



Peace Lutheran Church
1510 Broad Crossing Road
Charlottesville, VA 22911

May 2008: The current constitution is in blue font and precedes the new recommended constitution. The new recommended version is in black font. Word tracking is used for comments in the new recommended constitution. “Com” refers to comments by Constitution and Bylaws committee and “Cmw” refers to comments by Chuck Ward, member of the committee and compiler.

August 26, 2008: Changes made at the direction of the Leadership Council 7/24/08 are in green bold underline. Note additional comments past 7/24/08 by Cmw are also listed.

CONSTITUTION AND BYLAWS
Continuing Resolutions

Approved November 3, 1991
Ratified without change
January 19, 1992
As Amended & Conformed

May 15, 1996
Including May 20, 2007 Continuing Resolution

FORWARD

This publication is a combination of three congregation documents – Constitution, By-laws and Continuing Resolutions. See the CODIFICATION paragraph below for information as to the identification of each document and Chapters 16, 17 & 18 for differing amendment provisions of each document.

Constitution provisions generally relate to the overall framework and structure of the congregation. Bylaws generally relate to who is responsible for and who does what. Continuing resolutions generally relate to doing the business of the congregation.

The basic commitments of Peace Lutheran Church as well as its organizational outline, structural patterns, and rubrics of government are reflected by this constitution, bylaws, and continuing resolutions. This publication is an attempt to present a user friendly version of a complex document.

The following paragraphs contain information about the publication and some of its features.

AMENDMENTS

The source and date of additions or amendments to each section are identified in bracketed segments following each section as follows (“added” means that a new provision has been inserted and “am” means that the section was amended.)

CW (date) = Churchwide amendment to model constitution.

S (date) = Synod amendment to model constitution.

C (date) = Amendment by the congregation.

CC (date) = Continuing Resolution added by the congregation council.

BYLAWS

Bylaw provisions are located following appropriate constitution sections. Each bylaw provision is cited by a three digit number with a hyphen separating the digits. The first two digits refer to the constitution chapter and section and the third (following the second hyphen) indicates the bylaw section number. For instance § 1-02-01 refers to bylaw section one following section two of chapter one.

CATCHLINES

Each section contains a topical word or phrase, called a "catchline" which precedes the text of that section. The catchlines were inserted for the convenience of the user and are not part of the constitution, bylaws or resolutions to be considered in the construction of the section.

CHAPTER ANALYSIS

In addition to the Table of Contents on page iv following, each chapter is preceded by a listing of the catchlines within the section, this listing is called a “Chapter Analysis.” The Chapter Analysis enables the user to see its contents at a glance. Use of the Table of Contents and the Chapter Analysis can provide a quick understanding of the scope of each chapter of the constitution.

CODIFICATION

The provisions of the constitution, the bylaws and the continuing resolutions which pertain to the same matter have been placed together to the extent possible. The four types of material are identified by printing style as follows:

1. **Constitution sections are in bold face type like this.**
2. Bylaw sections are in plain Roman type like this.
3. *Continuing resolutions are printed in italic type like this.*
4. Compiler's notes and cross-references are printed in 9 point Roman type like this.

Each section of the constitution is cited by a two-digit number with a hyphen separating the digits. The first digit of the number (preceding the hyphen) designates the chapter number. Chapters are divided into sections which become the second digit in the citation (following the hyphen). For instance, § 1-01 refers to section one of chapter one.

Bylaw provisions are located following appropriate constitution sections. Each bylaw provision is cited by a three digit number with a hyphen separating the digits. The first two digits refer to the constitution chapter and section and third (following the second hyphen). indicates the bylaw section. For instance, § 1-02-01 refers to bylaw section one following section two of chapter one.

COMPILER'S NOTES

These notes immediately follow the section to which they pertain and inform the user about special circumstances connected with the section.

CONTINUING RESOLUTIONS

Continuing resolutions are located following appropriate constitution or bylaw sections and are codified with either two or three sets of digits to indicate the section it follows plus another set preceded by a capital letter and numerals to indicate the year of adoption. For instance § 11-01-05-C2001 would designate the third resolution adopted in 2001. This one relating to the duties of the Financial Secretary.

CROSS REFERENCES

Cross references refer the user to another section that may modify or supplement the section it follows, or to place it in context.

MANDATORY PROVISIONS

Certain provisions of this constitution (indicated by the plus symbol preceding the number, for instance see §+1-01, incorporates required provisions from the ELCA Model Constitution for Congregations. If these provisions are amended at a Churchwide Assembly, corresponding amendments are introduced at once into the congregation constitution. Sections so marked may not be amended by the congregation.

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**CONSTITUTION
OF
PEACE LUTHERAN CHURCH
CHARLOTTESVILLE, VIRGINIA**

Draft April 23, 2008

Based on ELCA 2007 version August 11, 2007



2008

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Cmw: 5/27/08: Page numbers will be indexed for final version.

INTRODUCTION

This constitution is consistent with the requirements of the constitutional governing documents of the ELCA's churchwide organization and synods*.

➤ **Required provisions:** Sections of this constitution marked by an asterisk [*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (neither additions nor deletions). This is in keeping with provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision stipulates that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. The provisions herein marked by an asterisk are those that are indicated as required in ELCA constitutional provision 9.25.b.

➤ **Review by synod:** In keeping with provisions that apply to all congregations of this church, each congregation is to provide a copy of its governing documents to the synod. As specified by ELCA bylaw 9.53.03. (numbering as listed in the 1991 and subsequent editions):

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall approve or disapprove the proposed changes within 120 days of receipt thereof, and shall notify the congregation of its decision; in the absence of a decision, the changes shall go into effect.

➤ **Codification explanation:** A numerical codification indicates (a) general subject, (b) constitutional provisions, (c) bylaws, and (d) continuing resolutions.

a. Major sectors are designated as chapters. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus, provisions in “Chapter 8. Membership” are preceded by “8.”

b. Constitutional provisions are codified with two sets of numbers: the chapter number and a two-digit number preceding the second period in the codification. Thus, one constitutional provision related to “Membership” is codified *C8.02.

c. Bylaw provisions are codified with three sets of numbers: the chapter number, the related constitutional provision number, and a two-digit number. Thus, one bylaw provision related to “Membership” would be codified C8.02.01. No such bylaws or continuing resolutions may conflict with this constitution, the constitution and bylaws of the Evangelical Lutheran Church in America, and the constitution of the Virginia synod, as indicated in *C6.03.e.

d. The Congregation Council may adopt “continuing resolutions,” which may provide descriptions of operational patterns or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. Within the governing documents of a congregation, continuing resolutions are the provisions most easily amended. Unlike constitutional provisions and bylaws, continuing resolutions may be updated regularly by the Congregation Council without the necessity of calling a regular or special Congregation Meeting. Continuing resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered C13. to designate the chapter; C13.07. to designate the subject matter within the chapter; and the third set might be numbered A07. in the codification C13.07.A07. to indicate by the “A” that it is the first continuing resolution regarding that subject and to indicate by the “07” that it was adopted in 2007.

➤ **References to church:** In the governing documents, “Church” with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words “church” and “this church” in lower case letters are employed, although, for clarity in this constitution, the full name or “ELCA” normally is used.

The specific congregation may be identified, as provided in C1.02., as “this congregation.”

➤ **Guidelines:** A list of guidelines for a congregation engaging in review and amendment of its constitution is available through each synod office and on the ELCA Web site (www.elca.org/secretary/Constitutions/ModelGuide.pdf).

The task of amending a constitution is not easy. It is, however, an important endeavor that merits thoughtful work. In your constitutional responsibilities, God grant you wisdom, mutual love, clear understanding of good order, and commitment to the unity of this church in faithful witness to our Lord and Savior, Jesus Christ.

* Much of this section was provided by the Model Constitution for Congregations of the ELCA by the Rev. Lowell G. Almen, Secretary, ELCA, on August 20, 2007

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We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

***PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

Chapter 1. NAME--DEFINITIONS

- 1-01** Name
- 1-01-99** DEFINITIONS
- 1-02** This Congregation
- 1-02-01 The Church
- 1-02-02 The ELCA
- 1-02-03 The Synod
- 1-02-04 The Bishop
- 1-02-05 Synod Council
- 1-02-06 The Council
- 1-02-07 Full Term

+1-01 Name--The name of this congregation shall be Peace Lutheran Church, Charlottesville, VA.

1-01-99 DEFINITIONS

+1-02 This Congregation--For the purpose of this constitution and the accompanying bylaws, Peace Lutheran Congregation is hereinafter designated as "this congregation."

1-02-01 The Church--"The Church" means, either, the Christian Church on earth or the Evangelical Lutheran Church in America, as appropriate in the context.

1-02-02 The ELCA--"The ELCA" means the Evangelical Lutheran Church in America.

1-02-03 The Synod--"The Synod" means the Virginia Synod of the Evangelical Lutheran Church in America.

1-02-04 The Bishop--"The Bishop" means the Bishop of the Virginia Synod of the Evangelical Lutheran Church in America.

1-02-05 Synod Council--"Synod Council" means the Synod Council of the Virginia Synod of the Evangelical Lutheran Church in America.

1-02-06 The Council--"The council" means the Congregation Council of Peace Lutheran Church.

1-02-07 Full Term--"Full Term" means more than one-half of a term.

Chapter 1.

NAME, DEFINITIONS, AND INCORPORATION

C1.01. The name of this congregation shall be Peace Lutheran Church, Charlottesville, Virginia.

* Required provision

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C1.02. For the purpose of this constitution and the accompanying bylaws, the congregation of Peace Lutheran Church, Charlottesville, Virginia is hereinafter designated as “this congregation.”

C1.02.01. “The ELCA” means the Evangelical Lutheran Church in America.

C1.02.02. “The Synod” means the Virginia Synod of the ELCA.

C1.02.03. “The Bishop” means the Bishop of the Virginia Synod of the ELCA.

C1.02.04. “Synod Council” means the Synod Council of the Virginia Synod of the ELCA.

C.1.02.05. “The Council” means the Congregational Council of Peace Lutheran Church.

C.1.02.06. “Constitution” implies this constitution, bylaws, and continuing resolutions.

C1.02.07. “Ex Officio” refers to members that are allowed to attend meetings with voice and no vote.

C.1.02.08. Term” means more than one half of a term.

C1.11. This congregation may decide to be incorporated under the laws of the Commonwealth of Virginia.

[Com 4/26/08: Awaiting legal advice for LC to recommend whether or not to incorporate.](#)

Chapter 2. CONFESSIO OF FAITH

- 2-01 [Triune God](#)
- 2-02 [Jesus Christ](#)
- 2-03 [Canonical Scriptures](#)
- 2-04 [Creeds](#)
- 2-05 [Augsburg Confession](#)
- 2-06 [Book of Concord](#)
- 2-07 [Gospel](#)

+2-01 [Triune God.--This congregation confesses the Triune God, Father, Son, and Holy Spirit.](#)

+2-02 [Jesus Christ.](#)

- (a) **This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.**
- (b) **Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.**
- (c) **The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.**
- (d) **The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.**

+2-03 [Canonical Scriptures.--This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.](#)

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- +2-04** **Creeds--This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.**
- +2-05** **Augsburg Confession--This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.**
- +2-06** **Book of Concord--This congregation accepts the other confessional writings in the Book of Concord, namely:**
- (a) **The Apology of the Augsburg Confession;**
- (b) **The Smalcald Articles and the Treatise;**
- (c) **The Small Catechism;**
- (d) **The Large Catechism; and**
- (e) **The Formula of Concord,**
- as further valid interpretations of the faith of The Church.**
- +2-07** **Gospel--This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain The Church for God's mission in the world.**

Chapter 2.**CONFESSION OF FAITH**

- *C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- *C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
- b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
- c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- *C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- *C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- *C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- *C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07.** This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3. NATURE OF THE CHURCH

3-01 Power

3-02 Fellowship of Congregations

+3-01 Power--All power in The Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under His rule and authority.

+3-02 Fellowship of Congregations--The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service.

(a) Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations.

(b) The ELCA, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful.

(1) In length, it acknowledges itself to be in the historic continuity of the communion of saints;

(2) In breadth, it expresses the fellowship of believers and congregations in our day.

Chapter 3.

NATURE OF THE CHURCH

*C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.

*C3.02. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

Chapter 4. PURPOSE--DUTIES--FUNCTIONS

4-01 Purpose

4-02 Duties

4-03 Functions

4-03-01 Baptism

4-04 Organization

4-04-01 Official Organizations

4-05 Mission Statement

+4-01 Purpose--The Church is a people created by God in Christ, EMPOWERED by the Holy Spirit, CALLED and SENT to bear witness to God's creative, redeeming, and sanctifying activity in the world.

+4-02 Duties--To participate in God's mission, this congregation as a part of The Church shall:

(a) Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.

(b) Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.

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- (c) **Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.**
- (d) **Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.**
- (e) **Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.**
- (f) **Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.**

+4-03**Functions.--To fulfill these purposes, this congregation shall:**

- (a) **Provide services of worship at which the Word of God is preached and the sacraments are administered.**
- (b) **Provide pastoral care and assist all members to participate in this ministry.**
- (c) **Challenge, equip, and support all members in carrying out their calling in their daily lives and in this congregation.**
- (d) **Teach the Word of God.**
- (e) **Witness to the reconciling Word of God in Christ, reaching out to all people.**
- (f) **Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.**
- (g) **Motivate its members to provide financial support for this congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.**
- (h) **Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.**
- (i) **Foster and participate in ecumenical relationships consistent with churchwide policy.**

4-03-01

Baptism.

- (a) This congregation is privileged and commissioned to baptize disciples into the body of Christ with water and the Holy Spirit in the name of the Triune God. The baptized member is thereafter privileged to live in that sacrament forever.
- (b) This congregation will welcome the newly baptized members into the Lord's family, receive them as fellow members of the Body of Christ and fellow workers in the kingdom of God.

+4-04

Organization.--This congregation shall develop an organizational structure to be described in the bylaws. The council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational groups and shall review their actions. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Council.] [am CW93.10.8]

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4-04-01 Official Organizations--The following organizations shall be developed within the structure of this congregation:

- (a) The Women of the ELCA.
- (b) Lutheran Men in Mission.
- (c) Youth.

+4-05 Mission Statement--**This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.**

Cross References. Annual review of mission statement, § 10-01-05.

Chapter 4.

STATEMENT OF PURPOSE

- *C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02. To participate in God's mission, this congregation as a part of the Church shall:
 - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- *C4.03. To fulfill these purposes, this congregation shall:
 - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
 - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- *C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Council.]
- *C4.05. This congregation shall, from time to time, adopt a mission statement which will provide specific

direction for its programs.

LC: 7/24/08: LC decided to remove specific mission statement and have it placed into the Policy & Procedures Manual

Chapter 5. POWERS OF THE CONGREGATION+

- 5-01+ Scope
- 5-02+ Congregation Meeting
- 5-03+ Delegation and Retention
- 5-04+ Assembly Voting Members

- +5-01 Scope--The powers of this congregation are those necessary to fulfill its purpose.
- +5-02 Congregation Meeting--The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- +5-03 Delegation and Retention--Only such authority as is delegated to the council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
 - (a) call a pastor as provided in Chapter 9;
 - (b) terminate the call of a pastor as provided in Chapter 9;
 - (c) call or terminate the call of associates in ministry, deaconess and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
 - (d) approve the annual budget;
 - (e) acquire real and personal property by gift, devise, purchase, or other lawful means;
 - (f) authorize the trustees to hold title to the property;
 - (g) use its property for any and all activities consistent with its purpose;
 - (h) authorize, by congregation meeting, trustees to sell, mortgage, lease, transfer or otherwise dispose of its property by any lawful means;
 - (i) elect its [officers,] Congregation Council, [boards, and committees,] and require them [the members of the council] to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
 - (j) terminate its relationship with the ELCA as provided in Chapter 6. [am CW93.10.8; CW95.09.06; CW95.09.08; CW03,08,09]
- +5-04 Assembly Voting Members--
 - (a) This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. [added CW93.10.8; CW95.09.08]
 - (b) The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by this synod.

Const./Bylaws/Cont.Res. May 20, 2007 to new draft 2008

Chapter 5.**POWERS OF THE CONGREGATION**

- *C5.01.** The powers of this congregation are those necessary to fulfill its purpose.
- *C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- *C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
 - b. terminate the call of a pastor as provided in Chapter 9;
 - c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
 - d. adopt amendments to the constitution, as provided in Chapter 17, and amendments to the bylaws, as specified in Chapter 16.
 - e. approve the annual budget;
 - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - g. hold title to and use its property for any and all activities consistent with its purpose;
 - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - i. elect its Congregation Council, trustees, and require them to carry out their duties in accordance with the constitution; and
 - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

Com 5/13/08: Recommend i. based on current practice. ELCA has other options allowed.

- *C5.04.** This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Virginia Synod of the Evangelical Lutheran Church in America.

- C5.05.** This congregation may have an endowment fund that will operate as specified in this congregation's bylaws and continuing resolutions. The purpose of the endowment fund is to provide for ministry work beyond the operational budget of this congregation.

Com: 3/18/08: LC voted to have endowment but C5.05 will require the Congregation to agree. Suggest replacing "shall" with "may".

Chapter 6. CHURCH AFFILIATION

- 6-01 [With The ELCA](#)
- 6-02 [Confession of Faith & Purposes of the ELCA](#)
- 6-03 [Relationship--Support](#)
- 6-03-01 [Worship](#)
- 6-03-99 [TERMINATION](#)
- 6-04** [Grounds](#)
- 6-05** [Procedure](#)
- 6-06** [Relocation](#)

+6-01 [With The ELCA--Discipline.--](#)

- (a) **This congregation shall be an interdependent part of the ELCA or its successor, and of the Virginia Synod of the ELCA**
- (b) **This congregation is subject to the discipline of the ELCA.**

+6-02 [Confession of Faith & Purposes of the ELCA.--This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall](#)

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act in accordance with them.

+6-03 **Relationship--Support**--This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:

- (a) This congregation agrees to be responsible for its life as a Christian community.
- (b) This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- (c) This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
- (d) This congregation agrees to consider associates in ministry, deaconesses and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- (e) This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod. [am CW93.10.08; CW;95.09.06]

6-03-01 Worship. As an expression of unity in Christ and the Lutheran traditions, the congregation will adhere to the approved official hymnal and forms of worship of the ALC, unless variations are authorized by the congregation itself.

6-03-99 TERMINATION

+6-04 **Grounds**--Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:

- (a) This congregation takes action to dissolve.
- (b) This congregation ceases to exist.
- (c) This congregation is removed from membership in the ELCA according to the procedures for discipline of the ELCA.
- (d) This congregation follows the procedures outlined in +§ 6-05.

+6-05 **Procedure**--This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:

- (a) A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
- (b) The secretary of this congregation shall submit a copy of the resolution:
 - (1) to the bishop and
 - (2) shall mail a copy of the resolution to voting members of this congregation.
 - (3) This notice shall be submitted within 10 days after the resolution has been adopted.

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- (c) **The bishop of the synod shall consult with this congregation during a period of at least 90 days.**
- (d) **If this congregation, after consultation, still desires to terminate its relationship, such action may be taken:**
 - (1) **at a legally called and conducted special meeting**
 - (2) **by a two-thirds majority of the voting members present,**
 - (3) **at which meeting the bishop of the synod or an authorized representative shall be present.**
 - (4) **Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.**
- (e) **A certified copy of the resolution to terminate its relationship shall be sent to the bishop, at which time the relationship between this congregation and the ELCA shall be terminated.**
- (f) **Notice of termination shall be forwarded by the bishop and to the secretary of the church and published in the periodical of the church.**
- (g) **If this congregation was a member of the ELCA it shall be required, in addition to the foregoing provisions in +§ 6-05, to receive synodical approval before terminating its membership in the ELCA.**
- (h) **Congregations that are established by the ELCA shall be required, in addition to the foregoing provisions in § 6-05, to receive synodical approval before terminating its membership in the church.**

+6-06**Relocation.**

- (a) **If this congregation is considering relocation, it shall confer with the bishop of the synod in which it is territorially located before any steps are taken leading to such action.**
- (b) **The approval of the Synod Council shall be received before any such action is effected.**

Chapter 6.**CHURCH AFFILIATION**

- *C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Virginia Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- *C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- *C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
 - a. This congregation agrees to be responsible for its life as a Christian community.
 - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
 - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
 - d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.

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- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.
- *C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
- This congregation takes action to dissolve.
 - This congregation ceases to exist.
 - This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
 - This congregation follows the procedures outlined in *C6.05.
- *C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
- A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
 - The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
 - The bishop of the synod shall consult with this congregation during a period of at least 90 days.
 - If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.
 - A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the Evangelical Lutheran Church in America shall be terminated.
 - Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

Com: 4/20/08: Per Keith Brown, VA Synod, g. and h. not needed for a former ALC church

- *C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

Chapter 7. PROPERTY OWNERSHIP

- 7-01 Dissolution
- 7-02 Removal From Membership
- 7-03 Transfer to Another Lutheran Body
- 7-04 Transfer to Non-Lutheran Body--Independence

+7-01 Dissolution.--If this congregation ceases to exist, title to undisposed property shall pass to the synod of the ELCA.

+7-02 Removal From Membership.--If this congregation is removed from membership in the ELCA according to its procedure for discipline, title to property shall continue to reside in this congregation.

+7-03 Transfer to Another Lutheran Body.

- If a two-thirds majority of the voting members of this congregation present at a regularly called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation.**
- Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Synod.**

+7-04 **Transfer to Non-Lutheran Body--Independence.**

- (a) **If a two-thirds majority of the voting members of this congregation present at a regularly called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council.**
- (b) **The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of the congregation.**
- (c) **If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the ELCA.**

Cross References. Disposition of property of a congregation which transfers to another church body or which ceases to exist, § 13.24, Synod Constitution; § 8.71, Churchwide Constitution.

Chapter 7.**PROPERTY OWNERSHIP**

- *C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Virginia Synod of the Evangelical Lutheran Church in America.
- *C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- *C7.03. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Virginia Synod.
- *C7.04. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

Chapter 8. MEMBERSHIP

- 8-01** **"Membership" Defined**
- 8-02** **Classification**
- 8-02-01 Privileges of Baptism
- 8-02-02 Duty of This Congregation
- 8-02-03 Privileges of Confirmation
- 8-03** **Application for Membership**
- 8-04** **Responsibilities**
- 8-04-01 Subscription to Constitution & Bylaws
- 8-04-99 TERMINATION
- 8-05** **Grounds**
- 8-05-01 Inactive and Nonresident Members
- 8-05-02 Responsibility List

+8-01 **"Membership" Defined.--Members of this congregation shall be:**

- (a) **those baptized persons on the roll of this congregation at the time that this constitution is adopted and**

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- (b) **those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.**

+8-02

Classification.--Members shall be classified as follows:

- (a) **Baptized members are those persons who:**
- (1) **have been received by the Sacrament of Holy Baptism in this congregation,**
or
 - (2) **having been previously baptized in the name of the Triune God:**
 - (A) **have been received by certificate of transfer from other Lutheran congregations, or**
 - (B) **by affirmation of faith.**
- (b) **Confirmed members are:**
- (1) **baptized persons who have been confirmed in this congregation,**
 - (2) **those who have been received by:**
 - (A) **adult baptism, or**
 - (B) **by transfer as confirmed members from other Lutheran congregations, or**
 - (3) **baptized persons received by affirmation of faith.**
- (c) **Voting members are confirmed members. Such confirmed members shall have communed and made a contribution of record during the current or preceding year.**
- (d) **Associate members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation.**
- (1) **They have all the privileges and duties of membership except:**
 - (A) **voting rights and eligibility for elected offices or**
 - (B) **membership on the council of this congregation.**

8-02-01

Privileges of Baptism.

- (a) The congregation is privileged and commissioned to "Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit" Matt. 28:19.
- (b) The baptized member is thereafter privileged to live in that sacrament forever.

8-02-02

Duty of This Congregation.--The congregation will welcome the newly baptized members into the Lord's family as fellow members of the Body of Christ, children of the same heavenly Father, and fellow workers in the kingdom of God.

8-02-03

Privileges of Confirmation.--Confirmation is a pastoral and educational ministry of the church which helps the baptized child through word and sacrament to identify more deeply with the Christian community and participate more fully in its mission.

+8-03

Application for Membership.--All applications for confirmed membership shall be submitted to and shall require the approval of the council.

+8-04

Responsibilities.--It shall be the privilege and duty of members of this congregation to:

- (a) **make regular use of the means of grace, both Word and sacraments;**

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- (b) **live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and**
- (c) **support the work of this congregation and of the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.**

8-04-01 Subscription to Constitution and Bylaws.--Members of this congregation subscribe to its constitution and bylaws in order to grow in their discipleship in Christ through spiritual discipline.

8-04-99 TERMINATION

+8-05 Grounds.

- (a) **Membership in this congregation shall be terminated by any of the following:**
 - (1) **Death;**
 - (2) **Resignation;**
 - (3) **Transfer or release;**
 - (4) **Disciplinary action by the council; or**
 - (5) **Removal from the roll due to inactivity as defined in the bylaws.**
- (b) **Persons who have been removed from the roll of members shall remain persons for whom the church has a continuing pastoral concern.**

8-05-01 Inactive and Nonresident Members.

- (a) A member who has not practiced the privileges and duties of membership as outlined in § 8-04 shall be visited by the pastor and representatives of the congregation as outlined in § 4-02.
- (b) A member who has moved out of the community served by the congregation should be counseled to participate in a local Lutheran congregation with a copy of the letter to the local pastor and referred to the ELCA Member Referral Service.
- (c) A member, having been inactive or having lived out of the community for one year and not responding to the ministrations of the pastor and other members, shall be removed from membership after having been informed of the provisions of this this section by letter.

8-05-02 Responsibility List.--Persons removed from membership under § 8-05-01 shall be retained on a responsibility list of the congregation, the pastor and the council for one year as an object of Christian nurture and concern as provided for members in § 4-02.

Chapter 8. MEMBERSHIP

- *C8.01. Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- *C8.02. Members shall be classified as follows:
 - a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
 - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards

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shall have the privilege of voice and vote at every regular and special meeting of the congregation.

- d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.
- *C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- *C8.04.** It shall be the privilege and duty of members of this congregation to:
- a. make regular use of the means of grace, both Word and sacraments;
 - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
 - c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
- *C8.05.** Membership in this congregation shall be terminated by any of the following:
- a. death;
 - b. resignation;
 - c. transfer or release;
 - d. disciplinary action by the Congregation Council; or
 - e. removal from the roll due to inactivity as defined in the bylaws. Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.
- C8.05.01.** A member who has not practiced the privileges and duties of membership as outlined in C8.04. shall be visited by the pastor or representatives of the congregation as outlined in C4.02.
- Cmw: 5/27/08: Changed pastor OR reps. appears that ELCA Member Referral Service in current version (8-05-01) does not exist; per Mr. Keith Brown at Synod – Pastor Gunsten also could not find. On ELCA web page one can search for church locations.
- C8.05.02. Members shall have received Holy Communion and made a contribution of record during the calendar year or they will be deemed inactive. Inactive members will be removed from the roles when they have informed the church leadership of their desire for removal.**
- LC: 9/18/08: C8.05.02 changed to address requirement of *C8.05 e.**
- C8.05.03.** Students, persons in military service, and other persons prevented from fulfilling responsibilities for membership for reasons deemed appropriate to the Congregation Council shall not be removed from the roll of members.
- Com: 3/18/08: Recommend adding 05.02 and 05.03 from King of Kings, Shelby Township, MI Constitution:
- C8.05.04.** Persons removed from membership under C8.05.02 shall be retained on a responsibility list of the congregation, the pastor and the council for one year as an object of Christian nurture and concern as provided for members in C4.02.

Chapter 9. THE PASTOR

9-01 The Call

9-01-01 Issue of The Call

9-01-02 Call of an Associate Pastor

9-02 Qualifications

9-03 Duties and Responsibilities

9-03-01 Receipt of Call by Pastor

9-03-02 Acceptance of Call

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- 9-04 Contents of Letter of Call
- 9-05 Tenure of Call--Termination
- 9-06 Interim Pastor
- 9-07 Rights and Duties of Interim Pastor
- 9-08 Final Financial Settlement by Congregation
- 9-08-01 final Financial Settlement by Pastor
- 9-09 Associate Pastors
- 9-09-01 Term of Associate Pastor
- 9-09-02 Definite Term for Associate
- 9-10 [Reserved]
- 9-11 Call for a Specific Term
- 9-12 Parochial Records--Congregation Membership
- 9-13 Annual Report to The Bishop

+9-01 The Call.

- (a) **Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting regularly called for that purpose.**
- (b) **Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.**

9-01-01 Issue of The Call.--After the congregation has voted to call a pastor, it shall issue a letter of call to the pastor-elect, in a form approved by the ELCA. The call shall be signed by the president and the secretary of this congregation and shall be attested by the bishop.

9-01-02 Call to an Associate Pastor. A call to a member of the clergy to be an associate pastor will be issued only with the concurrence of the pastor.

+9-02 Qualifications.--Only a member of the clergy roster of the ELCA or who has been recommended for it by the bishop may be called as a pastor of this congregation.

+9-03 Duties and Responsibilities.

- (a) **Consistent with the faith and practice of the ELCA, every ordained minister shall:**
 - (1) **preach the Word;**
 - (2) **administer the sacraments;**
 - (3) **conduct public worship;**
 - (4) **provide pastoral care; and**
 - (5) **speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.**
- (b) **Each ordained minister with a congregational call shall, within this congregation:**
 - (1) **offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;**
 - (2) **supervise all schools and organizations of this congregation;**
 - (3) **install regularly elected members of the council, and**
 - (4) **with the council administer discipline.**
- (c) **Every pastor shall:**
 - (1) **strive to extend the Kingdom of God in the community, in the nation, and abroad;**
 - (2) **seek out and encourage qualified persons to prepare for the ministry of the Gospel;**
 - (3) **impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and**

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(4) endeavor to increase the support given by this congregation to the work of the churchwide organization of the ELCA and of the Virginia Synod of the ELCA. [am CW93.10.8]

9-03-01 Receipt of Call by Pastor.

- (a) If a pastor of this congregation receives a letter of call to another ministry, the pastor shall immediately notify the council or this congregation.
- (b) The pastor will announce a decision to this congregation within thirty days and notify the bishop.

9-03-02 Acceptance of Call.--Following acceptance of a call to another ministry, the pastor's ministry in this congregation shall terminate within an additional thirty days unless a longer period of not more than three months is mutually agreed upon.

+9-04 Contents of Letter of Call.--The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call which shall be attested by the bishop.

+9-05 Tenure of Call--Termination.

- (a) **The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the bishop and for the following reasons:**
 - (1) **mutual agreement to terminate the call or the completion of a call for a specific term;**
 - (2) **resignation of the pastor which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;**
 - (3) **inability to conduct the pastoral office effectively in this congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;**
 - (4) **the physical or mental incapacity of the pastor;**
 - (5) **disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty; or**
 - (6) **the dissolution of this congregation, or**
 - (7) **suspension of the congregation as a result of disciplinary proceedings. [am CW]**
- (b) **In the case of alleged physical or mental incapacity of the pastor or ineffective conduct of the pastoral office, it shall be the responsibility of the bishop,**
 - (1) **when such difficulties are personally known or**
 - (2) **have been brought to the synod's attention by an official recital of allegations by the council, or**
 - (3) **by a petition signed by at least one-third of the voting members of this congregation,**

to investigate such conditions personally in company with a committee of two ordained ministers and one lay person.
- (c) **In case of alleged physical or mental incapacity competent medical testimony shall be obtained.**
 - (1) **When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant.**

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- (2) Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in this congregation or in another field of labor.
- (d) In the case of alleged local difficulties which imperil the effective functioning of this congregation, all concerned persons shall be heard, after which the bishop together with the committee described in +§ 9-05(b) shall decide on the course of action to be recommended to the pastor and this congregation.
 - (1) If they agree to carry out such recommendations, no further action shall be taken by the synod.
 - (2) If either party fails to assent, this congregation may dismiss the pastor by a two-thirds majority vote of the voting members present at a regularly called meeting after consultation with the bishop.
- (e) The foregoing procedure shall never be invoked when questions of doctrine, morality, or continued neglect of duty are involved, all such cases being treated as disciplinary matters.
- (f) If in the course of the proceedings, it should become apparent that the pastoral office cannot be conducted effectively in this congregation being served by the ordained minister due to local conditions,
 - (1) the bishop may temporarily suspend the pastor from service in this congregation
 - (A) without prejudice and
 - (B) with pay provided through a joint churchwide/synod fund and
 - (C) with housing provided by this congregation.

+9-06 Interim Pastor .--At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the council. [am CW93.10.8]

+9-07 Rights and Duties of Interim Pastor.

- (a) During the period of service, an interim pastor shall have the rights and duties in this congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop and this congregation or council.
- (b) The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.

+9-08 Financial Settlement Upon Termination.

- (a) This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor.
- (b) The pastor accepting a call to another ministry shall make satisfactory settlement of all financial obligations to this congregation before leaving.

+9-09 Associate Pastors.--When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the council, and the bishop. As occasion requires, the documents may be revised through a similar consultation.

9-09-01 Term of Associate Pastor. The term of an associate pastor shall be co-terminus with the pastor, provided that the associate pastor's term shall extend until the acceptance of call by a new pastor.

9-09-02 Definite Term for Associate. A call to an associate pastor may be for a definite time.

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9-10 [Reserved]

+9-11 Call for a Specific Term.--With the approval of the bishop, this congregation may depart from § 9-05(a) and call a pastor for a specific term.

- (a) Details of such calls shall be in writing setting forth the purpose and conditions involved.
- (b) Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of this congregation for a review of the call.
- (c) Such call may also be terminated before its expiration in accordance with the provisions of § 9-05(a). [am CW.9310.8.]

+9-12 Parochial Records--Congregation Membership.--

- (a) The pastor shall keep accurate parochial records of all:
 - (1) baptisms,
 - (2) confirmations,
 - (3) marriages,
 - (4) burials,
 - (5) communicants,
 - (6) members received,
 - (7) members dismissed, or
 - (8) members excluded from this congregation,

and shall submit a summary of such statistics annually to the synod.
- (b) The pastor shall be a member of this congregation.
- (c) In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

+9-13 Annual Report to The Bishop.--The pastor(s) shall submit a report of his or her ministry to the bishop at least 90 days prior to each regular meeting of the Synod Assembly.

Chapter 9.

THE PASTOR

- *C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.02. Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- *C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
 - a. Every ordained minister shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care; and
 - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
 - b. Each ordained minister with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;

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- 2) supervise all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council; and
 - 4) with the council, administer discipline.
- c. Every pastor shall:
- 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
 - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
 - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the Virginia_Synod of the ELCA.
- *C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.05.**
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation; or
 - 7) suspension of the congregation as a result of discipline proceedings.
 - b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
 - c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
 - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in *C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - e. If, in the course of proceedings described in *C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
 - f. If, following the appointment of the committee described in *C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).
- *C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.

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- *C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
- *C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- *C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.

~~**C9.09.01.** The term of an associate pastor shall be co terminus with the pastor, provided that the associate pastor's term shall extend until the acceptance of call by a new pastor.~~

LC: 7/24/09: C9.09.01. removed.

- *C9.11.** With the approval of the bishop of the synod, the congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
- *C9.12.** The pastor of this congregation:
- shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - shall submit a summary of such statistics annually to the synod; and
 - shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- *C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- *C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

~~**C9.20. — Ecumenical pastoral ministry**~~

LC: 7/24/07: Removed as it is not needed.

- C9.21.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

Chapter 10. CONGREGATION MEETINGS

10-01	<u>Annual Meeting</u>
10-01-01	<u>Time and Place of Annual Meeting</u>
10-01-02	<u>Roster of Voting Members</u>
10-01-03	<u>Reports to the Annual Meeting</u>
10-01-04	<u>Agenda for Meetings</u>
10-01-05	<u>Nominations from Floor</u>
10-02	<u>Special Meetings</u>
10-03	<u>Notice of Meetings</u>

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10-04	<u>Quorum</u>
10-05	<u>Proxy or Absentee Voting</u>
10-06	<u>Majority Vote</u>
10-07	<u>Robert's Rules of Order</u>

10-01 Annual Meeting.--The annual meeting of this congregation shall be held at a time specified in the bylaws.

10-01-01 Time and Place of Annual Meeting.--The annual congregation meeting shall normally be held on the last Sunday of Easter at a time and place designated by the council.

10-01-02 Roster of Voting Members.

- (a) The roster of voting members will be reviewed by the council prior to the regular annual congregation meeting and each special congregation meeting.
- (b) The official roster of voting members will be available at each meeting of this congregation.

10-01-03 Reports to the Annual Meeting.

- (a) Each organization, the pastor and each officer except the secretary shall furnish a report to the secretary thirty days in advance of the annual meeting.
- (b) Each report will include, in addition to activities during the year, budgets and goals for the coming year.
- (c) The secretary will provide for the preparation of a consolidated annual report for publication and presentation to each voting member at the annual meeting.

10-01-04 Agenda for Meetings.--The agenda for congregation meetings will be prepared by the pastor and the president and approved by the council and will be presented to the voting members with the notice of the meeting.

10-01-05 Nominations From the Floor. Nominations may be made from the floor for any election held in a meeting of this congregation provided that the nominees are present at the meeting to deliver both qualifications and acceptance or that such qualifications and acceptance are presented in writing to the secretary before the call to order.

10-02 Special Meetings.

- (a) **A special congregation meeting may be called by:**
 - (1) **the pastor,**
 - (2) **the Congregation Council, or**
 - (3) **the president of this congregation, or**
 - (4) **by the president of the congregation upon the written request of at least ten voting members or 5% of the voting members, whichever is greater.**
- (b) **The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted. [am93.10.8]**

10-03 Notice of Meetings.

- (a) **Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays or by mail to all voting members at least 10 days in advance of the date of the meeting.**

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- (b) **The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.[am CC95.11.12]**

10-04 Quorum--At least 10 voting members or 15% of the voting members, whichever is greater, shall constitute a quorum.

10-05 Proxy or Absentee Voting--Voting by proxy or by absentee ballot shall not be permitted.

10-06 Majority Vote--All actions by this congregation shall be by majority vote except as otherwise provided in this constitution and its bylaws.

10-07 Robert's Rules of Order--Except as otherwise provided in this constitution and bylaws, Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

Chapter 10.

CONGREGATION MEETING

C10.01. The annual meeting of this congregation shall be held at a time specified in the bylaws.

C10.01.01. The Annual Congregational Meeting shall be held in the month of May, if practical, at a time and location determined by the Congregation Council.

C10.01.02. The roster of voting members will be reviewed by the council prior to the regular annual congregation meeting and each special congregation meeting. The official roster of voting members will be available at each meeting of this congregation.

C10.01.03. Standing committees as defined by the Council, the Pastor, the Council President, the Treasurer, Financial Secretary, and Audit Committee shall furnish a report to the Council Secretary for the annual meeting. The reports will be provided allowing the Secretary time to provide for the preparation of a consolidated annual report for publication and presentation to each voting member to be either mailed with the notice of the meeting (per C10.03.), or to be available at the annual meeting for each voting member. Each report will include at least activities during the year and other items as required by the Council. The Treasurer will provide a summary of financial information for the last fiscal year and current year to date.

LC/cmw: 7/24/08: Added "fiscal" to last line of C10.01.03.

Com: 3/12/08; Revised to allow Council to determine which standing committees should report, only Council President (not Vice President), and including Financial Secretary and Treasurer (officers). Also allows reports to either be mailed out with notice of annual meeting or to be presented to each voting members at the meeting. Removes budgets and goals for the coming year since meeting is currently held mid-financial year (May).

C10.01.04. The agenda for congregation meetings will be prepared by the pastor and the president and approved by the council and will be presented to the voting members with the notice of the meeting.

C10.01.05. Nominations may be made from the floor for any election held in a meeting of this congregation provided that the nominees are present at the meeting to deliver both qualifications and acceptance or that such qualifications and acceptance are presented in writing to the secretary before the call to order.

C10.02. A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, or shall be called by the president of the congregation upon the written request of at least ten voting members or 10% of the voting members, whichever is greater. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.

Com: 3/18/08: Model recommends "...and shall be called..." Recommend 10% instead of 5% - to have a higher threshold.

C10.03. Notice of all meetings of this congregation shall be given at the regularly scheduled worship services on

the preceding two consecutive services or by mail to all voting members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.

Com: 3/18/08: Suggested since we may have services other than Sundays.

- C10.04.** At least 10 voting members or 15% of the voting members, whichever is greater, shall constitute a quorum.
- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07.** Except as otherwise provided in this constitution, *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

Chapter 11. OFFICERS

- 11-01** Enumerated
- 11-01-01 President
- 11-01-02 Vice President
- 11-01-03 Secretary
- 11-01-04 Treasurer
- 11-01-04-A-C-2008 Assistant Treasurer
- 11-01-05 Financial Secretary
- 11-01-05-A-C-2008 Assistant Financial Secretary
- 11-01-05-C-2001 Additional Duties
- 11-02** Election of Officers
- 11-02-01 Source of Officer Candidates
- 11-02-02 Meeting Attendance
- 11-03** Multiple Office Holding—Consecutive Terms
- 11-04** Officers of the Congregation

11-01 Enumerated.--The officers of this congregation shall be a president, vice-president, secretary, financial secretary and treasurer.

- (a) **Duties of the officers shall be specified in the bylaws.**
- (b) **The officers shall be voting members of this congregation.**

11-01-01 President.--The president shall:

- (a) Preside at all meetings of this congregation, the council and the executive committee.
- (b) Coordinate the work of all of the committees of this congregation and of the council.
- (c) Carry out the will of this congregation as provided by this constitution and its bylaws and the standing resolutions of this congregation.
- (d) With the pastor appoint members of the mutual ministry committee.
- (e) Deliver an annual report to this congregation.
- (f) Execute letters of call.
- (g) Sign all checks in the absence of the Treasurer.

11-01-02 Vice President.--The vice president shall:

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- (a) Perform the duties of the president in the president's absence, incapacity or at the president's request.
- (b) Chair the planning committee.
- (c) Act as parliamentarian at congregation and council meetings.

11-01-03 Secretary. The secretary shall:

- (a) Record proceedings of this congregation and the council.
- (b) Distribute copies of council minutes to members and to standing committee chairs.
- (c) Retain and codify secretarial records to be filed permanently in the church office keeping a duplicate personal set of records which shall be turned over to the successor.
- (d) Keep attendance record of each council meeting and advise the president of absentees and the reason for absences. Notify members having two unexcused absences.
- (e) Select council member to lead opening and closing devotions for each council meeting.
- (f) Announce all congregation and council meetings and arrange for meeting place.
- (g) Maintain membership records keeping a roster of voting members available at each congregation meeting, council meeting and maintain a roster of officers, council members and congregation and council committee members.
- (h) Assist the president with agenda items, calling attention to matters deferred or referred to committees for further study and recommendations.
- (i) Maintain a register of congregation and council resolutions and policies.
- (j) Recommend closure when appropriate.
- (k) Execute letters of call to pastors on behalf of this congregation.
- (l) Be responsible for safekeeping of all official congregation documents.
- (m) Provide for the compilation and preparation of a consolidated annual report for publication and distribution to each voting member at the annual meeting.
- (n) Notify the nominating committee of all offices to be filled 90 days prior to the annual meeting where elections take place and of vacancies which must be filled by the council.

11-01-04 Treasurer.--The treasurer shall:

- (a) Supervise the financial records and securities of this congregation.
- (b) Render a monthly statement of income and expense to the council.
- (c) Sign all checks for monthly disbursements. The president of this congregation will sign checks in the absence of the treasurer.
- (d) Deliver an annual financial report to this congregation at the annual meeting.
- (e) Serve as a member of the Finance and Business Management Committee ex officio with vote.

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- (f) Develop financial policies and procedures for cash management, annual budgeting, fund accounting and annual audit.

11-01-04-A-C-2008 Assistant Treasurer.

- (a) The Leadership Council may appoint one or more Assistant Treasurers for terms of one year.
- (b) An Assistant Treasurer shall perform the duties of the Treasurer as delegated by the Treasurer and agreed to by the Council.
- (c) An Assistant Treasurer may serve as a member of the Finance and Business Management Committee with voice and vote.

Cmw 5/27/08: Added by LC April 10, 2008

Cross Reference. Two signatures required on checks in the amount of \$2,500 or more, § 12-06-03-E-2001.

11-01-05 Financial Secretary.--The financial secretary shall:

- (a) Direct the counting, depositing and recording of all contributions, fees, gifts and bequests received.
- (b) Reconcile deposits to contributors records.
- (c) Issue quarterly statements to contributors.
- (d) Serve as a member of the stewardship committee ex officio with vote.
- (e) Prepare an annual report to this congregation.
- (f) Maintain the confidentiality of individual contribution records.
- (g) Monitor cash management policies and procedures and make recommendations for changes.

§ 11-01-05-C-2001. Additional Duties. In addition to the duties of the financial secretary set out in § 11-01-05, the financial secretary shall:

- (a) *Set an example, by the grace of God, leading a Godly life in Christ and generously and proportionately supporting the total program of the Congregation.*
- (b) *Attend regular worship and participate in Holy Communion.*
- (c) *Direct the counting and depositing of all contributions, fees, figts and bequests received:*
 (1) *Recruit, train and schedule counters so that offerings are counted and deposited after each days worship services.*
 (2) *Implement the Guidelines for Responsible Handling of Money [§ 12-06-03-A-2001] as approved by the Congregation Council.*
- (d) *Record the contributions on member's accounts.*
- (e) *Receive, deposit and render appropriate reports of funds of Congregation auxiliaries and organizations.*
- (f) *Review and initial the bank account reconciliations prepared by the Audit Committee*
- (g) *Report to the Congregation Care Committee and the Pastor any contribution pattern that might indicate a need for attention.*
- (h) *Serve as a member of the Congregation Council as a voting member*
- (i) *Present a written monthly report to the Congregation Council. [added 2/11/01]*

11-01-05-A-C-2008 Assistant Financial Secretary.

- (a) The Leadership Council may appoint one or more Assistant Financial Secretaries for terms of one year.

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(b) An Assistant Financial Secretary shall perform the duties of the Financial Secretary as delegated by the Financial Secretary and agreed to by the Council.

(c) An Assistant Financial Secretary may serve as a member of the Finance and Business Management Committee with voice and vote.

Cmw 5/27/08: Added by LC April 10, 2008

11-02 Election of Officers.

- (a) **Prior to July 1 of each year the president shall convene an organization meeting of the members of the council elected to serve for the following year.**
- (b) **At this meeting the council-elect shall elect a president, a vice-president, a secretary, a treasurer and a financial secretary for terms of one year each.**

11-02-01 Source of Officer Candidates.--The president and the vice president shall be elected from the council's own membership, the secretary, the treasurer and the financial secretary may be elected from its own membership or from the voting members of this congregation.

11-02-02 Meeting Attendance.--Officers not members of the council shall attend council meetings and be accorded the privilege of voice without vote.

11-03 Multiple Office Holding--Consecutive Terms.—

- (a) **No officer shall hold more than one office at a time.**
- (b) **No elected officer shall be eligible to serve more than three consecutive terms in the same office.**

11-04 Officers of the Congregations.--The officers shall hold similar offices in this congregation.

Chapter 11. OFFICERS

C11.01. The officers of this congregation shall be a president, vice president, and secretary. The treasurer and financial secretary are members *ex officio* in that they may participate in **council** meetings with voice and not vote.

Cmw: 8/26/08: Added “council” for clarity and not to restrict in finance meetings.

Cmw: 3/16/08: Based on initial discussions with LC 3/13/08.

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of the congregation.
- c. The Congregation Council elects its officers, the president, vice president, and secretary from the elected membership of the Congregation Council.

Com: 3/18/08: Recommended by ELCA Model and for clarity

C11.01.01 The duties of the president:

- a. Preside at all congregational meetings of this congregation, and the council, and other meetings as specified in the Policy and Procedures Manual. and the executive committee.
- b. Coordinate the work of all of the committees of this congregation and of the council.
- c. Carry out the will of this congregation as provided by this constitution and its bylaws and the standing resolutions of this congregation.
- d. Deliver an annual report to this congregation.
- e. Execute letters of call.
- f. Sign all checks in the absence of the treasurer and assistant treasurers.
- g. Perform other duties as assigned by the Policy and Procedures Manual.

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LC/cmw: 7/24/08: Added in per current constitution, less “mutual ministry committee” sub-paragraph and added the PPM clause for other duties, as long as they do not conflict with these. Cmw added to sub-paragraph f. “...and assistant treasurers.”

Cmw: 8/26/08: Rewrote a. to clarify which meetings and remove “executive committee” as it is not used in new constitution as a bylaw (it could be placed in PPM).

C11.01.02 The duties of the vice president:

- a. Perform the duties of the president in the president's absence, incapacity or at the president's request.
- b. Act as parliamentarian at congregation and council meetings.
- c. Perform other duties as assigned by the Policy and Procedures Manual.

LC/cmw: 7/24/08: Added in per current constitution, less “Chair the planning committee” sub-paragraph and the PPM clause was added.

C11.01.03 The duties of the secretary:

- a. Record proceedings of this congregation and the council and distribute copies of council minutes to members and to standing committee chairs.
- b. Provide official church correspondence as required in this constitution.
- c. Maintain and safeguard all official congregation documents to include membership records, keeping a roster of voting members available at each congregation meeting, maintaining a roster of officers, council members and committee members.
- d. Maintain a register of congregation and council resolutions and policies.
- e. See that the Policy and Procedures Manual is kept up to date.
- f. Provide for the compilation and preparation of a consolidated annual report for publication and distribution to each voting member at the annual meeting.
- g. Perform other duties as assigned by the Policy and Procedures Manual.

LC/cmw: 7/24/08: Condensed from current constitution. Added about keeping the PPM up to date, and added the PPM clause. Note that cmward added c. to reflect other duties in providing correspondence throughout this constitution. Note that f. was left in since it is also covered in this new constitution under Chapter C10.01.03

C11.01.04 The duties of the treasurer:

- a. Supervise the financial records and securities of this congregation.
- b. Render a monthly statement of income and expense to the council.
- c. Sign all checks for monthly disbursements. The president of this congregation will sign checks in the absence of the treasurer and assistant treasurers.
- d. Deliver an annual financial report to this congregation at the annual meeting.
- e. Serve as a member of the finance ~~and Business Management~~ committee ~~ex-officio~~ with vote.
- f. Develop financial policies and procedures for cash management, annual budgeting, fund accounting and annual audit.
- g. Perform other duties as assigned by the Policy and Procedures Manual.

LC/cmw:7/24/08: Added some from current constitution, except added in sub-paragraph c. “...and assistant treasurers.”; for e. struck out “and Business Management” and “ex-officio”, and added PPM statement. Note that “vote” implies “voice and vote”.

C11.01.05 The duties of the assistant treasurer:

- a. The council may appoint one or more assistant treasurers for terms of one year.
- b. An assistant treasurer shall perform the duties of the treasurer as delegated by the treasurer and agreed to by the council.

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- c. An assistant treasurer may serve as a member of the finance committee with vote.
- d. Perform other duties as assigned by the Policy and Procedures Manual.

LC/cmw: 7/24/08: Added from current continuing resolution in current constitution, updating to conform to this constitution.

C11.01.06 The duties of the financial secretary:

- a. Direct the counting, depositing and recording of all contributions, fees, gifts and bequests received.
- b. Reconcile deposits to contributors records.
- c. Issue quarterly statements to contributors.
- d. Serve as a member of the finance committee with vote.
- e. Prepare an annual report to this congregation.
- f. Maintain the confidentiality of individual contribution records.
- g. Monitor cash management policies and procedures and make recommendations for changes.
- h. Perform other duties as assigned by the Policy and Procedures Manual.

LC/cmw: 7/24/08: Added from current constitution, except previous continuing resolutions, and added PPM statement.

C11.01.07 The duties of the assistant financial secretary:

- a. The council may appoint one or more assistant financial secretaries for terms of one year.
- b. An assistant financial secretary shall perform the duties of the financial secretary as delegated by the financial secretary and agreed to by the council.
- c. An assistant financial may serve as a member of the finance committee with vote.
- d. Perform other duties as assigned by the Policy and Procedures Manual.

LC/cmw: 7/24/08: LC: 7/24/08: Added from current continuing resolution in current constitution, updating to conform to this constitution.

C11.02. The officers shall be elected by the Congregation Council by written ballot or voice-vote from the council's own membership and shall serve for one year or until their successors are selected. The term shall begin at the first council meeting after the Annual Congregational meeting.

C11.02.01 At the first Council meeting after the annual meeting, to be held within 30 days after the annual meeting, the previous Council president, or vice-president, if the president is not available, or the secretary, if both the previous president and vice-president are not available, will have the authority only to open the meeting with the first order of business being the election of the new Council president. Once the president is elected, the new president will conduct the remainder of the meeting, to include election of other officers. In case neither the previous president, vice-president, or secretary, are available to open the meeting, then the pastor will open and conduct the meeting to elect the president as described above.

Com: 3/18/08: Recommended by committee. The only governance role for the previous president is to have the meeting within 30 days and see that a new president is elected as the first order of business.

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12. THE COUNCIL--TRUSTEES

12-01-A2007	Organization Continuing Resolution
12-01	<u>Membership</u>
12-02	<u>Election of Members</u>
12-02-01	<u>Term of Office</u>
12-02-02	<u>Installation</u>

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12-02-03	<u>Consecutive Terms</u>
12-03	<u>Vacancies</u>
12-04	<u>Meetings</u>
12-05	<u>Quorum</u>
12-05-99	<u>POWERS AND DUTIES</u>
12-06	<u>Generally</u>
12-06-01	<u>Spiritual Care</u>
12-06-02	<u>Administration</u>
12-06-03	<u>Business and Finance</u>
12-06-03-A-2001	<u>Responsible Handling of Money</u>
12-06-03-B-2001	<u>Designated Funds</u>
12-06-03-D-2001	<u>Petty Cash Fund</u>
12-05-03-E-2001	<u>Disbursements over \$2,500</u>
12-06-04	<u>Buildings & Property</u>
12-06-05	<u>Personnel</u>
12-19-99	<u>TRUSTEES</u>
12-20	<u>Title to Property</u>
12-21	<u>Qualifications</u>
12-22	<u>Election</u>
12-23	<u>Appointment by Court</u>
12-24	<u>Term of Office</u>
12-25	<u>Duties</u>
12-26	<u>Vacancies</u>

12-01-2007888A Organization Continuing Resolution. –

Preamble: This [two year] Continuing Resolution is proposed to this congregation in response to the direction of this congregation at its annual meeting on May 15, 2005 which instructed the Leadership Team “to reorganize the ministry structure of this congregation for a trial period to conform to the Mission Statement unanimously approved at a special congregation meeting on December 5, 2004.”

I. Leadership Council

A. Duties & Responsibilities.

1. The Leadership Council is the governing body of this congregation for the duration of this Continuing Resolution.
2. All references to the Congregation Council in the Constitution, Bylaws and Continuing Resolutions of this congregation are deemed to refer to the Leadership Council during the duration of this Continuing Resolution.
3. The Leadership Council directs overall strategies consistent with Statements of Mission, Vision and Core Values of this congregation.

B. Membership.

1. The Pastor(s), ex officio.
2. Not more than six members of this congregation, called by this congregation from its voting membership, serving through election by this congregation.
3. The President, Vice-President, and Secretary, appointed by the Council from its elected membership.
4. The Treasurer and Financial Secretary appointed by the Council from within its elected membership or from the membership of this congregation at large. The Treasurer and Financial Secretary, if appointed from members of this congregation at large, may, at their discretion, participate in Leadership Council meetings with voice and vote.
5. Director of Operations or Administration, ex officio, if called by this congregation.

C. Terms. Members shall serve for the duration of this Continuing Resolution.

II. Discipleship (Process) Team

A. Duties & Responsibilities.

1. Manage the programs and ministries of this congregation to conform to the Mission Statement approved by this congregation on December 5, 2004.
2. Adhere to Statements of Mission, Vision and Core Values of this congregation.

B. Membership.

1. The Senior Pastor, ex officio.

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2. Ministry leaders, called and gifted, serving at the discretion of the Pastor.
 3. One elected member from the Leadership Council.
 4. Additional members from discipleship process ministry teams.
- C. Terms. Members shall serve at the discretion of the Pastor.

III. Discernment (Servant/Leader Development) Team

- A. Duties & Responsibilities.
1. The Discernment Team, formerly called the Nominating Committee, is the team that enables members of this congregation to discover their spiritual gifts and guides those with appropriate gifts and maturity in the process of discerning the call to leadership positions and to be servants.
 2. The team will work with prospective ministry leaders, congregational officers, and servants through a call process of discernment and agreement on mutual expectations.
- B. Membership.
1. The Senior Pastor, ex officio,
 2. Two elected members of the Leadership Council and
 3. Two members-at-large appointed from this congregation's voting membership by the Leadership Council.
- C. Terms. Members shall serve for the duration of this Continuing Resolution.

- IV. **Commitment of Leaders.** Each member of the Leadership Council, the Discipleship Team and the Discernment Team, as well as all other ministry and small group leaders of this congregation will strive to model a path of discipleship consistent with the mission of this congregation:

God Loves us and calls us to

Love God – in regular worship and daily prayer;

Love One Another – through involvement in small groups and/or a Discipleship Triad;

Grow in Christ – through daily reading of the Bible, regular devotional study and/or use of a Transformation Journal, participation in education through church and/or synod programs and events, and practicing intentional stewardship which includes the sharing of spiritual gifts and giving of a percentage of income moving toward tithing; and

Go in Christ – by serving the church, the community-at-large, and the world, and by speaking the Good News of God's Love and Grace to all people.

V. Annual Spending Plan.

- A. A proposed annual spending plan will be prepared by the Finance Ministry Team each fall, in partnership with the Leadership Council and Discipleship Team.
- B. The annual spending plan will include adequate support for the ongoing mission of this congregation, which includes resources for small group and team ministries, as well as necessary staff and facility to support them, with due consideration of the financial strength and position of this congregation.
- C. The Leadership Council assumes the primary responsibility for the stewardship of all financial resources and is accountable for such to this congregation.
- D. The Leadership Council delegates the management of ministry resources to the Discipleship Team, which remains accountable to the Leadership Council for working within established guidelines and expectations
- E. The Leadership Council delegates day to day management of the Treasurer and Financial Secretary roles and responsibilities to the Finance Ministry Team, which remains accountable to the Leadership Council for working within established guidelines and expectations.

VI. **Joint meetings.** Joint meetings of the Leadership Council, the Discipleship Leadership Team, may be called as necessary:

A. To develop and review mission strategy..

B. With the Finance Ministry Team, to formulate the final spending plan to be presented to the congregation at its fall meeting and as necessary to consider changes in and/or implementation of the spending plan.

VII. **Constitution and Bylaws.** Within the two-year period ending June 30, 2009, the Constitution, By-laws and Continuing Resolutions must be revised to conform to one another.

- VIII. **Amendment.** This Continuing Resolution may be amended by a majority vote at any special meeting of this congregation properly called for that purpose prior to July 1, 2009.

- IX. Effective Date.** The provisions of this Continuing Resolution are effective from July 1, 2007 through June 30, 2009, unless otherwise amended or terminated.

12-01 **Membership.--**

- (a) **The voting membership of the council shall consist of:**
- (1) **the pastor(s),**
 - (2) **not more than 12 members of this congregation and**
 - (3) **the officers of this congregation.**
- (b) **Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office.**
- (c) **A member's place on the council shall be declared vacant if the member:**
- (1) **ceases to be a voting member of this congregation; or**
 - (2) **is absent from two successive regular meetings of the council without cause.**

12-02 **Election of Members.--**The members shall be elected by a written ballot at a legally called meeting of this congregation normally during the season of Easter.

12-02-01 **Term of Office.--**The term of office of members shall be for three years with the term beginning on July 1 with tenure so arranged that one-third of the terms expire annually.

12-02-02 **Installation.--**Newly elected members shall normally be installed at worship on Pentecost Sunday.

12-02-03 **Consecutive Terms.--**Members shall be eligible to serve no more than two full consecutive terms.

12-03 **Vacancies.--**Should a member's place on the council become vacant, the council shall elect, by majority vote, a successor until the next annual meeting.

12-04 **Meetings.**

- (a) **The council shall normally meet once a month.**
- (b) **The dates, time and place of the monthly meetings of the council shall be set by the council.**
- (c) **Special meetings of the council may be called by:**
- (1) **the pastor,**
 - (2) **the president or**
 - (3) **at least one-half of the members of the council.**
- (d) **Notice of all council meetings shall be given to each member of the council and the pastor at least seven days in advance of the meeting.**

12-05 **Quorum.--**The quorum for any council meeting will be a simple majority of the total membership of the council.

12-05-99 **POWERS AND DUTIES**

12-06 **Generally.--**The council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the ELCA. The duties of the council shall include the following:

- (a) **Lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.**
- (b) **Seek to involve all members of this congregation in worship, learning, witness, service, and support.**

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- (c) **Oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.**
- (d) **Maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.**
- (e) **Set an example individually and corporately of the style of life and ministry expected of all baptized persons.**
- (f) **Promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.**
- (g) **Arrange for pastoral service during the sickness or absence of the pastor.**
- (h) **Provide for the services of an interim pastor in consultation with the bishop should the office of pastor be vacant.**
- (i) **Emphasize partnership with the synod and churchwide units of the ELCA as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the ELCA.**
- (j) **Recommend and encouraging the use of program resources produced or approved by the ELCA.**
- (k) **Supervise the rosters of baptized, confirmed and voting members.**
- (l) **Provide for implementation of new members and the divesture of departing members of this congregation.**

12-06-01

Spiritual Care--The council has the following duties of spiritual care:

- (a) Exercise general oversight of the spiritual life, mission and ministry of this congregation that all may be done according to the word of God and this constitution and its bylaws.
- (b) Approve applications for membership in this congregation.
- (c) Approve modifications in worship as recommended by the worship and music committee.
- (d) In consultation with the pastor and within the limits recommended by the ELCA, designate the age,
 - (1) At which baptized members may receive first communion and
 - (2) For the rite Affirmation of Baptism.
- (e) Provide for the spiritual care of all congregational members.
- (f) Support inactive members through prayer, visitation and a nurturing and caring ministry.

12-06-02

Administration--The council shall be the administrative board of this congregation, and as such has the following duties:

- (a) To see that the provisions of this constitution, its bylaws and continuing resolutions are carried out.
- (b) Render annual and special reports of activities and plans to this congregation.
- (c) Administer discipline in this congregation.

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- (d) Support the pastor according to the letter of call.
- (e) Provide for internal and external communications, advertising and public relations.
- (f) Encourage fellowship and shepherding groups in this congregation.
- (g) Support auxiliary organizations in this congregation.
- (h) Oversee the preparation of a long range plan and report long range plans to this congregation at the annual meeting.
- (i) Preserve historical archives of this congregation.
- (j) Prepare and distribute a directory of members at least annually.
- (k) Coordinate all of the programs and ministries of this congregation and direct ministry functions not otherwise specified to the most appropriate standing committee or to a task force.

12-06-03

Business and Finance. The council shall be responsible for the business and financial affairs of the congregation and have the following duties:

- (a) Consolidate all funds of this congregation in a unified budget using a voucher system for disbursements and approve all depositories of funds.
 - (1) An annual budget should be developed for presentation to his congregation at the annual meeting.
 - (2) The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and the ELCA.
 - (3) Requests for expenditures must be submitted in writing to the chair of the Finance and Business Management Committee prior to a regular or special meeting of the council.
- (b) Authorize expenditures up to the budgeted amount plus ten percent.
 - (1) No expenditure, whether it is budgeted or not, shall be approved unless there are uncommitted funds on deposit sufficient to cover the amount of the expenditure. The monthly treasurer's report shall show the amount of uncommitted funds on deposit.
 - (2) If the total amount of the requests for approval of expenditures, budgeted or unbudgeted, exceeds the amount of uncommitted funds available, the council shall determine the priority of approval of requests for payment.
 - (3) One-twelfth of the annual commitment of this congregation for the mission and ministry of the Virginia Synod and the ELCA shall be paid to the synod office monthly.
- (c) Determine that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations.
 - (1) A written audit procedure for all expense and income transactions shall be developed and implemented.
 - (2) The adequacy of all insurance policies shall be determined and reported to this congregation at the annual meeting.
- (d) Responsibility for this congregation's investments.
- (e) Authorize all extra-budget appeals for funds to this congregation.

§ 12-06-03-A-2001. Responsible Handling of Money.

- (a) *A climate of personal trust is usually assumed in the congregational setting. That is healthy and proper. Prudent and consistent practices in handling money are needed to maintain a trustful climate.*
- (b) *These guidelines should not be interpreted as a lack of trust in the congregation financial officers. Rather, they seek to protect such trust. No person with this kind of responsibility should be placed in a position where any suggestion of mishandling of funds must be defended by the word of one person against that of another. These guidelines are intended to provide verification and support for sound practices at every step.*
- (c) *The assurance of fiduciary responsibility also is applicable to this congregation's auxiliaries and organizations. The Congregation Council is constitutionally responsible for the financial and property matters of the congregation. Funds under the direction of the Congregation Council should be in a single checking account and investment program. Congregational auxiliaries and organization may be included in this system, authorizing disbursement of funds through the congregation's treasurer with vouchers for payment.*
- (d) *The financial reports to the Congregation Council and congregation should include all funds, accounts and investments of the congregation and its auxiliaries and organizations. No information should be withheld.*
- (e) *In some areas of its work and mission, congregations may not follow the same practices as businesses follow. However, in accounting and in the handling of cash funds, congregations follow the same standards and safeguards that apply to standard business practices.*
- (f) **CASH HANDLING PRINCIPLES.** *Handling money in the congregation involves some general principles:*
 - (1) *No individual should be required or allowed to handle the congregation's offerings or other funds alone at any time.*
 - (2) *Offerings and other congregation funds should never be taken to a private home for counting nor should they be stored in the church.*
 - (3) *Several people should be involved on a rotating basis in handling money.*
 - (4) *Members should be encouraged to make their offerings by check.*
 - (5) *All transactions (receipts and disbursements) should be properly recorded and verifiable.*
 - (6) *Persons involved in handling income should not be involved in any way in the handling of disbursements.*
 - (7) *Successors to the office of Treasurer or Financial Secretary should not be persons of the same family, nor should these offices be rotated between two persons.*
 - (8) *The Pastor should not serve in the position of treasurer; nor should the Pastor have check signing authority over any church account.*
 - (9) *Blank checks should not be signed in advance*
- (g) **STEPS IN HANDLING INCOME**
 - (1) *The Financial Secretary is responsible for recruiting, training and scheduling at least two persons to be responsible for counting and depositing offerings following each worship service.*
 - (2) *In the case of consecutive multiple worship services on a day, the contents of the offering plates from earlier services may be stored in a locked repository in the church office for counting immediately following the last service.*
 - (3) *A number of persons should be involved in counting and depositing the offerings and may serve on a rotating basis.*
 - (4) *The Treasurer and the Financial Secretary do not serve as counters.*

- (5) *Immediately following a worship service, two persons carry the contents of the offering plates to a room for counting.*
- (6) *Offerings or other funds should never be taken to a private home for counting.*
- (7) *The envelopes are immediately opened by at least two persons. Envelopes are marked as to contents and purpose, if for other than Undesignated purposes.*
- (8) *The Finance & Business Committee will provide a summary report form for recording and reporting the offering.*
- (9) *The Summary Report is prepared in duplicate and balances between envelope totals and cash totals are reconciled.*
- (10) *The summary report is signed by at least two counters.*
- (11) *A deposit slip is prepared and at least two persons take the deposit directly to the bank.*
- (12) *A copy of the deposit slip and the Summary Report are given to the Treasurer and the Financial Secretary.*
- (13) *Funds from activities other than worship services should be turned over to the Financial Secretary for immediate deposit and copies of the deposit slip and a source of funds memo given to the Treasurer and Financial Secretary. [added 1/14/01]*

§ 12-06-03-B-2001. Designated Funds.

- (a) *Designated fund contributions are available only for a specific extra-budget expenditures the receipt of which are subject to approval by the Congregation Council.*
- (b) *Restrictions on designated gifts may be imposed by the Congregation, Congregation Council or the donor.*
- (c) *Funds may not be designated for operating expenses shown as line items in the spending plan/budget. [Added 1/14/2001]*

§ 12-06-03-D-2001. Petty Cash Fund.

- (a) *A Petty Cash Fund is established in the amount of \$100.00*
- (b) *The Administrative Assistant is the sole custodian of the fund.*
- (c) *Fund disbursement checks will be made payable to the Administrative Assistant, by name, Custodian, Petty Cash Fund*
- (d) *Disbursements.*
 - (1) *The maximum for a single disbursement is \$10.00*
 - (2) *A receipt is required for each disbursement*
 - (3) *Each receipt should contain the following information:*
 - (A) *Date of disbursement.*
 - (B) *Purpose of disbursement.*
 - (C) *Account number to which disbursement is to be charged.*
 - (D) *Name of person being paid or reimbursed.*
- (e) *The Administrative Assistant will keep a Petty Cash Log including the information on the receipt.*
- (f) *At the end of the month, or sooner if the fund is depleted, the receipts and log will be submitted to the Treasurer for reimbursement.*
- (g) *The Treasurer will cut a check to cover the disbursements and distribute the fund to the accounts indicated on the receipts. [Added 2/11/01]*

12-06-03-E-2001. Disbursements Over \$2,500.

- (a) *Two signatures are required on all checks in the amount of \$2,500 or more.*
- (b) *Either the Vice-President or the Secretary are authorized to provide the second signature for the purposes of this section. [added 4/8/08/01]*

Compiler's Note. This provision was required by Charity First when the Fidelity Bond was renewed in 2001. Cross References. § 11-01-04(c), The President and the Treasurer are authorized to sign checks for monthly disbursements.

12-06-04 Buildings & Property.--The council shall be responsible for the building and property matters of this congregation having the following duties:

- (a) Provide facilities for worship services and Sunday school.
- (b) Maintain and protect all buildings and premises of this congregation including equipment and furnishings and keep an inventory of physical assets, maintenance performed and estimated replacement date.
- (c) Approve or reject of the use of congregation facilities by outside groups according to a policy approved by this congregation.
- (d) The council shall not have the authority to authorize the trustees to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of this congregation.

12-06-05 Personnel.--The council shall be responsible for the appointment and supervision of the salaried lay workers of this congregation including the following duties:

- (a) Secure necessary staff other than the pastor and set salaries
- (b) Review staff salaries annually, including the pastor, using synod and ELCA guidelines.
- (c) Consult with the bishop if the resignation of the pastor is requested.
- (d) Develop and maintain written personnel policies for all staff and provide procedures for staff support and performance evaluation.

12-19-99 TRUSTEES

12-20 Title to Property.--The property of this congregation shall be held in trust by three trustees elected by this congregation and appointed by the court according to the law of the Commonwealth of Virginia.

12-21 Qualifications.--Each trustee shall be a voting member and of legal age.

12-22 Election.--The trustees shall be elected by written ballot at a legally called meeting of this congregation.

12-23 Appointment by Court.--Following election, the officers shall recommend to the court that the person so elected be appointed trustee.

12-24 Term of Office.--The trustees shall serve for a term of ten(10) years, beginning at the adjournment of the meeting at which elected without limit as to number of consecutive terms

12-25 Duties.--A trustee shall act in accordance with the direction of this congregation.

12-26 Vacancies.—

- (a) **The office shall be declared vacant upon:**
 - (1) **the death,**
 - (2) **resignation,**
 - (3) **failure to continue as a voting member, or**
 - (4) **failure to act in accordance with the directions of this congregation, on the part of the person serving as trustee,**

- (b) **When there is a vacancy in the office of trustee, this congregation shall elect a replacement trustee for a ten year term.**

Chapter 12.

CONGREGATION COUNCIL AND TRUSTEES

C12.01. The voting membership of the Congregation Council shall consist of the pastor(s) the officers of the congregation, and not more than 8 nor fewer than 5 members of the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation may be incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

Cmw: 4/20/08: Added to allow Incorporation.

Com: 4/2/08: Note Model recommends four meetings missed. This is appropriate since current practice is to have 2 regular meetings per month. Note use of "may" if we incorporate.

Com: 3/18/08: Recommend 5 – 8 members is based on previous experiences of the Constitution/Bylaws committee and recent experience of the current Leadership Council.

C12.02. The members of the Congregation Council except the pastor(s) shall be elected by written ballot or voice-vote to serve for three years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected with tenure so arranged that one-third of the terms expire annually. Newly elected Congregation Council members shall be installed at a worship service prior to the date they assume office and within 30 days of the annual meeting election.

Com: 4/2/08: 3 years to allow for 1/3 rotation rule.

C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting. Individuals who have served less than one-half of a regular term shall be eligible for nomination and possible election to a full term.

C12.04. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission. This includes maintaining the Policy and Procedures Manual throughout the year.

Com 5/13/08: To make explicit Council's authority to amend the Policy and Procedures Manual throughout the year.

- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. Provide for the services of an interim pastor in consultation with the bishop should the office of pastor be vacant.
- i. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
- j. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
- k. To supervise the rosters of baptized, confirmed and voting members.
- l. To provide for implementation of new members and the divesture of departing members of this congregation.
- m. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- n. Exercise general oversight of the spiritual life, mission and ministry of this congregation that all may be done according to the word of God and this constitution and its bylaws.

Cmw: 4/20/08: Per recommendation from Pastor John and changed to C12.04.n from 12-06-01. Subparagraphs b,c, & d deleted from 12-06-01.

Com: 4/2/08: Recommend the Pastor decide this. ELCA guidance is for Pastor and parents to decide on first communion. Ref. ELCA "use of the means of grace", principle 37, application C. Approved Aug 19, 1997 by 5th Biennial Churchwide Assembly.

C12.04.01. The Council, within 60 days after the annual meeting, will review all policies and procedures in its Policy and Procedures Manual, to include financial policies and procedures. The council will provide guidance and changes to the Policies and Procedures Manual as necessary for the operation of the church during the year.

C12.04.02. The Policies and Procedures Manual will contain, as a minimum:

- a. Specific administrative practices and procedures for the operation of the church.
- b. A process for evaluation of performance of employees.
- c. Job descriptions and duties of employees and committees.
- d. Specific financial practices and procedures for the financial operation of the church.
- e. Record by name term expiration dates on council members, trustees, and other members.

C12.04.03 The Policy and Procedures Manual may not conflict with any part of this Constitution.

Com 5/13/08: To clearly limit authority of PPM.

C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the Commonwealth of Virginia, except as otherwise provided herein.
- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council may enter into contracts of up to 10% of the current year's budget for items not included in the budget.

Cmw 6/28/08: paragraph c is an addition and is not in the current constitution.

- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of no more than 10% over the current year's budget unless approved by a Congregational Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

C12.06. The Congregation Council shall see that the provisions of this constitution, are carried out.

C12.07. The Congregation Council shall provide for an annual review of the membership roster.

C12.08. The council shall be responsible for the appointment and supervision of the salaried lay workers of this congregation including the following duties:

- a. Secure necessary staff other than the pastor and set salaries
- b. Review staff salaries annually, including the pastor, using synod and ELCA guidelines.
- c. Develop and maintain written personnel policies for all staff and provide procedures for staff support and performance evaluation.

C12.09. The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting as detailed in C10.01.03.

C12.11. The Council shall normally meet once a month for its regular meeting. The dates, time and place of the monthly meetings of the Council shall be set by the Council. Special meetings of the Council may be called by the pastor, the president, or at least one-half of the members of the Council.

C12.11.01. Notice of all regular Council meetings shall be given to each member of the Council and pastor at least seven days in advance of the meeting. Notice of Special meetings should be given to each member of the Council and pastor normally at least 24 hours in advance of the meeting.

Com: 5/13/08: Clarifies regular and special meetings.

C12.12. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated

absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

- C12.13.** The property of this congregation shall be held in trust by three trustees elected by this congregation and appointed by the court according to the law of the Commonwealth of Virginia.
- C12.14.** Each trustee shall be a voting member and of legal age.
- C12.15.** The trustees shall be elected by written ballot at a legally called meeting of this congregation.
- C12.16.** Following election, the officers shall recommend to the court that the person so elected be appointed trustee.
- C12.17.** The trustees shall serve for a term of ten (10) years, beginning at the adjournment of the meeting at which elected without limit as to number of consecutive terms
- C12.18.** A trustee shall act in accordance with the direction of this congregation.
- C12.19.** The office shall be declared vacant upon: the death, resignation, failure to continue as a voting member, or failure to act in accordance with the directions of this congregation, on the part of the person serving as trustee. When there is a vacancy in the office of trustee, this congregation shall elect a replacement trustee for a ten year term.

Chapter 13. COMMITTEES--TASK FORCES

13-01	<u>CONGREGATION COMMITTEES</u>
13-02	<u>Executive Committee</u>
13-02-01	<u>Duties of the Executive Committee</u>
13-03	<u>Nominating Committee</u>
13-03-01	<u>Duties of the Nominating Committee</u>
13-04	<u>Audit Committee</u>
13-04-01	<u>Duties of the Audit Committee</u>
13-05	<u>Mutual Ministry Committee</u>
13-05-01	<u>Duties of the Mutual Ministry Committee</u>
13-06	<u>Call Committee</u>
13-06-01	<u>Duties of the Call Committee</u>
13-07	<u>Planning Committee</u>
13-07-01	<u>Duties of the Planning Committee</u>
13-09-01	<u>Pastor</u>
13-09-99	<u>COUNCIL COMMITTEES</u>
13-10	<u>Membership</u>
13-11	<u>Election</u>
13-12	<u>Terms</u>
13-13	<u>Organization</u>
13-14	<u>Powers and Duties</u>
13-15	<u>Reorganization</u>
13-16	<u>Robert's Rules of Order</u>
13-19-99	<u>STANDING COMMITTEES</u>
13-20-10	<u>Witness</u>
13-20-15	<u>Worship and Music</u>
13-20-20	<u>Stewardship</u>

13-20-25	<u>Learning and Youth</u>
13-20-30	<u>Building and Property</u>
13-20-35	<u>Finance and Business Management</u>
13-29-99	<u>TASK FORCES</u>
13-30	<u>Formation</u>
13-31	<u>Pastor</u>
13-32	<u>Duration</u>

13.01 **CONGREGATION COMMITTEES**

13-02 **Executive Committee.--The officers of this congregation and the pastor shall constitute the Executive Committee.**

13-02-01 Duties of the Executive Committee.--The duties of the executive committee shall be to perform those duties assigned by this constitution and its bylaws, the council or the congregation.

13-03 **Nominating Committee.**

- (a) **A Nominating Committee shall be elected by this congregation at the annual meeting.**
- (b) **The committee shall consist of at least three but not more than six voting members of this congregation, two of whom normally shall be outgoing members of the council.**
- (c) **Members shall serve for a term of one year and are not eligible to serve consecutive terms.**
- (d) **The pastor shall convene the committee and preside over the election of a chair who will call and preside at subsequent meetings.**

13-03-01 Duties of the Nominating Committee.--The nominating committee shall:

- (a) Provide nominees for:
 - (1) The offices of council member and trustee when needed for the annual meeting.
 - (2) Members of the nominating and audit committees.
 - (3) Other offices which may be specified by this constitution, bylaws or resolution of this congregation.
- (b) Nominate one or more candidates for each office to be filled.
 - (1) Determine the qualifications of each nominee for the office and prepare a resume.
 - (2) Secure the consent of each candidate to serve the full term of office if elected.
- (c) Provide the names of the nominees and a brief resume to the secretary for distribution to this congregation with the notice of meetings at which the election is to be held.

- (d) Provide nominees when requested by the pastor, the president or the council as needed to make appointments or to fill a vacancy.

13-04 **Audit Committee.**--An Audit Committee of three voting members shall be elected by the congregation.

- (a) Audit Committee members shall not be members of the council.
- (b) Term of office will be three years, with one member elected each year.
- (c) Members shall not be eligible for election to more than two consecutive terms.

13-04-01 **Duties of the Audit Committee.** The audit committee shall:

- (a) Audit the financial books of record prior to the annual meeting and at least once during the year without prior announcement.
- (b) Follow the written audit procedures adopted by the council.
- (c) Report findings to the council in writing immediately after each audit and in writing in the annual report signed by each member of the committee.
- (d) Receive the bank statement and the canceled checks directly from the bank each month and reconcile them with the check book kept by the treasurer.

13-05 **Mutual Ministry Committee.**--A Mutual Ministry Committee of six voting members shall be appointed jointly by the president and the pastor.

- (a) Term of office shall be two years,
- (b) three members to be appointed each successive year.
- (c) Committee members will hold no other office in this congregation during their term.

13-05-01 **Duties of the Mutual Ministry Committee.** The Mutual Ministry committee shall:

- (a) Meet monthly with the pastor and on the call of the pastor or the president.
- (b) Not elect a chair or secretary and shall retain no minutes and make no official reports.
- (c) Provide support for the pastor as specified in the letter of call.
- (d) Be a sounding board for feedback from members of this congregation to the pastor communicating both positive and negative feelings.
- (e) Recommend and advocate, informally, needed actions and changes.

13-06 **Call Committee.**

- (a) After a pastor's resignation becomes effective, a Call Committee shall be elected by this congregation.

- (b) **The committee shall consist of six voting members, two of whom shall normally be council members.**
 - (c) **The council shall nominate at least six voting members of varied backgrounds, normally including two members of the council.**
 - (d) **Term of office of members of the committee will terminate at the time of presentation of a name to the congregation.**
 - (e) **If a call fails, this congregation shall elect another call committee.**
- 13-06-01 Duties of the Call Committee. Duties of the committee shall be as outlined in the current edition of the "Guide For Extending A Call to Ordained Ministry" published by the synod.
- 13-07 **Planning Committee.--The executive committee shall function as the planning committee**
- 13-07-01 Duties of the Planning Committee.--The Planning Committee shall:
- (a) Prepare a long range plan, set goals and priorities.
 - (b) Evaluate the activities of the congregation in light of its mission and goals.
 - (c) Review the Statement of Mission.
 - (d) Report to the council annually for consideration at the annual meeting.
- 13-09-01 Pastor.--The pastor shall be a member ex-officio of all congregation committees except the Call Committee.
- 13-09-99 COUNCIL COMMITTEES
- 13-10 **Membership.**
- (a) **Each committee shall include from one to six members unless otherwise provided.**
 - (b) **The pastor shall be a member ex-officio of all council committees**
- 13-11 **Election.**
- (a) **The council shall normally elect members to each committee at the annual organization meeting.**
 - (b) **At least one member of each standing committee shall be a member of the council.**
 - (c) **The council shall designate a member of the council to nominate members for each committee to the council.**
- 13-12 **Terms.--Terms of office shall be two years and members shall not be eligible to succeed themselves more than once.**
- 13-13 **Organization.--The council shall designate a member of the council to convene the**

committee and preside over the organization of the committee to include the election of a chair who will call and preside at subsequent meetings.

13-14 Powers and Duties.--General duties and responsibilities of each committee are:

- (a) Elect a chair and a secretary.**
- (b) Appoint additional voting members to the committee for one year terms, with the approval of the council, as necessary.**
- (c) Conduct regular meetings at times and places to be determined by the committee.**
- (d) Carry out assignments and duties as directed by the constitution and its bylaws, standing resolutions and the council.**
- (e) Make recommendations and reports to the council monthly.**

13-15 Reorganization.--The council may:

- (a) Designate additional committees and appoint the membership or**
- (b) Consolidate committees as it is deemed necessary to carry out the purpose of this congregation.**

13-16 Robert's Rules of Order.--Except as otherwise provided in this constitution and bylaws, Robert's Rules of Order, latest edition, shall govern parliamentary procedure for all council, committee and task force meetings.

13-19-99 STANDING COMMITTEES

13-20-10 Witness. The Committee on evangelism shall plan and oversee the outreach to members of the community who are without church affiliation.

13-20-15 Worship and Music. The committee on worship and music shall provide for an active and meaningful worship life for every member of this congregation, giving special attention to the liturgical year.

13-20-20 Stewardship. The committee on stewardship shall lead this congregation to be biblical stewards through their proportionate giving of time, abilities and money as they have been given.

13-20-25 Learning and Youth. The Committee on Education and Youth shall offer opportunities for members of all ages to nurture their faith in Christ and shall specifically supervise the Sunday School, the Youth and the adult education ministry of this congregation.

13-20-30 Building and Property. The committee on Building and Property shall manage the buildings and property and equipment including insurance thereon and shall make arrangements for a place for worship and sunday school.

13-20-35 Finance and Business Management. The committee on finance and business management shall be responsible for business and legal matters, office management, management of all funds, receipt and expenditure of all monies; review and analysis of the financial report each month and for the initial draft of the budget.

13-29-99 TASK FORCES

13-30 Formation--A task force may be formed by the council for a specific task as the need arises.

13-31 Pastor--The Pastor shall be a member ex-officio of all task forces.

13-32 Duration--A task force shall be formed for a specific time period appropriate to the assignment but in any event not longer than two years.

Chapter 13.

CONGREGATION COMMITTEES

C13.01. A Nominating Committee shall be elected by this congregation at the annual meeting. The committee shall consist of at least three but not more than six voting members of this congregation, two of whom normally shall be outgoing members of the council. Members shall serve for a term of one year and are ~~not~~ eligible to serve consecutive terms. The pastor shall convene the committee and preside over the election of a chair who will call and preside at subsequent meetings.

LC/cmww: 7/24/08: struck "not".

C13.01.01. The nominating committee shall;

- a. Provide nominees for: the offices of council member and trustee when needed for the annual meeting; members of the nominating and audit committees; and other offices which may be specified by this constitution, bylaws or resolution of this congregation.
- b. Nominate one or more candidates for each office to be filled: determine the qualifications of each nominee for the office and prepare a resume; and secure the consent of each candidate to serve the full term of office if elected.
- c. Provide the names of the nominees and a brief resume to the secretary for distribution to this congregation with the notice of meetings at which the election is to be held.
- d. Provide nominees when requested by the pastor, the president or the council as needed to make appointments or to fill a vacancy.

C13.02. An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for reelection.

C13.02.01. The audit committee shall: (a) Audit the financial books of record prior to the annual meeting and at least once during the year without prior announcement. (b) Follow the written audit procedures adopted by the council. (c) Report findings to the council in writing immediately after each audit and in writing in the annual report signed by each member of the committee. (d) Receive the bank statement and the canceled checks directly from the bank each month and reconcile them with the check book kept by the treasurer.

C13.03. Mutual Ministry Committee.--A Mutual Ministry Committee of six voting members may be appointed at the pastor's request, jointly by the president and the pastor. (a) Term of office shall be two years, (b) three members to be appointed each successive year. (c) Committee members will hold no other office in this congregation during their term.

Com 4/23/08: Keep current version for membership. Not advised to allow council to exclusively be on the MMC.

Com 5/13/08: Replaced "shall be appointed" with "may be appointed" to reflect current practice.

C13.03.01. The Mutual Ministry committee shall: (a) Meet regularly monthly with the pastor and on the call of the pastor or the president. (b) Not elect a chair or secretary and shall retain no minutes and make no official reports. (c) Provide support for the pastor as specified in the letter of call. (d) Be a sounding board for feedback from members of this congregation to the pastor communicating both positive and negative feelings. (e) Recommend and advocate, informally, needed actions and changes.

LC/cmw: 7/24/08: changed "monthly" to "regularly".

C13.04. When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by this congregation. Term of office will terminate upon installation of the newly called pastor.

Com 5/13/08: Recommend ELCA Model language

C13.05. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C13.06. Duties of committees of this congregation shall be specified in the Policy and Procedures Manual (C12.04.02).

Com 5/13/08: Added reference

C13.07. The pastor(s) of this congregation shall be *ex officio* a member of all committees and boards of the congregation except the Call Committee. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.

Com: 4/20/08: suggested wording, incorporates exception to Call Committee and adds president except to Nominating Committee.

Chapter 14. ORGANIZATIONS

14-01	<u>Scope</u>
14-01-01	<u>Official.</u>
14-01-02	<u>Role of Pastor</u>
14-02	<u>Special Interest Groups</u>

14-01 Scope.--

- (a) **All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ.**
- (b) **As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction.**
- (c) **This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.**

14-01-01 Official.--The following organizations shall be developed within the structure of this congregation:

- (a) The Women of the ELCA.

- (b) Lutheran Men in Mission.
- (c) Youth.

14-01-02 Role of Pastor. The pastor shall be a member, ex officio, of all organizations of this congregation.

14-02 Special Interest Groups.--Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the council and specified in a continuing resolution.

**Chapter 14.
ORGANIZATIONS WITHIN THE CONGREGATION**

C14.01. All organizations of the within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

LC/cmw: 7/24/08: clarification.

C14.02. Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council, and specified in a continuing resolution.

LC/cmw: 7/24/08: allows more flexibility.

Chapter 15. DISCIPLINE OF MEMBERS

- 15-01 Grounds--Admonition
- 15-02 Council Hearing
- 15-02-01 Failure to Appear
- 15-03 Imposition of Discipline
- 15-04 Appeal to Synod Council
- 15-05 Reconsideration by the Congregation Council

+15-01 Grounds--Admonition.

- (a) **Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member.**
- (b) **Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps:**
 - (1) **private admonition by the pastor,**
 - (2) **admonition by the pastor in the presence of two or three witnesses,**
and
 - (3) **citation to appear before the council.**

+15-02 Council Hearing.--

- (a) **The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing Resolutions of the ELCA.**
- (b) **A member charged with the offense shall appear before the council having received a written notice, specifying the exact charges that have been made against the member, at least 10 days prior to the meeting. [am CW93.10.8]**

15-02-01 Failure to Appear.--Should the member disregard the notice and make no effort to defend or repent of the offenses, the council shall proceed with the hearing and reach its conclusions in the absence of the member.

+15-03 Imposition of Discipline.

- (a) **Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member.**
- (b) **Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:**
 - (1) **censure before the council or congregation;**
 - (2) **suspension from membership for a definite period of time; or**
 - (3) **exclusion from membership in this congregation.**
- (c) **Disciplinary actions under (2) and (3) shall be delivered to the member in writing. [amCW93.10.8]**

+15-04 Appeal to Synod Council.

The member against whom disciplinary action has been taken by the congregation council shall have the right to appeal the decision to the synod council.

- (a) **Such right may not be abridged and the decision of the Synod Council shall be final.**

+15-05 Reconsideration by the Congregation Council.--Disciplinary actions may be reconsidered and revoked by the congregation council upon receipt of

- (a) **evidence that injustice has been done or**
- (b) **evidence of repentance and amendment.**

Chapter 15.

DISCIPLINE OF MEMBERS AND ADJUDICATION

***C15.01.** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Congregation Council. If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.

- *C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. A member charged with the offense shall appear before the Congregation Council after having received a written citation, at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.**C15.02.01** Failure to Appear.--Should the member disregard the notice and make no effort to defend or repent of the offenses, the council shall proceed with the hearing and reach its conclusions in the absence of the member.
- *C15.03.** Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
- a. censure before the council or congregation;
 - b. suspension from membership for a definite period of time; or
 - c. exclusion from membership in this congregation.
- Disciplinary actions b. and c. shall be delivered to the member in writing.
- *C15.04.** The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- *C15.05.** Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.
- *C15.06.** For disciplinary actions in this congregation, "due process" shall be observed as specified in 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- *C15.07.** No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.
- *C15.10. Adjudication**
- *C15.11.** When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16. BYLAWS

16-01

Authorized

16-02	<u>Adoption--Amendment</u>
16-03	<u>Proposed Changes</u>
16-03-01	<u>Effective Date</u>
16-04	<u>Notice of Approved Changes</u>

+16-01 **Authorized.--This congregation may adopt bylaws. No bylaw may conflict with this constitution.**

+16-02 **Adoption--Amendment.--Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.**

+16-03 **Proposed Changes.--Changes to the bylaws may be proposed by any voting member provided, however, that:**

- (a) **such additions or amendments be submitted in writing to the council at least 60 days before a regular or special congregation meeting called for that purpose and**
- (b) **the council notify the members of the proposal with its recommendations at least 30 days in advance of the congregation meeting.**

16-03-01 Effective Date. Amendments to the bylaws shall be effective upon approval by this congregation unless a later date is specified in the amendment resolution.

+16-04 **Notice of Approved Changes.--Approved changes to the bylaws shall be sent, by the secretary of this congregation, to the synod.**

Chapter 16. BYLAWS

- *C16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C16.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- *C16.03.** Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the congregation's members by mail of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting.
- C16.03.01.** Amendments to the bylaws shall be effective upon approval by this congregation unless a later date is specified in the amendment resolution.
- *C16.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17. AMENDMENTS

17-01	<u>Proposed Amendments</u>
17-02	<u>Approval--Ratification</u>
17-02-01	<u>Failure to Approve or Ratify</u>

17-03 Notice to Synod--Effective Date

+17-01 Proposed Amendments.

- (a) **Amendments to this constitution may be proposed by**
 - (1) **at least 10 voting members or 15% of the voting members, whichever is greater, or**
 - (2) **by the council.**
- (b) **Proposals must be filed in writing with the council 60 days before formal consideration by this congregation at its regular or special meeting called for that purpose.**
- (c) **The council shall notify the members of the proposal with its recommendations at least 30 days in advance of the meeting.**

+17-02 Approval--Ratification.--A proposed amendment to this constitution shall:

- (a) **be approved at a properly called meeting according to this constitution by a majority vote of those present and voting;**
- (b) **be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and**
- (c) **have the effective date included in the resolution and noted in the constitution.**

17-02-01 Failure to Approve or Ratify.

- (a) **A proposed amendment which fails approval or ratification is dead unless it is amended and approved at the meeting at which approval or ratification failed.**
- (b) **A failed proposal to amend the constitution may be amended at the meeting at which it failed, by a two-thirds majority of the voting members present and voting.**
- (c) **An amended proposal to amend must be ratified under the provisions of this chapter in order to take effect.**

+17-03 Notice to Synod--Effective Date.

- (a) **Any amendments to this constitution shall be sent by the secretary of this congregation to the synod.**
- (b) **The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America, or the constitution of the Virginia Synod of the ELCA. [am CW93.10.8]**

Chapter 17.
AMENDMENTS

***C17.01.** Unless provision *C17.04. is applicable, those sections of this constitution that are not required,

in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 10 voting members or 15% of the voting members, whichever is greater, or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.

Com 5/13/08: Need to inform that we provided the 10 voting members or 15% of voting members language (our current procedure).

- *C17.02.** An amendment to this constitution, proposed under *C17.01., shall:
- be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
 - be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
 - have the effective date included in the resolution¹ and noted in the constitution.
- *C17.03.** Any amendments to this constitution that result from the processes provided in *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the Virginia Synod of the ELCA.
- *C17.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*—as most recently amended by the Churchwide Assembly—by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of 10 voting members or 15% of the voting members, whichever is greater, of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 18. CONTINUING RESOLUTIONS

- 18-01** Authorized
18-02 Approval

+18-01 Authorized.--The council may enact continuing resolutions which describe the function of the various committees or organizations of this congregation.

+18-02 Approval.--Continuing resolutions shall be enacted or amended by a two-thirds vote of all voting members of the council.

Chapter 18. CONTINUING RESOLUTIONS

***C18.01.** The congregation in a legally called meeting or the Congregation Council may enact continuing

¹ Such an effective date must be stated in relation to the requirements of *C17.03. to allow time for synodical review of the amendment.

resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.

- *C18.02. Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

Chapter 19.

INDEMNIFICATION

- *C19.01. Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

Chapter 19. TRANSITIONAL PROVISIONS

- 19-01 [Repeal and Substitution](#)
- 19-02 [Effective Date](#)
- 19-03 [Extension of Terms](#)
- 19-04 [Resolution of Implementation Questions](#)
- 10-05 [Termination of Chapter](#)

19-01 **[Repeal and Substitution.](#)--The former constitution is repealed and the proposed constitution and bylaws substituted therefore under the amendment provisions of the former constitution.**

19-01-01 [Effective Date.](#)--Under the provisions of the former constitution the proposed constitution is effective upon ratification without change by a two-thirds majority at the second reading at the annual congregation meeting in January, 1992.

19-01-02 [Extension of Terms.](#)--The respective terms of incumbent council members, officers, committee chairs and committee members at the effective date of the new constitution are hereby extended from December 31 to June 30 in the appropriate year.

19-01-03 [Resolution of Implementation Questions.](#)--The congregation council is hereby authorized to resolve any questions of interpretation resulting from the implementation of the new constitution.

19-01-04 [Termination of Chapter.](#)--The provisions of this chapter terminate July 1, 1994 or two years after the effective date of the new constitution whichever is later.

Chapter 20.

TRANSITIONAL PROVISION

C20.01. The former constitution dated May 15, 1996, including Continuing Resolutions from May 15, 2005 and April 10, 2008 are repealed and the proposed constitution and bylaws substituted therefore under the amendment provisions of the former constitution.

Com 5/13/08: Clarifies what is being replaced, to include recent CR on Assistant Treasurers and Financial Secretaries. These new provisions should be put into the Policy and Procedures Manual for the new constitution.

C20.01.01. Under the provisions of the former constitution the proposed constitution is effective upon ratification without change by a two-thirds majority at the second reading at the annual congregation meeting in May, 2009.

C20.01.02. The respective terms of incumbent council members, officers, committee chairs and committee members at the effective date of the new constitution are hereby extended from June 30, 2009 to December 31, 2009 in the appropriate year.

Com 5/13/08: Recommended as was done before.

C20.01.03. The Congregation Council is hereby authorized to resolve any questions of interpretation resulting from the implementation of the new constitution.

C20.01.04. The provisions of this chapter terminate two years after the effective date of the new constitution.

Com 5/13/08: Recommend two years.