

# Constitution of Trinity Lutheran Church and School Fort Pierce, Florida, Inc.

## Preamble

It is the will of our Lord Jesus Christ that His disciples should preach the gospel to the whole world (Mark 16:16. Matthew 23:18-20, Acts 1:8). Therefore, we have organized to be a mission outpost which deliberately seeks to connect broken lives to a healing Jesus through education, dynamic worship, and significant relational groups.

## Article I

### Name

The name of this congregation shall be TRINITY LUTHERAN CHURCH and SCHOOL of FORT PIERCE, ST. LUCIE COUNTY, FLORIDA, Inc.

## Article II

### Purpose

The purposes for which this congregation is formed, in addition to those stated in the Articles of Incorporation, are:

1. To establish and maintain the Office of the Christian Ministry in our midst.
2. To facilitate spreading the Christian faith in our community and around the world.
3. To establish and maintain Christian education and training of youth and adults.
4. To foster Christian fellowship and spiritual growth.
5. To acquire, hold title to, sell, transfer, convey and otherwise dispose of property-real, personal, and mixed.

## Article III

### Confession of Faith

This congregation accepts without reservation:

1. The Scriptures of the Old and the New Testament as the written Word of God and the only rule and norm of faith and practice.
2. All the Symbolical Books of the Evangelical Lutheran Church as a true and unadulterated statement and exposition of the Word of God, to wit: the three Ecumenical Creeds (the Apostles' Creed, the Nicene Creed, the Athanasian Creed), the Unaltered Augsburg Confession, the Apology of the Augsburg Confession, the Smalcald Articles, the Large Catechism of Luther, the Small Catechism of Luther, and the Formula of Concord.

## Article IV

## Denominational Affiliation

This congregation shall be affiliated with The Lutheran Church—Missouri Synod as long as the confessions and constitution of The Lutheran Church—Missouri Synod are in accord with the confessions and constitution of this congregation as laid down in Article III.

## Article V Membership

The membership of this congregation includes the Baptized Members, Communicant Members, Associate Members, and Voting Members as defined in the bylaws.

## Article VI Organization

### A. Voters' Assembly

The Voters' Assembly shall consist of all voting members present at a regular or special meeting of the congregation. The congregation, through the Voters' Assembly, shall have final authority in managing its internal and external affairs.

### B. Leadership Council

The Leadership Council shall be the governing body of the congregation and is responsible to administer all the congregation's affairs except the following matters for action only by the Voters' Assembly:

1. Call or remove a called worker.
2. Purchase or sell church property or buildings valued over 10% of the annual operating budget.
3. Incur a non-budgeted emergency expense of over 5% of the annual expense budget of the congregation.
4. Adopt the Annual Financial Plan.

### C. Officers and Leadership Councils

The officers of this congregation shall be such officers as the bylaws of this constitution prescribe. The officers and Leadership Council prescribed in the bylaws shall have no authority beyond that which has been conferred upon them in the constitution or bylaws.

## ARTICLE VII

### WORKERS IN THE CHURCH

#### A. Offices of Pastor and Called Teacher

The office of pastor in this congregation, as well as the office of a called teacher, shall be conferred only upon those pastors and teachers who have been properly and rightfully called by the Voters Assembly in accordance with this constitution and by-laws. Such pastors and called teachers shall be members in good standing of the Lutheran Church-Missouri Synod and shall have been judged eligible by the Synod

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to receive and accept a call. Pastor and teacher candidates must profess and adhere to the Confession of Faith set forth in Article III of this constitution and in the call extended to and accepted by them.

**B. Contract Staff**

Contract staff members, whether in the church or school, shall pledge to uphold Article III of this constitution as they carry out their official duties.

## Article VIII

### Board of Elders: A Ministry of Spiritual Care

The Board of Elders shall consist of at least one (1) member per 50 baptized members, serving staggered 2-year terms.

- A. The Board shall concern itself with the spiritual health of the congregation and its members. It shall:
  - 1. Nurture and encourage the spiritual growth of members.
  - 2. Serve as congregational representatives monitoring and advocating for the spiritual and emotional well-being of the professional leadership of the congregation.
- B. The Board of Elders shall:
  - 1. Elect its own Chairman and Secretary from its membership,
  - 2. Only male Elders will supervise the pastors(s) in preaching, administration of the sacraments, and church discipline.
  - 3. Submit a report as required by the Leadership Council.
  - 4. Submit a report at the regular meeting of the congregation.
  - 5. Provide annually to the Nominating Committee a list of nominees for elder positions recommended by the Board for new or renewal.

## Article IX

### Christian School Ministry

Trinity Open Arms and Trinity Academy are instituted by Trinity Lutheran Church as a ministry, whose primary purpose is to carry out the church's mission of providing Christian-based education beginning at the Early Childhood (day care and preschool) level and ending at Elementary (K5) level for the children of Trinity members and the community.

This ministry is operated under the authority of the Voters' Assembly, which authority is exercised between meetings of the Voters' Assembly by the Leadership Council. Supervision of the schools, in accordance with the Constitution and Bylaws of Trinity Church and with the official policies and directives of the Voters' Assembly, is entrusted to the School Board.

The School Board shall consist of five Trinity members serving staggered 2-year terms.

At least One (1) member of the board, if possible, shall be a parent of Trinity Academy students. The principal will serve as an advisory member of the School Board. The board shall work closely with the principal and key staff to implement a curriculum and programs for Trinity Academy and Trinity Open Arms.

1. Elect its own Chairman and Secretary from board members.
2. Submit a report as required by the Leadership Council.
3. Submit a report at the regular meetings of the congregation.
4. Provide annually to the Nominating Committee a list of nominees for school board positions recommended by the Board for new or renewal positions.

Trinity Academy and Trinity Open Arms will maintain and enforce a formal child protection policy and program. This program/policy will be reviewed annually for completeness and compliance by the School Board.

## Article X Property Rights

### A. Division within the congregation

If, at any time, a separation shall take place within this congregation. the advice of the officers of the denomination shall be sought. If, despite all efforts to resolve differences in peace and love, a division into factions of the congregation shall occur, the property of the congregation and all benefits connected shall remain with The Lutheran Church—Missouri Synod Florida/Georgia District in which the congregation is a member.

### B. Dissolution of the congregation

If the congregation is dissolved, after settling all debts, the remaining assets shall be transferred to The Lutheran Church—Missouri Synod Florida/Georgia District in which the congregation is a member.

## Article XI Irrevocable Dedication Clause

The property of this congregation is irrevocably dedicated to religious and charitable purposes and no part of net income or assets of this organization shall ever inure to the benefit of any director, officer. or member thereof or to the benefit of any private individual.

## Article XII Decisions

All congregational matters decided by the Voters' Assembly shall be decided by a simple majority of the voting members present at a properly convened meeting of the Voters' Assembly except as otherwise provided in this constitution and bylaws. Procedural questions will be decided by following the rules contained in the current edition of Robert's Rules of Order, Newly Revised.

## Article XIII

### Amendments

This constitution may be amended by a two-thirds majority of the votes cast in a meeting of the Voters' Assembly. The wording of the amended constitution and bylaws shall be distributed to all members in a mailing as far in advance as possible, but no fewer than two Sundays in advance. In addition, the revisions will be distributed to the congregation assembled for worship on two different Sundays prior to the date upon which the amendment is presented for action.

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**DRAFT**  
**Bylaws of Trinity**  
**Lutheran Church and**  
**School**  
  
**Fort Pierce, Florida**

Approval Date Voters' Assembly:

Approval Date Florida/Georgia District LCMS:

**Article 1**  
**Baptized Membership**

- A. Definition: Baptized members are all persons within the congregation who have been baptized in the name of the Triune God, whether children or adults, and come under the pastoral care of this congregation. It is expected of all baptized members that they:
- B. Duties
  - 1. Attend worship services faithfully and regularly if at all physically possible.
  - 2. Lead a Christian life as taught in Galatians 5:19-26.
  - 3. Out of Christian love, submit to brotherly admonition, according to Matthew 18, when having erred or offended.
  - 4. Contribute, as God has blessed them of their time, talents and treasure toward the maintenance of the congregation and the extension of the church at large.
  - 5. In due time, take a course of instruction in preparation for communicant membership in this congregation.
  - 6. Are not members of any organization conflicting with the Word of God.

**Article 2**  
**Communicant Membership**

- A. Definition: Communicant Members are all baptized persons within the congregation who have received a course of instruction in Christian doctrine under the spiritual leadership of the pastor which meets with the approval of the Leadership Council.
- B. Reception:
  - 1. By transfer or letter of reference: Persons coming with a communicant letter of transfer or coming with a letter of reference from another congregation of our denomination may be received by the Leadership Council.
  - 2. By profession of faith
- C. In addition to the duties of baptized members, it is expected of all communicant members that they:
  - 1. Accept all Canonical Books of the Old and New Testament as the only divine rule and standard of faith and life.

2. Familiarize themselves with the doctrines of the Church, at least as set forth in the Catechism and declare acceptance of them.
3. Partake of the Lord's Supper regularly.
4. Provide for the Christian training of their children by making use of the educational agencies of the congregation.
5. Submit to the policies already made or still to be made, provided such policies do not conflict with the Word of God.

### Article 3 Associate Membership

Individuals or families who are currently in good standing in a Lutheran Church congregation in another part of the country but who reside in the Fort Pierce area for a portion of the calendar year, may hold an Associate Membership at Trinity Lutheran Church. An Associate Member has all the rights, privileges, and responsibilities of any other communicant member of the congregation, including voting privileges, but cannot hold any Leadership Council office due to their yearly partial absence. However, they are encouraged to join in other action teams.

### Article 4 Voting Membership

- A. Definition:  
Voting members are communicant members of the congregation who have reached the age of 16 years.
- B. Duties
  1. Faithfully attend meetings of the Voters' Assembly.
  2. Serve faithfully, according to their God-given talents, in any capacity in which they may be called upon to serve.

### Article 5 Termination of Membership

- A. Communicant members may be transferred to a sister congregation upon their request, by approval of the Senior Pastor or the Leadership Council.
- B. Communicant members who join congregations outside our fellowship thereby terminate their membership. Their names shall be removed from the membership.
- C. Communicant members whose whereabouts are unknown and whose addresses cannot be established.
- D. Communicant members who conduct themselves in a non-Christian manner shall be admonished according to Matthew 18:15-20. If they remain impenitent, they could be subject to discipline including excommunication.
- E. A member shall be considered self-excluded when unresponsive to the witness and ministry of the church.

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## Article 6

### Voters' Assembly

- A. The Voters' Assembly shall meet at least twice annually in the second and fourth quarter. The day and hour of the annual meeting shall be set by the Leadership Council and publicized at least two weeks in advance. The notification shall contain an agenda of items to be considered as well as the slate of nominees for election.
- B. The Voters' Assembly may meet at other times of the year subject to a call by the Leadership Council. The Pastor may also request a special meeting of the Voters Assembly. Notice of special Voters Meetings shall be publicized as far in advance as possible but no less than one week in advance. The notice shall contain an agenda of items to be considered. No agenda items may be added once notification of any meeting is publicized. The President, Vice President, or their designated Leadership Council member shall preside at all Voters' Assembly meetings.
- C. A quorum of thirty (30) of the voting membership must be present to conduct the business of the Voters' Assembly. If a quorum is not present, the president will suspend the meeting for a period of not less than one week. When the meeting is resumed, the quorum shall be all those in attendance at the resumed meeting.

## Article 7

### Called Workers

#### A. **Pastors and Teachers**

- 1. Calls will only be issued to such candidates who are approved by The Lutheran Church-Missouri Synod.
- 2. After authorization is received from the Voters' Assembly, the Leadership Council shall appoint a Call Committee. No more than one-third of the Call Committee members may be members of the Leadership Council; must include a minimum of two Elders.
- 3. The Call Committee shall consult with those in the affected ministry area and with the Florida Georgia District Judicatory as part of their efforts to secure the names of candidates.
- 4. The Call Committee will present a final list of candidates with recommendations to the Voters' Assembly for issuance of the Call.
- 5. Approval to establish any new position shall be obtained from the Voters Assembly. After such approval, the hiring for the new called position shall be the responsibility of the requesting Action Group.

## Article 8

### Officers and Boards

#### A. **Officers:**

The Officers of the Congregation shall consist of a:

- 1. President



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2. Vice President
  3. Secretary
  4. Treasurer

Any voting member may hold these offices.

The President shall:

- a) Preside at all meetings of the Voters' Assembly and shall call and preside over meetings of the Leadership Council.
- b) To the best of their ability, enforce the Constitution and Bylaws of the congregation and carry out the expressed will of the congregation as embodied in the resolutions of the Voters' Assembly and sign all legal documents on behalf of the congregation.
- c) With the approval of the Leadership Council, appoint members of Policy Advisory and Ad Hoc committees as established by the Voters' Assembly or the Leadership Council.
- d) At the direction of the Leadership Council, call special meetings of the Voters' Assembly.
- e) Be a nonvoting member of all Leadership Council's committees, auxiliaries, groups, etc., in the congregation and shall be welcome at all their meetings either in person or represented by such person(s) they may appoint.

The Vice President shall:

- a) Perform all the duties of the President in the latter's absence and such other additional duties which may be directed by the Voters' Assembly or by the President from time to time.
- b) Chair and appoint a Nominating Committee with the advice and consent of the Leadership Council. See Article 12.

The Secretary shall:

- a) Perform the duties commonly required of that office, especially the keeping and preserving of accurate records of all Voters' Assembly meetings and handling such correspondence as the congregation may require.
- b) Sign all legal documents with the President on behalf of the congregation.
- c) Keep minutes of all Leadership Council minutes.

The Treasurer shall:

- a) Keep and preserve the accurate records of all receipts and disbursements.
- b) Submit a written report of receipts and disbursements to the Leadership Council.
- c) Submit a written report of receipts and disbursements to the Voters' Assembly.
- d) Pay all regular and fixed expenses on order of the Voters' Assembly.

## **B. School Board**

The School Board shall be responsible for the supervision of Trinity Open Arms and Trinity Academy and shall make every effort to maintain high standards in the field of Early Childhood and Elementary education.

## **Trinity Academy & Open Arms Operation**

It shall be the responsibility of the chairperson of the School Board and the duty of the board to:

1. Ensure that the Trinity Academy is and remains a fully accredited institution through the Florida/Georgia District.
2. Cooperate with the principal and pastor(s) in the maintenance and improvement of Trinity Academy School and shall encourage the enrollment of all children of the congregation in Trinity Academy.
3. Serve as a liaison between the Leadership Council and school and between the school and its families to communicate and promote the school's mission, goals, and objectives, and to communicate its policies, accomplishments and needs.
4. Oversee Trinity Academy and Trinity Open Arms and their mission of ensuring that its students are instructed in the Word of God and nurtured in their Christian faith that their God-given abilities are developed by educating the whole child, and that they are prepared for daily living and discipleship.
5. See that the children are advanced in secular knowledge according to accepted principles of good educational practice.
6. Oversee the principal, as administrative head of the school, expect the principal to implement school policies established by the Voters' Assembly and School Board, and to report regularly to the Leadership Council regarding administrative activity.
7. Oversee the selection of appropriate educational materials to ensure that they support and are in accordance with the beliefs and values of Lutheran Church-Missouri Synod, the standards of the school's accreditation, and the rules and regulations of the State of Florida.
8. Facilitate the calling of rostered teachers subject to the approval of the Leadership Council and Voters Assembly, employ contract teachers subject to the approval of the Leadership Council and other needed personnel as budgeted for the Trinity Academy and Trinity Open Arms and oversee and support all school workers in their duties.
9. Review annually, in conjunction with the principal, all school workers' salaries and benefits, and make recommendations when needed.
10. Manage the budget of the Trinity Academy and Trinity Open Arms.
11. Administer Trinity Academy and Trinity Open Arms programs of Trinity Lutheran Church and School according to policies and procedures drafted by the School Board and approved by the Leadership Council and Voters Assembly.
12. In conjunction with the Florida Georgia District of the Lutheran Church Missouri Synod develop a call list of rostered teachers for the Call Committee.

## **Faculty**

The School Board shall:

1. Be responsible for maintaining a well-qualified and dedicated faculty.
2. Seek, whenever practicable, to staff the school with synodical trained, Lutheran teachers and they shall hold a preference for men and women whose membership and service will be in this congregation.
3. Arrange for the placement, renewal, or termination of the services of teachers under contract or with non-tenured calls and make their recommendations to the Voters Assembly in accordance with Articles 13 and 14 of the Bylaws.

4. Encourage teachers to participate in programs of continued education and in—service teacher training for the purpose of maintaining a high level of instructional competence among the faculty members of Trinity Academy and Trinity Open Arms.
5. Ensure that all members of the faculty are certified by the State of Florida or are making satisfactory progress toward certification.
6. Perform Annual Review of Principal salary and benefits

### **Open Arms Operation**

The School Board shall:

1. Administer the Open Arms Early Childhood (Day Care and Pre-School) programs of Trinity Lutheran Church and School according to policies and procedures drafted by the School Board and approved by the Leadership Council and Voters Assembly.

## **Article 9 Leadership Council**

### **A. Membership**

The Leadership Council shall consist of two members elected at large by the Voters' Assembly, Chairman of the Board of Elders, Chairman of the School Board plus the 4 congregation officers listed in Article 8. Pastor(s) are the only non-voting members.

### **B. Term of Office**

The members of the Leadership Council shall be elected by the Voters' Assembly. The term of office shall be for two years, with approximately one half of the Leadership Council being elected each year. These officers shall be elected for a two-year term. Every term of office shall begin on January 1, following the election. In the event of a vacancy on the Leadership Council, the Nominating Committee shall provide the President with a list of candidates. Appointments to fill unexpired terms will be made from this list and must be ratified by a majority vote of the Leadership Council. The individual shall serve until the next election for that position. In addition to the Nominating Committee's slate of candidates, any voting member may nominate any other Leadership Council positions. Such nominations shall be called for in the annual Voters' Assembly meeting prior to the time that nominations are closed.

### **C. Meetings**

The Leadership Council shall meet at least quarterly and may be called more frequently at the discretion of the Leadership Council. Four voting members of the Leadership Council constitute a quorum. Notice of each meeting shall be posted. The minutes shall fully disclose all actions taken and be signed by the Secretary. Minutes of the meetings shall be available to voting members

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upon request. The Senior Pastor or President of the Congregation may call a special meeting of the Leadership Council by informing members of the time and place of such meetings at least twenty-four (24) hours in advance.

## Article 10

### Powers of the Leadership Council

The Leadership Council shall have the power to develop policies as required to execute the goals approved by the Voters' Assembly. Written policies shall be available upon request. The Group shall have no authority beyond that which has been conferred upon them by the constitution, its bylaws, or by the Voters' Assembly.

## Article 11

### Duties of the Leadership Council

- A. The Leadership Council, as the chief governing Council of the congregation, shall act in all matters pertaining to the legal and general welfare of the congregation, except those reserved for the Voters' Assembly in Article VI.B. of the constitution.
- B. The Leadership Council shall see to it that all activities of the church reflect the purpose and faith of the congregation.
- C. It shall concern itself with establishing all policies governing the activities of the congregation and with the implementation of the mission, vision, budget, and plans adopted by the Voters' Assembly.
- D. The Leadership Council may appoint any entity needed. It shall oversee and have authority over all other boards, committees, task forces, action teams, or other entities of the congregation.

## Article 12

### Election and Nomination

The Vice President of the Leadership Council shall annually appoint a Nominating Committee whose responsibility will be to develop a slate of officers and Leadership Council members to be elected each year to fill the vacancies created by expired terms of officers and Leadership Council members. The committee shall contain a majority of non-Leadership Council members, shall function for one year only, and shall report their nominations to the Leadership Council and the Voters' Assembly fourth quarter meeting. The Senior Pastor(s) shall be non-voting members of the Nominating Committee.

All nominees shall be voting members noted for their Christian knowledge, zeal, and experience in the spiritual work in the Kingdom. Specific criteria for elected officials shall be outlined by the Nominating Committee prior to accepting any nominations. In addition to the Nominating Committee's slate of candidates, any voting member may nominate candidates. A call for nominations will be distributed to the congregation no fewer than two months prior to the election meeting. The list of nominations will be closed at the time that the meeting agenda and slate of candidates is distributed.

Those elected by the voters may not receive compensation from the congregation and may not lead any group that reports directly to the Leadership Council, except a Call Committee or the Nominating Committee.

A. Election

Nominees who receive most of the ballots cast at the Voters' Assembly shall be elected.

B. Taking office

All elected officials will begin their term of office on January 1 following the election.

C. Vacancy

The Leadership Council shall be authorized to appoint a person to fill an unexpired term of an officer.

## Article 13

### Removal from Office

Pastors and Teachers—Removal from Office--The district president is the ecclesiastical supervisor of all ordained and commissioned ministers in the district. He must be consulted in any consideration to remove a rostered worker prior to action being taken. There are several benefits to this: 1) it helps insure a careful and deliberate process; 2) it allows for the discipline of the worker should that prove warranted; 3) it protects a worker from a "kangaroo court" approach; and 4) it helps protect the congregation from a possible wrongful termination suit.

## Article 14

### Called Workers Removal from Office

#### **Removal from Office of Pastors and Teachers**

After consultation with the President of the Florida-Georgia District, any Called Worker may be removed from office by the Voters' Assembly by a three-fourths majority secret ballot vote because of persistent adherence to false doctrine, scandalous life, neglect of duties, inability to perform the duties of the office, or other significant reason determined by the Voters' Assembly.

*(If a called worker, confronted with evidence of misconduct, should choose to resign rather than face official sanction, the resignation should be reported to the district president, who can then take appropriate action.)*

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### **Elected Officials—Removal of Office**

Any elected official, who is unable or is willfully negligent in the performance of his official duties, may be removed from office by two-thirds secret ballot vote of the Voters Assembly. Such action shall be initiated by the Leadership Council.

## **Article 15 Amendments**

The bylaws may be amended by a majority of the votes cast in a meeting of the Voters' Assembly. The wording of the amended constitution and bylaws shall be distributed to all members in a mailing as far in advance as possible, but no fewer than two Sundays in advance. In addition, the revisions will be distributed to the congregation assembled for worship on two different Sundays prior to the date upon which the amendment is presented for action.

NOTE: At a minimum, it is recommended that the treasurer be bonded. All people that have access to congregational funds should be bonded. Many comprehensive church insurance policies include this provision. Please verify if yours does. If it doesn't, a policy rider should be investigated.