

DOCUMENTS OF GOVERNANCE AND POLICY RELATED TO FEDERATED AND UNION CONGREGATIONS

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I. CONSTITUTIONAL PROVISION AND BYLAWS

To provide a constitutionally based pattern for the possibility of federated and union congregations, amendments to the constitution and bylaws were approved by the 1999 Churchwide Assembly for the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The following have been incorporated into this church's governing documents:

9.90. FEDERATED OR UNION CONGREGATIONS

9.91.01. A federated congregation is one congregation that is formed and maintained with the approval of both the synod in which the congregation is located and the comparable ecclesiastical entity of one or more church bodies with which a relationship of full communion has been established. A federated congregation shall conduct its life and work under a plan of agreement adopted by the federated congregation in accord with policy of the synod in which the federated congregation is located and the comparable entity or entities of a church body or church bodies with which a relationship of full communion has been declared by the Evangelical Lutheran Church in America, in accord with 8.71. and 9.91.

a. The plan of agreement shall follow, as clearly as is practicable, the model provisions developed by the secretary of this church, after consultation with the appropriate churchwide unit or units and Conference of Bishops, and approved by the Church Council, and such a plan of agreement shall be subject to the constitutions of each church body involved.

1) Whenever the constitutions of the respective church bodies differ, the mandatory pro-

visions of one shall apply in all cases when the others are permissive.

2) Whenever conflicting mandatory provisions or conflicting permissive provisions exist, petition shall be made to the appropriate governing bodies of the church bodies involved to resolve the conflict under the internal procedures of the respective church bodies.

b. The plan of agreement of a federated congregation shall be consistent with the commitments made by the Evangelical Lutheran Church in America in church-to-church resolutions and documents for the continuing relationship of full communion.

c. The plan of agreement of each federated congregation shall be subject to review and ratification by the Synod Council of the synod in which the federated congregation is located.

d. Implementation of the plan of agreement of a federated congregation shall be guided by policies and procedures developed in consultation with the appropriate churchwide unit or units by the Office of the Secretary, reviewed by the Conference of Bishops, and approved by the Church Council of the Evangelical Lutheran Church in America.

e. A federated congregation shall be incorporated, when legally possible, under the laws of the state of location. A federated congregation shall take the necessary steps to protect its members and the related church bodies from liability.

9.91.02. A union congregation may be formed by two separate congregations that shall continue to exist as separate but cooperating entities. The separate congregations in a union congregation shall be related to their respective church bodies that have established a relationship of full communion in accord with 8.71. and 9.91. A union congregation shall conduct its life and work under a plan of agreement approved by the two separate congregations upon recommendation of the synod in which the congregation is located, with the synod acting in concert with the comparable

ecclesiastical entity of a church body with which a relationship of full communion exists.

- a. The plan of agreement of a union congregation shall follow, as clearly as is practicable, the model provisions of such a plan of agreement developed by the secretary of this church, after consultation with the appropriate churchwide unit or units and Conference of Bishops, and approved by the Church Council, and such a plan of agreement for a union congregation shall be subject to the constitutions of each church body involved.
- b. The plan of agreement of a union congregation shall be consistent with the commitments made by the Evangelical Lutheran Church in America in church-to-church resolutions and documents for the continuing relationship of full communion.
- c. The plan of agreement of a union congregation shall be subject to review and ratification by the Synod Council of the synod in which the union congregation is located.
- d. Implementation of the plan of agreement of a union congregation shall be guided by policies and procedures developed in consultation with the appropriate churchwide unit or units by the Office of the Secretary, reviewed by the Conference of Bishops, and approved by the Church Council of the Evangelical Lutheran Church in America.
- e. Each congregation in a union congregation shall take the necessary steps to protect its members and the related church body from liability.

II. PLAN OF FEDERATION

*Constitutional provision 9.91. and the related bylaws on federated congregations provide in the Evangelical Lutheran Church in America for a model plan of agreement for a federated congregation.*¹

PLAN OF AGREEMENT FOR A FEDERATED CONGREGATION

The following Plan of Agreement for a federated congregation shall provide the model for such a plan to be presented by the appropriate synod for adoption by a two-thirds vote by a federated congregation within the synod in which the federated congregation is recognized or established under churchwide constitutional provision 9.91. and the related bylaws in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*:

_____, a federated congregation formed with the approval of _____ Synod of the Evangelical Lutheran Church in America and the (comparable jurisdiction) of the (name of church body) establishes and accepts the following Plan of Agreement:

- a. This federated congregation shall be subject to the constitutions of each church involved, as set forth in sub-paragraphs f., m., n., o., and p. below.
- b. This federated congregation shall confess and teach the faith of the Church as declared and embraced by the related church bodies, including confession of:
 1. the Triune God—Father, Son, and Holy Spirit;
 2. Jesus Christ as Lord and Savior and as the Word of God incarnate;
 3. the Gospel as the power of God for the salvation of all who believe;
 4. the canonical Scriptures of the Old and New Testaments as the inspired written Word of God and the authoritative norm of the Church's proclamation, faith, and life; and
 5. the ecumenical creeds as true declarations of the faith of the Church.
- c. This federated congregation shall fulfill the primary purposes of the related church bodies for ministry and mission in this congregation. In so doing, this federated congregation shall provide

for the worship of God, nurture and instruction in the Christian faith, and participation in God's mission in the world through the Church.

- d. This federated congregation shall cause a corporation to be formed, when legally possible. That corporation shall include in its articles or charter the substance of sub-paragraph a. above.
- e. All property of this federated congregation, real and personal, shall be transferred to the corporation formed in sub-paragraph d. above. The new corporation shall be the legal successor of the corporations, if any, of the consolidating [merging] congregations, and it shall be bound to administer any trust property or moneys received in accordance with the provisions of the original establishment of the trust. All liabilities of the consolidating [merging] congregations shall be liabilities of this federated congregation. In any state where a church corporation is forbidden, the purposes of this subparagraph shall be achieved in harmony with the law of that state.
- f. An ordained minister serving under call or contract in this federated congregation shall be responsible for the pastoral oversight of this congregation and shall be subject to the discipline of the church to which accountable, as prescribed in the constitution and bylaws of the church body in which the ordained minister is rostered or holds membership.
- g. This federated congregation shall elect a congregation council as the board of directors from among its members. The congregation council shall have the powers delegated to it by this congregation. The number of members of the council and designation of officers shall be as prescribed in this congregation's governing document.
- h. This federated congregation shall report an equal share of the total membership to each appropriate ecclesiastical entity, and such membership shall be published in the regular report of each church involved with a note to the effect that the report is that of a federated congregation, and with an indication of the total actual membership. A similar report of church school members, baptisms, affirmations of baptism or confirmations, and financial expenditures shall be made by this federated congregation and may be recorded by each involved church in its regular report.
- i. The members of the congregation council shall serve as the trustees or directors of the corporation

¹This model is based on a comparable document in another partner church body in the Lutheran-Reformed *Formula of Agreement*.

- (or the unincorporated body) and shall be elected in harmony with civil law according to constitutional provisions outlined in subparagraph a. above as interpreted by subparagraph p. below.
- j. While recognizing the basic right of any giver to designate the cause or causes to which a personal gift shall go, the governing body of this federated congregation shall annually propose to the congregation a general mission support or benevolence program for the synodical (or equivalent jurisdiction) and churchwide efforts of each related church body. The proportions shall be as this congregation's governing body shall decide in response to the requests of the appropriate ecclesiastical entities or judicatories.
 - k. Where applicable, per capita apportionments or assessments shall be paid to each appropriate ecclesiastical entity on the basis of the total active membership of this federated congregation, equally divided among the churches involved.
 - l. All members of this federated congregation shall be under the discipline of this congregation's governing document according to rules agreed upon in harmony with the constitution of each related church body where they coincide, and in harmony with the mandatory provisions of the constitution of each related church body where the provisions of the other church body are permissive, and at the choice of this congregation upon recommendation of the synod (or equivalent) where provisions of the related church bodies may be contradictory.
 - m. An ordained minister called or contracted for service in this federated congregation shall participate in her or his church body's pension and benefits plan.
 - n. Substantive complaints against the actions of this federated congregation's council may be taken under the constitutional provisions of appeal only in one church body, according to the choice of the complainant, and once being complained to one church body, no other church body shall accept jurisdiction in the same matter. Decisions finally made in the appeal by the entity to which the appeal was made shall be final and binding on the congregation council and the congregation's members.
 - o. Wherever the constitutions of the church bodies differ, the mandatory provisions of one shall apply in all cases when the others are permissive. Wherever there are conflicting mandatory provisions (except as provided in sub-paragraph l. above), this federated congregation shall petition the appropriate ecclesiastical entity of immediate oversight to seek, in the prescribed manner, an authoritative interpretation or constitutional amendment to resolve the conflict.
 - p. This federated congregation may be dissolved by a two-thirds vote of two congregational meetings, held not less than 90 days apart, subject to consultation with and the concurrence of the ecclesiastical entity of the immediately related jurisdictions involved. In case of dissolution of this federated congregation, all property of this federated congregation, real and personal, shall be divided equally between the ecclesiastical entities of jurisdiction.
 - q. No provision in the items above shall be construed as modifying or amending the constitutions of the related church bodies in application to any but federated congregations organized under the appropriate provisions of the related church bodies.

III. PLAN OF UNION

Constitutional provision 9.91. and the related bylaws on union congregations provide a process in the Evangelical Lutheran Church in America for a model plan of agreement for a union congregation.²

PLAN OF AGREEMENT FOR A UNION CONGREGATION

The following Plan of Agreement for a union congregation provides the model for such a plan to be presented by the appropriate synod for adoption by a two-thirds vote of each congregation in a union congregation within the synod in which such a union congregation is recognized or established under churchwide constitutional provision 9.91. and the related bylaws in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*:

_____, a union congregation formed with the approval of _____ Synod of the Evangelical Lutheran Church in America and the (comparable jurisdiction) of the (name of church body) establishes and accepts the following Plan of Agreement:

- a. This union congregation shall be subject to the constitutions of each church body involved, as set forth below.
- b. This union congregation may cause a corporation to be formed, when legally possible, for common operation, although each congregation participating in this union congregation shall continue to exist and may be separately incorporated.
- c. All property of this union congregation, real and personal, shall be held by the corporation formed in sub-paragraph b. above. All liabilities of the congregations in this union congregation shall be liabilities of this union congregation, except as explicitly provided in documents of the separate congregations. In any state where a church corporation is forbidden, the purposes of this subparagraph shall be achieved in harmony with the law of that state.
- d. An ordained minister serving under appropriate call or contract in this union congregation shall be

responsible for the pastoral oversight of this congregation and shall be subject to the discipline of the church to which accountable, as prescribed in the constitution and bylaws of the church body in which the ordained minister is rostered or holds membership.

- e. This union congregation shall be governed by a representative body elected by the congregation from among its members, except as specifically provided in joint agreements for the operation of the separate participating congregations. This governing body shall have the powers delegated to it by this union congregation. The number of members of the governing body and designation of officers shall be as prescribed in this union congregation's governing document.
- f. The governing body of this union congregation shall report the actual total membership of each separate congregation in the union congregation to the appropriate ecclesiastical entity of oversight, and such membership shall be published in the regular report of each church body involved with a note to the effect that the report is that of a congregation in a union congregation, and with an indication of the total actual membership. A similar report of church school members, baptisms, affirmations of baptisms or confirmations, and financial expenditures shall be made by the governing body of each separate congregation in this union congregation and may be noted by each involved church body in its regular report.
- g. Where applicable, the governing body shall serve as the trustees or directors of the corporation (or the unincorporated body) of the union congregation and shall be elected as provided in the governing document of this union congregation.
- h. While recognizing the basic right of any giver to designate the cause or causes to which a personal gift shall go, the governing body of this union congregation shall annually propose to the congregation a general mission support or benevolence program for the synodical (or equivalent jurisdiction) and churchwide efforts of each related church body. The proportions shall be as this congregation's governing body shall decide in response to the requests of the related ecclesiastical entities.
- i. Where applicable, per capita apportionments or assessments shall be paid to each ecclesiastical

²This model is based on a comparable document in another partner church body in the Lutheran-Reformed *Formula of Agreement*.

- entity of jurisdiction on the basis of the total active membership of this federated congregation, equally divided among the churches involved.
- j. Members of this union congregation shall be under the discipline of the separate congregation's governing body according to rules agreed upon in harmony with the constitution of the related church body, and in harmony with the mandatory provisions of the constitution of the related church body.
 - k. An ordained minister called or contracted for service in this union congregation shall participate in her or his church body's pension plan.
 - l. Substantive complaints against the actions of this union congregation's governing body may be taken under the constitutional provisions of appeal only in one church body, according to the congregation membership of the complainant within the union congregation, and once the complaint has been filed, no other church body shall accept jurisdiction in the same matter. Decisions made by the entity in which the complaint was examined shall be final and binding on the union congregation's governing body and on the members of the union congregation.
 - m. Wherever the constitutions of the church bodies differ, the mandatory provisions of one shall apply in all cases when the others are permissive. Wherever there are conflicting mandatory provisions, the governing body of this union congregation shall petition the ecclesiastical entity of immediate oversight to seek, in the prescribed manner, an authoritative interpretation or constitutional amendment to resolve the conflict.
 - n. This union congregation may be dissolved by a two-thirds vote of each of the separate participating congregations in two legally called meetings for each congregation, held not less than 90 days apart, subject to consultation with and the concurrence of the ecclesiastical entities of the immediately related jurisdictions involved. In case of dissolution of this union congregation, all property of this union congregation, real and personal, shall be divided equally between the ecclesiastical entities of jurisdiction.
 - o. No provision in the items above shall be construed as modifying or amending the constitutions of the related church bodies in application to any but union congregations organized under the appropriate provisions of the related church bodies.

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