



**Evangelical Lutheran  
Church in America**

God's work. Our hands.

***CONSTITUTION***  
***OF***  
***FIRST LUTHERAN CHURCH***  
***PORTLAND, MAINE***

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## ***EXPLANATION OF THE FORMAT USED***

*The Model Constitution for Congregations of the Evangelical Lutheran Church in America* originally was adopted by the Constituting Convention of this church in Columbus, Ohio, on April 30, 1987. This was done as required by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This current edition of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* contains changes adopted by the 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, and 2005 Churchwide Assemblies.

The model is consistent with the requirements of the constitutional governing documents of the ELCA's churchwide organization and synods.

- **Required provisions:** Sections of this constitution marked by an asterisk [\*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (neither additions nor deletions). This is in keeping with provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision stipulates that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. The provisions herein marked by an asterisk are those that are indicated as required in ELCA constitutional provision 9.25.b.
- **Review by synod:** In keeping with provisions that apply to all congregations of this church, each congregation is to provide a copy of its governing documents to the synod. As specified by ELCA bylaw 9.53.03. (numbering as listed in the 1991 and subsequent editions):

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall approve or disapprove the proposed changes within 120 days of receipt thereof, and shall notify the congregation of its decision; in the absence of a decision, the changes shall go into effect.

- **Codification explanation:** A numerical codification indicates (a) general subject, (b) constitutional provisions, (c) bylaws, and (d) continuing resolutions.
  - ✓ a. Major sectors are designated as chapters. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus, provisions in “Chapter 8. Membership” are preceded by “8.”
  - ✓ b. Constitutional provisions are codified with two sets of numbers: the chapter number and a two-digit number preceding the second period in the codification. Thus, one constitutional provision related to “Membership” is codified \*C8.02.
  - ✓ c. Bylaw provisions are codified with three sets of numbers: the chapter number, the related constitutional provision number, and a two-digit number. Thus, one bylaw provision related to “Membership” would be codified C8.02.01. Because bylaws and continuing resolutions normally are so specifically related to details of each congregation's organization, operation, and life, no model set of bylaws or continuing resolutions is provided. Each congregation may develop its own bylaws and continuing resolutions, but no such bylaws or continuing resolutions may conflict with this constitution, the constitution and bylaws of the Evangelical Lutheran Church in America, and the constitution of the synod, as indicated in \*C6.03.e.
- d. The Congregation Council may adopt “continuing resolutions,” which may provide descriptions of operational patterns or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. Within the governing documents of a congregation, continuing resolutions are the provisions most easily amended. Unlike constitutional provisions and bylaws, continuing resolutions may be updated regularly by the Congregation Council without the necessity of calling a regular or special Congregation Meeting. Continuing resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter.

Thus, a continuing resolution might be numbered C13. to designate the chapter; C13.07. to designate the subject matter within the chapter; and the third set might be numbered A05. in the codification C13.07.A05. to indicate by the “A” that it is the first continuing resolution regarding that subject and to indicate by the “05” that it was adopted in 2005.

- **Ease of use:** The provisions of your congregation's constitution, the bylaws, and the continuing resolutions that pertain to the same matter should be placed together for clarity and ease in use.

If chapter numbers are considered the major sequence number, constitution numbers as a fraction of the chapter number, and bylaw numbers as a fraction of the constitution number, then the codification can be said to provide a progressive sequence. Thus, \*C5.01. will precede C5.03.10., and C9.11.16. will precede \*C9.13.

All provisions in the *Model Constitution for Congregations* are prefaced with "C" to distinguish these provisions from comparable ones in the synodical and churchwide constitutions.

- **Missing numbers:** As you work with the *Model Constitution for Congregations*, you may notice that certain numbers seem to be missing from the numbering sequence in some chapters. That is intentional. In the style followed here, the number ".10." and multiples thereof have been reserved for possible use as section headings in future editions. Therefore, in the sequence, for example, of Chapters 1, 9, and 12, these ".10." numbers do not appear.
- **Selection of options:** Alternatives are provided in certain places within the model. Those are noted by square brackets. For example, \*C9.01. offers the alternative of election of a call committee by the congregation or by the Congregation Council. One alternative should be chosen in each instance where square brackets appear in the text.

Optional texts are provided in separate paragraphs in Chapters 11 and 12 regarding the Congregation Council and its membership. Each congregation will need to select one of those options for council membership or a variation thereof, subject to approval through the synod's constitutional review process.

- **References to church:** In the governing documents, "Church" with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words "church" and "this church" in lower case letters are employed, although, for clarity in this constitution, the full name or "ELCA" normally is used.

The specific congregation may be identified, as provided in C1.02., as "this congregation."

- **Guidelines:** A list of guidelines for a congregation engaging in review and amendment of its constitution is available through each synod office and on the ELCA Web site.

The task of amending a constitution is not easy. It is, however, an important endeavor that merits thoughtful work. In your constitutional responsibilities, God grant you wisdom, mutual love, clear understanding of good order, and commitment to the unity of this church in faithful witness to our Lord and Savior, Jesus Christ.

The Rev. Lowell G. Almen  
Secretary  
Evangelical Lutheran Church in America

# ***CONSTITUTION OF FIRST LUTHERAN CHURCH PORTLAND, MAINE***

In the Name of the Father, and of the Son, and of the Holy Spirit. Amen.

## **\*PREAMBLE**

Recognizing our unity in Christ and our common practice in the Christian faith; desiring to express our fellowship in worship and work; knowing our spiritual needs; mindful of our Christian privileges and duties; and wishing to observe orderly cooperation: we adopt the following constitution and solemnly pledge ourselves to be governed by its provisions:

## **Chapter 1.**

### **NAME AND INCORPORATION**

- C1.01.** The name of this congregation shall be First Lutheran Church.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of First Lutheran Church is hereinafter designated as "this congregation."
- C1.11.** This congregation shall be incorporated under the laws of the State of Maine.

## **Chapter 2.**

### **CONFESSION OF FAITH**

- \*C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
  - C2.01.01** While the buildings of this congregation shall be open to all people to share in its worship, instruction, pastoral care, and fellowship, the 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 which thus teach salvation by works.
  - C2.01.02** Ceremonies of lodges or other such organizations shall not be permitted in the buildings or premises of the congregation, nor shall its pastors take part in any such ceremonies wherever they are conducted.
- \*C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
  - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
  - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.

c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

- \*C2.03. This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- \*C2.04. This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- \*C2.05. This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- \*C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- \*C2.07. This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

### **Chapter 3.**

#### **NATURE OF THE CHURCH**

- \*C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- \*C3.02. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. This Church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

### **Chapter 4.**

#### **STATEMENT OF PURPOSE**

- \*C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- \*C4.02. 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.
  - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.

- c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
- d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

**C4.02.01** This congregation invites all its members, who have been prepared to receive the Sacraments, to participate regularly in Holy Communion.

**C4.02.02** Preparation for Holy Communion will normally be provided for persons as young as ten years of age with pastoral and parental consent.

**C4.02.03** Participation in Holy Communion shall be open to members of other congregations who accept the Biblical teaching in regard to this Sacrament. It shall be made known to prospective participants that the belief of this congregation is:

Participation in the Lord's Supper is the reception of "the body and blood of our Lord Jesus Christ given with bread and wine, instituted by Christ himself, for us to eat and drink."

We hold that a "person is well-prepared and worthy who believes these words, 'given and shed for you for the remission of sins.' But anyone who does not believe these words, or doubts them, is neither prepared nor worthy, for the words 'for you' require simply a believing heart." Records of participation in Holy Communion shall be maintained.

**C4.02.04** If a member of another congregation communes, notice shall be sent to his or her pastor.

**\*C4.03.** To fulfill these purposes, this congregation shall:

- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
- b. Provide pastoral care and assist all members to participate in this ministry.
- c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
- d. Teach the Word of God.
- e. Witness to the reconciling Word of God in Christ, reaching out to all people.
- f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
- h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
- i. Foster and participate in ecumenical relationships consistent with churchwide policy.

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

**\*C4.05.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.

**C4.06.** The records of the congregation shall be and remain the property of the congregation.

**C4.06.01** The pastor shall be responsible for the maintenance of the records, except as otherwise provided herein. Upon the termination of his/her service to the congregation, he/she shall have brought the records up-to-date prior to his/her departure.

**C4.06.02** The records shall consist of:

- a. The roster of baptized, confirmed and voting members.
- b. The ministerial acts performed by the pastor.
- c. The minutes and reports of the Synod.
- d. The minutes of the meetings of the congregation and the Church Council, for which the secretary of the congregation is responsible.
- e. The financial records of the congregation, for which the treasurer of the congregation shall be responsible

## **Chapter 5.**

### **POWERS OF THE CONGREGATION**

**\*C5.01.** The powers of this congregation are those necessary to fulfill its purpose.

**\*C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.

**C5.02.01** The power and authority of the congregation shall be exercised through the congregational meeting, which shall be called and conducted in conformity with civil laws and the provisions of the constitution and bylaws of the congregation.

**\*C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:

- a. call a pastor as provided in **Chapter 9**;
- b. terminate the call of a pastor as provided in **Chapter 9**;
- c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
- d. adopt amendments to the constitution, as provided in **Chapter 17**, and amendments to bylaws, as specified in **Chapter 16**.
- e. approve the annual budget;
- f. acquire real and personal property by gift, devise, purchase, or other lawful means;
- g. hold title to and use its property for any and all activities consistent with its purpose;
- h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- i. 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 terminate its relationship with the Evangelical Lutheran Church in America as provided in **\*C6.04**.

**\*C5.04.** 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 the congregation and other qualifications shall be as prescribed in guidelines established by the New England of the Evangelical Lutheran Church in America.

**C5.04.01** Have authority between meetings of the congregation to appoint delegates to any group or meeting in which the congregation is entitled to representation.

**C5.05** The endowment funds of the congregation shall consist of the value of the funds transferred to it by the Estate of Alma Floberg as reported in the Final Order of Distribution approved by the Cumberland County Probate Court and such other funds as may be added to it from time to time, including realized and unrealized net appreciation.

- a. Purpose. The purpose of the endowment is to provide funds which can be used either for special projects or programs or for capital projects, approved by the council or congregation, as provided herein, while preserving the corpus of the fund.
- b. Use of Income. The net income of the endowment funds may be, but are not required to be, expended for the purposes described in C5.05.a, but endowment income may not be used to meet the normal operating expenses of the Church. The "net income" shall consist of the amount earned by the endowment from dividends and interest during the previous calendar year, less all reasonable expenses incurred in managing the funds during that year. The Council, by vote, may augment the amount available for the distribution as net income by adding to it an amount which may not exceed 5.5% of realized and unrealized net appreciation accrued during the same year for which net income was calculated.
- c. The Council may vote to expend net income, as defined herein, in accordance with the limitations set forth herein.
- d. The corpus of the endowment fund, as it may exist at any particular time, up to a maximum of 25%, may be expended, following both approval of the Council and also a vote of the Congregation, conducted and taken in the same way that amendments to this Constitution are initiated and approved.

## **Chapter 6.**

### **CHURCH AFFILIATION**

- \*C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America and of the New England Synod of the Evangelical Lutheran Church in America or its successor. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- \*C6.02.** 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.
- \*C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America or its successor in which:



- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
- d. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.
- e. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.

**\*C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:

- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
- d. This congregation follows the procedures outlined in **\*C6.05**.

**C6.04.01** Should the congregation be dissolved, the official records of this congregation shall be deposited in the archives of the Evangelical Lutheran Church in America or its successor.

**\*C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:

- a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
- b. The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod shall consult with this congregation during a period of at least 90 days.
- d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.
- e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the Evangelical Lutheran Church in America shall be terminated.
- f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

**\*C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

## Chapter 7. PROPERTY OWNERSHIP

- \*C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the New England Synod of the Evangelical Lutheran Church in America.
- \*C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- \*C7.03. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the New England Synod.
- \*C7.04. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

## Chapter 8. CONGREGATIONAL MEMBERSHIP

- \*C8.01. Members of this congregation shall be those baptized persons on the roll of this congregation at the time this constitution is adopted, and those who are admitted thereafter; and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- \*C8.02. 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.
  - b. **Confirmed** members are those baptized persons who have been confirmed in this congregation, those who have been received by adult baptism, or by transfer as confirmed members from other Lutheran congregations, or baptized and confirmed persons received by reaffirmation of faith.
  - c. Voting members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.

- d. *Associate* 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. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council.

**\*C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.

**\*C8.04.** It shall be the privilege and duty of members of this congregation to:

- a. make regular use of the means of grace, both Word and sacraments;
- b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran Church; and
- c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and/or financial support as biblical stewards.

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action by the Congregation Council; or
- e. removal from the roll due to inactivity as defined in the bylaws.

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

**C8.05.01** The congregation shall, in the event of the removal of a member from the community it serves, encourage the member to request a transfer to a Lutheran congregation which can serve him or her effectively. Should the member fail to request a transfer, a Lutheran congregation in the community of his or her residence shall be notified.

**C8.05.02** A confirmed member desiring to change his membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.

**C8.05.03** A confirmed member who does not, during the calendar year, partake of Holy Communion, support the church with his or her offerings, and does not appear to desire to participate in the life and worship of the congregation shall be visited by the pastor and the congregation's officers and encouraged by them to active membership. If, during the second year, the confirmed member does not actively participate, or show desire to participate, his or her name may be removed from the active membership roster of the congregation with Congregation Council approval, but be retained on the inactive list as one who is in special need of the congregation's prayer and concern.

**C8.05.04** A child, neither of whose parents or guardians is a member of the congregation, may be removed from the roster of baptized members if he or she fails to participate in the life and worship of the congregation.

## **Chapter 9.**

### **THE PASTOR**

- \*C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.02.** Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- \*C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every ordained minister shall:
    - 1) preach the Word;
    - 2) administer the sacraments;
    - 3) conduct public worship;
    - 4) provide pastoral care; and
    - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
  - b. Each ordained minister with a congregational call shall, within the congregation:
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
    - 2) supervise all schools and organizations of this congregation;
    - 3) install regularly elected members of the Congregation Council; and
    - 4) with the council, administer discipline.
  - c. Every pastor shall:
    - 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
    - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
    - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
    - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the New England Synod of the ELCA.
- \*C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.05.** a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
  - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
  - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
  - 4) the physical or mental incapacity of the pastor;

- 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
  - 6) the dissolution of the congregation; or
  - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
  - c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
  - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in **\*C9.05.b.** shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
  - e. If, in the course of proceedings described in **\*C9.05.d.**, the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
  - f. If, following the appointment of the committee described in **\*C9.05.b. or d.**, it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).
- \*C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
  - \*C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
  - \*C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.

- \***C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \***C9.11.** With the approval of the bishop of the synod, the congregation may depart from \***C9.05.a.** and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \***C9.05.a.**
- \***C9.12.** The pastor of this congregation:
  - a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
  - b. shall submit a summary of such statistics annually to the synod; and shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- C9.12.01** The pastor shall report to the general secretary of the Evangelical Lutheran Church in America such statistics as may be requested and shall annually report to the congregation a summary of all ministerial acts performed.
- \***C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- C9.14.** The pastor, as spiritual leader of the congregation, shall be an ex officio member of the Congregation Council and an advisory member of all other boards, committees, and amendment.

**Chapter 10.**  
**CONGREGATION MEETING**

- C10.01.** The semi-annual meetings of this congregation shall be held at a time specified in the bylaws.
- C10.01.01** Business conducted at the semi-annual meetings shall include the following: opening devotions, approval of minutes of the previous meeting, reports as necessary, unfinished business, new business and closing prayer. The summer semi-annual meeting shall include review of annual reports and necessary elections. The winter semi-annual meeting shall include approval of the annual budget.
- C10.01.02** In the following cases, voting shall be by written ballot:
  - a. To adopt or amend the articles of incorporation, constitution, or bylaws of this congregation
  - b. To Call a pastor or to request the resignation of a pastor
  - c. To excommunicate a member from the congregation or remove a member from office in the congregation
  - d. To sever membership in Evangelical Lutheran Church in America
  - e. To dispose of, encumber, or purchase real property

- f. If there are more nominees than there are positions to be filled
- g. When requested by ten or more voting members present.

**C10.01.03** If more than one ballot is required in an election, a motion shall be in order to limit the balloting after the first ballot to the three candidates receiving the highest number of votes on the first ballot; and after the second ballot to limit the balloting to the two candidates receiving the highest number of votes.

**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 10 percent of the voting members.

- a. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.
- b. No special meeting of this congregation may be held without properly notifying the pastor, in view of his or her position as a member of the congregation and an advisor in all congregational affairs.
- c. A meeting of the 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 public service of the congregation, or written notice be mailed to the voting members not less than three days in advance of the reconvening meeting.

**C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays.

**C10.03.01** Announcement of the time and place of a semi-annual meeting of the congregation shall be made at two public services immediately preceding the meeting, said services to be at least a week apart, and in such publications as the congregation or the pastor may periodically issue; or by written notice to the voting members mailed not less than ten days in advance of the meeting.

**C10.04.** 15% of voting members shall constitute a quorum.

**C10.04.01** The current rosters of the voting, confirmed, baptized, and associate members shall be determined prior to and available at each meeting of the congregation.

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

**C10.06.** All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.

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

## **Chapter 11. OFFICERS**

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

- b. The officers shall be voting members of the congregation.
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- d. When the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council; and elect a treasurer and financial secretary of the congregation, who need not be members of the Congregation Council, and designate annually the other than the treasurer, who may sign checks.

**C11.01.01** Duties of Officers and Other Elected Positions:

- a. The president shall preside at meetings of the Congregation Council and of the congregation. The president shall serve as ex officio member of all committees.
- b. The vice president shall preside at meetings of the Congregation Council and of the congregation in the absence of the president.
- c. The secretary shall keep the minutes of the Congregation Council and of the congregation and shall have custody of the archives of the congregation.
- d. The treasurer shall have custody of all funds of the congregation. He/she or the designated signers of checks shall disburse funds in accordance with the decisions of the congregation or the Congregation Council. Provide and ensure an annual review of adequate insurance on the church property, contents and liability coverage.
- e. The financial secretary shall receive all funds and advise the treasurer of amounts and funds to be credited, maintain current records of individual giving to the congregation and provide contributors a report of their giving at least semi-annually.
- f. The Executive Board shall coordinate the Council Retreat.

**C11.01.02** The treasurer and financial secretary of the congregation will be appointed for two-year terms. There is no limit on the number of successive terms the treasurer or financial secretary may serve.

**C11.02.** The Congregation Council shall elect its officers and appoint a treasurer; they shall be the officers of the congregation. The elected officers shall be chosen by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin when elected.

**C11.03.** No officer shall hold more than one office at a time.

**Chapter 12.**  
**CONGREGATION COUNCIL**

**C12.01.** The voting membership of the Congregation Council shall consist of not more than 15 nor fewer than 10 members of the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member:

- a. ceases to be a voting member of this congregation or
- b. is absent from three successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated.
- c. the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.



- C12.01.01** A member of the Congregation Council who is absent two consecutive regular meetings shall be consulted by the president of the congregation; if absent from three consecutive regular meetings without an excuse acceptable to the Congregation Council, the Congregation Council may declare the seat vacant.
- C12.01.02** A member of the Congregation Council may not be elected to more than two successive two-year terms. An unexpired term of less than one year shall not be considered a term of office.
- C12.02.** The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for 2 years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.
- C12.02.01** To be eligible for membership on Congregation Council a person must be a voting member of the congregation. In addition, spiritual leadership and practical ability as needed in promoting the various interests of the congregation and committees may be considered.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next semi annual meeting. Individuals who have served less than one-half of a regular term shall be eligible for nomination and possible election to a full term.
- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:
- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
  - b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
  - c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
  - d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
  - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
  - f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
  - g. To arrange for pastoral service during the sickness or absence of the pastor.
  - h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
  - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
  - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Maine, except as otherwise provided herein.
  - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
  - c. The Congregation Council may enter into separately funded contracts for items not included in the budget.
  - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
  - e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
  - f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

**C12.05.01** Duties and Responsibilities

- a. Secure necessary staff other than the pastor(s), as necessary, and fix and review annually their job descriptions and salary.
- b. Review annually the salary of the pastor(s) and other paid staff.
- c. Review annually the performance and priorities of all paid staff members.
- d. Receive reports regularly from the treasurer to ascertain that the expenditures are within the budget approved by the congregation. Any expenditures in excess of the total voted budget must be approved by the congregation.
- e. Specify to each committee the budgeted line items and amounts for which they are responsible.
- f. Assure itself that the treasurer, designated signers of checks and others who have access to the funds of the congregation are adequately bonded.
- g. Appoint annually an auditing committee composed of 3 members which shall audit the fiscal records of the congregation and report its findings in writing to the annual meeting. Such audits shall include examination of existing insurance coverage.
- h. Be responsible for the buildings and premises of the congregation so that their use is normally limited to the functions of the congregation. Should groups or individuals not associated with the congregation desire to use such property, application shall be made to the church secretary or designated responsible person.
- i. Convene at least once each year a meeting of all committees to meet jointly with the Congregational Council to review the life, work and program of the congregation.
- j. Recommend 3 members for the Nominating Committee to be elected at the Spring Congregational Meeting.
- k. Have authority between meetings of the congregation to appoint delegates to any group or meeting in which the congregation is entitled to representation.

- l. Special Committees: The Church Council has authority to appoint new and ad hoc committees for specific purposes; i.e. building committee, etc. The president of the Church Council shall appoint to that committee one member of the Church Council for the duration of the committee life.
- m.. Form the following committees and supervise their activities. Each committee shall have a council liaison member, a chairperson and additional members as deemed necessary by the chairperson.
  1. Education
  2. Fellowship
  3. Evangelism
  4. Social Concerns
  5. Parish Planning
  6. Property and Maintenance
  7. Mutual Ministry
  8. Stewardship
  9. Worship
  10. Youth
  11. Investment<sup>1</sup>
  12. LEAF
  13. Children's Ministry

**C12.06.** The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out.

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

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

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

**C12.11.** The Congregation Council shall normally meet once a month. A special meeting of the Church Council may be called by notice given not less than five days prior to the meeting and shall be announced at a public service if one is held during that period. Such meetings may be called by the pastor or the president or by any three members of the Church Council.

**C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council.

### **Chapter 13.**

#### **CONGREGATION COMMITTEES**

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

**C13.02.** A *Nominating Committee* of five voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual

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<sup>1</sup> The Investment committee was created by vote of the congregation in its meeting on January 24, 1999.

meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection.

**C13.02.01** Be composed of two church council members appointed by the Congregation Council, one of whom should be designated chairperson of the committee and three members of the congregation, who shall be elected by the spring congregational meeting from Congregation Council nominations, plus any other nominations from the floor. The Pastor shall be an ex officio member of the committee.

**C13.02.02** The candidates proposed by the Nominating Committee shall be recommended to the Congregation Council for their review and approval. Candidates shall also be made known to the congregation through announcements or written notice.

**C13.02.03** The Nominating Committee shall provide, at a minimum, a slate of candidates necessary to fill any vacancies. Additional nominees may be received from the floor with the consent of the nominee.

**C13.02.04** A vacancy in the congregationally elected membership of the Nominating Committee shall be filled by action of the Congregation Council.

**C13.02.05** Nominate one LEAF representative.

**C13.03.** An *Audit Committee* of three members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Members shall be eligible for reelection.

**C13.03.01** Recommended annual members are: Treasurer, Financial Secretary and an Independent Auditor.

**C13.04.** A *Mutual Ministry Committee* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be elected by the Congregation. Term of office shall be two years, with two members to be elected each successive year.

**C13.04.01** The Mutual Ministry Committee shall:

- a. See First Lutheran Personnel for job descriptions for all paid staff.
- b. Serve as the exit interview group when a pastor or other paid staff person(s) leaves the congregation.
- c. Serve as the personnel committee for the support staff of the congregation such as the secretary, organist, custodian, parish coordinator.
- d. Share with the pastor and other paid staff persons expectations of the congregation. Assist in the preparation of ministry goals/objectives and performance standards for the pastor and support staff.
- e. Provide for and oversee the process of annual evaluations and theological reflection upon the ministry of the pastor and other paid staff persons, and the mission of the congregation.
- f. Serve as personal and confidential support to the pastor and other paid staff persons.
- g. Serve as an open communication channel regarding conditions and attitudes within the congregation.

- h. Serve as agents of reconciliation in time of conflict in the congregation.
- i. Review annually the details of compensation, housing, pension and other benefits provided for the pastor, and other paid staff persons.

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

**C13.05.01** A Call Committee shall be elected to seek the advice and help of the bishop of the synod in nominating a pastor for Call. The Call Committee shall consist of not fewer than 12 members, including the officers of the congregation. The Nominating Committee shall present a slate a minimum of 8 persons to be elected. Election of the Call Committee shall occur at a specially called meeting of the congregation, with additional nominees being nominated from the floor, if so desired. Any vacancies on the Call Committee shall be filled by Congregation Council action

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

**C13.06.01** Each committee shall:

- a. Conduct monthly meetings as needed.
- b. Record in writing the proceedings of each meeting held.
- c. Maintain the on-going committee notebook in the church office.
- d. Provide annual goals with budget requests to the Stewardship Committee.
- e. Provide written annual report of activities of the past year.
- f. Be responsible for management of funds within guidelines determined by Council.

**C13.06.02** The Education Committee shall:

- a. Provide an effective teaching ministry for all ages and encourage members to participate in Christian Education programs.
- b. Provide continuing education and training of teachers.
- c. Appoint and support the Sunday School Superintendent.
- d. Establish and maintain a church library.
- e. Encourage the pastor and lay leaders to participate in continuing education programs.
- f. Oversee the work of Vacation Bible School, Sunday School, Adult Education and any other programs or groups having to do with Christian Education.
- g. Investigate availability of and provide educational resources to all teachers and lay leaders.

**C13.06.03** The Fellowship Committee shall:

- a. Develop a program to present Christian fellowship opportunities for all members of the congregation
- b. Coordinate any fellowship meals, gatherings or other observances
- c. Oversee and coordinate the Sunday morning fellowship coffee and refreshments
- d. Plan welcomes, anniversaries, confirmation, farewells and other special occasions as necessary.
- e. Support the Lay visitation program and shut-in visits.
- f. Encourage opportunities among members to develop support and strengthen interpersonal bonds with fellowship opportunities

- C13.06.04** The Evangelism Committee shall direct the congregation's work of witness and service in the local community:
- a. support programs to equip and organize members in witness
  - b. serve as liaison with organizations of the Evangelical Lutheran Church in America and other churches
  - c. direct publicity and advertisement in the community
  - d. provide for outreach to newcomers

- C13.06.05** The Social Concerns Committee shall direct the congregation's work of witness and service in the greater Christian community
- a. provide channels of service through which members of the congregation may participate.
  - b. plan, coordinate goals and oversee the Benevolence program of the congregation
  - c. serve as liaison with organizations of the Evangelical Lutheran Church in America and other churches

- C13.06.06** The Parish Planning Committee shall:
- a. Identify both short and long term needs and recommend goals and programs of action in:
    1. the mission of First Lutheran Church
    2. the mission of the wider Christian community through ecumenical organizations
    3. membership trends and opportunities
    4. staffing needs and options
    5. property and financial needs and options.
  - b. Provide for a constitutional review every five years. Submit for the council and congregational review and approval all constitution and bylaw changes.
  - c. May coordinate an annual congregational retreat.
  - d. Oversee annual committee goals and planning to coordinate with the Mission Statement.

- C13.06.07** The Property and Maintenance Committee shall:
- a. Oversee the upkeep and improvement of all church property
  - b. Plan work days at the church and parsonage
  - c. Arrange for snow removal, lawn and shrub care
  - d. Recommend, coordinate and oversee the duties of the custodian
  - e. Purchase the necessary maintenance items and building improvements
  - f. Examine and provide for maintenance of the interior and exterior of the church building, parsonage and properties
  - g. Update inventory annually and maintain the contents of the church properties
  - h. Coordinate with the Church Secretary for the 'Church Building Use Guidelines'

- C13.06.08** The Stewardship Committee shall:
- a. Plan and promote Christian Stewardship, the giving of time, talents and treasures
  - b. Plan a budget for current and yearly operations based on committee goals and council approved salaries
  - c. Manage the financial program
  - d. Maintain financial records in coordination with the Treasurer and the Financial Secretary
  - e. Recommend appointment of a Treasurer and Financial Secretary to the Church Council and oversee and review their work.
  - f. Provide for annual audits.

**C13.06.09** The Worship Committee shall:

- a. Provide for meaningful and orderly worship consistent with Lutheran teaching and heritage.
- b. Provide for the necessary personnel to prepare the worship setting and carry out its intention.
- c. Obtain substitute pastoral assistance for vacation Sundays.
- d. Manage the use of music and fine arts; recommend, coordinate, and oversee the work of the music director and organist.
- e. Promote and initiate activities and programs that encourage congregational worship.
- f. Oversee and coordinate the work of the ushers, acolytes, lay assistants, altar guild and any other groups pertaining to worship.

**C13.06.10** The Youth Committee shall:

- a. Consist of equal numbers of youth and adults serving one year terms
- b. Oversee all functions and activities of the Lutheran Youth Group
- c. Recruit, enlist and support youth counselors for various ages of youth groups
- d. Arrange for regular articles in the newsletter covering youth activities
- e. Establish and maintain a current listing of all potential youth group members within the congregation
- f. Coordinate ongoing calendar of youth activities
- g. Promote, seek out and enhance various roles youth play in the life of the congregation
- h. Enlist congregational support (time, prayer, assistance, etc.) of all aspects of youth ministry.

**C13.06.11** The Investment Committee shall:<sup>2</sup>

- a. An Investment Committee, consisting of three persons, shall be appointed by the president of the council, subject to the approval of the council. The members shall serve staggered terms of three years. Members shall serve until their successors are appointed and qualified. The president and treasurer shall be non-voting members of the committee.
- b. The Investment Committee shall manage endowment funds of the church in accordance with the investment policies established by these bylaws.
- c. Notwithstanding any provision of these bylaws to the contrary, only the president or a person authorized to act by the council shall have authority to execute the purchase, sale or redemption of securities.
- d. The Investment Committee shall carry out its responsibilities in accordance with the following standards:
  - 1) Investment Policy. The investment policy will be to invest the funds constituting the corpus of the endowment fund with a long-term horizon, i.e. thirty (30) or more years in mind, and to restrict investments to the kinds of investments which would be suitable for trustees under Maine law.
  - 2) Investments Objectives. The investment objectives will be to invest part of the funds in such a way that income will be generated which can be used to support either special programs or projects of the Church, while, at the same time, to invest

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<sup>2</sup> The Investment committee was created by vote of the congregation in its meeting on January 24, 1999.

another part of the funds in the type of investments which will appreciate in value and offer protection from inflation.

- 3) **Portfolio Guidelines.** In keeping with the Investment Objectives, the Investment Committee will, as nearly as reasonably possible, invest 60-70% of the funds in equity securities, providing more growth than income, and 30-40 % of the funds in fixed-income producing securities, providing more income than growth.
- 4) **Limitations on Investment Decisions-Equities.** In accordance with the investment policy and investment objectives described herein, the Investment Committee shall not participate in margin borrowings, options, futures or derivatives. The portfolio shall contain no fewer than 20 common stocks; no single holding shall account for more than 5% of the equity portion of the portfolio; no more than 10% of the equity portion of the portfolio shall be invested in any one industry- and no more than 25% of the equity portion may be invested in any single major economic sector.
- 5) **Limitation on Investment Decisions-income Producing Securities.** In accordance with the investment policy and investment objectives described herein, the Investment Committee may invest in direct obligations of the United States which are guaranteed in regard to principal and interest, corporate obligations having a Moody's or Standard and Poore's rating of "A" or better, ECLA Church Extension Funds, mutual funds comprised of the above securities, or money market funds. No income producing securities held by the fund may have a maturity date greater than ten years. With the exception of direct obligations of the United States, no single issue may comprise more than 5% of the income production section of the portfolio.
- 6) **Investment Committee Reports.** the Investment Committee will present its investment goals and objectives for each calendar year at the time the Congregation meets to approve the Church budget. It will review the portfolio statement in detail each month and advise the Council of any significant changes. Quarterly reports, will also be submitted to the Council which, at a minimum, will show the investment goals for that year, the results to date, and a comparison with commonly used financial indices, such as the Wilshire 500 Index, Standard and Poore's 500 Stock Index, etc. The Committee will also submit a year end report in the same form. In addition to the reports required herein, the Council may require the committee either to meet with it or to submit such additional reports as it may direct.

The Investment committee was created by vote of the congregation in its meeting on January 24, 1999.

**C13.06.12** LEAF (Lutheran Education Assistance Fund) the leaf committee:

- a. Shall help the youth of First Lutheran Church finance their education in a Lutheran college, university or seminary.
- b. Shall assist the youth of First Lutheran Church to attend Camp Calumet Lutheran and/or First Lutheran Day Camp by providing scholarship, known as camperships, for each child who sign up for one. Additionally, to support youth who plan to serve as Counselors in Training or the Leadership Service program for each child who is involved.
- c. May provide information regarding scholarships and grants available through Lutheran colleges and universities and through *Thrivent Financial for Lutherans*.



- d. The committee shall be made of 5 to 7 members. These include the chair, elected at a Spring Semi-annual meeting for an indefinite term at the discretion of council and the individual, the council liaison and other interested members of the congregation.
- e. Duties include: work with the council administering the LEAF fund; encouraging contributions to the fund; coordinating fund raising events; coordinate any matching grant programs for First Lutheran Church students attending Lutheran colleges.

**C13.06.13** CHILDREN'S MINISTRY PROGRAM will provide Christian value orientated programs for: Before/After School, Preschool, Kids Club, the Winter school vacation Day Camp and may participate in the Summer school vacation Day Camp.

- a. The Board for this program will include: one member of the congregation, elected at a Spring Semi-annual meeting for an indefinite term at the discretion of council and the individual, The Program director, council liaison, parents and staff of the program.
- b. The Board will be responsible for budget, finances, programs, staff hiring and discipline.
- c. Congregation council will support and encourage this ministry through Pastoral support and by providing building and property facilities at a cost agreeable to the council and the board.

**C13.06.14** Special Committees: The Congregation Council has authority to appoint new and ad hoc committees for specific purposes; i.e. building committee, etc. The president of the Congregation Council shall appoint to that committee one member of the Congregation Council for the duration of the committee life.

**C13.06.A04** Establish and coordinate a Telephone Tree to contact church members.

## **C13.07**

### **DOCUMENTATION**

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

**C13.07.01** All committees and organizations handling funds within the congregation shall submit accounts to the treasurer or the Stewardship Committee by Oct. 1<sup>st</sup> prior to the congregational meeting, and the treasurer shall include budget proposals to the November Congregational Council meeting.

**C13.07.02** All committees and organizations of the congregation shall submit their annual reports to the church office at least 14 days prior to the Summer Semi Annual congregational meeting.

**C13.07** added to cover area not found in ELCA recommended Constitution

## **Chapter 14.**

### **ORGANIZATIONS WITHIN THE CONGREGATION**

**C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

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

## **Chapter 15.**

### **DISCIPLINE OF MEMBERS AND ADJUDICATION**

- \*C15.01.** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or behavior causing persistent disruption within this congregation shall be sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18: 15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) request to appear before the Church Council. If for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.
- \*C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. A member charged with the offense shall appear before the Congregation Council after having received a written citation, at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.
- \*C15.03.** Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
- a. censure before the council or congregation;
  - b. suspension from membership for a definite period of time; or
  - c. exclusion from membership in this congregation.
- Disciplinary actions b. and c. shall be delivered to the member in writing.
- \*C15.04.** The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- \*C15.05.** Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.

- \*C15.06. For disciplinary actions in this congregation, "due process" shall be observed as specified in 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C15.07. No member of a congregation shall be subject to discipline for offenses that the Church Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.
- \*C15.10. Adjudication
- \*C15.11. When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## **Chapter 16.**

### **BYLAWS**

- \*C16.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- \*C16.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- \*C16.03. Changes to the bylaws may be proposed by any voting member provided, however, 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 and that the Congregation Council notify the congregation's members by mail of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting.
- \*C16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

## **Chapter 17.**

### **AMENDMENTS**

- \*C17.01. Unless provision \*C17.04. is applicable, Those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 10% of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.
- \*C17.02. An amendment to this constitution, proposed under \*C17.01., shall:
  - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
  - b. be ratified without change at the next semi-annual meeting by a two-thirds majority vote of

- those present and voting; and
- c. have the effective date included in the resolution<sup>3</sup> and noted in the constitution.

**\*C17.03.** Any amendments to this constitution that result from the processes provided in **\*C17.01.** and **\*C17.02.** shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the New England Synod of the ELCA.

**\*C17.04.** Whenever the *Model Constitution for Congregations* is amended by the Churchwide Assembly, This constitution may be amended to incorporate such amendment bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*—as most recently amended by the Churchwide Assembly—by a simple majority vote of those voting members present and voting at any subsequent legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of 10% of the voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 18.**

### **CONTINUING RESOLUTIONS**

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

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

## **Chapter 19.**

### **INDEMNIFICATION**

**\*C19.01.** 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.

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<sup>3</sup> Such an effective date must be stated in relation to the requirements of **\*C17.03.** to allow time for synodical review of the amendment.

**Chapter 20.**  
**PARISH AUTHORIZATION**

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

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

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

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

*Adopted by first vote on June 9, 2008*

*Reaffirmed by second vote January 25, 2009*

*Approved by New England Synod ELCA January 24, 2009*