

Trinity English Lutheran Church Constitution Frequently Asked Questions 2021

1. Why are we updating the Constitution?

The ELCA updates the constitution on a regular basis and each Synod meets to inform its congregations of these changes. Trinity is affiliated with the St. Paul Area Synod and as changes are made available to them through the Synod Assembly, these changes are made available to the Lutheran churches in their area. Trinity has not updated its constitution since 2004 so many updates are needed at this time. Many of these updates are what is considered a “required field” meaning each church body is to include them in their constitution. In updating Trinity’s Constitution, the form has to be consistent with Synod form recommendations.

2. Who is responsible for the updates?

Our constitution states that the Trinity Council is responsible in C12.04c “to oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.” That would include making sure the Trinity Constitution is updated on a regular basis. The ELCA Assembly meets every 3 years to review for constitutional changes. It is the goal of the Council to update the Trinity Constitution as these changes are made available.

3. What is the process for updating?

There are several steps involved but we have basically completed the following process:

- a. Formed a committee: Colleen Guilfoile (Council Liaison, Special Projects, Ken Kramer, Jeff Fuge, Diane John, Terry Hogenson. Carol Wolsky and Nicole Smith previously served on this committee).
This committee worked on finding out what was needed, looking at resources available through the synod website, called and zoomed with the St. Paul Area Synod, held countless meetings, wrote several drafts of the Trinity Constitution, and brought us to where we are today.
- b. Consulted with the St. Paul Area Synod: our primary contact has been Rev. Tanner Howard, All Saints Lutheran Church Cottage Grove. He has been available to answer questions and reviewed our constitution and accompanying documents.
- c. **This is what still needs to be done.**
- d. Committees and the Congregation are asked to review the draft Constitution, particularly the Continuing Resolutions. Zoom and in person meetings are scheduled.
- e. Trinity Council has reviewed the updated Constitution and has been given the opportunity to ask questions.
- f. Council votes to approve the DRAFT and the draft copy is sent to the Synod to be read through by a member of the Synod Constitutional Review Committee.
- g. Once the Synod has given their approval, a 30-day notice is then given to the Congregation of a vote to approve the revised Constitution. There is a 2 -week notice/reminder of the upcoming meeting to the Trinity Congregation. This is done on consecutive Sundays prior to the meeting. Copies of the proposed Constitution are available.
- h. One last in-person meeting is available for those who still may have questions.
- i. Congregational meeting takes place. Constitution adoption is voted on.
- j. The Synod office is notified of the results, if affirmative. Bishop Lull will read the final draft of the Trinity Constitution and affirm that it is ready for ratification.
- k. Congregation is notified of another meeting, this time for ratification of the Constitution. Ratification must be by a 2/3 vote.

- I. A second Congregation meeting takes place (quorum must be present). Following this meeting, a full, final copy that includes the changes will be sent with the effective date to the Synod office by the Secretary of Trinity's Council.

4. This looks like so much writing, especially the red. Why so much?

It looks like a lot, but it is mostly areas of clarification. A lot of the red more clearly defines such things as what the role of the Pastor is, for example. Also, a pastor is now called a "Rostered Minister" rather than "The Pastor." Also, such things as allowing for electronic attendance at meetings has been added. Other areas include methodology on communication between the Synod office and the churches. The blue is the Trinity By-law placement into the Constitution. Anything in green is Constitution Committee and Congregation members recommendations for updates. Many areas in the Constitution are what is considered a "required field" and are marked by an asterisk (*). This symbol was left out of the 2004 Trinity Constitution and has been added back into the 2021 version of the Trinity Constitution. A required field means the ELCA mandates that we include this information in our constitution for uniformity throughout the ELCA.

5. Why are the By-laws and the Constitution combined?

There are three governing documents: the Constitution, the Bylaws and the Continuing Resolutions. In reviewing the updates that have taken place in the Constitution from the last several years, the Committee noted that many of our existing bylaws have been incorporated into the main body of the updated Constitution (noted in the red typing). The Committee also noted some inconsistency between the present bylaws and the current Trinity Constitution. For instance, the Treasurer's position is mentioned as an officer in the present Constitution but not the bylaws. It was also strongly recommended that Trinity combine these 2 documents by the St. Paul Area Synod.

6. Why are there 2 different methods to elect a Treasurer?

The Constitution committee recommended this change for several reasons. We are not the same church as we were 20-30 years ago. Our annual budget has grown considerably and requires consistency and close monitoring. Many churches our size have gone to having this be a paid position. In speaking to those who have held this position in the past, the overwhelming response we heard was that it requires a lot of time and it takes at least a year to learn. With the inconsistencies noted between our Constitution and By-laws as to whether this was a position that followed the protocols of the Executive Committee of a two-year term or not, it is recommended the position of Treasurer be allowed to be filled in one of two ways: either as an elected member of the Congregation Council who then is elected Treasurer (our current method) or as an appointed position. If elected through the general membership by the Congregation, the same protocols would apply (a two-year term, voting member of the Council). If appointed, the recommendation for the candidate of Treasurer would come from the Executive Committee to the Congregation Council who would appoint the candidate. The Treasurer would be confirmed by the Congregation. The appointed Treasurer would have an annual review by the Executive Committee to make sure duties and functions are being carried out appropriately. The appointed Treasurer could be in this position for more than the 2 years that the Constitution specifies for Trinity officers, which would allow for continuity and increased consistency in overseeing our disbursements and financial obligations. Currently, we do not recommend it be a paid position due to church finances. The appointed Treasurer would be a non-voting member of the Church Council but would attend Council meetings, representing the Finance Committee.

7. Why take out the phrase "may incur obligations of more than \$0 in excess of the anticipated receipts only after approval by a Congregational Meeting" in C12.05 d?

This was pointed out to us by our Synod consultant, Pastor Tanner Howard. In his opinion, this keeps the Council from making any budgetary decisions without calling a congregational meeting. His words were “so if the boiler blows and the money isn’t already designated in the budget, you would have to hold a special congregational meeting to vote for the money to fix it.” We realize the intent here is to present a balanced budget and that is still the goal. Taking this phrase out still allows the Council to make necessary budgetary decisions as needed and C12.05a speaks to this when it states that the Council is responsible for maintaining and protecting the property and managing Trinity’s business and fiscal affairs. Taking this statement out allows the Council to expedite immediate decisions as needed for repairs on church property without continually calling for special congregational meetings and delaying the process of necessary repairs. Special meetings will continue to be called when necessary.

8. Why do we use a written ballot for voting in some instances?

There are several reasons and all of them are important. Some of the main reasons are that every vote is important and private. Our Constitution calls for majority vote and each Trinity member should feel free to vote how they wish without influence of others. For example, five (5) Trinity members running for five Congregation Council positions should allow for individual voting and not an automatic overall voice vote. In this instance each Trinity member would be able to vote for the people they wish to vote for regardless of how many people are running for Council. The Constitution is written for each us to be heard and it is important that we take the time to do so.

9. What are Continuing Resolutions designed for?

A Continuing Resolution is one piece of Trinity’s governing documents. The areas included in the Continuing Resolutions are usually areas that may have more frequent changes, like Operational Committees. A continuing resolution change can be made either by the Congregation Council or a Congregational vote.

10. Why are the Endowment By-laws a Continuing Resolution?

The Endowment by-laws were previously part of Trinity’s bylaws. By combining the Constitution and bylaws, they have become part of the Continuing Resolutions. The small, proposed changes that are seen related to wording/grammatical changes are consistent with the rest of the constitutional changes.

11. Why are there changes proposed in the Endowment Distribution Formula?

Let’s review a little history. The Endowment Fund was created in 2001 to develop a fund that would provide philanthropic support for projects and programs endorsed or supported by Trinity members for a long period of time. The fund started distributing when the balance exceeded \$100,000. The fund distribution was based upon the annual income from the fund plus 2% of the principal balance. Distributions were based upon the 4th quarter ELCA Investment Report of Principal Balance and Yearly Fund Income. In 2017, with the addition of monies from the Pearl Nelson bequest, the principal balance in the fund increased to over \$750,000. The by-laws were changed to define yearly income as the sum of Income Distributed and any positive or negative change in market value. Another thing that happened was a sharp drop in the investment markets which wiped out the yearly gains through the negative change in market value. The Endowment Committee went from distributing huge sums of grant money to distributing nothing the next year. And yet, the balance of the fund, despite the market drop, remained high. The Endowment Committee met with a Financial Advisor for granting programs in the ELCA for general discussion and to learn what other churches do. One point learned was that the ELCA makes an effort to provide a reinvestment back into the fund of at least 4% annually. They also learned that most church endowment funds distribute funds based upon

some percentage of the fund, some having minimums and /or maximums in place. No other congregational endowment funds followed our current method of payout.

The Endowment Committee is proposing the changes listed in Appendix A of the Continuing Resolutions for the Distribution of Funds for several reasons. The changes would a). even out the swings in the distribution of funds each year, b). enable the Committee to distribute funds each year, c). the current formula allows for too much volatility, d). basing the distribution formula on the income distributed plus the 2% of the principal keeps with the original intent while addressing new realities. This means funds for distribution would be 6% of the fund balance at the end of the 4th quarter each year, e). the change in the Market Value would no longer be included in our distribution of funds formula. This goes up and down each year, f). based upon our current numbers this number would provide about \$43, 000 per year for distribution of funds, and g). the review of this formula would take place every 3 years. The Endowment by-laws specifically state any changes made would require a congregational vote.

12. Why are organizations affiliated with Trinity included?

In Chapter 14, Organizations Within the Congregation, with the updates, we are now asked to list any organizations affiliated with Trinity. Trinity has sponsored a Boy Scout Troop for a long time. The troop is considered an organization with a relationship with Trinity. They maintain their own non-profit designation. W/ELCA and Altar Guild maintain separate funds but fall under the purview of the Trinity Council and Audit committee as they utilize the 501c3 status of Trinity.

In looking at Chapter 14, there are some questions about the intent of the words used "subject to oversight and direction." This phrase and others in this provision are meant to protect, not limit. As members of Trinity, we are one church body. The mission of each organization is given in the first sentence of C14.01 stating "all organizations within this congregation shall exist to aid in the ministering to this congregation and to all persons who can be reached with the Gospel of Christ." Each Trinity group, whether an operational committee, special committee, task force or organization within the congregation, reports to Trinity, the Synod, and the ELCA about its membership, the work it is involved in, and its finances. This is done annually in the Trinity Annual Report. We are all partners in Christ.