOR USE OF THE MODEL CONSTITUTION FOR CONGREGATIONS

J. PARISH AUTHORIZATION

In response to requests from congregations and particular synods, Chapter 20, which addresses particular issues related to parish arrangements, was adopted by the 1997 Churchwide Assembly.

- a. This chapter is required for a congregation that is part of a parish. A parish is defined as two or more congregations functioning in an established partnership for the calling and serving of a pastor and other matters. Chapter 20 provides a process for the creation and operation of a parish.
- b. A congregation that is not part of a parish does not need to include the provisions of Chapter 20 in its constitution.

Also, I understand the sentence below from the Introduction about not putting Bylaw provisions in a separate document for ease of reading. I depart from this recommendation, though, and place the Bylaw provisions in a separate document at the end of the constitutional provisions for ease and efficiency in update, review, and edit. It would have been much more difficult to update, review, and edit 105 constitutions in 3+ months if I had to decipher submitted constitutions with bylaw provisions following constitutional provisions to which they apply and edit constitutions so that bylaw provisions follow constitutional provisions to which they apply. Likewise, almost all the submitted constitutions use a separate document. Only one congregation representative wrote back and asked that the Bylaw provisions follow constitutional provisions to which they apply. I placed the Bylaw provisions following constitutional provisions to which they apply, but also left a separate document at the end of the constitutional provisions so that, when the next update comes, I will not have to pick the constitution apart and put it back together again.

INTRODUCTION to the *Model Constitution for Congregations*

► **Codification explanation:** The *Model Constitution for Congregations* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital “C.” If a constitutional provision is mandatory, it will be preceded by an asterisk, “*C.”

- b. Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions.

I appreciate that the model constitution no longer contains a Contents and pagination. Such a change makes the update, review, and edit process much easier and more efficient. Readers can refer to chapters rather than pages. Thank you for your consideration of these matters.

Rev. Lowell Bolstad

► *Review by synod*

Northwest Synod of Wisconsin

• **Question**

Why can't the Parish Council issue a call to the pastor?

I updated a constitution for one congregation, and the pastor approached me at a gathering of rostered ministers later that month and related that one of the congregations he served became upset over *C20.02. and, so, he asked the question.

I, in turn, sought counsel from synod staff and received the following response.

Here is the language from the constitution that we reference when talking with congregations about who issues the call. All get to vote and all votes matter, but only one congregation can issue a call. A parish is not a congregation and (Secretary Wm.) Chris (Boerger) has ruled that it therefore can't issue a call.

Response

It is a required provision in the congregation constitution

***C20.02.** One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synodical bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.

Action

As it turned out, this pastor accepted a new call in another state some 7 hours away and started 4 months after my conversation with him. I was asked by the synod staff to accept an interim assignment to take his place and started a month later. I found out that what he had said was true. The president of the Parish Council related that the proposed shared agreement almost did not pass because certain members took offense at the provision. The Parish Council decided to complete the Ministry Site Profile (MSP) as a multi-point parish rather than have each of the congregations complete a MSP.

I sought the advice of the synod staff in completing the MSP and received the following response.

My understanding is that you use the ID of the congregation from the parish actually issuing the call. You are correct, Parishes have no ID.

PART I WHO WE ARE

1. Name and Location

CONGREGATION/ MULTIPLE POINT PARISH/ ORGANIZATION	NAME	CONG ID
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[\[PDF\]Ministry Site Profile - ELCA Resource Repository](#)

http://download.elca.org/ELCA%20Resource%20Repository/Sample_Ministry%20Site%20Profile.pdf

[Images for Ministry Site Profile - ELCA Resource Repository](#)

When I worked with the MSP Taskforce, I acknowledged the earlier turmoil and conveyed the response from synod staff.

- **Submitted**

Thank you for your assistance in the review process.

We have made note of the codification

We are hoping for our purposes to use codification as:

C prefix for Constitution

B prefix for Bylaw

CR prefix for Continuing resolutions

Within the codification the numbers always refer to the chapter within the constitution whereby (example)

CR3 would relate directly to that portion of chapter 3 in the Constitution.

We are hoping that we will be able to use that codification so it is readily identifiable to all who read our Constitution.

Please let us know if we may proceed with this.

Response

➤ **Codification explanation:** The *Model Constitution for Congregations* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital “C.” If a constitutional provision is mandatory, it will be preceded by an asterisk, “*C.”

- Constitutional provisions are codified with two sets of numbers, preceded by a “C”: the chapter number, followed by a period and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to “Membership” in Chapter 8 is codified as “*C8.02.” A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as “C12.09.” Constitutional provisions are adopted and amended in accordance with Chapter 17 titled “Amendments.”
- Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to “Membership” would be codified as “C8.02.01.” A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as “C12.09.01.” Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation’s organization, operation, and life, there is not a model set of bylaws or continuing resolutions. Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations*, the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the constitution of the synod, as indicated in *C6.03.e. Bylaws are adopted and amended in accordance with Chapter 17.
- Continuing resolutions are intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. They follow the relevant constitutional provision or bylaw to which they refer. Continuing resolutions also are codified with three sets of numbers, except that the third set is preceded by a capital letter. Thus, a continuing resolution describing congregational committees in Chapter 13 might be numbered “C13.07A13.” The initial numbers “C13.07” indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers “A13” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2013. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

Resources

Congregation Constitution: A Mission Document

Walking Together: A Congregational Resource Event

Congregation Constitution: A Mission Document Rev. Lowell Bolstad

This workshop will look at how participants can use the congregation constitution as a mission document. In addition, the leader who is the synod reviewer of congregation constitutions, will offer suggestions for updating, editing, and revising the constitution.

[a congregational resource event - Northwest Synod of Wisconsin](#)

http://www.nswi.org/webfiles/fnitools/documents/program_book_3.16.13.pdf

Page 10

[Images for Congregation Constitution: A Mission Document](#)

Congregation Ministry Assessment: Constitution and Bylaws

Constitution and Bylaws

- When were they last revised?
- What was the process?
- Are they adhered to? If not, in what areas?

[Call Process Booklet EDITED - Northwest Synod of Wisconsin](#)

http://www.nswi.org/webfiles/fnitools/documents/call_process_rev11.17.09smaller.pdf

Page 54

[Call Process Booklet - Yumpu](#)

<https://www.yumpu.com/en/document/view/53432941/call-process-booklet>

[Images for Congregation Ministry Assessment: Constitution and Bylaws](#)

congregational handbook for pastoral transitions

Section III – Self-Study

Review of **Congregation's Constitution** and Policies III-5

[handbook - Northwest Washington Synod](#)

<http://www.lutheransnw.org/files/leadership/TransitionHandbook.pdf>

[Images for Review of Congregation's Constitution and Policies](#)

Constitution - Wikipedia

A constitution is a set of fundamental principles or established precedents according to which a [state](#) or other organization is governed.^[1] These rules together make up, i.e. *constitute*, what the entity is. When these principles are written down into a single document or set of legal documents, those documents may be said to embody a *written* constitution; if they are written down in a single comprehensive document, it is said to embody a *codified* constitution.

Constitutions concern different levels of organizations, from sovereign states to companies and unincorporated associations.

A [treaty](#) which establishes an [international organization](#) is also its constitution, in that it would define how that organization is constituted. Within [states](#), whether [sovereign](#) or [federated](#), a constitution defines the principles upon which the state is based, the procedure in which laws are made and by whom. Some constitutions, especially codified constitutions, also act as limiters of state power, by establishing lines which a state's rulers cannot cross, such as [fundamental rights](#). An example is the constitution of the United States of America.

<http://en.wikipedia.org/wiki/Constitution>

[Images for Constitution](#)

Guide for Congregation Constitution Committees

The constitution of a congregation is its most important governing documents and the most difficult to amend. It sets forth in general, brief terms our confessional statements, the congregation's relationship with the ELCA and the Upper Susquehanna Synod. It defines basic structure. By its very nature some sections [i.e. confessional, relational, and structural] are required and CANNOT be changed. Amending the changeable sections is a difficult and time-consuming procedure. Therefore, day-to-day and specific items for a congregation are contained in *bylaws* and *continuing resolutions*. *Bylaws* address details specific to a congregation's operation and serve as instruction to the Congregation Council and committees. *Continuing resolutions* address the day-to-day operations of the congregation, council, and committees.

[Congregational Constitutions - Upper Susquehanna Synod](#)

<http://www.uss-elca.org/wp-content/uploads/2009/03/congregational-constitutions.pdf>

[Images for Guide for Congregation Constitution Committees](#)

Guide to updating congregational constitutions

A Special Message from the Synod Office to All Congregations

When was your congregation's constitution last reviewed? Every two years the ELCA Model Constitution for Congregations gets altered by the ELCA Churchwide Assembly. At that point it is important for your Congregation Council or its appointees to make these changes in your own congregation's constitution. These changes have legal and constitutional importance.

If it has been more than two years, it is time to look at it again. Assign a team to update the constitution to keep it in line with the latest ELCA Model Constitution for Congregations.

Why? Several changes have been made to the Model Constitution by the 2007, 2009, 2011, and 2013 Churchwide Assemblies of the ELCA, so we encourage you to begin the process of adopting these changes, at a minimum. Good governance is important to healthy congregations, so every congregation should update regularly. Other reasons to update

regularly include aligning your governance with the current size of the congregation or the current vision or mission of your church. The Model Constitution is available at the ELCA's website through the ELCA Secretary's office. The latest link is here. The ELCA's guidelines for congregations amending their constitutions help explain why it is important for all congregations to follow the Model Constitution: Following the ELCA Model Constitution for Congregations helps underscore the congregation's recognition of its unity and interrelationship with the synod and the whole Evangelical Lutheran Church in America. The Synod Office is expected to review all changes made to the constitution of each congregation in the Synod. We are making every effort to serve you with helpful advice on updating your constitution and providing prompt reviews. To that end, please contact the synod office with any questions about the updating process or the synod office review. We would like to begin a policy of maintaining a current electronic copy of every congregation's governing documents, so that we can keep our files current and better serve you in the future. Therefore, we ask that your congregation promptly send an electronic copy of your governing documents (e.g. constitution, bylaws, and any standing rules or continuing resolutions) to the synod office. The email address to send electronic copies is: synod@gulfcoastsynod.org. Also, please highlight the areas that are different from the Model Constitution so that we can expedite this process. If it is not possible to provide an electronic copy, a paper copy will suffice.

A Special Message from the Synod Office to All Congregational Constitutions

<http://worshiptimesmedia.s3.amazonaws.com/gulfcoast/files/2013/04/Updating-Congregational-Constitution1.pdf>

[Images for Guide to updating congregational constitutions](#)

Helpful Hints for Congregational Constitution Updates

The North Carolina Synod Council's Legal Committee offers the following tips to assist congregations in updating their constitutions:

1. Be sure to use the latest revision of the Model Constitution for Congregations, available from the Secretary of the ELCA at <http://www.elca.org/secretary>
2. Make sure all asterisks (*) which precede paragraphs are retained as shown as in the Model.
3. Make no changes or alteration, additions or deletions to "starred" paragraphs (those preceded with an asterisk (*)).
4. Be sure to choose from alternatives enclosed in brackets (example: *8.02.d; C10.02.)
5. Insert numbers where they are left to the congregation to determine (example: C10.02; C10.04; C12.05.c.)
6. Changes to non-starred items, and bylaws cannot conflict with the Model Constitution for Congregations.
7. Make sure the name of the North Carolina Synod is inserted at the appropriate places (Example:*6.01;*7.05.b.)
8. Depending on your congregation's situation, choose the appropriate paragraph and omit the other at *C.6.05.g and h.
9. Do not change lettering or numbering. Where numbers are skipped, retain numbering as shown in the Model (example: *C9.14-C9.21.)
10. Choose only one of the alternative paragraphs where more than one alternative is offered in brackets (C11.02; C12.02)
11. Additional information that will assist in updating your constitution, including proper codification as well as an explanation of bylaws and continuing resolutions and the proper use of each are included in the introduction to the Model Constitution for Congregations, available on the ELCA Secretary's website: <http://www.elca.org/secretary>

The following are examples of how bylaws and continuing resolutions should ideally be codified within the congregation's constitution:

<http://www.nclutheran.org/forms/documents/congregations/Congregational-Constitution-Hints.pdf>

[Images for Helpful Hints for Congregational Constitution Updates](#)

Office of the Secretary - Evangelical Lutheran Church in America

Below is a list of resources you can download or purchase. For more information about a specific resource, just hover over the icon.

<http://www.elca.org/en/Resources/Office-of-the-Secretary>

[Images for Office of the Secretary - Evangelical Lutheran Church in America](#)

Points to Consider as You Prepare to Revise Your Congregation's Constitution

The Approval Process

1. After you complete your revisions, refer the document back to Congregation Council for review. Send it to council members three to four weeks before the monthly council meeting to give them an opportunity to review the document.
2. Mail or email an informal copy to the synod for review at info@fbsynod.org.
3. You will receive a reviewed copy from the synod. If changes are required (they usually are – you are not alone) make them and resubmit to Council and synod. If changes are recommended (as opposed to required), evaluate them and (if changes are made) resubmit to Council and synod.
4. Repeat steps 2 and 3 as often as needed.
5. When all is approved, the Council must call a special Congregational Meeting for at least 30 days in the future and issue a recommended action to the congregation (i.e. to recommend approval of the changes). Note that 30 days must elapse between the recommendation and the meeting and that the Council must have 30 days to consider the changes before making the recommendation to the congregation.
6. If the changes are not accepted without change at the special (first) meeting, submit what is accepted to the synod for review. You do not want to have the annual meeting approve changes and then have the synod constitution team reject them. That puts everyone involved in an awkward position.

7. When the congregation accepts the changes they must again be accepted at the next annual meeting by a 2/3 majority of the members present and voting. There can be no changes made at this meeting.
8. As you submit revisions to the synod office, help us by letting us know each time just where you are in the process.
9. When the congregation votes to accept the modified constitution, the secretary of the congregation must forward it to the synod for formal review.
10. The Constitution Review Chair or synod administrator will review the document within 120 days, notify the congregational secretary of approval, and forward the approved constitution to Synod Council at its next scheduled meeting.

http://www.fbsynod.com/downloads/Congregations/Points_to_Consider_as_You_Prepare_to_Revise_Your_Congregation.pdf
[Images for Revise Your Congregation's Constitution](#)

Resources — Upstate New York Synod | Evangelical Lutheran Church in America

CONSTITUTION AND BYLAWS

Constitutionally Speaking True or False Fun Fact Sheet

Model Constitution for Congregations

2019 Amendments to the Model Constitution for Congregations

Constitutional Amendments 2019

FAQ for Constitution Revision

<https://upstatenysynod.org/resources/>

[Images for FAQ for Congregation Constitution Revision](#)

Updating Your Constitution

One of the basic congregational tasks that easily slips through the cracks is keeping your constitution up to date. Typically, small changes are made to the model constitution at each Churchwide Assembly; these should be adopted by the congregation at their next annual meeting. Some congregations still need to adopt the model constitution as their own. The interim period is a great time to do these tasks.

You may also want to consider deeper structural changes to committee organization or other flexible parts of the constitution. This may be something to consider during the interim, or it may be better to simply lay the groundwork for these changes and wait for input from your next regularly called pastor. Your interim pastor will be able to give you advice on the best way forward.

It is very important that all sections marked with an asterisk in the model constitution be adopted in the exact form printed in the model. If you have not updated your constitution since the inception of the ELCA, you should begin with the model constitution. Once you have identified the changes that you wish to make send your whole constitution with the changes highlighted or underlined to the synod office for review.

This will streamline the process for you by helping you to avoid presenting unconstitutional changes to your congregation.

When the review is complete and not adjustments are necessary, check your constitution for the requirements necessary to update it. Typically, if you have adopted the provisions of the model constitution in the past, only a simple majority is necessary to adopt the changes to the provisions in the model marked with an asterisk. All other changes typically require two votes: (1) a simple majority vote at a legally called meeting of the congregation to approve the change and (2) a two-thirds majority vote at the next annual meeting of the congregation to ratify the change. These provisions are found in Chapter 17 of the model constitution.

Call Process Booklet EDITED - Northwest Synod of Wisconsin

http://www.nwswi.org/webfiles/fnitools/documents/call_process_rev11.17.09smaller.pdf Page 60

Call Process Booklet - Yumpu

<https://www.yumpu.com/en/document/view/53432941/call-process-booklet>

[Images for Updating Your Congregation Constitution](#)

View Why Give ELCA Mission Support? Building the Case

Many congregations ask, "Why give mission support?" For congregations that remember their early days and the role of the larger church in providing guidance and financial support, the answer to this question may be very clear. However, for older congregations the reasons may not be as clear. Actually, the reasons go beyond the age of a congregation.

Building the case begins with who we are.

Our Constitutional Polity

Financial stewardship within the ELCA recognizes congregations, synods and the churchwide organization as interdependent partners who share responsibility for mission. In this relationship, all share responsibility for ministries and services to develop, implement and strengthen the financial support of the whole church. This partnership is reflected in our mutual ministries of community service, education, discipleship and leadership development.

http://www.nwswi.org/webfiles/fnitools/documents/why_give_elca_mission_support_building_the_cas_1.pdf

[Images for Our Congregation Constitutional Polity](#)