

BY-LAWS

**FIRST PARISH CONGREGATIONAL CHURCH,
UNITED CHURCH OF CHRIST, YARMOUTH, MAINE**

Adopted June 9, 2024

DRAFT

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Article I Name

The name of this church is the First Parish Congregational Church, United Church of Christ, Yarmouth, Maine.

Article II Purpose

The purpose of this church is to gather together followers of Jesus Christ for the purpose of sharing in the worship of God and in making God's will known in the lives of all people.

A. Statement of Faith

The following statement of faith (or principles) is not a test to be met, but rather an expression of the spirit in which this church interprets the will of God.

"We believe in God the Creator, infinite in wisdom, goodness, and love; in Jesus Christ, God's son, our Savior who, for us and our salvation, lived, died, rose again, and lives evermore; and in the Holy Spirit, who takes the teachings of Christ and reveals them to us, renewing, comforting, and inspiring our souls."

B. Covenant

Members have the right to follow the Word of God according to the dictates of their own conscience, but agree to the following covenant:

"We are united in striving to know the will of God as taught in the Holy Scriptures. We strive to walk in the ways of Jesus made known, or to be made known, to us. We hold it to be the mission of the church to proclaim the Gospel to all, exalting the worship of the one true God, and laboring for the progress of knowledge, the promotion of justice, the reign of peace, and the realization of human fellowship. Depending upon the continued guidance of the Holy Spirit to lead us into all truth, as did our forebears, we work and pray for the transformation of the world into the realm of God, and we look with faith for the triumph of righteousness and the life everlasting."

Article III Membership

Church attendees may choose to join the church at any time. Children commonly join through the process of Confirmation.

A. Qualifications

Individuals become members of the church by recommendation of the Pastor(s), vote of the Board of Deacons, and acceptance of the Covenant, as set forth previously. A new member is received in one of the following ways:

1. By presentation of a Letter of Transfer from another church
2. By Reaffirmation of Faith
3. By Confession of Faith and Baptism, unless such baptism is waived by a Pastor and Board of Deacons

4. By Confirmation

B. Reception

Persons accepted as described under this Article will be received at a worship service or at some other time as arranged by the Pastor(s) and the Board of Deacons. Such persons will make public their assent to the Covenant and receive the right hand of fellowship from the Pastor(s) and the Board of Deacons.

C. Active Members

The active membership of this church consists of all persons in good standing as members on the date these by-laws are approved, as well as those who are subsequently received as members as described above.

Upon reception, a candidate becomes an active member of the church, having pledged to attend the regular worship of the church and the service of Holy Communion; to give support, as able, for current expenses and benevolences; to share in the church's organized work; and to seek diligently the spiritual welfare of the membership and community. In like manner, the existing church membership will provide a receptive atmosphere in which new members may effectively contribute their own talents to the enrichment of the church community. It is the responsibility of church members to encourage each other in the ways of active church life, and to celebrate the unique talents each member brings to the life of the church.

D. Inactive Members

Inactive members are those members recognized by the Board of Deacons who for two (2) consecutive years have not attended worship, communicated with the church, and made any known contribution to its support. Inactive members also include those whose contact information has become unknown to the Pastor(s), the Clerk, and the Diaconate. Inactive members are not considered in the count of church membership and cannot vote on matters before the church. Inactive members desiring reinstatement to active membership may make known their desire to the Pastor(s) and/or the Board of Deacons.

E. Transfer or Termination of Membership

Any member may request a Letter of Transfer to another congregation. Requests for Letters of Transfer should be made to the Pastor(s), a member of the Board or Deacons, or the Clerk. Letters of Transfer will be sent by the church's office administrator and a record of such maintained by the church Clerk.

Any member may terminate membership, without transfer, by written notice to the Pastor(s) or Board of Deacons.

F. Reinstatement of Membership

Any member whose membership has been terminated for any reason may restore the membership to "active" upon request, recommendation of the Pastor(s), and vote of the Board of Deacons.

Article IV Services and Sacraments

A. Worship

Services of worship are held at given hours each Sunday as determined by the Board of Deacons. Other services of worship, prayer, and study may be held as determined by the Pastor(s) in conjunction with the Board of Deacons and the congregation.

B. Sacraments

The church celebrates two sacraments: Holy Communion and Baptism.

a. Holy Communion

The sacrament of Holy Communion is celebrated on the first Sunday in January and at other times as determined by the Pastor(s) and the Board of Deacons. There will be no less than six (6) such services during the year. The invitation to participate in this Sacrament is not limited to members of this church but will, in the Pastor's own choice of words, be extended to all.

b. Baptism

The baptism of adults and children will be administered at any time that the Pastor(s) and/or the Board of Deacons determine.

Article V Governance

In accordance with Congregational custom, the government of this church is vested in its members.

This church and its members are subject to no other ecclesiastical body.

The church recognizes and sustains relations of mutual consent and cooperation with other churches of the United Church of Christ, and maintains relations of community with all other Christian churches.

A. Organizational Meetings

Whenever appropriate or reasonable, all organizational meetings of this church will be held outside the church Sanctuary.

a. Annual Meetings

Annual Meetings will be held within thirty (30) days preceding the beginning of the church's fiscal year. Oral notice of the Annual Meeting will be made by the Clerk or a Pastor at a weekly Sunday morning service, or in written notice by mail to the membership not less than seven (7) days prior to the meeting.

b. Special Meetings

Special meetings may be called at the discretion of the Pastor(s), the Board of Deacons, the Board of Trustees, the church Council, or by written petition signed by twenty percent (20%) of the church membership. Notices for Special Meetings must include a

statement of the purpose thereof and will be given in the same manner as notice of the Annual Meeting.

B. Quorum

A quorum is the lesser of forty (40) members or twenty percent (20%) of the church membership. Such a number is required for the transaction of business, except that a meeting of less than this number may properly vote to adjourn to a later date.

C. Voting Procedures

The method of elections and voting procedures may be determined by the members present at any Annual or Special Meeting, except as otherwise herein provided.

D. Officers

The officers of this church are the Pastor(s), two (2) Co-moderators, Clerk, Treasurer, the chair of the Board of Trustees, and the chair of the Board of Deacons.

E. Executive Committee

The Executive Committee of the church is the church Council.

F. Standing Committees

The standing committees of the church are the Board of Trustees, the Board of Deacons, the Pastoral Relations Committee(s), the Investment Committee, and the Personnel Committee.

G. Delegates

Delegates to the Cumberland Association and the Delegates to the Annual Meeting of the Maine Conference UCC are determined in such numbers as the church shall be entitled and are elected by the church membership at the Annual Meeting. The terms of such Delegates are indeterminate, but multiple-year terms are encouraged to provide continuity.

H. Collector

The Collector is elected at an Annual Meeting for a term of two (2) years. The Collector may appoint and/or delegate assistants, volunteers, and others as necessary to assist in the weekly counting and recording of pledge payments and plate or other collections received by the church. After serving three (3) full terms, the Collector is ineligible for re-election until a lapse of one (1) year.

Article VI Ministries

The church recognizes two (2) types of ministries: Task-Based and Call-Based. All active Task-Based and Call-Based ministries will prepare a summary of their yearly activities for the Annual Report.

A. Task-Based Ministries

Task-Based ministries are those committees that perform essential tasks for the efficient operation of the church. The Council is responsible for defining, populating, and supervising the Task-Based Ministries.

B. Call-Based Ministries

Call-Based ministries are those ministries recognized by the church Council that have been formed to foster values, tasks, and activities consistent with the mission of the church. They are populated by members and friends of the church as appropriate.

Persons desiring to form a Call-Based ministry may provide information and an application for review and approval by the church Council. The application specifies the leader(s) of the ministry, its proposed activities, and any requested funding. Funding is subject to the sole discretion of the Council and is approved by the Board of Trustees.

Upon recognition by the Council, the Call-Based ministry may utilize the church building and/or other resources of the church, and may represent that the ministry is affiliated with the church.

Call-Based ministries report to the Council annually, and are reauthorized by the Council on an annual basis.

Article VII Election and Duties of Pastor(s)

Pastors are called by a search committee and elected by a two-thirds (2/3) vote of a quorum of members. They become a member of the church at the first opportunity after being elected.

A. Senior Pastor

The Senior Pastor is the spiritual leader and teacher of the church, and has the freedom of the pulpit in all matters of faith and conscience. The Pastor has the prerogative to officiate at all services of worship held in the Sanctuary, including weddings, memorial services, and funerals.

Duties specific to the Senior Pastor's call agreement may not supersede the above.

Specific responsibilities of the Senior Pastor are to:

1. Serve as the Chief Administrative Officer of the church and direct and supervise the Associate Pastor(s) and all other paid staff
2. Address personnel matters with oversight, consultation, and guidance from the Personnel Committee, including recommending policies and evaluating procedures, as well as providing coordination of personnel practices, policies, and benefits
3. Serve as an *ex-officio* voting member of all committees
4. Provide a report at the Annual Meeting that describes the overall church program as carried out during the past year; the report will incorporate the Pastor's own activities in this program, of whatever nature

B. Associate Pastor (when applicable)

Specific responsibilities of the Associate Pastor are to:

1. Assist the Pastor in all areas of ministerial duties as determined by the Pastor and the church Council
2. Serve as an *ex-officio* voting member of all committees
3. Provide a report to the Annual Meeting highlighting programs that the Associate Pastor has carried out during the past year, as well as any other ministerial activities

C. Resignation and Termination

A Pastor's resignation may be requested at any time by a majority vote of a quorum of members in a Special Meeting called and noted for that purpose. The Pastor shall have sixty (60) days in which to present a written resignation. Resignation shall be deemed given and accepted upon conclusion of the sixty (60) day period.

The Pastor will give the church sixty (60) days' written notice if desiring to leave its service voluntarily.

Article VIII Election and Duties of Officers

All church officers must be church members.

A. Co-Moderators

Two (2) Co-Moderators are elected at the Annual Meeting for staggered two (2)-year terms. After serving two (2) full terms, a Co-Moderator will not be eligible for re-election to the same office until a lapse of two (2) years.

Specific responsibilities shared by the Co-Moderators are to:

1. Preside at the Annual Meeting, Special Meetings, and Council meetings
2. Provide an opportunity for additional nominations for all offices and committees to be made from the floor at the Annual Meeting
3. Establish an agenda for Council meetings with input from the Pastor(s)
4. Serve as a non-voting *ex-officio* member of all committees
5. Serve as a liaison to Task-Based Ministries

B. Clerk

The Clerk is elected at the Annual Meeting to serve for two (2) years. After serving three (3) full terms, the Clerk will be ineligible for re-election until a lapse of one (1) year.

Specific responsibilities of the Clerk are to:

1. Serve as secretary for church Council meetings, Annual Meetings, and Special meetings
2. Provide oral notice of the Annual Meeting at a Sunday morning service and ensure that proper written notices have been given to the congregation

3. Ensure that the church maintains appropriate records including membership information; records of baptism, marriages, and deaths; and minutes from the proceedings of the church's Annual Meeting and any Special Meetings
4. Review the church records with the office administrator annually and retain physical or electronic material of significance
5. Prepare, in conjunction with the office administrator, a report to the Annual Meeting detailing membership statistics, number of baptisms, marriages, memorial services, and attendance statistics for Sunday services
6. Ensure that official correspondence, such as Letters of Transfer for departing members, is maintained for the church and the church Council
7. Provide up-to-date church data, as requested, to the Maine Conference annually

C. Treasurer and Deputy Treasurer

a. Treasurer

The Treasurer is elected at the Annual Meeting to serve for two (2) years. After serving three (3) full terms, the Treasurer is ineligible for re-election until a lapse of one (1) year.

The Treasurer is bonded at the expense of the church.

Specific responsibilities of the Treasurer are to:

1. Oversee the financial activities of the church, including disbursing funds according to the budget as adopted at the Annual Meeting or as approved by the Board of Trustees
2. Ensure complete and accurate financial records are maintained
3. Serve as a non-voting *ex-officio* member of the Board of Trustees
4. Serve as a non-voting *ex-officio* member of the Investment Committee
5. Support the Board of Trustees in an advisory capacity, including the development of the annual budget
6. Review and approve a report, prepared in conjunction with the church bookkeeper, to the Annual Meeting detailing fund activity, balances, and comparative operating reports
7. Provide a written narrative discussion of the highlights of the financial statements for the Annual Report
8. Perform other duties as may be required by the church Council

b. Deputy Treasurer

The Deputy Treasurer is a church member appointed by the church Council and serves for the term of the Treasurer. The Deputy Treasurer assists the Treasurer in performing the duties of the Treasurer and has all the powers and responsibilities of the Treasurer. In the event of a vacancy, the Deputy Treasurer acts as the Treasurer until a Treasurer is appointed or elected.

Because the Deputy Treasurer is an appointed position rather than an elected position, the appointee is not an officer of the church, even in the event of assuming the Treasurer's position.

Article IX Election and Duties of the Church Council

The church Council consists of the following: two (2) Co-Moderators, Treasurer, Clerk, one (1) representative from the Board of Deacons, one (1) representative from the Board of Trustees, six (6) At-Large members, the Senior Pastor, and any Associate Pastors.

At-Large members are elected by the church membership at the Annual Meeting. The term of office for At-Large members is three (3) consecutive years with one-third (1/3) of the members elected each year. After serving two (2) full terms, an At-Large member is ineligible for re-election until a lapse of one (1) year.

The Council will meet regularly and maintain minutes of its meetings. A quorum is a majority of its authorized membership. The Council will act by majority vote of its authorized membership.

The Council will have the powers of the membership of the church, provided that the membership always has the power at the Annual Meeting or any Special Meeting to reverse or revise any vote of the Council.

Specific responsibilities of the church Council are to:

1. In the absence of both Moderators, elect a Moderator *pro-tem*
2. Conduct long-range planning
3. Foster, approve, and support all ad hoc and budgeted fundraising activities
4. Encourage and empower effective communication among the Council, ministries, and the membership
5. Develop and support Task-Based ministries by ensuring that these ministries, as well as any major budgeted fundraising efforts, have adequate membership and resources
6. Review and approve the applications of new Call-Based ministries, and review and approve all Call-Based ministries annually
7. Ensure that each active Task-Based and Call-Based ministry provides a written summary for the Annual Meeting
8. Submit to the Trustees a proposed budget for Council needs and activities, including support of Call-Based Ministry activities
9. Review and approve the proposed church budget as submitted by the Board of Trustees, and coordinate the timing of the budget with the Board of Trustees
10. Designate a Nominating Committee; the Nominating Committee will present to the Council a slate of candidates that reflects the diversity present in the membership

11. Submit the nominations to the Annual Meeting; a Moderator will provide an opportunity for additional nominations for all offices and committees to be made from the floor at the Annual Meeting
12. Fill any vacancies for officers, committees, or other positions elected by the church by appointing a replacement for the unexpired term subject to approval at the next Annual Meeting
13. Appoint a Pastoral Search Committee when there is a vacancy in the Pastorate; the Pastoral Search Committee should have representation from the church Council, the Board of Deacons, and the Board of Trustees, and reflect the diversity of the church membership
14. Appoint members of the Personnel Committee as needed.
15. Serve in an advisory capacity to all committees of the church and have the power and authority to resolve disputes

Article X Election and Duties of Standing Committees

Each member of a standing committee must be a church member. Standing committees will meet regularly and maintain minutes of their meetings. A quorum of each committee is a majority of its authorized membership. Each committee will act by majority vote of its authorized membership.

A. Board of Trustees

The Board of Trustees has the care and custody of the property of the church and has charge of its financial affairs as directed by the Annual Meeting. The Board of Trustees does not have the power to buy, sell, mortgage, lease, or transfer real property without specific authorization by vote of the church members.

The Board of Trustees consists of nine (9) persons who are elected by church membership at the Annual Meeting. The term of office for a Trustee is three (3) consecutive years with terms to be staggered such that approximately one-third are elected each year. After serving two (2) full terms, a Trustee is ineligible for re-election until a lapse of one (1) year.

Specific duties of the Board of Trustees are to:

1. Elect a chair to call and preside at meetings
2. Appoint two (2) members to serve on the Investment Committee
3. Appoint one (1) member to serve on the church Council
4. Arrange financial reviews by a CPA at least every three (3) years
5. Review and approve the financial impacts of significant personnel changes
6. Propose an annual budget to the church Counsel for endorsement no later than the first announcement (written or oral) of the Annual Meeting; at the Annual Meeting the Trustees shall present the final proposed budget to the membership for approval

B. Board of Deacons

The Board of Deacons supports the work of the Pastor(s) in exercising spiritual leadership, counsel, and care in matters of faith both inside and outside the church.

The Board of Deacons consists of at least ten (10) and not more than fifteen (15) persons who reflect the diversity of the church membership, and are elected by the church membership at the Annual Meeting. The term of office for Deacons is three (3) consecutive years with terms staggered such that approximately one-third (1/3) is elected each year. After serving two (2) full terms, a Deacon is ineligible for re-election until a lapse of one (1) year.

Specific responsibilities of the Deacons are to:

1. Select a chair to call and preside at meetings
2. Support the spiritual life and program of the church
3. Direct the disbursement of monies from the Spiritual Life Fund in consultation with the Pastor(s)
4. Participate in regularly scheduled and special services
5. Prepare and distribute the Sacrament of Holy Communion under the direction of the Pastor(s)
6. Represent the congregation in services of Baptism and reception of new members
7. Assist the Pastor(s) as needed
8. Review the membership rolls annually and vote on applications for admission, transfer, and removal of church membership
9. Appoint a member to serve on the church Council
10. Recommend to the Board of Trustees any pastoral increase in salary

C. Pastoral Relations Committee(s)

The Pastor(s) will each have a Pastoral Relations Committee. Each Pastoral Relations Committee will consist of four (4) members, one (1) appointed by the Board of Trustees, one (1) by the Board of Deacons, and two (2) by the Pastor. The terms of the committee members will be indeterminate in order to provide flexibility and continuity.

The Pastoral Relations Committee holds a confidential relationship with the Pastor with no reporting required.

Specific duties of the Pastoral Relations Committee(s) are to:

1. Meet with its Pastor at least twice each year, and at such times as the committee and/or Pastor deem necessary, to consider the special needs or concerns of the Pastor
2. Meet with any member(s) of the church at such times deemed necessary to consider special needs of the congregation in their relationship with the Pastor

D. Investment Committee

The Investment Committee oversees and manages the Endowment, dedicated long-term funds, and investments of the church.

The Investment Committee consists of seven (7) persons, two (2) of whom are members of the Board of Trustees and appointed by the Board of Trustees each year, and five (5) At-Large members elected by church membership at the Annual Meeting.

The term of office for the At-Large members of the Investment Committee is three (3) consecutive years with terms to be staggered such that approximately one-third (1/3) will be elected each year. After serving two (2) full terms an At-Large member is ineligible for re-election until a lapse of one (1) year.

Specific responsibilities of the Investment Committee are to:

1. Manage the investment of funds in the Ministerial Fund and the Endowment/Parsonage Fund
2. Ensure that each fund is managed consistent with the directives adopted at the time the Fund is established, consistent with the desires of donors to the degree known, and that any disbursements from the Fund are consistent with the Fund's purposes, policies and procedures as communicated to the Investment Committee
3. Adopt an Investment Policy and other policies as the Investment Committee may deem appropriate for handling its responsibilities, and in accordance with these By-Laws
4. Select an investment advisor or advisors for all funds under the purview of the Investment Committee and oversee and manage any such advisor
5. Monitor and regularly review the performance of the church's invested funds in accord with the Investment Policy
6. Provide the Investment Advisor with current and relevant information on the church's financial condition, goals, and risk tolerances
7. Review information and strategies presented by our investment advisor and make sure any changes in strategy are in accordance with the Investment Policy
8. Establish adequate and appropriate administrative procedures for the management and control of the Fund
9. Provide periodic reports to the Board of Trustees and the church Council regarding policies and other major decisions made by the Investment Committee and the performance of the investments managed by the Investment Committee
10. Provide a report to the Annual Meeting summarizing the prior twelve (12)-month activities of each Fund, including contributions, portfolio performance, and account distributions

a. Ministerial Fund

i. History

The Investment Committee shall succeed to the duties of the Endowment Fund Committee of the Ministerial Endowment Fund which was transferred to the church by a Maine corporation known as Trustees of the Ministerial Funds First Parish Yarmouth in connection with the dissolution of said corporation in 2011.

The Bylaws of the Ministerial Endowment Fund which were adopted by the church on June 19, 2011, in connection with such transfer shall be deemed to be replaced by the provisions of this Article except that provisions relating to distributions shall continue to govern the actions of the Investment Committee with respect to the Ministerial Endowment Fund, hereinafter named the Ministerial Fund, as follows:

ii. Separation

The Ministerial Fund shall be kept and maintained separate and distinct from the other funds and property of the church. The church shall not be allowed to use the Ministerial Fund as collateral for a loan unless authorized by the Investment Committee.

iii. Distributions

Each year, the Investment Committee shall determine the total percent to be distributed from the Ministerial Fund to the church's operating account during the church's following fiscal year (hereinafter referred to as the "Spending Rate"). Such distributions are to be used as the Board of Trustees may determine to support the mission and purposes of the church. Such Spending Rate shall not be less than two and one half percent (2.5%) or more than five and one half percent (5.5%).

Distributions shall be made quarterly, and shall be calculated annually as follows:
Spending Rate x rolling 12 quarter average market value of the Fund as of December 31.

iv. Exception Requests for Funding

Any request to distribute funds from the Ministerial Fund beyond the allowed distribution specified above shall be approved by the church Council and a majority vote of those present at a meeting of the congregation.

b. Endowment/Parsonage Fund

- i. The Investment Committee is authorized to adopt a distribution policy allowing distributions of up to six percent (6%) of the value of the Endowment/Parsonage Fund in one year.
- ii. Distributions of over six percent (6%) and up to twenty-five percent (25%) of the value of the Fund must be approved by the Investment Committee, the Trustees and the church Council. A majority vote in each committee is needed for approval.
- iii. Distributions of over twenty-five percent (25%) of the value of the Fund require approval by the committees listed above and a majority vote of those present at a meeting of the Congregation.

E. Personnel Committee

The Personnel Committee addresses all aspects of the non-clergy staff with the exception of the day-to-day management of their work. The committee consists of three (3) members who are appointed by the church Council. The terms of committee members are three (3) years with overlapping terms as much as possible. After serving two (2) full terms a member is ineligible for re-election until a lapse of one (1) year.

The Personnel Committee will meet at least every three (3) months and more often as needed or desired.

Specific duties of the Personnel Committee are to:

1. Recruit and interview prospective employees
2. Make hiring recommendations for new employees
3. Make compensation recommendations in consultation with the Pastor(s)
4. Develop job descriptions, training, and development plans
5. Conduct performance evaluations
6. Recommend terminations, if required
7. Perform exit interviews
8. Maintain the FPC Personnel Handbook, recommend changes, and monitor compliance
9. Make compensation recommendations for the Pastor(s)'s, considering Maine Conference guidelines for clergy compensation

Article XI Conflict Resolution

A. Staff

Conflicts with, or complaints about, an employee should be addressed to the Senior Pastor. In the event that the conflict or complaint cannot be resolved by the Pastor, the church Council will appoint a three (3)-person committee to include a member of the Trustees, a member of the church Council, and a member of the Board of Deacons. The committee will

work to resolve the conflict or complaint within sixty (60) days. A written report documenting the conflict or complaint, minutes of meetings, and the resolution of the conflict or complaint will be filed in the employee's personnel file.

B. Pastors

Should a conflict or complaint pertain to a Pastor that cannot be resolved by working with the Pastoral Relations Committee, then a committee consisting of a Moderator, the chair of the Board of Trustees, the chair of the Board of Deacons, and a member of the Pastor Parish Relations Committee will determine a course of action. When appropriate, this committee will consult with the Conference Minister of the Maine Conference of the United Church of Christ for guidance. The Committee will resolve the conflict in a timely manner and file a written record of proceedings in the Pastor's personnel file.

Article XII Amendments

These By-Laws can be altered or amended by a two-thirds (2/3) vote at any Annual or Special Meeting. Notice of such amendment(s) will be presented to the church membership in writing at least seven (7) days before the meeting.

Revision History

Amended: January 31, 1989
Amended: January 31, 1995
Amended: January 30, 1996
Amended: June 8, 1997
Amended: November 23, 1997
Amended: June 16, 2002
Amended: June 13, 2004
Amended: June 17, 2007
Amended: June 21, 2009
Amended: June 17, 2012
Amended: June 12, 2016
Amended: June 11, 2017
Amended: June 3, 2018
Amended: June 16, 2019
Amended: June 14, 2020
Amended: June 11, 2023
Amended: June 9, 2024