

Interim Ministry Resources

Chapter 10 Constitution

Articles, Bylaws, Continuing Resolutions, Agreements (3)

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Chapter 1.

NAME AND INCORPORATION

C1.11. This congregation shall be incorporated under the laws of the State of Wisconsin.

Resources

[PDF] [Notes for Revising an ELCA Congregation Constitution – Southeastern Minnesota Synod](#)

Articles of Incorporation

The Articles of Incorporation is a legal document which identifies and registers the organization being incorporated. It is recommended that congregations should review their Articles of Incorporation at the same time they review their constitution and bylaws. In the state of Minnesota, for many years, churches were incorporated under Minnesota Statutes Chapter 315, Religious Associations. The Articles of Incorporation were filed with the county. Often those Articles have been forgotten and the content may not be known. It may be a simple document of identification or in some congregations with older forms of the Articles, it may be a broad and detailed document, in some cases conflicting with a more recent constitution. In addition, some provisions of Chapter 315 may not be appropriate for congregations today. The Southeastern Minnesota Synod recommends that churches incorporate under the more recent Chapter 317A, Nonprofit Corporations. The ELCA national organization is incorporated in Minnesota under this chapter. Chapter 317A lists, in par 317A.111, the information that is required to be included in the certificate. That information is the name and address of the corporation and the names and addresses of the incorporators and a statement that it is organized under Chapter 317A. Additional information may be included but it is optional. Limiting the Articles to just that required information reduces the potential for conflict with the other governing documents of the congregation and the need for future revisions. A congregation vote for approval of changes is required. Under Chapter 317A, the document is filed with the Minnesota Secretary of State. It is recommended that legal assistance be obtained in preparing or revising the Articles.

[http://semnsynod.org/site/wp-](http://semnsynod.org/site/wp-content/uploads/downloads/2011/03/modelconstguide.pdf)

[content/uploads/downloads/2011/03/modelconstguide.pdf](http://semnsynod.org/site/wp-content/uploads/downloads/2011/03/modelconstguide.pdf)

<http://law.justia.com/codes/minnesota/2013/chapters-300-319b/chapter-317a>

[Images for Revising an ELCA Congregation Constitution](http://law.justia.com/codes/minnesota/2013/chapters-300-319b/chapter-317a)

[PDF] [Nonstock Corporation Articles of Incorporation Information and Instructions](#)

Form 102-1

<https://www.wdfi.org/resources/indexed/site/corporations/dfi-corp-102-1.pdf>

Form 102 Articles of Incorporation - Nonstock Corporation

<https://www.wdfi.org/corporations/forms/corp181forms.htm>

<https://www.wdfi.org/resources/indexed/site/corporations/dfi-corp-104.pdf>

<https://www.wdfi.org/apps/qofr/Form/Index/5>

[Images for Nonstock Corporation Articles of Incorporation](https://www.wdfi.org/apps/qofr/Form/Index/5)

Chapter 5.

POWERS OF THE CONGREGATION

C5.05.A15. This congregation shall have a mission endowment fund that will operate as specified in this congregation's continuing resolutions. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

I requested and received a model continuing resolution for a mission endowment fund from Larry Westfield of the ELCA Foundation larry.westfield@elca.org. He recommended this document be a continuing resolution rather than a bylaw. I amended some of the wording and capitalization to make it consistent with the model constitution.

Regional Gift Planners - Evangelical Lutheran Church in America

The ELCA Foundation offers gift planning resources to members, congregations and ministry partners. Our professional gift planning staff will help you create a gift plan to support ministries today and into the future.

Please contact the ELCA Foundation or the gift planner in your area to start the conversation. Let us help you change the world!

Wisconsin - Pr. Larry G. Westfield - Rubicon, WI - 262/224-9574

<https://www.elca.org/Give/ELCA-Foundation/Regional-Gift-Planners>

<https://www.elca.org/en/Give/ELCA-Foundation/Regional-Gift-Planners/Gift-Planner>
[Images for Regional Gift Planners - Evangelical Lutheran Church in America](#)

Mission Endowment Draft for

(name) Lutheran Church *(name)*, WI

Permanent Resolution to Establish the Mission Endowment Fund

of *(name)* Lutheran Church

Whereas, Christian stewardship involves the faithful management of all the gifts God has given to humankind - the created world, the Gospel, life, time, abilities, money, including accumulated, inherited, and appreciated resources; and,

Whereas, the biblical principle of proportionate giving, to return to the Lord a portion of the gifts God has first given to his beloved children, is both a privilege and an appropriate response in all times and circumstances; and,

Whereas, Christians can give to the work of the church through gifts in and from wills, life insurance policies, charitable gift annuities, charitable remainder and other trusts, and transfers of property such as cash, stocks, bonds and real estate; and,

Whereas, it is the desire of *(name)* Lutheran Church (herein referred to as this congregation) to encourage, receive and administer these gifts in a manner consistent with the loyalty and devotion to our Lord in accord with the policies of this congregation, now,

It is Resolved that this congregation, at a duly called meeting on _____, 201_, hereby establishes a new and separate fund to be known as The Mission Endowment Fund of *(name)* Lutheran Church, (herein referred to as Fund), and,

It is Further Resolved that the purpose of this Fund is to enhance the mission outreach of *(name)* Lutheran Church apart from the general operation of this congregation so that no portion of the distributions of the Fund shall be used for the annual operating budget of this congregation, and,

It is Further Resolved that the mission endowment fund committee (herein referred to as Committee) shall be the custodian of the Fund, and,

It is Further Resolved that the purpose, governance, administration and management of the Fund and Committee are established and defined by the plan of operation as hereinafter set forth.

Plan of Operation

Committee Membership

The Committee shall consist of five (5) members, all of whom shall be voting members of *(name)* Lutheran Church. Except as herein limited, the term of each member shall be three (3) years. Upon adoption of this resolution by this congregation, it shall elect five (5) members to the Committee: two (2) for a term of three (3) years; two (2) for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter, at each annual meeting, this congregation shall elect the necessary number for a term of three (3) years. No member shall serve more than three (2) consecutive three (3) year terms. After a lapse of one (1) year, a former Committee member may be re-elected. The pastor and the president of this congregation Council shall be *ex officio* members of the Committee and shall voice but not vote at the meetings of the Committee.

The Nominating Committee of this congregation shall provide for the nomination of potential members of the Committee, and report same to the annual congregation meeting in the same manner as for other offices and committees. In the event of a vacancy on the Committee, the Congregation Council shall appoint a congregation member to fill the vacancy until the next annual meeting of this congregation, at which time this congregation shall elect a member to fill the term of the vacancy.

The Committee shall normally meet at least once a quarter, or more frequently as deemed by it in the best interest of the Fund. A quorum shall consist of three (3) members. When only three (3) members are present a unanimous vote shall be required to carry any motion or resolution.

The Committee shall elect from its membership a chair, recording secretary, and treasurer. The chair, or member designated by the chair, shall preside at all committee meetings. The recording secretary of the Committee shall maintain complete and accurate minutes of all meetings and supply a copy to each member of the committee. Each member shall keep a complete copy of minutes to be delivered to his or her successor. The recording secretary shall also timely supply a copy of the minutes to the Congregation Council.

The treasurer of the Committee shall maintain complete and accurate accounts for the Fund. The treasurer of the Committee and the chair of the Committee shall sign checks and all other necessary documents on behalf of this congregation in furtherance of the purposes of the Fund. The financial records of the Committee shall be audited annually by a certified public accountant, congregation audit committee, or other appropriate person who is not a member of the Committee. The Congregation Council shall decide what type of audit will be performed. The Committee shall report once a quarter to the Congregation Council. Further, at each annual meeting of this congregation

the Committee shall render a full and complete account of the administration of the Fund during the preceding year.

The Committee may request other members of this congregation to serve as advisory members and, at the expense of Fund, may provide for such professional counseling on investments or legal matters as it deems to be in the best interest of the Fund.

Members of the Committee shall not be liable for any losses which may be incurred upon the investments of the assets of the Fund except to the extent such losses shall have been caused by bad faith. No member shall be personally liable as long as he or she acts in good faith. Each member shall be liable only for his or her own willful misconduct or omissions, and shall not be liable for the acts or omissions of any other member. No member shall engage in any "self-dealing" or transactions with the Fund in which the member has direct or indirect financial interest, and shall at all times refrain from any conduct in which his or her personal interests would conflict with the interest of the Fund.

Decisions to hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest and in all other respects to manage and control the assets of the Fund (including stocks, bonds, mutual funds, debentures, real estate, mortgages, notes or other securities) shall be made at the discretion of the Committee. However, the Congregation Council shall approve each decision/transaction involving an amount in excess of 50% of the value of the fund. The Fund assets shall not be used for loans. Members of the Committee shall be bonded under this congregation's insurance policy.

Defining Principal and Income

The Committee shall determine what is principal and income and shall have the discretion to include all appreciation of the assets of the fund within the definition of income.

The Fund shall accumulate until a principal amount of \$25,000.00 is achieved, after which 3-8 % of the assets of the Fund shall be distributed annually according to the distribution formula below. In no event shall annual distributions reduce the Fund balance below \$25,000. The distribution percent shall follow as nearly as reasonable the distribution recommended by the advisors of the ELCA Endowment Pooled Trust Fund

The current distribution percent, based on a 5-year rolling average of interest and growth with inflation and 1% annual fund management expense considered, is 4.25%. The Mission Endowment Committee is free to select whatever percent is prudent. While there is no assurance that the recommended percent will not reduce principle value, higher percentages than recommended has a greater probability, in poor economic conditions, to erode the principle.

Distributions

Income from the Fund shall be distributed annually, or at such other times as is deemed necessary or feasible to accomplish its purposes through the following distributions:

A. Ten to thirty-five (10-35%) percent for outreach into the community and synod, including, but not limited to, grants to Evangelical Lutheran Church in America

seminaries, colleges or students attending such institutions, social service agencies, institutions and agencies to which this Congregation relates, and to special programs designed for those persons in our parish area who are in spiritual and/or economic need.

B. Ten to thirty-five (10-35%) percent for missions of the Evangelical Lutheran Church in America, nationally and worldwide, including, but not limited to, grants to the Evangelical Lutheran Church in America for new congregation development, professional leadership, educational ministries, global mission, ecumenism, evangelism, social ministries, disaster response, and capital financing.

C. Up to thirty-five (0-35%) percent for capital improvements, debt reduction for a building program, or for the development of any special ministry of this congregation.

D. In partnership with our _____ Synod in minimum of (10%) of the annual distribution shall be made to the _____ Synod.

E. Up to twenty-five (0-25%) percent for any one or all of the above designated areas in any proportion as determined by the Committee, or for causes and programs which at the discretion of the Committee are deemed consistent with the purpose of the Fund in enhancing the missional outreach of this congregation.

The Committee shall determine both the percentage of available funds per category to be distributed annually and the recipients of the annual distribution within any category. Such determinations of the Committee shall be approved by the Congregation Council prior to the disbursement of funds.

Emergency Distributions

When, in the opinion of the Committee, circumstances are so dire and of such an emergency nature that the future of this congregation is at stake, and that the only recourse seems to be the use of the Fund principal beyond any portion distributable under the foregoing provisions, the Committee may, upon a unanimous vote, recommend such authorizing action to this congregation. Such an emergency distribution of principal shall require a two-thirds ($\frac{2}{3}$ s) vote of the members present at a duly convened meeting of this congregation.

When, in the unanimous opinion of the Committee there is a need so great of one of the recipients in one of the categories of distribution that Christian compassion and stewardship requires a distribution greater than available under the previous distribution provisions of this plan, the Committee, with the prior approval of the Congregation Council, may distribute up to 5% of the Fund to such need.

Amending of Resolution

Be it further resolved, that any amendment to this resolution which will change, alter or amend the purpose for which the Fund is established, and/or its distributions, shall be adopted by a two-thirds ($\frac{2}{3}$ s) vote of the members present at an annual meeting of this congregation, or at a special meeting of this congregation called specifically for the purpose of amending this resolution.

Disposition or Transfer of Fund

In the event this congregation ceases to exist either through merger or dissolution, disposition or transfer of the Fund shall be at the discretion of the Congregation Council in conformity with this congregation’s constitution and bylaws, and in consultation with the bishop of the synod of the Evangelical Lutheran Church in America to which this congregation belongs.

Designated Gifts

The Mission Endowment Committee encourages undesigned gifts. Should a donor wish to designate their gift to a specific need or ministry, the Mission Endowment Committee (MEC) requests that the committee be informed in writing of the designation prior to receiving the gift. Further, the MEC reserves the right to clarify the designation with the donor and not accept gifts that do not comply with the mission or purpose statement of this congregation. Gifts to a designated fund shall be independently accounted for and shall be separate from all other endowment funds.

Adoption of Resolution

This resolution, recommended by the Congregation Council and considered by this congregation at a duly convened meeting, is hereby adopted this ___ day of _____, 20__.

By: _____

President

Attest: _____

Secretary

mission endowment fund - ELCA Resource Repository

We are a church that rolls up our sleeves and gets to work. As Lutherans and members of the Evangelical Lutheran Church in America (ELCA), we do God’s work in the world — restoring and reconciling communities. We pursue justice and seek peace no matter how long the journey or wide the chasm. Your congregation’s mission endowment fund is critical to this work. By creating an ongoing financial resource above and beyond regular offerings, mission endowment funds enable your congregation to: Expand outreach in the community and around the world, Alleviate world hunger and poverty, Respond to disasters, Sponsor missionaries, Fund seminary scholarships, Support new congregations In addition to creating a steady income stream that strengthens missions and ministry, mission endowment funds are also a hallmark of sound financial stewardship. You’ll be able to offer congregational members the flexibility to make outright and planned gifts, and manage large gifts more effectively — making the most of all that God has blessed you with. We’re confident you’ll find this guide a user-friendly, systematic approach to establishing a mission endowment fund. If you need further assistance, please contact the ELCA Foundation at 800-638-3522.

[http://download.elca.org/ELCA%20Resource%20Repository/How to Create a Mission Endowment Fund.pdf](http://download.elca.org/ELCA%20Resource%20Repository/How_to_Create_a_Mission_Endowment_Fund.pdf)

[Images for mission endowment fund - ELCA Resource Repository](#)

Chapter 9.

ROSTERED MINISTER

***C9.02.A10.** 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 synodical bishop may be called as a pastor of this congregation.

Declaration Regarding Same Gendered Relationships
and Rostered Ministry

This congregation, 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 rosters or any candidate approved for those rosters. This 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 pastor with a congregational call shall, within this congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;

In Regards to Marriage

This congregation, 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.

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 this 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.

According to the Introduction for the *Model Constitution for Congregations*, "...there is not a model set of bylaws or continuing resolutions." [See below for full explanation.]

► **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 this 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 this 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.

I have found that a number of congregations include bylaws that are adapted from the [See Chapter 10. Constitution. Appendix 2: Progression in the Development of a Congregation Constitution.] Constitution for Congregations of the American Lutheran Church (predecessor church body to the Evangelical Lutheran Church in America) on such matters as follows:

BYLAWS

Part I – COMMUNION PARTICIPATION

Part II – CONFLICTING LOYALTIES

Part III – MEMBERSHIP

Part IV – THE PASTOR

Part V – MEETINGS OF THE CONGREGATION

Part VI – OFFICERS AND BOARDS

Part VII – PARISH RECORDS

In other words, The Constitution for Congregations of the American Lutheran Church included the bylaws in its model constitution, while the Evangelical Lutheran Church in its *Model Constitution for Congregations* does not include bylaws or continuing resolutions. What follows then are sample bylaws and continuing resolutions drawing upon and adapting from The Constitution for Congregations of the American Lutheran Church as well as other bylaws and continuing resolutions that "... relate to specific practices and details of each congregation's organization, operation, and life..." from submissions by congregations of the Northwest Synod of Wisconsin.

I choose to make a departure from the codification explanation in the Introduction of the Model Constitution for Congregations as a part of the review by synod, because organizing the bylaws and continuing resolutions as a separate document at the end of the constitutional provisions is more efficient in reviewing, updating, and editing.

BYLAWS

Chapter 4.

STATEMENT OF PURPOSE

***C4.02.01.** To participate in God’s mission, this congregation as a part of the Church shall:

- a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.

This congregation invites all its members, who have been prepared to receive the Sacrament of the Altar, to commune regularly in this congregation. Participation in Holy Communion shall be open to members of other congregations who accept the Lutheran teaching in regards to this sacrament. It shall be made known to those desiring to commune in this congregation that the belief of this congregation is as follows:

God has welcomed me into the body of Christ. I trust in Jesus Christ as my Savior. I confess my sin and my need for God’s grace. I desire to live a new life in Christ; I believe that Christ is truly present in this Sacrament with the gifts of forgiveness, life, and salvation. I declare my desire to come to the Lord’s Table.

Record of communion participation shall be entered upon the books of this congregation. When a member of another congregation communes in this congregation, notice of such communing in this congregation shall be sent to the other congregation.

Chapter 4.

STATEMENT OF PURPOSE

***C4.02.01.** To participate in God’s mission, this congregation as a part of the Church shall:

- a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.

The administration of the sacraments shall conform to the “The Use of the Means of Grace” statement adopted by the 1997 ELCA Churchwide Assembly.

Chapter 4.

STATEMENT OF PURPOSE

***C4.04.01.** 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.

- a. Worship
 - 1) Committee
 - 2) Music
- b. Learning
 - 1) Christian Education
 - 2) Sunday School
 - 3) Vacation Bible School
 - 4) Youth
 - 5) Library
- c. Service
 - 1) Social Ministry
 - 2) Property
 - 3) Nomination
- d. Support
 - 1) Stewardship
 - 2) Auditors
 - 3) Finance
 - 4) Memorial
 - 5) Budget
 - 6) Technology

Chapter 5.

POWERS OF THE CONGREGATION

***C5.04.01.** This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by this congregation and other qualifications shall be as prescribed in guidelines established by the Northwest Synod of Wisconsin of the Evangelical Lutheran Church in America.

The Congregation Council shall have authority between meetings of this congregation to choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The Congregation Council may consider paid staff who are voting members of this congregation to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member.

Chapter 6.

CHURCH AFFILIATION

***C6.02.01.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.

This congregation rejects all fellowship with organizations, secret or open, which are avowedly religious or which practice forms of religion without confessing faith in the triune God and in Jesus Christ as the eternal Son of God incarnate to be our only Savior from sin, and thus teach salvation by works. Ceremonies of lodges or other such organizations shall not be permitted in the church or on the church premises of this congregation. The pastor of this congregation shall take no part in any such ceremonies even if such ceremonies are conducted outside of the church premises.

Chapter 8.

MEMBERSHIP

***C8.02.01.** Members shall be classified as follows:

- a. ***Baptized*** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - 1) Children, one or both of whose parents or guardians are members of this congregation, shall upon receiving Christian baptism, be received as baptized members of this congregation.
 - 2) Children, neither of whose parents or guardians are members of this congregation shall, upon Christian baptism duly recorded as a ministerial act performed under the auspices of this congregation, be received as baptized members of this congregation unless there is understanding that, for good reason, they will be enrolled as baptized members of another congregation, in which case notice of the baptism shall be sent to this congregation in which the child is to be enrolled as a baptized member.
 - 3) Children baptized in other congregations shall be received as baptized members of this congregation upon admission of one or both parents or guardians to membership, or by consent of one or both parents or guardians to membership, or by action of the Congregation Council.
 - 4) Unbaptized adults who have received instruction and have given evidence of having an adequate understanding and acceptance of the teachings of the Word of God as confessed by the Lutheran

Church shall, upon confession of faith and Christian baptism duly recorded as a ministerial act performed under the auspices of this congregation, be received as baptized members of this congregation.

- *C8.05.01.** Membership in this congregation shall be terminated by any of the following:
- c. transfer or release;
 - 1) Members who move away from the community shall be encouraged to transfer to another Lutheran congregation. Should a member fail to request transfer, a Lutheran congregation in the community of the member's residence shall be notified.
 - 2) Members desiring to change membership to another Lutheran congregation shall, upon request, receive a certificate of transfer.
 - e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.
 - 1) Confirmed members, who during the current calendar year have not communed in this congregation and have not made a contribution of record to this congregation, shall be visited by the pastor and the officers of this congregation and encouraged by them to active membership.
 - 2) If, during the following year, such members do not commune in this congregation or make a contribution of record to this congregation, such members shall be presumed no longer to desire membership, shall surrender the privilege of voice and vote at every regular and special meeting of this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws, and shall not be counted in the roll of this congregation. Their names shall be removed from the roll due to inactivity, but be retained on a responsibility list for five years as those who are in need of a continuing pastoral concern. If such persons resume activity within this period of five years, such persons shall be restored to active membership. If such persons do not resume activity within this period of five years, their names shall be removed from the responsibility list.
 - 3) Baptized children, neither of whose parents or guardians are members of this congregation, may be removed from the roster of baptized members if such a child fails to participate in the life and the services of worship of this congregation.

Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

Chapter 10.

CONGREGATION MEETING

C10.01.01. This congregation shall have at least one regular meeting per year. The regular meeting(s) of this congregation shall be held at the time(s) specified in the bylaws. Consistent with the laws of the State of Wisconsin, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.

The annual meeting of this congregation shall be held at a time and place in January as designated by the Congregation Council.

C10.04.01. Ten percent of the voting members shall constitute a quorum.

The Congregation Council shall provide the roll of this congregation as classified in *C8.02. at all meetings of this congregation.

C10.06.01. All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.

- a. Voting shall be by written ballot in the following cases: to elect members of the Congregation Council; to adopt or amend the articles of incorporation, constitution, or bylaws of this congregation; to call a pastor or to dismiss a pastor; to remove a member from office in this congregation; to terminate its relationship with the Evangelical Lutheran Church in America according to *C7.03. and *C7.04.; to dispose, buy, sell, or encumber real property.
- b. A meeting of the of this congregation may by majority vote recess to reconvene at a specified time and place. A meeting may also recess to reconvene upon call; provided, however, that the time and place of such a reconvened meeting must be announced at a service of worship of this congregation, and not less than three days' notice be given of the reconvened meeting.

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 at meetings of the Congregation Council and of this congregation.
 - 2) The vice president shall preside at the meetings of the Congregation Council and of this congregation in the absence of the president.

- 3) The secretary shall keep the minutes of the Congregation Council and of this congregation and shall maintain custody of the archives of this congregation.
- 4) The treasurer shall maintain custody of all funds of this congregation; receive and disburse such funds in accordance with the decisions of this congregation or the Congregation Council; make regular reports to the Congregation Council.
- 5) The financial secretary shall maintain records of all contributions and make regular reports to the members as required by the Congregation Council.

Chapter 12.

CONGREGATION COUNCIL

C12.01.01. The voting membership of the Congregation Council shall consist of not more than thirteen members of this congregation. The pastor of this congregation shall be *ex officio* a member of the Congregational Council and shall have voice but not vote at the meetings of the Congregation Council. Any voting member of this 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 three successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

- a. Compensated staff shall not be voting members of the Congregation Council or any Congregation Committee.
- b. A member of the Congregation Council who is absent from two or more consecutive regular meetings of the Congregation Council without cause shall be consulted by the president of this congregation in order to discern the intent to serve.

C12.04.01. 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 oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.

To empower committees, ministry teams, and task forces as necessary to carry out the vision and mission of this congregation.

- d. To maintain supportive relationships with the rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.

To review and approve recommendations made by the Personnel Committee and lead pastor regarding the staff of this congregation.

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 trustees of this congregation and, as such, shall be responsible for maintaining and protecting its property and managing 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 be responsible for the building and premises of this congregation and their use, including establishing policies for building usage and rental. Property of this congregation may be used by organizations, special interest groups, or individuals outside this congregation only after authorization has been granted by the Congregation Council.

Chapter 13.

CONGREGATION COMMITTEES

C13.01.01. The officers of this congregation and the lead pastor shall constitute the *Executive Committee*.

The duties of the Executive Committee shall include the following:

- a. To conduct regular meetings at such time and place as the Committee may determine.
- b. To oversee the functioning of the Congregation Council so that the interests and purposes of this congregation are being served.
- c. To oversee preparation of the annual budget for presentation to the Congregation Council.
- d. To review and approve the monthly financial reports of this congregation.
- e. To appoint voting members to assemblies and other church related functions at which this congregation is entitled to representation. The Executive Committee shall seek Congregation Council advice and approval for appointees at their discretion.
- f. To appoint special committees and task forces when needed to carry out special assignments.

C13.02.01. A *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election.

- a. The Nominating Committee shall elect a chair at the initial meeting. Should a member's place on this committee be declared vacant, the Congregation Council may elect, by majority vote, a successor.
- b. The Nominating Committee shall develop and present a slate of candidates for the election at the annual meeting. This committee, in conjunction with the Women of the ELCA of this congregation, shall provide no fewer than two candidates of this organization for one position on the Congregation Council.

C13.03.01. 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.

The Audit Committee shall audit all accounts and report to the annual meeting. The Congregational Audit Guide - Evangelical Lutheran Church in America is the recommended best practices for this committee.

C13.04.01. *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 and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.

The Mutual Ministry Committee shall affirm and strengthen the mission of this congregation and the staff through listening and clarifying, sharing and communicating, reviewing and reflecting. This committee shall report on a regular basis to the Congregation Council and may forward recommendations to the Congregation Council for action.

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

- a. The membership of the *Evangelism Committee* shall consist of not fewer than three members of this congregation. The members of this committee shall be appointed by the chair. The chair shall be a member of the Congregation Council and shall serve for two years. Other members of this committee may be appointed by the committee and approved by the

Congregation Council. Committee members shall be eligible to serve no more than two full terms consecutively.

- b. The membership of the *Education Committee* shall consist of not fewer than three members of this congregation. The members of this committee shall be appointed by the chair. The chair shall be a member of the Congregation Council and shall serve for two years. Other members of this committee may be appointed by the committee and approved by the Congregation Council. Committee members shall be eligible to serve no more than two full terms consecutively.
- c. The membership of the *Social Concerns Committee* shall consist of not fewer than three members of this congregation. The members of this committee shall be appointed by the chair. The chair shall be a member of the Congregation Council and shall serve for two years. Other members of this committee may be appointed by the committee and approved by the Congregation Council. Committee members shall be eligible to serve no more than two full terms consecutively.
- d. The membership of the *Stewardship Committee* shall consist of not fewer than three members of this congregation. The members of this committee shall be appointed by the chair. The chair shall be a member of the Congregation Council and shall serve for two years. Other members of this committee may be appointed by the committee and approved by the Congregation Council. Committee members shall be eligible to serve no more than two full terms consecutively.
- e. The membership of the *Finance Committee* shall consist of not fewer than three members of this congregation. The members of this committee shall be appointed by the chair. The chair shall be a member of the Congregation Council and shall serve for two years. Other members of this committee may be appointed by the committee and approved by the Congregation Council. Committee members shall be eligible to serve no more than two full terms consecutively.
- f. The membership of the *Worship Committee* shall consist of not fewer than three members of this congregation. The members of this committee shall be appointed by the chair. The chair shall be a member of the Congregation Council and shall serve for two years. Other members of this committee may be appointed by the committee and approved by the Congregation Council. Committee members shall be eligible to serve no more than two full terms consecutively.

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

- a. The duties of the *Evangelism Committee* shall include the following:
 - 1) To determine the spiritual needs of this congregation under the guidance of the pastor and to offer programs in adult education, fellowship, and evangelism through which members and people in the community are able to grow in their faith.

- 2) To make recommendations thereon to the Congregation Council.
- b. The duties of the ***Education Committee*** shall include the following:
 - 1) To develop an education ministry under the guidance of the pastor which will lead the children and youth of this congregation to learn, love, and live the word of God so that they may develop into consecrated and active members of this congregation.
 - 2) To make recommendations thereon to the Congregation Council.
- c. The duties of the ***Social Concerns Committee*** shall include the following:
 - 1) To respond in Christian love and mercy to those in need in this congregation, community, and world in partnership with the pastor.
 - 2) To make recommendations thereon to the Congregation Council.
- d. The duties of the ***Stewardship Committee*** shall include the following:
 - 1) To develop a biblical stewardship program of proportionate giving under the guidance of the pastor which will encourage members to respond to God's grace with their time, talents, and financial resources.
 - 2) To see that the financial resources are used in accordance with the mission of this congregation and that proper safeguards have been in the collecting, counting, and depositing of funds.
 - 3) To make recommendations thereon to the Congregation Council.
- e. The duties of the ***Finance Committee*** shall include the following:
 - 1) To exercise custodianship of the property matters of this congregation in partnership with the pastor.
 - 2) To conduct interviews, advise concerning hires, supervise, and make salary recommendations for the secretary and custodians.
 - 3) To make recommendations thereon to the Congregation Council.
- f. The duties of the ***Worship Committee*** shall include the following:
 - 1) To exercise responsibility in matters pertaining to the services of worship of this congregation in partnership with the pastor to include regular, special, and ecumenical services of worship, and music.
 - 2) To make recommendations thereon to the Congregation Council.

Chapter 14.

ORGANIZATIONS WITHIN THE CONGREGATION

C14.01.01. 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.

- a. The ***Men in Aprons*** shall organize and manage activities for this congregation and the community.
- b. The ***Women of the ELCA*** shall organize and manage activities for this congregation and the community.

Chapter 18.

CONTINUING RESOLUTIONS

- ***C18.01.** This 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 this congregation or a two-thirds vote of all voting members of the Congregation Council.

CONTINUING RESOLUTIONS

Chapter 11.

OFFICERS

C11.01.A16. 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 at the meetings of the Congregation Council and of this congregation. In addition to the duties of the president specified in the bylaws, the duties of this officer shall include the following:
 - To call the meetings of the Executive Committee.
 - To chair the meetings of the Executive Committee.
 - To lead the Executive Committee in order to arrange the agenda for the meetings of the Congregation Council and of this congregation and for other necessary purposes.
 - To be *ex officio* a member of all committees and boards of this congregation.
 - To designate a member of the Executive Committee to attend committee meetings, when necessary, to provide guidance or to evaluate the functioning of a committee.
 - To confer as often as necessary with the pastor together with the vice president, either individually or collectively, to review past progress and to plan future efforts.
 - To represent this congregation in receiving new members.
 - To make a written annual report to this congregation.
 - 2) The vice president shall preside at the meetings of the Congregation Council and of this congregation in the absence of the president. This officer shall be the liaison to the Trust/Memorial Committee and the Cemetery Committee. In addition to the duties of the vice president specified in the bylaws, the duties of this officer shall include the following:
 - To preside during that portion of the meeting when the president chooses to speak on an issue.

To be *ex officio* one of the legal officers of this congregation for signing papers and documents.

To confer as often as necessary with the pastor together with the president, either individually or collectively, to review past progress and to plan future efforts.

To facilitate the work of the Congregation Council and the committees so that all council members and teams are managing the responsibilities assigned to them by the constitution, bylaws, and continuing resolutions.

- 3) The secretary shall keep the minutes of the meetings of the Congregation Council and of this congregation. The secretary shall preside at the meetings of the Congregation Council and of this congregation in the absence of the president and vice president. In addition to the duties of the secretary specified in the bylaws, the duties of this officer shall include the following:

To present the minutes of the meetings of the Congregation Council and congregation to the next meeting for approval.

To send approved monthly action items to the church office for publication.

To distribute approved minutes to the church office for filing and posting on the web.

To make copies of approved minutes available to this congregation.

- 4) The treasurer shall receive and disburse the funds in accordance with the decisions of this congregation or the Congregation Council. In addition to the duties of the treasurer specified in the bylaws, the duties of this officer shall include the following:

To oversee the accuracy of all financial reporting.

To receive and disburse funds for compensation and expenses.

To balance the general fund once a month.

To prepare financial reports for the meetings of the Congregation Council and this congregation.

To work with committee chairs to ensure accuracy of committee budgets and expense accounting.

To evaluate and improve the system of financial recording and reporting as deemed necessary.

To submit the financial books and records to the Audit Committee and at such other times as are deemed necessary by the Audit Committee or the Executive Committee.

To prepare and submit monthly, quarterly, and annual payroll reports and payments as required.

Chapter 12.

CONGREGATION COUNCIL

C12.04.A12. 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:

- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.

A member may present comments, suggestions, and complaints to the Congregation Council or give written and signed statements to a member of the Congregation Council to be presented to the Congregation Council. All such matters brought to the attention of the Congregation Council shall be acted upon by the Congregation Council at the next regular meeting.

Chapter 13.

CONGREGATION COMMITTEES

C13.07.A02. Duties of committees of this congregation shall be specified in the continuing resolutions.

- a. The duties of the ***Budget and Finance Committee*** shall include the following:
 - 1) To prepare an annual budget in conjunction with the Executive Committee for adoption by this congregation and to supervise the expenditure of funds in accordance therewith following its adoption.
 - 2) To provide oversight of the volunteer and compensated staff of this congregation involved in budget and finance
- b. The duties of the ***Education Committee*** shall include the following:
 - 1) To plan and administer the education ministry of this congregation for infants through adults.
 - 2) To determine policies and curricula, select teaching personnel, and provide for the necessary means and facilities for the education ministry of this congregation.
- c. The duties of the ***Fellowship Committee*** shall include the following:
 - 1) To strengthen the relationships among members of the faith community spiritually and socially.
 - 2) To connect new members into the life and ministry of this congregation.
 - 3) To see to the general upbuilding of cooperation, trust, and enjoyment among members.
- d. The duties of the ***Outreach Committee*** shall include the following:

- 1) To develop and supervise the evangelism and care giving ministries of this congregation.
 - 2) To bring the Gospel to the unchurched.
 - 3) To respond to people's unmet needs – spiritual, emotional, and physical – in both the local and global communities.
- e. The duties of the ***Property Committee*** shall include the following:
- 1) To maintain and protect the property of this congregation.
 - 2) To exercise oversight of the volunteer and compensated staff of this congregation involved in property maintenance.
- f. The duties of the ***Stewardship Committee*** shall include the following:
To initiate and oversee biblically sound programs for the development of good stewardship attitudes and practices among members in regards to time, talents, and treasures.
- g. The duties of the ***Worship Committee*** shall include the following:
- 1) To exercise general oversight of the worship life of this congregation, 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.
 - 2) To take responsibility for the training and supervision of the volunteer and compensated staff of this congregation involved in the leadership of the services of worship.

Chapter 19.

INDEMNIFICATION

***C19.01.01.** Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

Option 1

Principal Accountability

Giving of corporate surety for all financial officers of this congregation in the amount determined by the Congregation Council, which shall be in the custody of the secretary, with the premium paid by this congregation. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

Adapted from the following:

[PDF] Position Description - Evangelical Lutheran Church in America
PRINCIPAL ACCOUNTABILITIES #9

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

Option 2

- a. To the extent allowed and required under sections 181.042, 181.047, and 181.049, Wisconsin Statutes., as they may be amended from time to time, and subject to C19.01.c.01. this congregation shall indemnify its officers and the members of the Congregation Council against all damages, liability, expenses, costs, and attorney's fees that they actually incur in connection with threatened, pending, or completed legal actions, suits, or proceedings to which they are or may be made a party because of their status, actions, or omissions as current or former officers or members of the Congregation Council.
- b. To the extent allowed under section 181.051, Wisconsin Statutes, as it may be amended from time to time, and subject to C19.01.c.01., this congregation also shall indemnify its committees, ministry teams, and task forces against all damages, liability, expenses, costs, and attorney's fees that they actually incur in connection with threatened, pending, or completed legal actions, suits, or proceedings to which they are or may be made a party because of their status, actions, or omissions as current or former agents, employees, or members of a committee, ministry team, or task force.
- c. Unless otherwise ordered by a court of law, any indemnification under Sections C19.01.a.01. or C19.01.b.01. shall be made by this

congregation only as authorized in the specific case upon a determination that indemnification of the officer, agent, employee, or member of the Congregation Council, a committee, a ministry team, or a task force is appropriate under the circumstances taking into account the standards of conduct set forth in sec. 181.042, Wisconsin Statutes, as it may be amended from time to time. Such determination shall be made:

- 1) by the Congregation Council by a majority vote of a quorum consisting of such members who are not and were not parties to such action, suit, or proceeding;
 - 2) by this congregation at an annual meeting or a special Congregation Meeting properly called and held for that purpose; or
 - 3) in a written opinion by independent legal counsel hired and paid for by this congregation.
- d. The Congregation Council may purchase and maintain insurance on behalf of any person who is an officer, agent, employee, or a member of the Congregation Council, a committee, a ministry team, or a task force, insuring that person against liability asserted against and incurred by such person in his or her capacity as such, or arising from his or her status as such, regardless of whether this congregation is required or authorized to indemnify or allow expenses to the person against the same liability.

Resources

Indemnity Definition | Investopedia

Indemnity is compensation for damages or loss. Indemnity in the legal sense may also refer to an exemption from [liability](#) for damages.

The concept of indemnity is based on a contractual agreement made between two parties, in which one party agrees to pay for potential losses or damages caused by the other party. A typical example is an insurance contract, whereby one party (the insurer, or the indemnitor) agrees to compensate the other (the insured, or the indemnitee) for any damages or losses, in return for [premiums](#) paid by the insured to the insurer.

<http://www.investopedia.com/terms/i/indemnity.asp>

[Images for Indemnity Definition | Investopedia](#)

Indemnity - Wikipedia

An indemnity is an obligation by a person (indemnitor) to provide [compensation](#) for a particular loss suffered by another person (indemnitee).

Indemnities form the basis of many [insurance](#) contracts; for example, a car owner may purchase different kinds of insurance as an indemnity for various kinds of loss arising from operation of the car, such as damage to the car itself, or medical expenses following an accident. In an [agency](#) context, a principal may be obligated to indemnify their agent for liabilities incurred while carrying out responsibilities under the relationship. While the events giving rise to an indemnity may be specified by contract, the actions that must be taken to

compensate the injured party are largely unpredictable, and the maximum compensation is often expressly limited.

<https://en.wikipedia.org/wiki/Indemnity>

[Images for Indemnity](#)

<https://en.wiktionary.org/wiki/indemnification>

[Images for indemnification](#)

What is Indemnification? - BoardSource

One of the ways a board can protect its members against personal liability is to have an indemnification policy written into its bylaws. "Indemnification" means that the organization relies on its own resources to pay board members' legal costs for claims that result from board service.

<http://www.boardsource.org/Knowledge.asp?ID=3.152>

[Images for What is Indemnification? - Boardsource](#)

What is Indemnification? (with pictures) - wiseGEEK

Indemnification may not seem like a major consideration in most circumstances — the chances are pretty good that you won't be hit by a baseball at a game or suffer damages from faulty rental equipment. But, indemnification can be a very important consideration if you're a director of a medical equipment company, for example. There's always a possibility of a patient suing one of your client hospitals for damages suffered in a fall from one of your wheelchairs. An indemnification agreement with your company means that the hospital agrees to take financial responsibility if a patient prevails in a lawsuit. Without indemnification, you could be held personally liable for damage payments.

<http://www.wisegeek.org/what-is-indemnification.htm#did-you-know>

[Images for Without indemnification, you could be held personally liable for damage payments.](#)

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 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.

I requested and received from the Northwest Synod of Wisconsin info@nswi.org forms for a Letter of Agreement for Pastoral Ministry and a Shared Ministry Agreement, which I adapted for congregations in one parish I was serving.

**PROPOSED LETTER OF AGREEMENT
FOR PASTORAL MINISTRY**

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.
Our ministry comes from Christ through the Church and belongs to the whole people of God. The Gospel calls all Christians to be ministers in word and deed. So, it is the privilege of every Christian to be a steward of the gospel of God’s reconciling love. The whole church ministers as it celebrates God’s presence, shares the good news, cares for those in need, and witnesses to the power of God’s love.
The Evangelical Lutheran Church in America (ELCA) holds this congregation and the office of ordained ministry in high regard. In keeping with the policies and practices of the Evangelical Lutheran Church in America and the Northwest Synod of Wisconsin, and in order to set forth clearly the agreement for service between this congregation and pastor,

(name) Lutheran Church
(name), Wisconsin
agrees that
Pastor (name)
(name) Lutheran Church of (name), Wisconsin
will serve as PASTOR
on a part-time basis
in accord with the following conditions and mutual promises.

- The pastor will:
- A. Preach and teach the Word of God.

- B. Preside at worship and administer the sacraments according to the practice of the ELCA.
- C. Provide pastoral care to all members of the parish according to their needs, visit as necessary, officiate at weddings, baptisms, confirmation, funerals, and uphold the members in prayer.
- D. Give pastoral leadership for the meetings, activities, and organizations of this congregation.
- E. Encourage support of the total ministry of the ELCA.
- F. Be responsible for the recording of baptisms, confirmations, marriages, funerals, attendance at Holy Communion, and the maintenance of the membership rosters; and report the statistics of the parish promptly and fully, as requested by the ELCA.

This congregation will:

- A. Commit to the Gospel by faithful participation in worship, learning, and fellowship activities.
- B. Support the ministry of this congregation through service and gifts.
- C. Accept the pastor, uphold him/her in prayer, and accord him/her love, respect, and good will.
- D. Expect the pastor to preside at Holy Baptism, Holy Communion, and other rites of the church.
- E. Compensate (name) Lutheran Church of (name), Wisconsin in the following ways:
 - 1) Base Salary
 - 2) Housing
 - 3) Social Security
 - 4) Benefits
 Northwest Synod of Wisconsin | Salary Standards
- F. Reimburse professional expenses related to our common ministry as follows:
 - 1) Automobile Allowance
 - 2) Continuing Education
 - 3) Professional Ministry Expenses
 - 4) Official Meetings
 - 5) Moving Expenses
 Northwest Synod of Wisconsin | Salary Standards
- G. Weekly, Annual, and Sabbatical Time Compensation
 - 1) Sabbath Day
 - 2) Vacation Time
 - 3)
 - 4)
 Northwest Synod of Wisconsin | Salary Standards

Description of basic duties

- 1) Word and Sacrament ministry, as well as funerals, weddings, and other rites of this congregation.
- 2) Pastoral care of homebound and others as needed.
- 3) Attend meetings of the Congregation Council.
- 4) Teach confirmation.
- 5)

Additional matters

- 1)
- 2)
- 3)

Understandings

- 1) The start date of this shared ministry agreement will be *(date)*.
- 2) A probationary period will be *(date)* to *(date)* at which time the Joint Council will determine the future agreement and renegotiate if necessary.
- 3) The Joint Council will normally meet once a quarter the first year and at least once a year after that.
- 4) Notice of an intent by one congregation to terminate the letter of agreement must be given to the other congregation at least 90 days before desired termination date.

We, the undersigned, accept the terms of this agreement:

 President of Congregation Council for *(name)* Lutheran Church of *(name)*, Wisconsin

_____ Date

 President of Congregation Council for *(name)* Lutheran Church of *(name)*, Wisconsin

_____ Date

 Pastor

_____ Date

Reviewed by

 Bishop, Northwest Synod of Wisconsin

_____ Date

Proposed Shared Ministry Agreement

I. Mission Statement

By the power of the Holy Spirit, (name) and (name) Lutheran Parish will use our united talents and resources to bring God's love and grace to our communities.

II. Purpose

The purpose of this agreement is to provide a framework for shared ministry between the following congregations to share a full-time installed pastor.

- 1) (name) Lutheran Church, address, (name), Wisconsin zip code.
- 2) (name) Lutheran Church, address, (name), Wisconsin zip code.

III. Identity

Each congregation will maintain its own identity as it now exists as a member of the Evangelical Lutheran Church and of the Northwest Synod of Wisconsin.

IV. Worship

- 1) Each congregation may retain its own order of worship and prepare its own bulletins.
- 2) Sunday services of worship: (name) (time) am, (name) (time) am.
- 3) Scheduling of occasional services of worship, such as Christmas Eve/Day, Lent, Easter, and others, will be done by the Parish Council.

V. Property

- 1) Each congregation will retain ownership of its property.
- 2) Each congregation will maintain responsibility for maintenance of its property.

VI. Individual Congregations

- 1) Each congregation will have its own budget for activities that the congregation will do alone and its own Congregation Council to make decisions for this congregation.
- 2) The records of the individual congregations will be maintained and will remain in the individual congregations.

VII. Structure

- 1) (name) and (name) Lutheran Parish will have a Parish Council that will consist of the Executive Committees of both congregations.
- 2) The pastor of this parish will be *ex officio* a member of the Parish Council with voice but not vote at the meetings of the Parish Council.
- 3) *Robert's Rules of Order*, latest edition, will govern parliamentary procedure of all meetings of this Parish Council.

VIII. Financial Responsibilities

- 1) The fiscal year will be January 1 to December 31.

- 2) Expenses will be divided between the congregations as follows: *(name)* Lutheran Church *(percent)*, *(name)* Lutheran Church *(percent)*.
- 3) 1/12 of the shared expenses will be paid on the 10th of each month to the parish account from each congregation.

IX. Expenses

- 1) Each congregation will contribute to the compensation for a pastor according to Northwest Synod of Wisconsin | Salary Standards.
- 2) Each congregation will maintain and compensate its church secretary.

X. Parish Council Responsibilities

- 2) The president of the congregation that hosts the Parish Council will chair the meeting. The Parish Council will alternate meeting locations between the congregations.
- 3) The vice president of the host congregation will chair the meeting in the absence of the president.
- 4) The parish secretary will be appointed by the Parish Council. Term of office will be one year. This officer will be eligible for re-appointment.
- 4) The parish secretary will keep records of all proceedings, maintain a file of all committee reports, and make minutes available to members.
- 5) The parish treasurer will be appointed by the Parish Council. Term of office will be one year. This officer will be eligible for re-appointment. This officer will be responsible for paying the parish expenses approved by the Parish Council.

XI. Calling a Pastor

- 1) Each congregation will establish a Call Committee of three voting members to complete its Ministry Site Profile. The Call Committees from both congregations will be a Parish Call Committee.
- 2) Each congregation will have three voting members on the Parish Call Committee of six voting members.

C13.05. When a vacancy occurs in a position for which this congregation calls a rostered minister, 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 rostered minister.
[Model Constitution for Congregations of the ELCA.]

- 3) The Parish Call Committee will recommend a pastoral candidate to the Parish Council.
- 4) The Parish Council must have a 2/3 majority vote to recommend a candidate to the congregations.
- 5) Each congregation must approve the candidate.

***C9.21.** Authority to call a minister of Word and Service 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 the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.

- 6) *(name)* Lutheran Church will issue the call on behalf of the member congregations.

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 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.

XII. Time

- 1) The start date of this shared ministry agreement will be *(date)*.
- 2) A probationary period will be *(date)* to *(date)* at which time the Parish Council will determine the future agreement and renegotiate if necessary.
- 3) The Parish Council will normally meet once a quarter the first year and at least once a year after that.
- 4) Notice of an intent by one congregation to terminate the shared ministry agreement must be given to the other congregation at least 90 days before desired termination date.
*C20.04. *C20.05. *C20.06.

We, the undersigned, accept the terms of this agreement:

President of Congregation Council for *(name)* Lutheran Church of *(name)*, Wisconsin

_____ Date

President of Congregation Council for *(name)* Lutheran Church of *(name)*, Wisconsin

_____ Date

Pastor

_____ Date

Reviewed by

Bishop, Northwest Synod of Wisconsin

_____ Date

Conflict of Interest Policy

One congregation submitted a constitution for review that included a statement on Conflict of Interest and Compensation that was adapted from

Appendix A: [Sample Conflict of Interest Policy – IRS Instructions for Form 1023 - FREDLA](https://fredla.org/wp-content/uploads/2016/01/sample-conflict_of_interest-policy.pdf)
https://fredla.org/wp-content/uploads/2016/01/sample-conflict_of_interest-policy.pdf