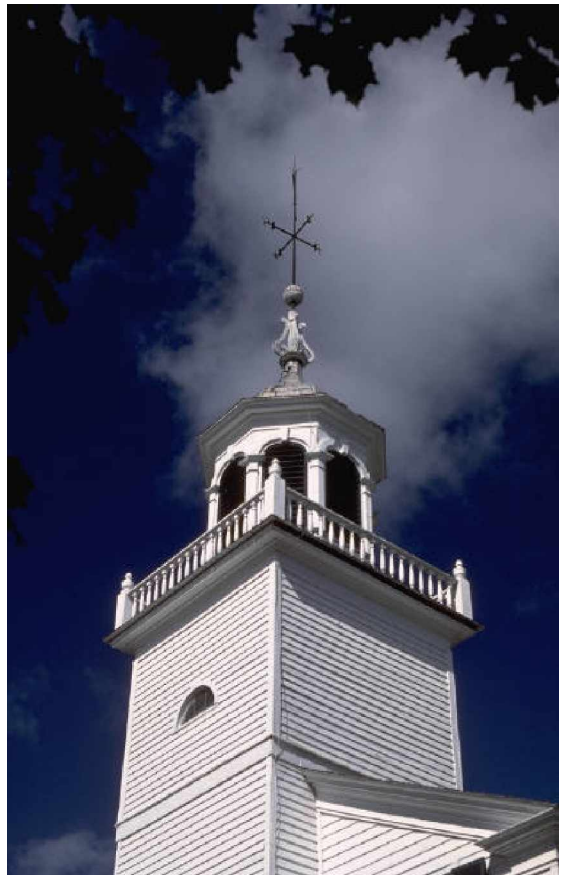


Evangelical Congregational Church

So You're A... Trustee



You have been elected to a highly respected position and also a very responsible one. Your Christian experience and witness as well as your practical talents can contribute much to the progress of the congregation you serve.

THERE ARE CERTAIN MATTERS ABOUT WHICH YOU SHOULD BE KNOWLEDGEABLE:

1. Knowing the manner in which you were elected to office.

Other officials of the congregation have been elected to office in a variety of ways:

- a. the Stewards through nomination by the pastor and election by the Local Conference
- b. the Class Leaders, probably by the members of the class as gathered for prayer services (DISCIPLINE, par. 314.3)
- c. the Sunday School Superintendent and young people's group president through election by these bodies, etc.

You, however, were elected by the congregation at its annual business meeting. The minimum number of persons serving as Trustees is three (DISCIPLINE, par. 322.4) . The exact number is determined by each congregation and should be specified in the local church by-laws. Usually it is an odd number—one, three or five, so that decisive vote might be possible on any controversial issue.

To qualify for this office one must be of legal age (as determined by the laws of the State in which your church is located) and in good standing in the church of which you are a member. To be in "good standing" (DISCIPLINE, par. 302) "it is necessary that you live in harmony with the Church DISCIPLINE, attend public services, commune during the year and contribute to the support of the local congregation." Living in harmony with the DISCIPLINE would include acceptance of the Articles of Faith and adhering to Christian standards as outlined in Par. 140, Chapter III, "Christian Practice."

Your election was by majority vote for a specified term. If you were elected to fill a vacancy you will serve until the next congregational meeting at which time there will be an election for the unexpired term. You could be an eligible candidate for continuance in this office. Your term began at the time of election and will continue until your successor is elected.

2. Knowing the terms of your office.

Trustees are elected at the annual congregational meeting. The DISCIPLINE provides that Trustees may be elected for terms of one, three, or five years. Terms are staggered so that all do not expire at the same time, avoiding a complete turn-over of Trustees in any given year. By-laws in some congregations specify a limitation on the number of consecutive terms a Trustee may serve. If a congregation does not determine a limitation, you could be re-elected for an undetermined number of terms, provided that you continue to meet the qualifications specified in the DISCIPLINE.

3. Knowing the general area of your responsibility.

Trustees have responsibility for the congregation's property—both real and personal. Real property is the land and buildings owned by the congregation. Personal property would include items owned by the church other than real estate. Later we will discuss in greater detail those specific areas of activity that occupy the attention of the Trustees. Any knowledge you may have concerning the acquisition or maintenance of property will be a great asset to your fellow Trustees, the Official Board/Ministry Council, and the congregation as a whole.

4. Knowing the legal obligations you assume.

The extent of these legal obligations varies, depending on how your church is organized. For instance, if your church has become incorporated through a charter granted by the Commonwealth or State in which your church is located, your legal obligations are substantially reduced. Under such circumstances your church is an incorporated body and the officers of the corporation sign legal documents for the corporation so that any assumed obligations of the church rest on the corporate body rather than on the Trustees.

If the church is not incorporated, title to any real estate owned by the congregation must be placed in the names of the Trustees, who hold the property in trust for the congregation. Any obligations, such as mortgages and notes, must be signed by the Trustees. They can, individually and collectively, be held responsible for these obligations. Any other obligations that would be levied against the church through legal suits could entail personal responsibilities for the Trustees. It seems more feasible to

have the church incorporated so that all legal obligations of the church would rest on the incorporated body, where they rightfully belong.

5. Knowing the nature of a congregation's property rights in the Evangelical Congregational Church.

A congregation's absolute ownership of its property differs in various denominations. The majority of denominations provide for the denomination's control of a local congregation's property. Such churches might argue that this is fair because in most instances the property was bought or created by previous generations loyal to the denomination so that current inheritors of such benefits should not have the unrestricted right to dispose of that property or take the congregation and its property out of the denomination. The Evangelical Congregational Church has a distinctive position regarding property rights. The DISCIPLINE, par. 322.1 says that "each congregation is, except as limited by this DISCIPLINE, the sole owner and custodian of all property, both real and personal." If property is to be sold or purchased, the congregation may do so without the approval of the Conference or the denomination. If improvements are to be made to the property and money borrowed, the congregation alone makes the decision. The only limitation would be in a situation where the congregation is receiving financial a financial assistance from the Conference. In such cases the approval of Conference must be secured, not because the church does not own its property, but because renovations could create a heavier financial obligation to the Conference. The congregation could still proceed with its contemplated plans but might jeopardize the possibility of receiving further financial assistance.

When a new work is begun, it is likely that title must temporarily be placed in the name of National Conference. This is done because money must be borrowed from a financial institution in order to build the church. Banking institutions are not likely to loan large sums to a new church with relatively few members, since the new congregation might not be able to meet its mortgage payments. Consequently, the Conference must hold the title and make some necessary guarantees until such time as the church is strong enough numerically and financially to manage its own affairs. The Conference is always anxious to transfer title and relieve itself of these responsibilities.

Property rights are protected despite a congregation's withdrawal from the denomination. Withdrawal is not easily achieved and the rights of the dissenting minority desiring to continue as an Evangelical Congregational Church are protected by securing for them a pro-rata share of the value of its property. The invested interests of the denomination are protected by creating an obligation on such property for any funds advanced to the church in its establishment and development. To further protect these property rights the DISCIPLINE provides that any amendments to the DISCIPLINE that would modify this provision must be approved at the National Conference level with each lay delegate being directed by his congregation as to how he should vote. Only when a congregation ceases to exist, (DISCIPLINE, par. 312.4) does its property revert to the National Conference of which it was a part.

Trustees should be knowledgeable concerning these rather unusual provisions for the property rights of the congregations in the Evangelical Congregational Church. These provisions are included in the proposed articles of incorporation for congregations desiring incorporation. More complete details of these rights appear in paragraphs 321.5, 323 of the DISCIPLINE.

6. Knowing the relationship of the Trustees to other officials and the Official Board/Ministry Council.

At times one group of officials believes itself to be of greater importance than another in the work of the church. This becomes objectionable when Trustees or Stewards or Class Leaders expect that their prerogatives and powers should be greater than those of fellow officials.

The Trustees are not expected to operate as a separate body with inherent powers of their own. The DISCIPLINE attempts to put this in perspective by stating that they "shall at all times be amenable to the Official Board/Ministry Council". (DISCIPLINE, par. 322.1) Thus they are expected to serve as a Property Committee of the Board/Council, making recommendations and receiving directions from the Board/Council. Many churches provide in their by-laws for certain matters within reasonable budgetary limits to be cared for by the Trustees without unnecessary consultation with the Official Board. There should be clear budgetary limits to be cared for by the Trustees without unnecessary consultation with the Official Board/Ministry Council. There should be clear understanding what those limits should be. Allowance should be made for emergencies that could require immediate attention without waiting for the sessions of the Official Board/Ministry Council.

If it should be considered by some as an undue limitation of the rights of a Trustee, it might be well to consider another

angle. The DISCIPLINE specifies that the Official Board/Ministry Council succeeds the original incorporators of the chartered church and “become for all purposes the Board of Directors of this corporation.” (DISCIPLINE, par. 312.4.1) As in any corporation the Board of Directors is held responsible for the operation of that body. Consequently the Official Board/Ministry Council as a whole has the authority to manage the affairs of the corporation. No separate body of this Board/Council has the right to independently carry on its work without direction from or amenability to that body. The Trustees, through incorporation, lessen their personal responsibilities for financial obligations and therefore it is only fair that they be obliged to share with other officials in carrying out their varied responsibilities in the total administration of the church. The Trustees do not independently care for all property matters without consultation and approval by the other members of the Board/Ministry Council. Similarly the Stewards do not independently make decisions concerning the pastor’s salary, etc. with the Trustees as a part of the Local Conference and Official Board/Ministry Council making their contribution. Neither do the Class Leaders independently make decisions affecting the spiritual life of the entire church without the approval of the Trustees and others as integral parts of the Official Board/Ministry Council.

YOU SHOULD APPRECIATE THE IMPORTANCE OF YOUR SPIRITUAL IMPACT ON OTHERS.

The introductory statement that “you have been elected to a highly respected position and also a very responsible one.” The statement goes on to declare that “your Christian experience and witness as well as your practical talents can contribute much to the progress of the congregation you serve.” You must never underestimate the importance of the significant influence of your Christian experience and witness, particularly because as a Trustee you hold a highly respected office.

It is now important for you as a Trustee to understand how essential is it to have more than practical talents and know-how. Some may be elected to this esteemed position because of some of these qualifications. Unless, there is also spiritual commitment, the overall accomplishments of this body of officials will be seriously curtailed. The membership of the congregation has every right to expect that they will not only be leaders in business and property matters but in spiritual interest and concerns.

The influence of a Trustee and any other church official is very substantial. His example will have a significant impact upon his fellow officials and the membership as a whole. Any questionable conduct or luke-warmness about spiritual concerns may unfortunately provide a pattern for the rank and file. The higher the position he occupies, the greater the responsibility for spiritual leadership.

THERE ARE CERTAIN DUTIES YOU ARE EXPECTED TO PERFORM (DISCIPLINE, par. 322.6)

1. The duty of managing, keeping in repair, and protecting real and personal property.

In order to fulfill these responsibilities it is essential that you know the condition of the property. Regular inspections of both church and parsonage are necessary. Repairs and proper maintenance should be recommended to the Board/Council to prevent excessive deterioration of the property. Personal property, other than furniture and fixtures in the church building should be protected by placement in a bank’s safe deposit box or similar repository.

With regard to furniture and fixtures, a good idea would be to video each room and keep the video in a similar repository.

2. The duty of negotiating for the purchase, leasing, mortgaging, and sale of property.

These functions may not have to be exercised very frequently. Once the church building has been acquired and erected, the purchase or sale of such property is a rare experience. The sale or purchase of a parsonage may be a more likely transaction. In such situation great care should be exercised so as to be certain that in the acquisition of a parsonage, the home is adaptable to a pastor’s needs and adequate in size for different sizes of pastors’ families that might be housed in it. In this connection it is most advisable to consult with both the incumbent pastor and the Conference Minister who may be sharing with the other members of the Stationing Committee in making future assignments of pastors to your congregation.

When purchasing and selling church property, as well as the mortgaging and leasing of it is planned, a competent attorney should be secured to make certain that the congregation’s property interests are not jeopardized. Before any property is

purchased, sold, or mortgage, the approval of the congregation should be secured.

3. The duty of holding title to the property.

This responsibility is more fully described in the previous section emphasizing particularly the legal responsibilities that are yours when property is held in the names of the Trustees instead of being incorporated. The DISCIPLINE clearly states this responsibility in cases where churches have not been chartered. These potential problems exist for Trustees, not because the DISCIPLINE so stipulates but, because of the laws of the Commonwealth or State.

4. The duty of covering the property with adequate insurance.

Because the Trustees have a special responsibility for church property, it naturally follows that they must make proper recommendations to the Board/Council for insurance coverage to protect the congregation from losses by fire, vandalism, theft, etc. They must keep in mind that inflation affects dollar value of the property and adjustments should be made regularly to make certain there is adequate coverage.

Liability insurance should also be considered so as to protect members and friends of the congregation that might be injured on your property. Disability insurance for employees of the church injured in the performance of their duties, is provided by the National Conference.

5. The duty of caring for assigned financial responsibilities.

From time to time it may be necessary for the Official Board/Ministry Council to enlist the services of the Trustees in raising funds for the regular operation of the church or for special projects. This might include fund raising projects for a new building, renovations or major repairs...a definite part of their responsibility.

6. The duty of submitting reports concerning your official acts.

The Trustees are amenable to the body that elected them—the congregation; and by Disciplinary provision to the Official Board/Ministry Council, it is required that reports be submitted to both these bodies. To the congregation and the Official Board/Ministry Council there are annual reports. To the Official Board/Ministry Council, there is a monthly report as well.

THEN YOU SHOULD KNOW WHAT TALENTS WILL BE PARTICULARLY VALUABLE IN THE PERFORMANCE OF YOUR DUTIES.

Because you will be dealing with property matters, a wide variety of practical abilities can be extremely valuable to the Board/Council and the congregation. Persons from many occupations and professions bring expertise to the Trustees in dealing with a wide assortment of property problems. A body of Trustees that has in its membership persons with such know-how and capabilities is most fortunate.

Men in business can help in the orderly consideration of issues with which they have been familiar in their secular tasks. Bankers can lend their knowledge of finances in anticipating financial needs and assess the necessary funding. Knowledge of bookkeeping can be helpful in the keeping of orderly accounts. A builder and a variety of mechanics can be particularly helpful in knowing what might be necessary for repair and maintenance work and the approximate costs that would be involved in caring for such items. As mentioned before an insurance agent could be a source of valuable information and assistance. If the sale, purchase, leasing or mortgage of property is necessary, both an attorney and a real estate broker could be most helpful. It is not to be suggested that only such persons be considered for election to this office but their particular capabilities could make a valuable contribution to those who are required to deal with property matters.

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