

CONSTITUTION,  
BYLAWS,  
AND  
CONTINUING RESOLUTIONS  
FOR  
CONGREGATION  
OF  
SAINT PETER  
EVANGELICAL LUTHERAN  
CHURCH OF  
BRUNSWICK COUNTY

WITH PROPOSED AMENDMENTS

2016 ELCA APPROVED AMENDMENTS ARE HIGHLIGHTED YELLOW

**DRAFT 8.8.18**

**Codification explanation:** The *Model Constitution for Congregations* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital “C.” If a constitutional provision is mandatory, it will be preceded by an asterisk, “\*C.”

a. Constitutional provisions are codified with two sets of numbers, preceded by a “C”: the chapter number, followed by a period, and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to “Membership” in Chapter 8 is codified as “\*C8.02.” A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as “C12.09.” Constitutional provisions are adopted and amended in accordance with Chapter 16 titled “Amendments.”

b. Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to “Membership” would be codified as “C8.02.01.” A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as “C12.09.01.” Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation’s organization, operation, and life, there is not a model set of bylaws or continuing resolutions. Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations*, the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the constitution of the synod, as indicated in \*C6.03.e. Bylaws are adopted and amended in accordance with Chapters 16 and 17.

c. Continuing resolutions are intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. They follow the relevant constitutional provision or bylaw to which they refer. 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 describing congregational committees in Chapter 13 might be numbered “C13.07A13.” The initial numbers “C13.07” indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers “A13” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2013. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

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\* Indicates provisions required by ELCA Model Constitution

*Council Approved Changes to SPLC 2013 Model Draft v.7  
Approved by Congregation on November 22, 2015  
Ratified by Congregation on January 31, 2016  
Continuing Resolutions Approved by Council on February 16, 2016*

## **\*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 AND INCORPORATION**

- C1.01.** The name of this congregation shall be Saint Peter Evangelical Lutheran Church of Brunswick County, North Carolina.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of Saint Peter Evangelical Lutheran Church is hereinafter designated as "this congregation."
- C1.11.** This congregation shall be incorporated under the laws of the State of North Carolina.

## **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**

- \*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.** This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.

**\*C3.03.** 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.

**\*C3.04.** This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.

**\*C3.0305.** The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

## 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 Committees.
  - ~~C4.04.01. At its first meeting in each calendar year, the Congregation Council shall organize those committees that meet the local and wider concerns of the congregation. These committees, composed of confirmed members on the active roll of the congregation and chaired by a member of the Congregation, shall be responsible for the following areas:~~
    - a. ~~Christian Education~~
    - b. ~~Property~~
    - c. ~~Evangelism~~
    - d. ~~Fellowship~~
    - e. ~~Finance~~
    - f. ~~Outreach~~
    - g. ~~Stewardship~~
    - h. ~~Worship and Music~~
    - i. ~~Health Ministry~~
- \*C4.05. This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.
- C4.05.01. The mission of Saint Peter Evangelical Lutheran Church is to discern God's mission through worship, learning, witness and service and to equip and inspire people to serve that ~~mission, purpose.~~
- \*C4.06. References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

**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 a minister of Word and Service;
  - d. ~~or terminate the call of associates in ministry, deaconesses, and diaconal ministers~~ a minister of Word and Service in conformity with the applicable policy constitution of the Evangelical Lutheran Church in America;
  - de. adopt amendments to the constitution, as provided in Chapter ~~17 16~~, amendments to the bylaws, as specified in Chapter ~~16 17~~, and continuing resolutions, as provided in Chapter 18;
  - ef. approve the annual budget;
  - fg. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - gh. hold title to and use its property for any and all activities consistent with its purpose;
  - hi. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - ij. elect its ~~officers except the treasurer~~ officers (except the treasurer and financial secretary) and members of the Congregation Council, and require the members of the council them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and

- ~~jk.~~ terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- \*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 \_\_North Carolina Synod of the Evangelical Lutheran Church in America.
- C5.05.** This congregation may establish designated Funds to operate as specified in this congregation’s bylaws and for the purpose of providing for ministry work beyond the operational budget of this congregation. For any designated Fund that is established, a committee may be established or identified to administer the designated Fund. All designated Funds remain subject to the oversight of the Congregation Council and the committees have duties specified in the congregation’s continuing resolutions under Chapter 13.
- C5.05.01.** ~~The Mission Endowment Fund is established to receive unrestricted gifts to the Fund to enhance the mission outreach of Saint Peter Evangelical Lutheran Church, Southport, Church of Brunswick County, North Carolina, apart from the operational or capital expenses of this congregation. These gifts may include, but are not limited to, bequests in wills, life insurance proceeds, charitable gift annuities, charitable remainder trusts, retirement assets, assignment of certificates of deposit, and transfers of property (cash, stocks, bonds, real estate).~~
- C5.05.02.** As an ongoing memorial to our faithful brother, Charles Moretz, “The Charles Moretz Memorial Scholarship Fund” is established as a distinct memorial Fund. The purpose of this Fund is to give financial assistance for higher education to members of this congregation.
- C5.05.03.** ~~There is established the Columbarium Fund, which is administered by the Memorial Garden Committee, established in C13.06. Fund. All funds received, whether for the purchase of a niche, as a donation, or as a grant, will be used for the perpetual care, general maintenance, and ground improvement of existing columbaria, or for acquisition of additional columbaria on the grounds of Saint Peter Evangelical Lutheran Church of Brunswick County, North Carolina.~~
- C5.05.04.** The Saint Peter Memorial Fund is established to receive unrestricted gifts and bequests to enhance the operations, property, and mission of Saint Peter Evangelical Lutheran Church of Brunswick County, North Carolina.

## **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 North Carolina 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 Ministers of Word and Sacrament** 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. These special circumstances are limited either to calling a candidate approved for the roster of **ordained ministers** **Ministers of Word and Sacrament** of the Evangelical Lutheran Church in America or to contracting for pastoral services with an **ordained** minister **of Word and Sacrament** of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.

- d. This congregation agrees to consider ~~associates in ministry, deaconesses, and diaconal~~ ministers of **Word and Service** 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.
- \*C6.04.** 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 Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
  - d. This congregation follows the procedures outlined in \*C6.05.
- \*C6.05.** ~~A~~ **This congregation may terminate its relationship with ~~this church~~ the Evangelical Lutheran Church in America** by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
  - b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
  - c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
  - d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
  - e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
  - f. Notice of termination shall be forwarded by the bishop to the secretary of ~~this church~~ **the ELCA**, who shall report the termination to the Churchwide Assembly.
  - g. **This congregation shall abide by these covenants by and among the three expressions of this church:**
    - 1)** Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
    - ~~h.~~ **2)** Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synodical approval before terminating their membership in this church.
    - ~~i.~~ **3)** Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial



obligations to this church and receive Synod Council approval before terminating their membership in this church.

- jh.** If ~~a~~-this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If ~~a~~-this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after that second meeting.
- \*C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.
- \*C6.07.** If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

## **Chapter 7.**

### **PROPERTY OWNERSHIP**

- \*C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the North Carolina 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, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the North Carolina 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 and have followed the process for termination of relationship in \*C6.05., 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.
- C7.05.** Notwithstanding the provisions of \*C7.02. and \*C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall, upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the North Carolina Synod, re-convey and transfer all right, title, and interest in the property to the synod.

## **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 shall have the privilege of voice and vote at every regular and special meeting of the congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
  - d. **Associate** members are persons holding membership in 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~~ These individuals 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 or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
  - e. **Seasonal** members are voting members of other ELCA congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
    - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
    - 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
    - 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with the ELCA;
    - 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
    - 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
    - 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.
- \*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 in accordance with ELCA constitutional provision 20.40. and the accompanying bylaws; or

- e. removal from the roll due to inactivity ~~as defined in the bylaws, in accordance with the provisions of this constitution and its 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.** Members are considered inactive when they have not participated in the life of the Congregation for at least one year. These members may be removed from the roll upon the recommendation of the pastor following the pastor's reasonable attempt to communicate with or provide pastoral care to them.

## Chapter 9.

### **THE PASTOR ROSTERED MINISTER**

- \*C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds ~~majority ballot~~ vote of ~~voting~~ 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 Ministers of Word and Sacrament~~ of the Evangelical Lutheran Church in America or a candidate for the roster of ~~ordained ministers, Ministers of Word and Sacrament~~ 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 of Word and Sacrament~~ shall:
- 1) preach the Word;
  - 2) administer the sacraments;
  - 3) conduct public worship;
  - 4) provide pastoral care; ~~and~~
  - 5) ~~seek out and encourage qualified persons to prepare for the ministry of the Gospel;~~
  - 6) ~~impart knowledge of this church and its wider ministry through distribution of its communications and publications;~~
  - 7) ~~witness to the Kingdom of God in the community, in the nation, and abroad;~~ and
  - 8) 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~~ ~~pastor~~ with a congregational call shall, within the congregation:
- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
  - 2) ~~supervise~~ ~~relate to~~ 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 ELCA churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the North Carolina 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.** ~~The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:~~
- a. The call of ~~a~~ ~~this~~ congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, 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, no later than 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;
  - 4) physical disability or mental incapacity of the pastor;
  - 5) suspension of the pastor through discipline for more than three months;
  - 6) resignation or removal of the pastor from the roster of ~~ordained ministers~~ **Ministers of Word and Sacrament** of this church;
  - 7) termination of the relationship between this church and the congregation;
  - 8) dissolution of the congregation or the termination of a parish arrangement; or
  - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two ~~ordained-rostered~~ ministers and one layperson, or
  - 2) 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 personally shall investigate such conditions together with a committee of two ~~ordained-rostered~~ ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant ~~and the pastor shall be listed on the clergy roster as disabled.~~ **When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament as disabled.** Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only 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.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above the bishop's committee concludes that there may be grounds for ~~disciplinary action~~ **discipline**, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- \*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.
- \*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~~ **rostered minister** providing assistance shall refrain from exerting influence in the selection of a

pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.

- \*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.
- \*C9.11. 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:
  - a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
  - b. shall submit a summary of such statistics annually to the synod; and
  - c. 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.~~

~~C9.21.~~

~~C9.15.~~

Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, ~~an ordained minister of Word and Sacrament~~ 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-pastor~~ in a form proposed by the synodical bishop and approved by the congregation.

\*C9.21. Authority to call a minister of Word and Service shall be in this congregation by at least a two-thirds vote of voting 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][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.

\*C9.22. Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synodical bishop may be called as a deacon of this congregation.

\*C9.23. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:

a. Be rooted in the Word of God, for proclamation and service;

b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;

c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;

- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
  - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
  - f. Practice stewardship that respects God's gift of time, talents, and resources;
  - g. Be grounded in a gathered community for ongoing diaconal formation;
  - h. Share knowledge of the ELCA and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
  - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- \*C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, 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 deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
    - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
    - 4) physical disability or mental incapacity of the deacon;
    - 5) suspension of the deacon through discipline for more than three months;
    - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
    - 7) termination of the relationship between this church and this congregation;
    - 8) dissolution of this congregation or the termination of a parish arrangement; or
    - 9) suspension of this congregation through discipline for more than six months.
  - b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
    - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
    - 2) 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 this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
  - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service as disabled. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
  - d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.
  - e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after

consultation with the bishop, either (a) by a two-thirds 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 majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- \*C9.26.** The deacon shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another field of labor, or  
b. the issuance of a certificate of dismissal or transfer.
- \*C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.28.** With the approval of the bishop of the synod, this congregation may depart from \*C9.25.a. and call a deacon 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 deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.25.a.
- \*C9.29.** The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- \*C9.31.** The deacon(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.

## **Chapter 10.**

### **CONGREGATION MEETING**

- C10.01.** The Congregation Council shall schedule the ~~annual meeting~~ meetings of this congregation. ~~This~~The annual meeting is to be held on a Sunday and must occur within four (4) weeks after the second Sunday in January. Business at the annual meeting shall include the annual report and other business as authorized by the constitution or the Council. The Council also shall schedule a regular meeting on the second Sunday in December (referred to as the December meeting) at which time the business will include the annual budget, election of officers, members of the Congregation Council, and members of other committees as required by this constitution, and constitutional amendments.
- C10.02.** A special congregation meeting may be called by the senior pastor, the Congregation Council, or the president of this ~~congregation,~~ and A special congregation meeting shall be called by the president of the congregation upon the written request of ten percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail, electronic means, or placing a notice in the congregation newsletter to all members at least 10 days in advance of the date of the meeting.
- C10.04.** Twenty percent of the voting members shall constitute a quorum.
- C10.05.** Voting by proxy ~~or by absentee ballot~~ shall not be permitted. Voting by absentee ballot may be allowed subject to procedures adopted by the congregation council.
- C10.06.** All actions approved by the congregation shall be by majority vote of those voting members present and ~~voting, except as otherwise provided in this constitution or by state law.~~ voting and those voting members who cast absentee ballots.

**C10.07.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

## **Chapter 11.**

### **OFFICERS**

**C11.01.** The officers of this congregation shall be a president, vice president, secretary, financial secretary, and treasurer. The officers shall be voting members of the congregation. Officers of this congregation shall serve similar offices of the Congregation Council.

**C11.02.** The congregation shall elect the president, vice president, and secretary, and financial secretary, who shall be ~~four~~ three of the officers of the congregation. These officers shall be elected by written ballot and shall serve for two years or until their successors are elected. Any officer may be elected by affirmation when there is only one nominee for that office. The terms of these four officers shall begin immediately following their installation.

**C11.03.** The Congregation Council shall appoint the treasurer and the financial secretary who shall serve at the pleasure of the Council and with no term limits. The treasurer and the financial secretary shall have voice but not vote at the meetings of the Congregation Council and Executive Committee.

**C11.04.** No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two full consecutive terms ~~in the same office.~~ as either an elected officer or member of Council, or both.

**C11.05.** Duties of the officers shall be specified in the bylaws.

**C11.05.01.** The duties of the officers of this congregation are:

- a. The president shall preside over meetings of the congregation and Council; and shall provide training to Council members regarding constitutional provisions, Council protocols, reporting requirements.
- b. The vice president shall be the parliamentarian of the congregation and Council; shall ensure that the constitution, bylaws and continuing resolutions of the congregation are kept current; shall maintain current listings of responsibilities of committee chairs; and in the absence of the president, shall preside over meetings of the congregation and Council.
- c. The secretary shall keep the minutes of all meetings of the congregation and Council; shall publish and file minutes of all congregation, Council and Executive Committee meetings; shall maintain, protect and preserve critical documents, including the constitution and articles of incorporation; shall compose and send letters on behalf of the congregation and Council as may be appropriate; and shall ensure that proper records are kept for historical purposes.
- d. The financial secretary shall manage the accounting, depositing and recording of envelope and other cash contributions; shall keep accurate confidential records of members' pledges and contributions and shall issue sealed periodic reports to all contributing members; and shall prepare any summary reports on pledges and giving as may be required by the president, Council or stewardship chairperson in support of their duties.
- e. The treasurer shall keep the books of account of the congregation; shall be the custodian of all funds and disburse them upon proper authorization; shall endeavor to make monthly remittance to the Synod treasurer of benevolence funds; and shall make written reports of all transactions to the Congregation Council on a monthly basis and to the congregation in the annual report. The treasurer may make a brief status report (oral or written) at the annual congregational meeting.

## **Chapter 12.**

### **CONGREGATION COUNCIL**

**C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the president, vice president, secretary, ~~financial secretary~~ and ~~not more than ten~~ nine other 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.~~ an office or as a member of the congregation council. 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 is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

- C12.02.** The members of the Congregation Council except the ~~pastor(s) and the treasurer~~ pastor(s), treasurer, and financial secretary shall be elected by written ballot to serve for two years or until their successors are elected. Any member may be elected by affirmation when there is only one nominee for that position. ~~Members will be elected to serve as liaison to one of the committees specified in C4.04.01.~~ Their terms shall begin immediately following their installation. Such members shall be eligible to serve no more than two full consecutive terms consecutively, as an elected officer or elected member of Council, or both.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Council President may appoint a ~~successor until the next annual meeting, successor, subject to Council approval, to fill the member's remaining term.~~ 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.
  - d. To maintain supportive relationships with the ~~pastor(s)~~ rostered minister(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. 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.
  - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
  - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
  - k. To maintain the confidentiality of personnel information and the private financial and health needs of members;
- 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 trustees 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 State of North Carolina, 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 majority vote at a meeting of the congregation.
  - c. The Congregation Council may enter into contracts of up to \$5,000 for items not included in the budget. Each year, the Congregation Council will approve a "Contract Spending Parameters

Matrix”, describing documentation and authority for various expenditure ranges of contracts; a “Voucher Authority List”, designating individuals who may approve payments of budgeted funds from appropriate accounts; and a “Pre-Authorization List” of contracts and vendors who may be paid by the Treasurer.

- d. The Congregation Council shall prepare an annual budget for adoption by this congregation and shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than five percent (5%) of the anticipated receipts only after congregational approval at a Congregation 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.
- g. The Congregation Council shall be responsible for oversight of any designated Funds established by the congregation under Chapter 5.
- h. The Congregation Council may award to the treasurer or the financial secretary, or both, an honorarium on an annual basis in accord with the annual budget approved by the congregation.
- i. The Congregation Council, acting upon the recommendations of the Executive Committee, shall award continuing education scholarships from the Charles Moretz Memorial Scholarship on, when possible and with appropriate applicants, an annual basis.

~~C12.05.A15. The following procedure applies to the Charles Moretz Memorial Scholarship Fund:~~

- ~~a. Application forms are available at the church office. Completed applications should be returned to the office or to any Congregation Council member not later than May 1 of the coming Fall school year. Applicants must be active members of the congregation.~~
- ~~b. The Executive Committee will review applications prior to the June Congregation Council meeting for recommendations for council approval at the June meeting. If sufficient funds are not available to meet all applicants’ requests, the Executive Committee may devise criteria to make awards based on financial need.~~
- ~~c. Awards will be disbursed prior to July 1, to the student’s educational institution. Awards have been in the range of \$500-\$1000. Any individual may receive up to four awards for either undergraduate or graduate studies, as long as they are in good academic standing.~~

~~C12.05.A16. Each year, the Congregation Council will approve a “Contract Spending Parameters Matrix”, describing documentation and authority for various expenditure ranges of contracts; a “Voucher Authority List”, designating individuals who may approve payments of budgeted funds from appropriate accounts; and a “Pre-Authorization List” of contracts and vendors who may be paid by the Treasurer.~~

**C12.06.** The Congregation Council shall see that the provisions of this constitution and its bylaws and the continuing resolutions are carried out.

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

**C12.08.** The Congregation Council shall be responsible for the employment of the staff of this congregation. The pastor is responsible for the supervision of the staff of this congregation.

**C12.09.** The Congregation Council shall communicate and submit a written report of its various activities of the past year, accomplishments of established goals, and proposed actions to achieve goals in the coming year to the congregation in the Annual Report (which is to be published early in the next calendar year). A meeting of the Congregation will be held following the publication of the Annual Report.

**C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.

**C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the **senior** pastor or interim pastor, except when the **senior** 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 **senior** 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 Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

### **Chapter 13.**

#### **CONGREGATION COMMITTEES**

- C13.01.** The elected officers of this congregation and the senior pastor shall constitute the *Executive Committee*. The Committee shall meet as needed to plan for Council business and is authorized to act on behalf of Council in exigent circumstances. The treasurer and financial secretary shall serve as advisors to the Executive Committee.

- C13.02.** The following nine standing committees are established to meet the local and wider concerns of the congregation:

- a. Christian Education
- b. Property
- c. Evangelism
- d. Fellowship
- e. Finance
- f. Outreach
- g. Stewardship
- h. Worship and Music
- i. Health Ministry

These committees shall be composed of confirmed members on the active roll of the congregation and chaired by a member of the Congregation. At its first meeting in each calendar year, the Congregation Council shall assign the nine elected Council members who are not officers to serve as liaisons to each of these nine standing committees. Each Council members shall serve as liaison to only one of these committees.

- C13.02.A19.** The duties and responsibilities of the nine standing committees are:

- a. The **Christian Education Committee** shall, in association with the pastor, oversee the promotion of the schools and the educational activities within the congregation; shall encourage the use of teaching and worship materials published or approved by the Evangelical Lutheran Church in America; should seek to introduce the church's periodicals, family devotion materials and books into the homes of the congregation; shall encourage all members toward growth in their faith relationship through participation in various bible studies and forums; and shall, in coordination with the pastor, appoint youth advisors as needed to provide a sound ministry for the youth of the congregation.
- b. The **Property Committee** shall see to the proper maintenance and protection of all property of the congregation; shall take care that the property is kept in good repair and working order; and shall oversee the work involved in any improvements to said property.
- c. The **Evangelism Committee** shall foster a warm and welcoming atmosphere for visitors and guests within the congregation; shall encourage the congregation to be aware of and work to establish connections with visitors and members; shall identify opportunities to communicate this congregation's mission, ministry and programs within the community; shall host new member orientation sessions; shall provide opportunities and written material to introduce the congregation to new members; and shall nurture new members by assigning sponsors to them during their first 100 days of membership.
- d. The **Fellowship Committee** shall foster and encourage a variety of fellowship activities and events within the congregation, toward the end of enriching the congregational oneness of family.

- e. The **Finance Committee**, of which the treasurer and financial secretary shall be members, ex officio, shall exercise oversight of all the financial affairs of the congregation to make sure that they are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence funds to the synodical treasurer. The Committee shall, subject to approval of the Congregation Council, be responsible for the congregation's investments and its total insurance program; shall prepare a draft budget for the succeeding year, endeavoring to include the congregation's full indicated shall in benevolence to the synod and shall submit the draft budget to the Congregation Council for its action and later presentation to a congregational meeting. Each year, prior to March 1. The committee shall update a "Contract Spending Parameters Matrix", describing documentation and authority for various expenditure ranges of contracts; a "Voucher Authority List", designating individuals who may approve payments of budgeted funds from appropriate accounts; and a "Pre-Authorization List" of contracts and vendors who may be paid by the Treasurer. Such lists will be presented to the Congregation Council for approval.
- f. The **Outreach Committee** shall foster and encourage the congregation to extend Christian compassion and helpfulness to the ill, the aged, the underprivileged, the imprisoned, and in general to persons of all ages in need of aid in body or soul; shall strive to enlist in these efforts as many as possible of the members and organizations of the congregation; and shall foster congregational membership and support of the Southport/Oak Island Inter-Church Fellowship, a local association of Christian churches to address and meet local human needs.
- g. The **Stewardship Committee** shall promote the expression of the Christian faith in daily living; shall promote the Christian use of one's time, talent and treasure for the Lord's work; shall work in cooperation with the Outreach Committee to ensure members' awareness of the congregation's local, national and worldwide ministries; shall lead members toward growth in participation in the work of building Christ's church among us; and shall organize the annual effort of recommitment by all members of their time, talent and treasure to the Lord in response to His great love for us.
- h. The **Worship and Music Committee** shall assist the Congregation Council in seeing that the services of God's house are conducted regularly and in accordance with the liturgy of the Evangelical Lutheran Church in America, that competent lay assistant ministers and lectors are recruited, that competent ushers are recruited and trained, that acolytes and crucifers are recruited and trained, and that hymnals and other devotional materials are provided and properly cared for. The Committee shall oversee and strive to advance the welfare and effective service of the choirs of the congregation; shall arrange for the care of the musical instruments; in consultation with the pastor, the organist, and the choir directors, shall furnish music supplies appropriate for use in the worship of a congregation of the Evangelical Lutheran Church in America; shall seek, as the need arises, candidates for the position of organist and/or choir director and present to the Congregation Council for its approval any recommendations for such candidates, including any compensation; shall oversee the uses of the Columbarium and the Labyrinth; and shall oversee the work of the Altar Guild, which is responsible for the maintenance and changing of the altar paraments and for the maintenance of an adequate stock of worship supplies.
- i. The **Health Ministry Committee** shall develop a sound program to promote the wholeness of body, mind and spirit in the congregation; shall provide support, mentoring and direction for the parish nurse, in conjunction with the pastor; shall evaluate annually the health ministry program and make recommendations regarding changes, additions and modifications to strengthen and enhance the program; and shall assist in determining appropriate programs and activities to meet demonstrated needs.

~~C13.02.~~ **C13.03.** The congregation at the annual December meeting shall elect a *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election. The Nominating Committee shall consider in its nominations to see persons who represent an adequate cross-section of the voting members of the congregation (i.e., age, sex, minorities, and primary language other than English). The Nominating Committee is responsible for preparing all nominations that require a Congregation ~~vote (Council, Call Committee, Endowment Fund Committee, Synod delegates, etc.)~~ vote.

~~C13.03.~~ **C13.04.** When a pastoral vacancy occurs, the congregation shall elect a **Call Committee** of six voting members. Term of office will terminate upon installation of the newly called pastor.

**C13.04.** ~~C13.05.~~ The congregation at the ~~annual congregation~~ December meeting shall elect a **Mission Endowment Fund Committee** consisting of five voting members from a list of candidates submitted by the Nominating Committee. The term of each voting member shall begin on the first of the month following his or her election. The congregation shall elect voting members to the Committee for staggered three-year terms. No member shall serve more than two consecutive terms. After a lapse of one year, former Committee members may be re-elected. A representative from the Congregation Council appointed by the Congregation Council shall serve as ~~an advisor~~ a liaison to the Committee. In the event of a voting member vacancy, the ~~Congregation Council~~ President, subject to Council approval, will appoint a member to serve ~~until the next congregation meeting, at which meeting the congregation will elect a member to fulfill any unexpired~~ the remaining term of the vacancy.

~~C13.04.A15.~~

- ~~a. The purpose of the Mission Endowment Committee is to administer the Mission Endowment Fund, subject to the oversight of the Congregation Council.~~
- ~~b. The Mission Endowment Committee shall meet at least quarterly, and more frequently when deemed to be in the best interest of the Mission Endowment Fund. A quorum for voting purposes shall consist of three voting members of the Committee. When only three voting members are present, passage of any motion or resolution shall require a unanimous vote. Annually, the Committee shall elect from its membership a chairperson, a recording secretary and a Fund secretary. The chairperson or a member designated by the chairperson to serve *pro tempore* shall preside at all meetings.~~
- ~~c. The Mission Endowment Fund Committee shall: encourage and celebrate gifts to the Mission Endowment Fund through education and promotion of the Fund; receive and administer unrestricted gifts to the Mission Endowment Fund created under Chapter 5; maintain a permanent book of remembrance of donors to the Fund; determine how Fund assets will be invested in accordance with this Constitution and this continuing resolution; recommend to the Congregation Council that noncash gifts be sold as soon as practical and the proceeds deposited in the Fund; and submit to the Congregation Council for its approval the Committee's recommendations for distribution of annual awards.~~
- ~~d. The Committee shall report to the Congregation Council at least once per year or more frequently as requested by the Congregation Council, and shall report to the congregation at its annual meeting or at any duly called special meeting of the congregation at which the Fund is on the agenda. The annual report will render a full and complete audited account of the administration of the Fund during the preceding year.~~
- ~~e. The Committee may use the services of the ELCA Foundation Regional Gift Planner in assisting members with the best way to include the Mission Endowment Fund in their current giving and estate plans.~~
- ~~f. The Committee may provide for professional counseling on investment or legal matters as it deems to be in the best interest of the Fund; any cost of such advice shall be at the expense of the Fund. The Committee shall review the performance of any such advisor at least annually for the purpose of deciding whether to change advisors or discontinue the use of such advisors.~~
- ~~g. Committee members will not be liable for any losses that may be incurred upon the investments of the Fund's assets, except to the extent such losses will have been caused by bad faith or gross negligence. No member will be personally liable who acts in good faith and with ordinary prudence. Each member will be liable only for personal, willful misconduct or omissions, and will not be liable for the acts or omissions of any other member. No member will engage in any self-dealing or transactions with the Fund in which the member has direct or indirect financial interest and will at all times refrain from any conduct in which their personal interests would conflict with the Fund's interests.~~
- ~~h. The Committee may request other members of the congregation to serve as advisors to the Committee without compensation.~~

- ~~i. The Committee's recording secretary shall maintain complete and accurate minutes of all meetings, including reports of the Committee's Fund secretary. Copies shall be supplied to members of the Committee. Each member will keep a complete copy of minutes for the past twelve months to be delivered to the member's successor. The recording secretary shall also supply a copy of the minutes and the Fund secretary's report to the Congregation Council as well as maintain an archive of the minutes for historical purposes.~~
- ~~j. The Committee's Fund secretary shall obtain a current report from the Treasurer of this congregation showing the principal and income balances in the Fund, and shall maintain records of all distributions of the funds including the objective of each distribution. The Fund secretary's records shall allow the Committee to determine their compliance with the distribution requirements of the Fund. Anonymity of donors and recipients must be adhered to if requested.~~
- ~~k. Fund assets will be invested according to the following requirements:
 
  - ~~i. All assets are to be held in the name of the Saint Peter Evangelical Lutheran Church Mission Endowment Fund.~~
  - ~~ii. No assets shall be invested in a way that would bring private inurement to any member of the Mission Endowment Fund Committee.~~
  - ~~iii. The investment objective shall be to produce earnings and capital appreciation without undue risk to principal.~~
  - ~~iv. Fund investments shall only consist of the following: (1) cash instruments hereby defined as FDIC insured bank accounts, shares of money market mutual funds, and investments offered by the ELCA Foundation of the Evangelical Lutheran Church in America (ELCA); (2) U.S. Treasury securities; (3) investment grade bonds; and (4) other readily marketable investments such as, but not limited to, shares of stock of individual companies, and shares of stock mutual funds, bond mutual funds, index mutual funds, and index funds.~~~~
- ~~l. When the accumulated contributions to the Fund reach \$50,000, annual distributions shall be made based on the prior calendar year's earnings which are hereby defined as income plus realized net capital gains and losses. At least 60% of each calendar year's earnings shall be distributed by June 30 of the following year. Each year's distributions will be allocated as follows:
 
  - ~~i. A minimum of 20% to individuals and/or organizations living or headquartered in Brunswick County;~~
  - ~~ii. A minimum of 20% to individuals and/or organizations living or headquartered in the United States; and~~
  - ~~iii. A minimum of 20% to individuals and/or organizations living or headquartered outside the United States.~~~~
- ~~m. Distributions in excess of the above minimums are to be made to individuals and/or organizations in l.i. to l.iii. above, and not to meet operating or capital needs of this congregation, except as provided in section o. below.~~
- ~~n. Operating expenses and administrative support for the fund will be the responsibility of the congregation unless section o below occurs. In that circumstance, reasonable operating expenses may be charged to the Fund.~~
- ~~o. Under an unforeseen emergency situation and as directed by the 2/3 vote of the Congregation, the income and/or principal of the Fund may be used to help the Congregation rectify an economically devastating situation.~~

**C13.05.A19.** Subject to the oversight and approval of the Congregation Council, the purpose of the Mission Endowment Committee is to administer the Mission Endowment Fund and to recommend disbursement of appropriate funds.

~~**C13.05.**~~ **C13.06.** The Congregation Council shall ~~elect~~ appoint an **Audit Committee** of three voting members. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member ~~elected~~ appointed each year. Members shall be eligible for re-election.

~~**C13.05.A16.**~~ **C13.06.A19.** The Audit Committee's duties are:

- a. Meet with the Congregation President, Finance Committee Chair, Treasurer, Financial Secretary, Mission Endowment Committee Chair, and ~~Memorial Garden Committee Chair~~ other Committee

Chair(s) as requested by the Audit Committee prior to beginning the audit. This meeting is to receive guidelines on the scope of the audit, receive files from account holders, and resolve questions regarding the conduct of the audit. This meeting is to occur prior to April 1 of the year following the year to be audited.

- b. Complete all audits prior to September 1 of the year the audit is initiated.
- c. Provide an initial report of findings and meet with the same officers listed in (a.) above to resolve any apparent misinterpretation of transactions.
- d. Provide a final report with findings and recommendations to the Congregation President prior to December 1 of the year the audit is initiated, to be included in the Annual Report.

~~C13.06. The Congregation Council shall appoint to a **Memorial Garden Committee** voting members who shall serve until their successors are appointed. The Committee will consist of a chairperson, secretary, and financial secretary.~~

~~C13.06.A15. The **Memorial Garden Committee** shall guide, supervise, and serve as stewards for the coordination, administration, and maintenance of the Columbarium; shall coordinate with the congregation's financial secretary and treasurer for receipt of any funds and disbursements associated with the Columbarium Fund and the Memorial Garden; shall coordinate with the Property Committee for any work associated with landscaping contracts; shall meet at least quarterly and provide quarterly reports to the Congregation Council; shall submit an annual report to the congregation and prepare financial records of the previous year for audit not later than March 31.~~

C13.07. The Congregation Council shall appoint a Personnel Committee to serve at the pleasure of the Council. The president of the Council shall serve as the Chair of the Personnel Committee. This Committee shall provide oversight of and for all employment and supervisory practices, including employment contracts, annual employee reviews, and oversight of grievance procedures.

C13.07. C13.08. The congregation at the December meeting shall elect a **Memorial Fund Committee** consisting of six voting members from a list of candidates submitted by the Nominating Committee. The term of each voting member shall begin on the first of the month following his or her election. The congregation shall elect voting members to the Committee for staggered three-year terms. No member shall serve more than two consecutive terms. After a lapse of one year, former Committee members may be re-elected. A representative from the Congregation Council appointed by the Congregation Council shall serve as a liaison to the Committee. In the event of a voting member vacancy, the Council President, subject to Council approval, will appoint a member to serve the remaining term of the vacancy.

C13.08.A19. Subject to the oversight and approval of the Congregation Council, the purpose of the Memorial Fund Committee is to administer the Saint Peter Memorial Fund and to recommend disbursement of appropriate funds.

C13.09. Nine committees are established under C4.04. to be represented on the Congregation Council. In addition, the Congregation Council may form other committees, as the need arises. In addition to the committees established in this constitution, the Congregation Council may establish any committee that is needed to carry out the mission and vision of this congregation.

~~C13.07.A16. The duties and responsibilities of the various congregation committees represented on Congregation Council are:~~

- ~~j. The **Christian Education Committee** shall, in association with the pastor, oversee the promotion of the schools and the educational activities within the congregation; shall encourage the use of teaching and worship materials published or approved by the Evangelical Lutheran Church in America; should seek to introduce the church's periodicals, family devotion materials and books into the homes of the congregation; shall encourage all members toward growth in their faith relationship through participation in various bible studies and forums; and shall, in coordination with the pastor, appoint youth advisors as needed to provide a sound ministry for the youth of the congregation.~~
- ~~k. The **Property Committee** shall see to the proper maintenance and protection of all property of the congregation; shall take care that the property is kept in good repair and working order; and shall oversee the work involved in any improvements to said property.~~

- ~~l. The Evangelism Committee shall foster a warm and welcoming atmosphere for visitors and guests within the congregation; shall encourage the congregation to to be aware of and work to establish connections with visitors and members; shall identify opportunities to communicate this congregation's mission, ministry and programs within the community; shall host new member orientation sessions; shall provide opportunities and written material to introduce the congregation to new members; and shall nurture new members by assigning sponsors to them during their first 100 days of membership.~~
- ~~m. The Fellowship Committee shall foster and encourage a variety of fellowship activities and events within the congregation, toward the end of enriching the congregational oneness of family.~~
- ~~n. The Finance Committee, of which the treasurer and financial secretary shall be members, ex officio, shall exercise oversight of all the financial affairs of the congregation to make sure that they are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence funds to the synodical treasurer. The Committee shall, subject to approval of the Congregation Council, be responsible for the congregation's investments and its total insurance program; shall prepare a draft budget for the succeeding year, endeavoring to include the congregation's full indicated shall in benevolence to the synod and shall submit the draft budget to the Congregation Council for its action and later presentation to a congregational meeting. Each year, prior to March 1. The committee shall update a "Contract Spending Parameters Matrix", describing documentation and authority for various expenditure ranges of contracts; a "Voucher Authority List", designating individuals who may approve payments of budgeted funds from appropriate accounts; and a "Pre-Authorization List" of contracts and vendors who may be paid by the Treasurer. Such lists will be presented to the Congregation Council for approval.~~
- ~~o. The Outreach Committee shall foster and encourage the congregation to extend Christian compassion and helpfulness to the ill, the aged, the underprivileged, the imprisoned, and in general to persons of all ages in need of aid in body or soul; shall strive to enlist in these efforts as many as possible of the members and organizations of the congregation; and shall foster congregational membership and support of the Southport/Oak Island Inter Church Fellowship, a local association of Christian churches to address and meet local human needs.~~
- ~~p. The Stewardship Committee shall promote the expression of the Christian faith in daily living; shall promote the Christian use of one's time, talent and treasure for the Lord's work; shall work in cooperation with the Outreach Committee to ensure members' awareness of the congregation's local, national and worldwide ministries; shall lead members toward growth in participation in the work of building Christ's church among us; and shall organize the annual effort of recommitment by all members of their time, talent and treasure to the Lord in response to His great love for us.~~
- ~~q. The Worship and Music Committee shall assist the Congregation Council in seeing that the services of God's house are conducted regularly and in accordance with the liturgy of the Evangelical Lutheran Church in America, that competent lay assistant ministers and lectors are recruited, that competent ushers are recruited and trained, that acolytes and crucifers are recruited and trained, and that hymnals and other devotional materials are provided and properly cared for. The Committee shall oversee and strive to advance the welfare and effective service of the choirs of the congregation; shall arrange for the care of the musical instruments; in consultation with the pastor, the organist, and the choir directors, shall furnish music supplies appropriate for use in the worship of a congregation of the Evangelical Lutheran Church in America; shall seek, as the need arises, candidates for the position of organist and/or choir director and present to the Congregation Council for its approval any recommendations for such candidates, including any compensation; and shall oversee the work of the Altar Guild, which is responsible for the maintenance and changing of the altar paraments and for the maintenance of an adequate stock of worship supplies.~~
- ~~r. The Health Ministry Committee shall develop a sound program to promote the wholeness of body, mind and spirit in the congregation; shall provide support, mentoring and direction for the parish nurse, in conjunction with the pastor; shall evaluate annually the health ministry program and make recommendations regarding changes, additions and modifications to strengthen and enhance the program; and shall assist in determining appropriate programs and activities to meet~~



~~demonstrated needs; and shall oversee the maintenance and use of the labyrinth.~~

~~C13.08.~~ **C13.10.** Duties of committees of this congregation shall be specified in the continuing resolutions.

~~C13.08.A15.~~ In addition to their specific responsibilities, all committees of the congregation shall: meet at least bi-monthly; make monthly written reports to the congregation council before the council's next meeting; coordinate with other congregation committees; provide input for the annual budget; and submit a written annual report to the congregation secretary no later than December 15 for the current year.

**C13.10.A19.** In addition to their specified responsibilities, all committees shall: meet when determined by committee itself or at the direction of the Congregation Council; make written reports, which can consist of meeting minutes, to the Council immediately following each meeting; maintain the confidentiality of personnel information and the private financial and health needs of members; coordinate with other congregation committees; provide input for the annual budget; and submit a written annual report to the congregation secretary no later than December 15 for the current year. The Congregation Council also may require specific committees to recommend operating procedures that must be approved by the Council.

~~C13.09.~~ **C13.11.** The senior pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation and the president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.

## Chapter 14.

### ORGANIZATIONS WITHIN THE CONGREGATION

**C14.01.** 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. 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.

**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.

## Chapter 15.

### DISCIPLINE OF MEMBERS AND ADJUDICATION

**\*C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15-17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

**\*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 the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two **clergy ministers of Word and Sacrament**). A copy of the written

charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.

- \*C15.03. If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- \*C15.04. The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C15.05. By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
  - a. suspension from the privileges of congregation membership for a designated period of time;
  - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
  - c. termination of membership in the congregation; or
  - d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.
- \*C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- \*C15.07. No member of the congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- \*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**

- ~~\*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 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. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.~~
- ~~\*C16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.~~

## **Chapter 17.**

### **AMENDMENTS**

**\*C176.01.** Unless provision **\*C176.04.** 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 ten percent of the voting members 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 of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

**\*C176.02.** An amendment to this constitution, proposed under **\*C176.01.**, shall:

- a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those **voting members** present and voting;
- b. be ratified without change at the next annual meeting by a two-thirds **majority** vote of those **voting members** present and voting; and
- c. have the effective date included in the resolution<sup>1</sup> and noted in the constitution.

**\*C176.03.** Any amendments to this constitution that result from the processes provided in **\*C176.01.** and **\*C176.02.** shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.

**\*C176.04.** 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. Such amendments may be approved 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 or electronic means, as permitted by state law, 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 **\_\_\_\_\_** at **least two (2)** voting members 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 17.**

### **BYLAWS**

**\*C17.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.

**\*C17.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a ~~majority~~ two-thirds vote of those voting members present and voting.

**\*C17.03.** Changes to the bylaws may be proposed by any voting member, provided 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. The Congregation Council shall notify this congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.

**\*C17.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

## **Chapter 18.**

### **CONTINUING RESOLUTIONS**

- \***C18.01.** The congregation in a legally called meeting or the Congregation Council may enact continuing 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.
- C19.01.01.** The congregation shall maintain liability insurance in the form of a blanket bond for each person who is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation.