

\*=Required by Model Constitution. Yellow highlights reflect options in Model and Council Recommendations.

**Trinity Constitution – Current vs. Proposed Language –Changes with Options**

**January 2018**

Clause	Current	Proposed	Comment
*C5.03j	<p>The Congregation is authorized to:</p> <p>j. elect its Congregation Council, and require the members of the council to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and</p>	<p>The Congregation is authorized to:</p> <p>elect its [officers][,] [and] Congregation Council, [boards, and committees,] and require [them] [the members of the council] to carry out their duties in accordance with the constitution[, ] [and] bylaws[, ] [and continuing resolutions]; and</p>	<p>Language in brackets are options.</p> <p>Council recommends retaining the current language reflects our processes. The Congregation does not elect its officers or boards and committees.</p>
C5.05	None (not a required clause)	<p>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.</p>	<p>Council recommends retaining current language (i.e. no clause). Trinity does not have bylaws for mission endowment fund and does draw some operating budget monies from the Mission Endowment Fund</p>
*C8.02.d.	<p><i>Associate</i> members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all of the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.</p>	<p><i>Associate</i> members are persons holding membership in other [ELCA] [Lutheran] [Christian] congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of</p>	<p>Model Constitution gives congregations the choices of “ELCA, Lutheran, or Christian”.</p> <p>The Congregation Council recommends “Christian”.</p>

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		membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.	
*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 the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.	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.	Wording of first sentence revised  Model Constitution gives choice of “this congregation” or “the Congregation Council”. Recommend keeping the Congregation Council. Call Committee is appointed by the Council not elected by Congregation.
C9.15	None (not required)	Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the pastor in a form proposed by the synodical bishop and	Council recommends acceptance. Trinity has done this before (e.g. Father Alden Flanders from Episcopal Diocese).

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		approved by the congregation.	
*C9.21	None	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 [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.	Required by Model. Council recommends [the Congregation Council] – Council appoints/elects the Call Committee
C10.01	The annual meeting of this congregation shall be held at a time specified in the bylaws. (Effective 01.27.2013)	The [annual][semi-annual][quarterly] meeting of this congregation shall be held at a time specified in the bylaws.	Council recommend keeping [annual]. “(Effective 01.27.2013)” will be revised upon approval.
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 the one hundred of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted. (Effective 01.27.2013)	A special Congregation Meeting may be called by the [senior] 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 the lesser of 75 voting members or 10% of the voting members. The president of the Congregational Council shall call a 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	Council recommends the lesser of 75 members or 10% of voting members “(Effective 01.27.2013) will be revised upon approval.

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		business shall be transacted. (Effective 01.27.2013)	
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 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. (Effective 01.27.2013)	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. (Effective 01.27.2013)	Council recommends notification by electronic means.  “(Effective 01.27.2013)” will be revised upon approval.
C10.04	Seventy-five (75) voting members shall constitute a quorum. (Effective 08.31.2013)	The lesser of seventy-five (75) voting members or 10% of voting members shall constitute a quorum. (Effective 08.31.2013)	Council recommends lesser of 75 voting members or 10% of voting members.  “(Effective 08.31.2013) will be revised upon approval.
C11.01d	If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. The treasurer, whether selected from the elected membership of the Congregation Council or not, shall have voice and vote at the meetings of the Congregation Council.	[If the treasurer is not selected from the elected membership of the Congregational Council, the treasurer shall have voice but not vote at the meetings of the Congregational Council].	Council recommends keeping current language. Treasurer has voice <i>and</i> vote.
C11.02	The Congregation Council shall elect its officers and they shall be the officers of this congregation. The officers shall	The [congregation] [Congregation Council] shall elect its officers and	Council recommends keeping first clause and [Congregation

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	<p>be elected by written ballot and shall serve for one year or until their successors are elected. Their terms of office shall begin at the close of the meeting at which they are elected.</p>	<p>they shall be the officers of this congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms of office shall begin at the close of the meeting at which they are elected.</p> <p style="text-align: center;"><b>or</b></p> <p>The officers shall be elected by the [congregation] [Congregation Council] by written ballot and shall serve for one year. The term shall begin on _____ (month and day) and end on _____ (month and day).</p> <p style="text-align: center;"><b>or</b></p> <p>The pastor shall be <i>ex officio</i> president of the congregation and the Congregation Council. The [congregation][Congregation Council] shall elect by written ballot the other officers of the congregation who shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.</p> <p style="text-align: center;"><b>or</b></p> <p>The pastor shall be <i>ex officio</i> president of the congregation and the Congregation Council. The [congregation][Congregation</p>	<p>Council] as it reflects current practice.</p>
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		Council] shall elect by written ballot the other officers of the congregation who shall serve for one year or until their successors are elected. Their terms shall begin on _____ (month and day) and end on _____ (month and day).	
C12.01	The voting membership of the Congregation Council shall consist of the pastor(s) and other rostered leaders and not more than 15 nor less than 12 members of this congregation including the officers of this congregation and may include the one youth member specifically described in C12.12. Any voting member of this congregation may be elected and serve, subject 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.	The voting membership of the Congregation Council shall consist of the pastor(s) and other rostered leaders and not more than 15 nor less than 12 members of this congregation including the officers of this congregation and may include the one youth member specifically described in C12.12. Any voting member of this congregation may be elected and serve, subject 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 Congregational	Council recommends accepting Option 1 which adds the legal action language proposed by the model (see yellow highlights).

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		<p><b>Council in other circumstances.</b></p> <p><b>or</b></p> <p>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.</p> <p><b>or</b></p> <p>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.</p> <p><b>or</b></p> <p>The members of the Congregation Council except the pastor(s) shall be elected at a legally called meeting of the congregation</p>	
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		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.	
C12.04d	The duties of the Congregation Council shall include the following: To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.	The duties of the Congregation Council shall include the following: To maintain supportive relationships with the rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.	Council recommends that model language should be adopted as it now fits the nomenclature for rostered ministers.
C12.04h	To emphasize partnership with the synod and churchwide units 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.	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.	Council recommends change from "units" to "organization" to match Model.
C12.04j	None (not required)	To seek out and encourage qualified persons to prepare for the ministry of the Gospel. (Recommended by Model – not	Council recommends adoption of model language.

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		required)	
C12.05a	The Congregation Council shall be responsible for the financial and property matters of this congregation. 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 Commonwealth of Massachusetts, except as otherwise provided herein.	The Congregation Council shall be responsible for the financial and property matters of this congregation. 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 Commonwealth of Massachusetts, except as otherwise provided herein.	<b>Council recommends “trustee”.</b> In our use of the term, “trustee” reflects the responsibility and trust that the Congregation has placed with the Council for the responsible stewardship of its property and resources.  “trustees” often used for non-profit organization; “directors” in “for profit” organizations. “Trustee” signifies a higher level of fiduciary trust/responsibility than “director”.
C12.05c	The Congregation Council may enter into contracts of up to \$10,000 for items not included in the budget.	The Congregation Council may enter into contracts of up to \$25,000 for items not included in the Annual Operating Budget. Additionally, the Congregation Council shall be able to enter into contracts of any amount when there is an unforeseen and urgent concern regarding the safety and protection of people and/or property.	<b>NOTE: THIS WILL REQUIRE TWO CONGREGATIONAL VOTES.</b>  <b>RATIONALE: \$10,000 limit was established at least 30 years ago. \$10,000 adjusted for inflation and brought forward to today comes to about \$25,000.</b>  <b>Council Recommends: ACCEPT PROPOSED AMOUNT (\$25,000) and SAFETY LANGUAGE.</b>
C12.05d	The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following	The Congregation Council shall prepare an Annual Operating Budget for adoption by this	<b>NOTE: THIS WILL REQUIRE TWO CONGREGATIONAL</b>

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	its adoption and may incur obligations more than \$10,000 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 by or in partnership with the synod and churchwide organization.	congregation, shall supervise the expenditure of funds in accordance therewith following its adoption and may incur obligations more than \$25,000 in excess of the anticipated receipts only after approval by a Congregation Meeting, unless as a result of an unforeseen and urgent concern regarding the safety and protection of people and/or property. The annual operating budget shall include this congregation's full indicated share in support of the wider ministry being carried on by or in partnership with the synod and churchwide organization.	<b>VOTES.</b>  RATIONALE: \$10,000 limit was established at least 30 years ago. \$10,000 adjusted for inflation and brought forward to today comes to about \$25,000.  Council Recommends: ACCEPT PROPOSED AMOUNT (\$25,000) and SAFETY LANGUAGE.
C12.06	The Congregation Council shall see that the provisions of this constitution and its bylaws are carried out.	The Congregation Council shall see that the provisions of this constitution, its bylaws [and the continuing resolutions] are carried out.	Council recommends adding language about continuing resolutions.
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 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.	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.	Council recommends adopting to bring into agreement with Model.
C12.12	A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council,	A quorum for the transaction of business shall consist of a majority	Council recommends adopting Model language with regard to

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	including the pastor or interim pastor, except when such person requests or consents to be absent and has given prior approval to an agenda of routine matters, which shall be the only business of the meeting.	of the members of the Congregation Council, including a called pastor or interim pastor serving the Congregation, except when such person requests or consents to be absent and has given prior approval to an agenda of a particular regular or special meeting, which shall be the only business of the meeting. Chronic 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 Congregational Council, following consultation with the synodical bishop.	"a called pastor or interim pastor"
C13.02	A <b>Nominating Committee</b> of six voting members of this congregation, two of whom shall be outgoing members or former members of the Congregation Council and one of whom shall be a pastor of this congregation, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee, with the exception of the pastor, are not eligible for consecutive reelection.	A <b>Nominating Committee</b> of six voting members of this congregation, two of whom, if possible, shall be outgoing members or former members of the Congregation Council and one of whom shall be a pastor of this congregation, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee, with the exception of the pastor, are not eligible for consecutive reelection.	Council recommends "if possible" (proposed by Model)
C13.03	An <b>Audit Committee</b> of three voting members may be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation	An <b>Audit Committee</b> of three voting members shall be elected by the Congregation Council.	Inserting "shall" instead of "may" and "will", respectively, will bring into compliance with

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	Council. Term of office will be three years, with one member elected each year. Members shall be eligible for reelection. In the absence of an audit committee, a review shall be conducted annually by an independent accountant.	Audit Committee members shall not be members of the Congregation Council. Term of <b>office shall</b> be three years, with one member elected each year. Members shall be eligible for reelection. In the absence of an audit committee, a review shall be conducted annually by an independent accountant.	Model.
C13.04	A Mutual Ministry Committee shall be appointed jointly by the president and the pastor. Term of office shall be two years, with three members to be appointed each successive year.	<b>Mutual Ministry Committee(s)</b> (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-president <sup>1</sup> ] and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.	Council recommends retaining Current language with change to “rostered minister” instead of “pastor”.
C13.05	When a pastoral vacancy occurs a <b>Call Committee</b> , of at least six but no more than nine voting members shall be appointed by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.	When a pastoral vacancy occurs a <b>Call Committee</b> , of at least six but no more than nine voting members shall be appointed by [this congregation] [the Congregation Council]. Term of office will terminate upon installation of the newly called pastor.	Council recommends keeping current language. Council appoints the Call Committee.
C13.06	Other congregational committees may be formed as the	Committees of this congregation	Council recommends adopting

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	need arises, by decision of the Congregation Council.	may be formed as the need arises, by decision of the Congregation Council.	to bring into compliance with model language.
C13.07	Duties of congregational committees shall be specified in the bylaws.	Duties of congregational committees shall be specified in the [bylaws].	Council keeping current language to reflect current practices.
C13.08	None (not required)	The pastors, or interim pastor shall be <i>ex officio</i> a member of all committees and boards of this congregation. [The president of this congregation and shall be <i>ex officio</i> a member of all committees and boards of this congregation, except the Nominating Committee.]	Council recommends accepting proposed language from Model.
C14.02	Special interest groups, other than those of the official organization of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council.	Special interest groups, other than those of the official organization 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].	Council recommends proposed language to bring into compliance with Model.
*C16.01	Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the <i>Model Constitution for Congregations of the Evangelical Lutheran Church in America</i> , may be amended in the following manner. Amendments may be proposed by at least 25 voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal	Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the <i>Model Constitution for Congregations of the Evangelical Lutheran Church in America</i> , may be amended in the following manner. Amendments	Changes required by the Model.  Council recommends that 25 voting members can propose amendments.  Note: Amendments now in Chapter 16.

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	<p>consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.</p>	<p>may be proposed by at least [25] 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.</p>	
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