

Pending updates to the Constitution for St. James

Changes made “as required” refer to those required to the Model Constitution for Congregations by the ELCA.  
January 19, 2010

- ELCA Introduction and “Model Constitution...” title omitted
- C2.06. Omitted note: [Committee recommends further education on these]
- C4.04. Omitted note: [Committee descriptions and responsibilities need to be updated]
- C4.05. Omitted note: \
- **C4.05.A10 Added the mission statement developed by the Profile committee in fall 2009 and reviewed/approved by council in December 2009.**
- C5.03.d . Omitted note: **(new required language; new list item added). New language font and color made consistent with main document. Left bold to indicate new item.**
- C5.03.i. Removed punctuation ([ ]) and verbiage to make elect statement consistent with St. James policies and procedures. Edited statement now reads “**elect its officers and Congregation Council and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions;**”
- C5.04. Inserted “New England Synod”
- C5.05. No changes yet made. However, recommendation stands that we should include statement about our financial commitment to the synod. Discuss at council.
- C6.02 Inserted “New England Synod”
- C7.01 Inserted “New England Synod”
- C7.03 Inserted “New England Synod”
- C7.05. Omitted the new, optional language that was not recommended to be included per the constitution committee. That section read: **(This is new, optional language which we do not recommend including in our document.)** Notwithstanding the provisions of \*C7.02. and \*C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
  - a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the New England Synod—reconvey and transfer all right, title, and interest in the property to the synod.
- C8.02.c Replaced current language - ~~Voting members are confirmed members. Such confirmed members shall have communed and made a contribution of record during the current or preceding year.~~ – with new, required language which reads “**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.**”
- C8.02.d Added new required language – “or persons who wish to retain a relationship with this congregation while being members of other congregations.”
- C9.01 Changed “regularly” to “legally” as required
- C9.03.4 Inserted “New England Synod”
- C9.05.d Changed language as required: [Old language: ~~If either party fails to assent, the congregation may dismiss the pastor by a two-thirds majority vote of the voting members present at a regularly called meeting after consultation with the bishop.~~] [New, required language: 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.]

- C9.08 Added new, required language: and before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- C9.14 Added new, required language: The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- C9.20 Added new, optional language: **Ecumenical pastoral ministry**
- C9.21 Added new, optional language: Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister 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 ordained minister in a form proposed by the synodical bishop and approved by the congregation.
- C10.4 Included “10%” as per our usual protocols
- C10.06 Changed current language to new, optional language: [~~Old language: All actions by the congregation shall be by majority vote except as otherwise provided in this constitution.~~] [New, optional language that we recommend including in the St. James document: 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.]
- Section 11 – provided language to clarify that officers of the congregation are the same as officers of the council. (section 11 has no required language)
- C11.01 – Added “/council”
- C11.01.c Clarified statement as recommended by constitution committee to read: **“Officers of this congregation/council shall be voting members of St. James Evangelical Lutheran Church.”**
- C11.01.d Changed language to add optional language, “If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.”
- C11.02 Clarified terms of congregational officers. [~~Current language: The officers shall be elected by the Congregation Council by written ballot and shall serve for one year. The term shall begin on March 1 and end on the last day of February.~~] New language: The **Congregation Council** shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and 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.

Omitted new, optional language describing Pastor as “ex officio president of the congregation”.

- C12.01 Clarified number of council members to be consistent with current practice which accounts for a maximum number of council seats at 14: “The voting membership of the Congregation Council shall consist of the pastor(s) **the officers of the congregation/council, and not more than 9 members of the congregation.**”

Added new, optional language, **“Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.”**

- 12.03 Added new, optional language “a successor until the next 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.”
- C12.05.c No change to this section. However, recommended language included the option of changing from a percentage based cap to an actual dollar figure. Constitution committee and council recommend that we keep with our previous practice of 2.5% cap.
- C12.05.d Ditto

- C12.11 Included new, optional language that incorporates current language and new ELCA recommended language.
- C13.01 Added “The Officers of the Congregational Council”.
- C13.01.A-I10 – Incorporated bylaws describing the roles and responsibilities of the Officers of the Congregational Council.
- C13.02 Included new, optional language that incorporates current language and new ELCA recommended language.
- C13.02.A-C10 – Incorporated bylaws describing the roles and responsibilities of the Nominating Committee.
- C13.03.A-C10 – Incorporated bylaws describing the roles and responsibilities of the Audit Committee.
- C13.04 Included recommended language to describe the roles and responsibilities Mutual Ministry Committee.
- C13.04.A-H10 – Incorporated bylaws describing the roles and responsibilities of the Mutual Ministry Committee.
- C13.05 Changed number of call committee members from 7 to 6
- C13.05.A-H10 – Incorporated bylaws to describe the roles and responsibilities of the Call Committee.
- C13.06. – Incorporated bylaws to describe the newly defined Personnel Committee. Re-numbered remaining sections of chapter 13.
- C13.08 Added optional, recommended language, “The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.”
- C15.01 Added new, required language
- C15.02 Added new, required language
- C15.06 Added new, required language
- C15.07 Added new, required language
- C16.03 Added new, required language
- C17.01 Added new, required language
- C17.02.a Changed “properly” to “legally” as required
- C17.03 Added “New England Synod”
- C17.04 Changed to new, required language
- C18.01 Changed to new, required language
- C18.02 Changed to new, required language
- C19.01 Changed to new, required language
- C20 (all) Omitted – this section deals with Parish Authorizations. Since St. James is not part of a parish, this section does not apply and has been omitted.
- Addenda – Added descriptions of committees/teams to supplement section C13.07 “Other committees of the congregation”.