

**Saint Nicholas Orthodox Church
Pittsfield, Massachusetts
By-Laws**



(Amended 2017)

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Saint Nicholas Orthodox Church, Pittsfield, Massachusetts

BY-LAWS

PREAMBLE

IN THE NAME OF THE FATHER AND OF THE SON AND OF THE HOLY SPIRIT. AMEN.

Saint Nicholas Orthodox Church in Pittsfield, Massachusetts (hereinafter referred to as the "parish") was founded in 1916, and was incorporated into the RUSSIAN ORTHODOX GREEK CATHOLIC CHURCH in 1917. The parish was originally founded as a parish of the North American Diocese of the Orthodox Church of Russia. In 1924, that Diocese became the self-governing Metropolitanate known as the RUSSIAN ORTHODOX GREEK CATHOLIC CHURCH OF NORTH AMERICA. On April 10, 1970, this same Metropolitanate was proclaimed to be the autocephalous ORTHODOX CHURCH IN AMERICA by the Holy Synod of Bishops of the Orthodox Church of Russia, meeting in Moscow, Russia.

As a parish of the New England Diocese (hereinafter referred to as the "Diocese") of the ORTHODOX CHURCH IN AMERICA (hereinafter referred to as the "OCA"), the organization and administration of the parish are subject to the holy and apostolic tradition of the Orthodox Church, as reflected in the STATUTE OF THE ORTHODOX CHURCH IN AMERICA (hereinafter referred to as the "Statute.") This Statute of the Orthodox Church in America (OCA) was revised at the 18th All American Council.

The administration of the parish is regulated by these by-laws herein presented. These by-laws are intended to express the spirit of the holy Orthodox tradition on a practical level so that the parish may fulfill its divinely appointed mission in a peaceful and orderly way. These by-laws supersede all previous by-laws and regulations established by the organizers of the parish and the assemblies of the parish from the date of the organizing of the parish to the day of the implementation of these by-laws.

ARTICLE I — THE PARISH

1. The parish is a local Orthodox Eucharistic Community canonically established by, and subject to, the Diocesan Bishop.
2. The parish exists for the worship of God according to the tradition of the holy Orthodox Church, and centers its life in the participation of the body and blood of Christ—Holy Communion. The fulfillment of the parish's purpose requires that the parish bears witness to the gospel of Jesus Christ in all of its fullness. The proclamation of the gospel is directed to those within the parish, to the wider community, and to the world. In obedience to the gospel and adherence to the apostolic faith, members of the parish are offered the opportunity to grow in communion with God through Jesus Christ. The parish seeks to provide charitable aid and love to those in need, both its own members and those in the wider community.

ARTICLE II — THE DIOCESAN BISHOP

1. The Bishop is the spiritual leader of all parishes within his diocese. He appoints parish Clergy, maintaining a relationship with them that is at once hierarchical and conciliar, marked by obedience and collaboration. He has the obligation and right of visitation to the parish and receives and approves regular reports on parish life. In cases of conflict or disorder within the parish, he takes all necessary measures to resolve them consistent with the Sacred Canons and the Statute. No corporate charter or by-laws of any parish shall be effective unless approved by the Diocesan Authority.
2. Additional signs of the canonical status of the parish and the sacramental communion that exists between it and the bishop are the holy antimention given by the bishop and the commemoration of the bishop during liturgical services.

ARTICLE III — THE RECTOR

1. The Rector is the spiritual father of the members of the parish/parishioners.
2. He shall be an ordained Orthodox priest of the New England Diocese of the OCA who is appointed by the diocesan bishop.
3. The rector may not leave the parish without the permission of the bishop, and all matters regarding salary and compensation shall be determined by diocesan procedures, and clearly agreed upon prior to his appointment.
4. By virtue of the apostolic succession abiding in the Church, which the rector shares through his ordination, his primary responsibilities are: to preach the gospel of Jesus Christ and teach the Word of God; to edify and sanctify the faithful entrusted to his spiritual care with no partiality; to uphold the doctrines of the Orthodox Church; to preside over the celebration of the sacraments and divine services in accordance with the tradition of the Church; to ensure that all educational, philanthropic, social, and cultural activities within the parish are consistent with the mission of the Church; to ensure that the life of the parish as a whole is guided and directed toward spiritual and not secular ends; to head the parish office and be entrusted with the care, custody, and maintenance of sacramental and administrative records, inventories, and the official Parish seal; and to represent the Parish before local civil and judicial authorities and other third parties, either personally or through his delegate.
5. Since the rector must answer to God for the lives of those entrusted to his pastoral care (Hebrews 13:17), nothing in the parish should be initiated without his knowledge, approval, and blessing; nor should he do anything pertaining to the life of the parish without the knowledge of his parishioners and parish council, so that always and everywhere there may be unity, mutual trust, cooperation, and love.
6. In the event that the rector desires to take additional compensated employment outside of and apart from the parish, this may only be done

with the blessing of the bishop and the consent of the parish council.

7. In the event of a serious disagreement between the rector and the parishioners or the parish council, their motivated opinions shall be recorded in the minutes and the matter referred to the diocesan bishop through the district dean. In such instances, the bishop has the right to act in accordance with the canons of the Church and his pastoral discretion.

ARTICLE IV — MEMBERSHIP

Section 1: Definition

A. Definition

1. A member of the parish, or parishioner, is one who, by virtue of the Sacraments of Baptism and Chrismation, is a member of the body of Christ.
2. A member must have been baptized in the Name of the Father and of the Son and of the Holy Spirit, and have been Chrismated, or otherwise canonically received into the Orthodox Church;
3. A member must consciously and actively strive to adhere to the gospel teachings of Jesus Christ, profess and uphold the Orthodox faith, and must live in a manner that is consistent with the parish's public witness in the community to the gospel and the faith. No one can be a member of the parish if he betrays the teaching of the Orthodox Church; openly rejects the Orthodox Faith; publicly defames, defies, or rebels against ecclesial authority; or if he leads a life, or acts in a manner incompatible with the name of Orthodox Christian; or is formally associated with a non-Orthodox religious body, (i.e. Freemasons, etc.)
4. A member participates to the fullest extent possible in the liturgical and sacramental life of the Church. This includes regular participation in the cycle of divine services, and in regular reception of Holy Communion at the parish. Due to various personal circumstances, exceptions to this

pattern are to be agreed upon with the rector.

5. A member willingly puts his/her trust in the pastoral care of the Orthodox Church. Therefore, he/she she participates in the Sacrament of Confession at the parish on a regular basis. Exceptions to this pattern due to various personal circumstances are to be mutually agreed upon with the rector.
6. Each celebration of the Divine Liturgy on Sunday (the Lord's Day) and on great feast days presupposes that the faithful of the parish partake of Holy Communion. Therefore, the phrase "on a regular basis" means that the faithful participate in the Sacrament of Confession in a manner that is consistent and patterned after the cycle of seasons of the liturgical year. Four fasting periods are especially appropriate times to receive the Sacrament of Confession: Great Lent, the Nativity Fast, The Apostles Fast, and the Dormition Fast.

B. Voting Members

Voting members must be at least 18 years of age; participate in the Sacrament of Confession at least once per year in the parish, or with the blessing of the parish priest, elsewhere; receive Holy Communion at least one a year; have been a member of the parish for at least one year; fulfill the financial commitments established by the parish and administered by the parish council.

a. Definition of Financial Commitments:

Commitments include those needed for the well-being of the parish, its property and buildings, the Diocese, and the OCA.

b. Amount of Commitments:

The amount of these commitments and the system under which they are collected shall be established by the parish council upon the consent of the parish at a parish assembly.

c. Inability to Fulfill Commitments:

A voting member of the parish who is unable to fulfill his/her commitments to the parish, the diocese, or the OCA, must notify the rector in order to retain his/her voting privilege.

Section 2: Duties of Members

All members of the parish are privileged with the gift of freewill granted by God to human beings. It is the duty of all members to bear witness to the love of God the Father, through his Son Jesus Christ, in the Holy Spirit within the parish itself, the greater community, and to all God's creation. Therefore, all members are to guard the Church from those who seek to use it for material, secular, and political ends. Within the Holy Tradition of the Orthodox Church, all members of the parish are called to seek the knowledge of God and to grow in union with Him through Jesus Christ and the Holy Spirit. Members are to express that unity with God in Christ in all religious, moral, family, business, social and personal activities.

ARTICLE V — FINANCIAL OBLIGATIONS TO THE DIOCESE

Each year, the Parish shall remit to the Diocesan Treasurer its minimum financial support to the Diocese and through it to The Orthodox Church in America as determined by the All-American Council and the Diocese of New England.

ARTICLE VI — THE GENERAL PARISH ASSEMBLIES

Section 1: Definition

1. The Parish Assembly, sometimes known as the Parish Meeting, meets annually to consider matters pertaining to the life of the Parish and to conduct necessary elections relating to the Parish as a whole. The Parish Assembly is comprised of the voting members of the Parish, and such additional persons as shall be provided for by Diocesan and Parish Bylaws, established procedures and norms, normally meeting under the presidency of the Parish Priest, or the Diocesan Bishop or the Bishop's delegate. The Parish Priest together with the Parish Council may invite additional persons with or without the right to speak but without the right to vote.

2. The Parish Priest together with the Parish Council, or the Diocesan Bishop, may call a special Parish Assembly to consider matters of specific concern.

Section 2: Competency

1. The Parish Assembly, in a structured manner, shall: hear and approve annual or special reports by the rector, by committees, and parish organizations; consider and decide on matters concerning the purchase, improvement, or sale of real property; approve the investment of parish funds (other than in savings accounts); see to the transfer of any interest in or change of ownership and the incurring of indebtedness or otherwise encumbering Parish funds or property, subject to the approval of the Diocesan Authority; approve the annual operating budget submitted by the Parish Council; provide for the adoption and amendment of these parish by-laws, (if this is not otherwise provided for); ensure that the parish conforms to local and civil law; and elect members of the Parish Council, the auditing committee, and the lay delegates to the Diocesan Assembly and to the All-American Council, if the latter is to meet during that current year.

Section 3: Guidelines

1. In case the parish Priest disagrees with one or more decisions of the Parish Assembly, his reasoned opinion shall be recorded in the minutes and the matter submitted to the bishop. So also, if an officer of the Parish Council disagrees with one or more decisions of the Parish Assembly, his or her motivated opinion shall be recorded in the minutes and the matter submitted to the bishop. Diocesan and Parish By-laws and established procedures and norms shall deal with the manner in which further dissent is recorded, and possibly transmitted to the bishop.
2. No Parish Assembly, either annual or special, shall take any action that is contrary to or not in accord with these By-Laws and the Statute. Should there be any such conflict, the Statute and these by-Laws shall prevail. Should there be a question whether an action of a Parish Assembly is valid or lawful under the Statute or these By-Laws, the issue shall be submitted to the Diocesan Authority for determination.

Section 4: Special Parish Assemblies

Besides the annual parish assembly, the rector or the parish council may convene special parish assemblies. Voting members of the parish may petition the parish council to convoke a special parish assembly. These special parish assemblies are called for specific purposes, and no other item may be discussed than that (or those) listed on the announcement convening the assembly.

Section 5: Notice of All Parish Assemblies

Notice of every parish assembly shall be given in the church, by the rector, on the three consecutive Sundays preceding the date of the assembly and by listing in the published parish bulletin and/or calendar. In the event circumstances prevent, the assembly shall be held one week later.

Section 6: Quorum

A. The Annual Assembly

The quorum for the annual meeting shall be no less than 25% of the voting membership of the parish of the preceding year.

B. Special Parish Assemblies

At a special meeting the 25% quorum shall be determined by the number of voting members of the current year.

C. Absence of a Quorum

If the 25% quorum is not present, those members in attendance shall adjourn until the same day of the following week. At the second meeting no quorum shall be necessary to convene a lawful parish meeting.

D. Absent and Incapacitated Members

Those voting members of the parish in the armed forces, away at school, away from home for any extended period of time, or who are incapacitated due to old age or chronic illness, need not be considered in order to determine the quorum for parish assembly. However, if an absent or incapacitated member has an opinion or concern, he or she exercises the

right to submit his or her opinion or concern in writing to the rector prior to one week before the scheduled assembly. The rector can add the submitted item to agenda or withhold it.

Section 7: Voting

A simple majority vote by those voting members in attendance at any parish assembly shall be decisive on general matters. On amendments to these by-laws, on the sale of any parish property, and on the purchase of any parish property a 2/3 vote shall be required.

ARTICLE VII — THE PARISH COUNCIL

Section 1: Definition

The Parish Council is the executive body that assists the Parish Priest in administration of the Parish and normally meets under his presidency. The Parish Council is comprised of the Parish Priest, ex officio, and members elected by the Parish Assembly and any ex officio and appointed members as may be provided for by Diocesan or Parish Bylaws. The Parish Council seeks to foster the spiritual and material welfare of the Parish.

Section 2: Composition

In the circumstance that the maximum number of parish council positions can be filled, the parish council is composed of the following members: the rector, the senior elected officer, the junior elected officer, the treasurer, the secretary, and at least 2 other members at large. The parish council can be composed of no less than 2 elected members (the rector and the senior elected officer), and no more than 7 elected members.

Section 3: Membership Requirements

To be elected to the parish council, a person must be a voting member of the parish; and must retain his or her voting membership for his/her entire tenure in office.

Section 4: Election of Parish Council Members

1. The members of the parish council shall be elected to office by the voting members of the parish at the parish annual assembly. A nominating committee composed of two parish council members shall put forward a recommended list of candidates, and additional nominations may be made from the floor.
2. The members of the parish council can be elected to office by the voting members of the parish either individually (as corresponding to his/her individual appointment), or collectively (as members of the parish council at large, allowing for individual appointments to then be determined at the first parish council meeting of the new year) at the discretion of the rector.
3. Council members are elected for a one-year term of office. However, all council members may seek re-election the following year.

Section 5: Installation to Office

Each year, all members of the parish council shall be installed into office in the church, in the presence of the people, by the rector, and upon confirmation of the diocesan. All members are to prepare themselves for their duties through the Sacrament of Holy Confession and Communion not more than two months before being installed. The new council shall assume its duties immediately upon being installed.

Section 6: Dismissal from Council Membership

1. The failure of any council member to meet the requirements of voting membership in the parish shall result in automatic dismissal from the council.
2. The absence of any council member from three consecutive meetings without reasonable cause will subject him/her to dismissal from the council provided that two-thirds of all the council members concur.
3. Any individual dismissed from council membership is to be notified by the secretary in writing; and such dismissal is to be recorded in the minutes of the meeting at which the dismissal occurs.

Section 7: Vacancies

All vacancies in the parish council shall be filled by a vote of the parish council from among the voting members of the parish. The new members assume the term of office of the vacant seat immediately.

Section 8: The Competence of the Parish Council

The following matters are within the competence of the parish council. The parish council shall: Exercise fiduciary responsibility for the Parish; implement within its competence the decisions of the parish assembly, the diocesan authority, and the All-American Council; formulate, implement, and direct stewardship programs; oversee implementation of the budget adopted by the parish assembly; authorize any fundraising activity within the Parish; elect a nominating committee of two parish council members; manage, inventory, and maintain parish properties, both real and personal; regulate use of parish facilities; maintain and verify the official roster of the parish's general and voting membership; oversee and regularly receive reports from Parish ministries and organizations; prepare reports on aspects of parish life within its competence for the annual parish assembly; propose an annual budget for consideration at the annual parish assembly; and set a date and propose an agenda for parish assemblies.

Section 9: Further Guidelines

1. No regular or special meeting of the parish council shall be held without the knowledge and blessing of the parish priest. If the parish priest is unable to preside over a meeting of the Parish Council, the senior elected officer of the parish council shall preside with the blessing of the parish priest or the bishop. In case the office of parish priest is vacant, until the appointment of the new parish priest, the senior elected officer of the parish council shall preside, unless the bishop or his delegate is present.
2. The official minutes of all meetings of the parish council shall, in accordance with diocesan or parish by-laws, be approved, signed, properly maintained, and made available to the parish.
3. In case the parish priest disagrees with one or more decisions of the parish council, his reasoned opinion shall be recorded in the minutes and the

matter referred to the diocesan authority.

4. Nine parish council meetings must take place in one year. The only optional times parish council meetings to either be held or not held are during the months of May, June, July, and August if there is no new business to attend to.
5. The parish priest exercises the right to call a parish council meeting at any time.
6. Two estimates will be required for any project costing more than \$2,000.

Section 10: Committees

The rector shall appoint persons in the parish to chair various committees in the parish. It is the responsibility of the chair of each committee to appoint those whom he/she sees fit to be members of his/her committee. The chair of each committee, to the extent deemed necessary by the rector and/or members of the parish council, must make regular reports to the parish council concerning the work of the respective committee.

ARTICLE VIII — PARISH PROPERTY

1. The parish corporation holds legal title to all Parish property, assets, and funds. In administering them, the parishioners and the officers elected by them must always remember the religious nature, purposes, and goal of the Parish and act as trustees of such property dedicated to the service of God and the use of the Church.
2. All Parish property, assets and funds are and shall be owned and held by the Parish or Parish corporation in trust for the use, purpose, and benefit of the Diocese of The Orthodox Church in America of which it is a part. This provision shall not limit the authority of the parish or parish corporation in its administration of such property, assets, and funds in accord with the faith, governance, and discipline of The Orthodox Church in America.

3. In the event the diocese shall be dissolved or attempt to disaffiliate from The Orthodox Church in America in a disorderly manner, all parish property, assets and funds of such diocese are and shall remain subject to the use, purpose, and benefit of The Orthodox Church in America.
4. If the parish is canonically suppressed or otherwise ceases to exist, its real and personal property shall be disposed of in accord with Article IX. 2. above. In all cases, the sacred and untouchable items, viz. the Holy Antimension, the Tabernacle, and the Sacred Vessels, as well as all Parish records, shall be surrendered to the Diocesan Bishop or his designee.

ARTICLE IX — AMENDMENTS

1. Any change or addition to these by-laws must comply with the spirit of the Statute of the Orthodox Church in America.
2. Any voting member of the parish may propose an amendment to these by-laws by submitting that amendment in writing to the parish council; or to the parish by-laws committee.
3. The by-laws committee itself may recommend amendments at any regularly scheduled meeting of the parish council.
4. Proposed amendments for consideration will be included in the bulletin announcements of the annual or special parish meeting.
5. For adoption an amendment requires a two-thirds vote of the voting membership present at the time of the vote.

IN THE NAME OF THE FATHER, AND OF THE SON, AND OF THE HOLY SPIRIT. AMEN.

END OF THE BY-LAWS TEXT

These By-laws were last amended: July 15, 2017
These By-laws are complete and up-to-date including all amendments enacted as of: October 15, 2017.