



# Evangelical Lutheran Church in America

God's work. Our hands.

## CONSTITUTION

OF

**MESSIAH LUTHERAN CHURCH**

**MADISON, ALABAMA**

**2022**

Revision approved by Church Council – July 14 2022  
Revision approved by the Congregation – September 18 2022  
Revision ratified by the Congregation –  
Revision approved by the Southeastern Synod Council -

## INTRODUCTION to the *Model Constitution for Congregations*

The *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, like the other governing documents of this church, reflects the theology and polity of this church as it organizes itself to preach the gospel of Jesus Christ, share the sacraments, reach out to the neighbor with good news and share the love of God in the world. Each expression of this church — churchwide, synod, and congregation — is held together in a relationship of interdependence that encourages each to respond to its context. These documents also demonstrate our commitment to seeing ourselves with others as part of the one, holy, catholic, and apostolic Church. As such, the *Model Constitution for Congregations* is deeply rooted in Scripture, the Lutheran Confessions, and the history of this church and its predecessors.

The *Model Constitution for Congregations* was adopted by the Constituting Convention of the Evangelical Lutheran Church in America, as required by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This current edition of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* contains changes adopted by all churchwide assemblies, including the fifteenth Churchwide Assembly in 2019. It is consistent with the requirements of the governing documents of the ELCA's churchwide organization and synods, and it provides organizational flexibility to recognize the context of local congregations.

► **Required provisions:** Sections of this constitution marked by an asterisk [\*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (*i.e.*, neither additions nor deletions are permissible). This requirement is based on provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision requires that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. Provisions in the *Model Constitution for Congregations* identified by an asterisk [\*] are those required under ELCA constitutional provision 9.25.b.

► **Review by synod:** Each congregation of this church is to provide a copy of its governing documents, and any amendments thereto, to its synod. In accordance with ELCA bylaw 9.53.03., amendments to a congregation constitution become effective *only* when approved by the synod. This bylaw provides:

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall 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. The synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate.

No governing document amendment will be approved by a synod if it conflicts with the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. In order to meet constitutional requirements and to avoid potential problems, all proposed amendments to a congregation's constitutional provisions, bylaws, and continuing resolutions should be submitted to the synod for review.

► **Amendment consistent with the Model Constitution for Congregations:** A congregation that amends its constitution to be in conformity with the *Model Constitution for Congregations* will report these changes to its synod. The amendments become effective upon adoption by the congregation, \*C16.04. While synod approval is not required, it is wise to work with the synod in preparing to present these amendments to the congregational meeting.

► **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 “C13.07.A19.” 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 “A19” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2019. 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.

► **Missing numbers:** You will notice that certain numbers are missing from the numbering sequence in some chapters. These omissions are intentional. For example, in some chapters the number “.10.” and multiples thereof have been reserved for possible use as section headings in future editions.

► **Selection of options:** Alternatives are provided in some places within the *Model Constitution for Congregations*. Alternatives are noted by brackets or blank lines. For example, constitutional provision \*C9.01. offers the alternative of election of a call committee by the congregation or by the Congregation Council. Only one alternative should be chosen in each instance where brackets appear in the text. In other provisions, alternative provisions are provided. Thus, in Chapters 11 and 12, regarding “Officers” and “Congregation Council,” options are provided separated by the word “or.” Each congregation should select one of those options, subject to approval through the synod’s constitutional review process. Where a blank line appears, such as in C1.01. or C10.02., the appropriate word, phrase, or number determined by the individual congregation should be inserted.

► **References to church:** In the governing documents, “Church” with a capital letter refers to the one, holy, catholic, and apostolic Church. The words “church” or “this church” in lowercase letters refer to the Evangelical Lutheran Church in America. The specific congregation may be identified, as provided in C1.02., as “this congregation.”

► **Guidelines:** A list of guidelines for a congregation engaging in review and amendment of its constitution is available through each synod office and at ELCA.org.

► **Consultation and concluding comments:** Each synod has a process to review proposed amendments to congregational constitutions. The work of both congregations in amending their governing documents and the synod in reviewing proposed amendments is facilitated by consultation and cooperation *before* proposed amendments are acted upon by the congregation. In addition, each congregation should establish a process for periodic review of its governing documents. You are encouraged to contact your synod office to assist your congregation in its periodic review of governing document provisions and to assess whether problems may exist with respect to proposed amendments.

The important task of amending a constitution is challenging. It is, however, an essential endeavor that merits thoughtful work. In addressing your constitutional responsibilities, may God grant you and your colleagues wisdom, discernment, and commitment to the unity of this church in faithful witness to our Lord and Savior, Jesus Christ.

Secretary Wm Chris Boerger  
Evangelical Lutheran Church in America  
August 10, 2019

# CONSTITUTION OF MESSIAH LUTHERAN CHURCH

All uses of the word “pastor” refer to the senior pastor, unless otherwise specified.

All uses of the word “bishop” refer to the synodical bishop of the Southeastern Synod, unless otherwise specified.

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## **\*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 Messiah Lutheran Church.

**C1.01.01.** The seal of this congregation shall include the intersecting portions of three non-diminishing concentric circles. The cross shall be at the center of this seal with a crown, shell, and flame within the radiating arms.

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

**C1.11.** This congregation shall be incorporated under the laws of the State of Alabama.

## **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.

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\* Required provision

### **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.
- \*C3.05. 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 this congregation's ministry and the ministry of the other expressions 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.
- \*C4.05. This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.
- \*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 this congregation. This 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. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;
  - e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;
  - f. approve the annual budget;
  - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - h. hold title to and use its property for any and all activities consistent with its purpose;
  - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - j. elect its officers and Congregation Council, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
  - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- C5.03.01. The fiscal year for this congregation will be the calendar year.
- \*C5.04. This congregation shall elect 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 this congregation and other qualifications shall be as prescribed in guidelines established by the Southeastern Synod of the Evangelical Lutheran Church in America.
- C5.05. This congregation shall have a mission endowment fund that will operate as specified in this congregation’s bylaws. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

**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 Southeastern 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 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 Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a 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 ministers of Word and Service for call to other staff positions in this 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 is 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 or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.
  - d. The Southeastern Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.
  - e. This congregation follows the procedures outlined in \*C6.05.
- \*C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first 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 this 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 this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the first meeting.
  - b. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this 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 send copies of the resolution and certification to voting members of this congregation.
  - c. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.
  - d. If this congregation, after such consultation, is still considering termination of its relationship with this church, 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 second meeting shall be sent 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 this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the second meeting.
  - e. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.

- f. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case \*C7.04. shall apply.
  - 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.
    - 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 synod approval before terminating their membership in this church.
    - 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.
  - h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above, or fails to achieve the required two-thirds vote of voting members present at this 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 the meeting at which the two-thirds vote was not achieved.
- \*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 taken.
- \*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 Southeastern 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 or pursuant to 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America, title to property shall continue to reside in this congregation.
- \*C7.03.** If 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 Southeastern Synod.
- \*C7.04.** If 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 process established by the synod, 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. In neither case does title to this congregation's property transfer to the synod.
- \*C7.05.** Notwithstanding the provisions of \*C7.02. and \*C7.03. 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 Southeastern Synod reconvey 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 this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.
  - d. **Associate** members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights 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 congregations of this church 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 this church;
    - 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.
- C8.02.01. Baptized persons received by affirmation of faith into this congregation shall first have been instructed in Lutheran doctrine by the pastor(s).
- \*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 Chapter 20 of the constitution and bylaws of the Evangelical Lutheran Church in America; or
- e. removal from the roll due to inactivity 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.** Any confirmed member may have his or her name removed from the membership roster upon written request. When such a request is received, a visit by the pastor or member of the Congregation Council shall be made to assure that person of the congregation's continued concern for his or her Christian life and growth.

**C8.05.02.** Members of the congregation who move out of the area will be encouraged to transfer their membership to an ELCA congregation in the area of their new residence. Members of the congregation (except students and members of the armed forces) who move from the area and make no contact with the congregation for a period of two years shall be removed from membership of the congregation.

**C8.05.03.** A member of this congregation may be removed from the roster due to inactivity if he/she has not received the Lord's Supper or made a contribution of record in the current or previous calendar year. Each September the Committee for Outreach shall review the communion records and, if necessary, contact the Financial Secretary. If by September a member of the congregation has neither communed nor contributed in that calendar year, the pastor and/or a member of the Congregation Council shall visit with that member to communicate concern for that member's spiritual life. If the member still has not communed or made a contribution of record by December 31 of that year, he/she will be removed from the membership roster. This action shall be voted upon at a regular meeting of the Congregation Council. Recognizing that special circumstances may cause protracted absences from participation in the life of the congregation, the Congregation Council may act to retain membership for individuals who do not meet the criteria for active membership.

## **Chapter 9. ROSTERED MINISTER (PASTOR)**

**\*C9.01.** Authority to call a pastor 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 the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.

**\*C9.02.** Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod 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 minister of Word and Sacrament shall:
  - 1) preach the Word;
  - 2) administer the sacraments;
  - 3) conduct public worship;
  - 4) provide pastoral care;
  - 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 available channels of effective communication;
  - 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 pastor with a congregational call shall, within the congregation:
  - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
  - 2) relate to all schools and organizations of this congregation;
  - 3) install regularly elected members of the Congregation Council;
  - 4) with the council, administer discipline;
  - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the Southeastern Synod; and
  - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*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 this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod 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 this 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 Ministers of Word and Sacrament 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 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 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 pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. 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 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 pastor and then to this 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 this 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, this congregation may dismiss the pastor 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, 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 this 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 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.
- \*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, this 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 this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.
- \*C9.12.** The pastor of this congregation:
- shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;
  - shall submit a summary of such statistics annually to the synod; and
  - shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- \*C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of this 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 call or approval of a request for change in roster status.
- C9.15.** Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a 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 this congregation and the pastor in a form proposed by the synod bishop and approved by this congregation.
- \*C9.21.** Authority to call a deacon 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 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 synod 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:
- 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 this church 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 this congregation shall be as follows:
- a. The call of this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod 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 with disability status. 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. This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon 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.
  - \*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. This congregation shall have at least one regular meeting per year. The regular meeting(s) of the congregation shall be held at the time(s) specified in the bylaws. Consistent with the laws of the State of Alabama, the bylaws shall designate at least one regular meeting per year as the annual meeting of this congregation.
- C10.01.01. The semiannual meetings of this congregation shall be held in May and November. The dates of these meetings shall be determined by the Congregation Council. The May meeting shall include the elections of the officers, the Congregation Council, and the Nominating Committee. Also at this meeting annual reports shall be presented by the Congregation Council, committees, pastor, treasurer, financial secretary, and all other organizations of the congregation wishing to present reports. The November meeting shall include the presentation and adoption of the congregation budget for the next fiscal year.
- C10.02. A special Congregation Meeting may be called by the senior pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of this congregation upon the written request of 10 percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synod 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 or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting
- C10.04. Fifteen percent (15%) of the voting members shall constitute a quorum.
- C10.05. Voting by proxy or by absentee ballot shall not be permitted.
- C10.06. All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

**C10.08.** This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication.

## **Chapter 11. OFFICERS**

**C11.01.** The officers of this congregation shall be a president, vice president, secretary, and treasurer.

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of this congregation.
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.

**C11.02.** The congregation shall elect its officers and they shall be the officers of this congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin on June 1 and end on May 31.

The pastor shall be *ex officio* member of all committees and boards, except the Audit Committee.

**C11.02.01.** The duties of the officers of this congregation are specified as follows:

- a. The duties of the president:
  - 1) The president shall be considered the lay leader of the congregation.
  - 2) The president shall enforce the Constitution, Bylaws and Continuing Resolutions of the congregation and carry out the expressed will of the congregation as embodied in the Constitution, By-laws, and Continuing Resolutions.
  - 3) The president shall convene and preside at Congregational Meetings and shall appoint a parliamentarian for said meetings.
  - 4) The president shall endeavor to coordinate the functions, plans, and activities of the congregation in all its parts for the total furtherance of the work of Christ's kingdom in our midst.
  - 5) The president shall be an *ex officio* member of all committees and auxiliaries, except the Audit Committee.
  - 6) As stated in the Articles of Incorporation, the president will be the President and Principal Officer of Messiah Lutheran Church, Inc.
- b. The duties of the vice president:
  - 1) In the absence of the president, the vice-president shall assume all presidential duties.
  - 2) The vice-president shall convene and preside at Council meetings and shall appoint a parliamentarian for said meetings.
  - 3) The vice president shall ensure that the secretary or a qualified substitute is present at all meetings of the congregation and at all meetings of the Council and Executive Committee.
  - 4) The vice president shall have responsibility for ensuring that invited guests of the congregation are given all possible courtesy.
  - 5) As stated in the Articles of Incorporation, the vice-president will be the Vice-President of Messiah Lutheran Church, Inc.
- c. The duties of the secretary:
  - 1) Meetings: The secretary, or a qualified substitute, shall be present at all Congregation Meetings and at all meetings of the Congregation Council and Executive Committee. The secretary shall call meetings to order in the absence of both the president and vice president. The secretary shall maintain an attendance roll at all meetings of the congregation, the Congregation Council, and Executive Committee.
  - 2) Records: The secretary shall retain a written record of balloting results from congregational elections of officers, Congregation Council, and Nominating Committee members. The secretary shall assure that accurate minutes are kept of all said meetings. He or she shall provide copies of these minutes to the members of these same groups prior to or at their next regularly scheduled meeting.
  - 3) Support: The secretary shall provide a copy of this congregation's Constitution, Bylaws, and Continuing Resolutions to each new Incoming officer and Congregation Council member.

- 4) Correspondence: The secretary shall have the responsibility for the preparation of all official external correspondence of the congregation that requires the signature of the president as well as all reports and documents required by the ELCA and the Southeastern Synod. By mutual agreement, this task may be shared with the other officers of the congregation.
- 5) As stated in the Articles of Incorporation, the secretary will be the Secretary of Messiah Lutheran Church, Inc.

d. The duties of the treasurer:

- 1) The treasurer shall be the fiscal officer of the congregation.
- 2) The treasurer shall be responsible for accurate recording of congregational general fund receipts and disbursements in accordance with proper accounting procedures.
- 3) The treasurer shall maintain permanent and appropriate records covering the receipt and disbursement of any special and/or savings funds, as authorized by the Congregation Council, in accordance with proper accounting procedures.
- 4) The treasurer shall present to the Congregation Council, using a council-approved format, monthly written report(s) of all congregational receipts and disbursements.
- 5) The treasurer shall submit an annual written financial report to the Congregation Council and the congregation at the close of the church fiscal year.
- 6) The treasurer shall submit as called for all permanent records in his or her possession to the Audit Committee for audit. This requirement does not include individual offering records, weekly counter sheets, or individual pledges that are principally maintained by the Financial Secretary, unless directed by the Congregation Council.
- 7) The treasurer shall attend scheduled meetings of the Congregation Council and the Executive Committee.
- 8) The treasurer shall become properly and currently bonded, with any expense of bonding and premiums for this congregation's activities being paid by the congregation. Fidelity coverage provided by the ELCA shall be deemed a fulfillment of this requirement.
- 9) The treasurer shall follow any specific procedural requirements stated in the Continuing Resolutions.
- 10) As stated in the Articles of Incorporation, the treasurer will be the Treasurer of Messiah Lutheran Church, Inc.

**C11.02.02** *Ex officio* members shall have full voice and voting rights.

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

## **Chapter 12.**

### **CONGREGATION COUNCIL**

**C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the deacon(s), the officers of the congregation, one youth representative, and not more than eight (8) 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. 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.

**C12.01.01.** The members of the Congregation Council, other than the officers, shall relate directly to the work of the Standing Committees described in bylaw C13.06.01. The Congregation Council member(s) on each Standing Committee shall communicate reports and requests between the Congregation Council and the respective Standing Committee.

**C12.01.02.** Congregation Council Details



- a. In addition to the officers and youth representative, the number of Congregation Council members elected shall be equal to the number of Standing Committees. Each Congregation Council member shall be elected to represent a specific committee. The Executive Committee may, however, alter the committee assignments of the members of the Congregation Council if it is determined that such changes will best serve the needs of the congregation and best utilize the talents of the members of the Congregation Council. All such changes will be communicated to the congregation at large.
  - b. The youth representative shall be a voting member of the congregation, shall not have attained the age of 22 prior to appointment, and shall serve for a one-year term of office.
  - c. The elections of Congregation Council members shall be conducted according to the following procedures: The Nominating Committee shall nominate at least one person for each vacancy on the Congregation Council. Additional nominations may be made from the floor at the Congregation Meeting. All nominees must agree to serve if elected. A majority of the votes cast for each vacancy shall be necessary for election. Should an additional ballot be required to obtain a majority vote, the next ballot shall be limited to the candidates receiving the first and second highest vote totals on the previous ballot.
- C12.02.** The members of the Congregation Council except the pastor(s) and the deacon(s) shall be elected at a legally called meeting of the congregation during the month of May. The term of office of council members, other than the officers and youth representative, shall be two years with the term of office beginning on June 1 and ending May 31. Terms of council members shall be staggered so that approximately one-half of the council is elected each year. Newly elected Congregation Council members shall be installed at a service of worship prior to the date they assume office. Such members shall be eligible to serve no more than two full terms consecutively.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next congregation meeting for the election of Congregation Council in May.
- 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 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.
- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and managing 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 Alabama, except as otherwise provided herein.
  - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.

- c. The Congregation Council may enter into contracts of up to three percent (3%) of the approved annual budget for items not included in the budget.
  - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than three percent (3%) in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in collaboration with the synod and churchwide organization.
  - e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
  - f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
- C12.05.01.** The Congregation Council shall elect annually for the fiscal year a financial secretary who shall not be a member of the Congregation Council. The person elected Financial Secretary shall not be restricted to a maximum number of terms. The Financial Secretary shall maintain records of all contributions and make regular reports to the Congregation Council and treasurer. The financial secretary shall issue to individual voting members quarterly statements of contributions to the congregation. The financial secretary shall issue an annual report in consultation with the Committee for Stewardship.
- C12.06.** The Congregation Council shall see that the provisions of this constitution, 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 and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the semi-annual meeting.
- 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 pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synod bishop.
- C12.13.** The meetings of the Congregation Council shall be open to all voting members of the congregation. The bylaws of the constitution shall state when exceptions to the open meeting rule shall be allowed. A voting member of the Congregation Council may never be excluded from a meeting of the Congregation Council.
- C12.13.01.** The Congregation Council may hold meetings that are closed to all persons except voting members of the Congregation Council for the following reasons:
- a. When the Congregation Council is considering personnel matters related to salaried staff positions, as described in Chapters 9 and 12 of the *Constitution, Bylaws, and Continuing Resolutions*.
  - b. When the Congregation Council is considering the discipline of a member of the congregation, as described in Chapter 15 of the *Constitution, Bylaws, and Continuing Resolutions*.
- The Congregation Council may invite persons, at its own discretion and as it deems necessary, to such closed meetings.

### **Chapter 13.** **CONGREGATION COMMITTEES**

- C13.01.** The officers of this congregation and the pastor shall constitute the *Executive Committee*. The duties of the Executive Committee shall be described in the bylaws.
- C13.01.01.** The Executive Committee shall have as its members the officers of this congregation (pastor, president, vice-president, secretary, and treasurer). The main duties of this committee are the management of the affairs of the Congregation Council, the determination of the date and agenda for key events of this

congregation and Congregation Council, and nominations for replacement of any vacancies on the Nominating Committee. The Executive Committee shall also serve as the Staff Support Committee if one is not actively functioning. Further directives for the Executive Committee may be found in continuing resolutions.

**C13.02.** A **Nominating Committee** of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election.

**C13.02.01.** The duties of the Nominating Committee shall be as follows:

- a. This committee shall select its chairperson at its first meeting.
- b. This committee shall be responsible for all elections, including the administrative functions prior to, during, and after elections, in which members of the congregation as a body cast a vote. This includes the election of officers, Congregation Council members, and members of the Nominating Committee.
- c. This committee shall prepare a slate of officers consisting of at least one candidate each for President, vice president, secretary, and treasurer, and at least one candidate for each vacancy on the Congregation Council. All of these will be elected at the Semi-Annual Congregational Meeting in May.
- d. Prior to publishing this slate of officer and Congregation Council nominations, this committee shall have determined that each proposed candidate is qualified to perform the duties of the office for which nominated. This committee shall also have explained to each candidate the duties of the office to which nominated and have obtained their consent to be nominated and serve if elected.
- e. This committee shall present a slate of candidates for the Nominating Committee in accordance with C13.02 of the Constitution.
- f. Should nominations be made from the floor, this Committee shall be responsible for verifying their validity, and integrating all nominations prior to the vote.

**C13.02.A12.**

- a. When a new Nominating Committee is elected, the outgoing Nominating Committee chair shall call a meeting of the new Nominating Committee for the purpose of electing the new chairperson. This election shall take place by the end of June.
- b. The chair of the Nominating Committee shall convene the Nominating Committee in January to start working on the slate for the May meeting.
- c. The Nominating Committee shall solicit candidates from the congregation by announcing in the newsletter, the bulletin, and through any other available forums (i.e., website, bulletin boards) the positions available.
- d. The Nominating Committee shall strive to present a slate which has at least two candidates for each office and committee representative position available.
- e. The Nominating Committee shall consult with the current Congregation Council for candidates to consider for open positions.
- f. The Nominating Committee is independent from the Congregation Council and is responsible for bringing forward the candidates it feels will best serve the mission of the congregation.
- g. All candidates who are willing to serve if elected shall be placed on the ballot, however, the Nominating Committee may choose to recommend one candidate for each position. This candidate will have a designation by their name.
- h. The Nominating Committee shall use some assessment tool to help in identifying the candidate's gifts, vision, call, etc.
- i. Nominations from the floor shall be incorporated into the written ballot.
- j. The Nominating Committee shall publish biographies of the candidates for officers, committee representatives, and Nominating Committee.
- k. The Nominating Committee shall engage in a prayerful discernment process to determine the slate of officers, committee representatives, and nominating committee members.
- l. The Nominating Committee shall introduce the candidate and allow them the opportunity to address the congregation before the vote.

**C13.03.** An **Audit Committee** of at least three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.

**C13.03.01.** The duties of the Audit Committee shall be as follows:

- a. The Audit Committee shall be responsible for assuring that there is a thorough annual audit of the treasurer's books prior to May 31. An audit shall also be performed prior to whenever a new treasurer takes office.
  - b. The Audit Committee shall assure that any organization that has a separately held treasury account will be subject to an annual audit by the committee.
  - c. An additional audit is required when a written request is received from not less than ten percent (10%) of the voting members of this congregation.
  - d. An additional audit may be requested by the Congregation Council.
- C13.04.** A **Mutual Ministry Committee** of four members shall be appointed jointly by the president and the pastor. In the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee. The duties and composition of the Mutual Ministry Committee shall be specified in continuing resolutions. Term of office shall be two years, with two members to be appointed each successive year.
- C13.04.01.** The purpose of the Mutual Ministry Committee(s) shall be to support the pastor(s), both personally and professionally. A Staff Support Committee may be formed to support other professional staff members, with duties to be specified in continuing resolutions.
- C13.05.** When a pastoral vacancy occurs in a position for which this congregation calls a rostered minister, a **Call Committee** of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called rostered minister.
- C13.06.** Other standing committees shall be formed as a means to accomplish the mission and ministry of this congregation. These committees and their functions shall be specified in the bylaws and continuing resolutions.
- C13.06.01.** a. The Standing Committees of this congregation shall be:
- Committee for Worship and Music
  - Committee for Education and Youth
  - Committee for Outreach
  - Committee for Stewardship
  - Committee for Fellowship
  - Committee for Property
  - Committee for Finance
- b. Each Standing Committee shall be made up of at least one member of the Congregation Council and all other members of this congregation desiring to serve in this area of ministry.
- c. Each Standing Committees shall select a chairperson each year at its first meeting after May .
- c. Every member of this congregation is eligible to serve on one or more Standing Committee(s). All members of this congregation are encouraged to serve on at least one Standing Committee.
- e. The duties of the Standing Committees shall be determined by the Congregation Council and the Standing Committees themselves. These duties may be specified in continuing resolutions.
- C13.06.A12. Committee for Worship and Music**
- a. The purpose of the Worship and Music Committee is to help people celebrate their relationship with God and one another through worship and music in their many expressions.
- b. The Worship and Music Committee shall consist of a chairperson, council liaison (who may be the chair), the Altar Guild chair, the usher coordinator, and at least two other members of the congregation. The *ex officio* members of the committee are the music director, choir director, and the senior pastor.
- c. The responsibilities of the committee include the following:
- 1) Ensure orderly conduct of regular as well as seasonal and festival worship services in accordance with the teachings and practices of the ELCA;
  - 2) Help plan special services, including weddings and funerals;
  - 3) Act as liaison for lectors, communion assistants, ushers, and the Altar Guild;
  - 4) Assist the Congregation Council in providing for supply ministry in the even of pastoral vacancy or vacation;
  - 5) Assist in providing the opportunity for musical expression in worship through support of the ongoing music program and occasional special music;
  - 6) Assist in planning for the acquisition and maintenance of equipment and materials for worship as well as of musical instruments.

- 7) Annually evaluate its work, updating its job description as necessary, and submitting it to the Congregational Council for approval;
- 8) Publicizing and attending opportunities for professional growth in the field;
- 9) Submit a proposed budget to the Finance Committee and monitor expenditures and any additional needs.
- 10) Provide an annual report to the congregation at the May annual meeting.

d. The Worship Committee works with all other standing committees.

**C13.06.B12. Committee for Education and Youth**

- a. The purpose of the Education and Youth Committee is to promote the education of the children, youth and adults of the congregation in Christian beliefs and heritage, and to foster the relationships and fellowship among the children and youth in our congregation.
- b. The committee shall consist of two standing sub-committees and the council representative for Education and Youth will chair both sub-committees. Each sub committee will meet at least quarterly.
  - 1) The Education Committee shall consist, at the minimum, of the council representative for Education and Youth, the Pastor, the Sunday School Superintendent and a member of the Sunday School teaching staff.
  - 2) The Youth Committee shall consist, at the minimum, of the council representative for Education and Youth, the Youth Representative, Youth Director, and the youth group advisors.
- c. The Education and Youth Committee shall:
  - 1) Be responsible for the Christian nurture of children, youth and adults in the congregation, and through them, the community.
  - 2) Establish objectives, set policy for, and supervise the total education for: Sunday School, Vacation Bible School, Confirmation classes, the church library, home Bible study groups, youth activity groups, and other educational groups.
  - 3) Approve curriculum for all age groups, analyze the performance of each program and seek improvement.
  - 4) Delegate administration of educational and youth activities to qualified persons, interviewing and screening volunteers to assure a safe and Christian environment for the children and youth.
  - 5) Exercise leadership in gathering lists of candidates for vacancies in the teaching and youth advisory staffs, and for properly calling teachers and advisors.
  - 6) Provide for professional growth of the educational and youth advisory staffs through conferences, conventions, and continuing education, and request funds for the same in the annual budget.
  - 7) Annually examine the educational facilities and equipment. Make recommendations to the Property Committee as to upkeep, repairs, and replacements as needed. Make recommendations to the church council as to new equipment and facilities needed.
  - 8) Provide an annual report to the congregation at the May annual meeting.
  - 9) Periodically evaluate the work of this committee and its job description, and make necessary changes.
  - 10) Obtain background checks on all new Education and Youth volunteers, and update all background checks every three years.
  - 11) Submit an annual budget request in the form and at the time requested by the Finance Committee.
- d. The Education and Youth committee shall work with all other standing committees of the church to coordinate educational activities within the congregation.

**C13.06.C12. Committee for Outreach**

- a. The purpose of the Outreach Committee is to plan, organize, and supervise specific ministries of the congregation that witness to Christ to people inside and outside of the congregation.
- b. The Outreach Committee shall consist of the Congregation Council representative and the Community Ministries Subcommittee, Membership Subcommittee, and National and Global Missions Subcommittee.
  - 1) The Community Ministries Subcommittee shall:

- a. promote congregation ministry in local missions and involvement in community and social ministries;
  - b. direct and maintain a ministry for members in need of special care (e.g., those who are ill, homebound, in need of food or hospital visits);
  - c. provide publicity for the congregation through advertising, brochures, newsletters, and special mailings;
  - d. provide welcoming events for new members as needed.
- 2) The Membership Subcommittee shall:
- a. in collaboration with the senior pastor, seek out new members and maintain an ongoing visitation program to the unchurched and those individuals new to the community;
  - b. provide a new and prospective member inquiry class;
  - c. strive to create a warm and friendly atmosphere in the place of worship;
  - d. coordinate the welcoming of Sunday morning visitors and follow up with them;
  - e. maintain a variety of greeter programs;
  - f. direct and maintain a ministry to inactive members.
- 3) The National and Global Missions Subcommittee shall:
- a. promote congregation ministry in national and global missions and involvement in community and social ministries;
  - b. provide support for the national and global missions through advertising, brochures, newsletters, and special mailings.
- 4) The Congregation Council representative shall:
- a. work with the subcommittees annually to evaluate their work and job description and submit necessary changes to the Congregation Council for approval;
  - b. provide an annual report to the congregation at the May annual meeting.
  - c. The Outreach Committee shall work with the Fellowship Committee to identify special interest needs within the congregation.

**C13.06.D12. Committee for Stewardship**

- a. The purpose of the Stewardship Committee is to stimulate and promote the Christian stewardship principles and responsibilities of all members.
- b. The committee shall be composed of four or more people, including the committee chairperson, secretary, Congregation Council liaison (who may be the chairperson), and Congregation Council liaison to the Finance Committee. The committee shall meet monthly or as necessary to fulfill its purpose.
- c. The Stewardship Committee shall:
  - 1) educate the congregation on good Christian stewardship practices through pastoral support, temple talks, Sunday School classes and Bible studies, and newsletters, bulletin inserts, pamphlets, flyers, and other means;
  - 2) monitor giving trends and report status to the Congregation Council and congregation;
  - 3) direct congregational “Spiritual Gifts” results to the appropriate committees and other entities;
  - 4) coordinate the annual Stewardship Program, including
    - a. monetary pledge and spiritual gift forms, with a follow-up plan for those not participating and positive reinforcement for those participating;
    - b. offering envelope distribution;
    - c. report to the Congregation Council and congregation.
  - 5) set and monitor annual budget for the committee;
  - 6) ensure new member involvement with a first-call list and a new member packet;
  - 7) evaluate annually the work of the committee and its job description and submit any changes to the Congregation Council for approval;
  - 8) provide an annual report to the congregation at the May annual meeting.
- d. The Financial Secretary shall act as the Stewardship Committee’s liaison with the Finance Committee. The Stewardship Committee shall work with all other standing committees of the congregation.

**C13.06.E12. Committee for Fellowship**

- a. The purpose of the Fellowship Committee is to create a spiritual communion within the congregation and to develop friendly relationships among current and prospective members.

- b. The Fellowship Committee shall consist of a chairperson, Congregation Council liaison (who may be the chair), and members of the congregation as needed. The committee shall meet as necessary to fulfill its purpose.
- c. The Committee for Fellowship shall:
  - 1) sponsor events such as the following: egg hunt, father/son outing, funeral receptions (in conjunction with the Committee on Outreach), Halloween party/chili cook-off, Lenten soup suppers (in conjunction with the Committee on Outreach), mother/daughter outing, new member reception, church picnic, summer coffee, Wednesday night Café, yard sale;
  - 2) sponsor additional fellowship events as needed;
  - 3) work with the Property Committee to ensure that adequate kitchen and meeting facilities are available and functioning for committee-sponsored events;
  - 4) annually evaluate the committee's work and job description, making necessary changes and submitting them for approval by the Congregation Council;
  - 5) provide a proposed budget to the Finance Committee and monitor spending and needs throughout the year;
  - 6) provide an annual report to the congregation at the May annual meeting.
- d. The Fellowship Committee works with all other standing committees of the congregation.

**C13.06.F12. Committee for Property**

- a. The purpose of the Property Committee is to care for the building that houses Messiah Lutheran Church, provide maintenance for all property owned by the congregation and routine upkeep and major renovations. The Property Committee shall meet as necessary to ensure fulfillment of its purpose.
- b. The Property Committee shall consist of a chairperson, a Congregation Council liaison (who may be the chair), and at least three other members of the congregation. Committee members may be assigned primary responsibility for one of the following areas: church building, educational facilities, church grounds and parking lot, parsonage, any rental property owned or used by the congregation.
- c. The Property Committee shall:
  - 1) be responsible for developing plans for the acquisition of property, building on such property, and acquiring of equipment and furniture. Such plans shall be submitted to the Congregation Council for review and approval. A separate committee shall be established to oversee all phases of building, renovating, or expanding a church building;
  - 2) provide for the maintenance of all property, buildings, building contents, and equipment;
  - 3) make recommendations to the Congregation Council on requests for use of the building by congregational groups, community groups, and individuals. These recommendations shall include a proposed fee schedule. The committee shall administer the use policies established by the Congregation Council.
  - 4) maintain a current inventory of all building contents and equipment, which shall be updated at least annually;
  - 5) review annually, in conjunction with the Treasurer and Finance Committee, existing insurance coverage;
  - 6) develop a proposed budget;
  - 7) evaluate annually the work of the committee and its job description and submit necessary changes to the Congregation Council for approval;
  - 8) provide an annual report to the congregation at the May annual meeting.
- d. The Property Committee works cooperatively with all other standing committees.

**C13.06.G12. Committee for Finance**

- a. The Committee for Finance is responsible for all of the finances of the congregation. It develops and monitors a church budget and financial recording and reporting system, disbursement, investment planning, and auditing of records. The committee will meet quarterly or as often as necessary to fulfill its purpose.
- b. The Finance Committee shall consist of a chairperson, a Congregation Council liaison (who may be the chair), the Finance Secretary and at least three other members of the congregation. The Treasurer is normally a member of the Finance Committee. If not a member, the Treasurer should work together throughout the year to ensure close coordination on all financial issues of the congregation.

- c. The Committee for Finance shall:
  - 1) annually prepare the congregation's budget;
  - 2) oversee the Treasurer's receipt and disbursement of funds;
  - 3) record and report member giving;
  - 4) recruit, train, and schedule counters;
  - 5) provide, through the financial secretary, quarterly and annual giving statements to members;
  - 6) recruit members for the Audit Committee and ensure that the audit is completed in a timely manner.
  - 7) invest church funds, including certificates of deposit, checking and savings accounts, and other instruments;
  - 8) review and maintain insurance policies and be the liaison for insurance representatives;
  - 9) record non-solicited gifts;
  - 10) monitor the financial health of the congregation and prepare and distribute reports as needed;
  - 11) evaluate annually the committee's work and its job description and submit necessary changes to the Congregation Council for approval;
  - 12) provide for professional growth through conferences, conventions, and continuing education;
  - 13) provide an annual report to the congregation at the May annual meeting.
- d. The Committee for Finance works in close cooperation with the Committee for Stewardship as well as with all standing committees for budget planning and input.

**C13.07.** Other congregational committees may be formed, as the need arises, by decision of the Congregation Council.

**C13.07.01.** The Congregation Council shall form a Church Personnel Committee, the duties and membership of which are as follows:

- a. The committee will consist of four members appointed by the Congregation Council for terms of two years. Two members will be appointed by the Congregation Council in January of each year. Members may serve consecutive terms and membership on this committee does not preclude service in any other office or committee in the congregation
- b. The Church Personnel Committee will be responsible for maintaining procedures, policies, and compensation recommendations for all paid staff under the oversight of the Congregation Council. The committee's specific duties are described in a continuing resolution.

**C13.07.A12.** The Personnel Committee shall:

- a. with the approval of the Congregation Council, develop and maintain job descriptions for all non-rostered personnel;
- b. with the exception of the pastor(s), seek qualified people for vacancies or new positions on the staff of the congregation and present recommended candidates to the Congregation Council for approval;
- c. with the approval of the Congregation Council, prepare initial compensation recommendations for new non-rostered personnel;
- d. with the approval of the Congregation Council, prepare recommendations for compensation adjustment for all paid staff as part of the annual budget process;
- e. develop and update on a regular basis personnel guidelines and submit them to the Congregation Council for approval;
- f. review annually its position description and submit any necessary changes to the Congregation Council for approval;
- g. evaluate annually the work of the committee;
- h. report at least annually to the Congregation Council through the Executive Committee.

## **Chapter 14.**

### **ORGANIZATIONS WITHIN THIS 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.



- C14.01.01.** Any organization of this congregation wishing to affiliate itself with any organization outside the Evangelical Lutheran Church in America must have the approval of the pastor(s) and Congregation Council.
- C14.01.02.** The constitution and bylaws and amendments thereto of the auxiliary organizations and schools of the congregation shall be submitted to the Congregation Council for approval.
- 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 this congregation, or willful and repeated harassment or defamation of member(s) of this 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 this 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 laypersons and two 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 this congregation; or
  - d. termination of membership in this 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 this 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 between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

## **Chapter 16.**

### **AMENDMENTS**

- \*C16.01. Unless provision \*C16.04. 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 five percent (5%) of the congregation's voting members. 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 this 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.
- \*C16.02. An amendment to this constitution, proposed under \*C16.01., shall:
  - a. be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting;
  - b. be ratified without change at the next regular meeting of this congregation held pursuant to C10.01 by a two-thirds vote of those voting members present and voting; and
  - c. have the effective date included in the resolution<sup>2</sup> and noted in the constitution.\*\*\*
- \*C16.03. Any amendments to this constitution that result from the processes provided in \*C16.01. and \*C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this 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.
- \*C16.04. 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 majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this 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 this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this 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.

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<sup>2</sup> Such an effective date must be stated in relation to the requirements of \*C16.03. to allow time for synod review of the amendment.

- \*C17.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a 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. Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.

## **Chapter 18.**

### **CONTINUING RESOLUTIONS**

- \*C18.01. This 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.
- C18.01.01. The Congregation Council may develop continuing resolutions that will define in detail committee functions, operational procedures, job descriptions, and other pertinent documents necessary for good order and for carrying out the ministry of this congregation.
- \*C18.02. Continuing resolutions shall be enacted or amended by a majority vote of a meeting of this congregation or a two-thirds vote of all voting members of the Congregation Council.
- \*C18.03. Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

## **Chapter 19.**

### **INDEMNIFICATION**

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

## **Chapter 20.**

### **PARISH AUTHORIZATION**

*[\* Required provisions when congregation is part of a parish]*

- \*C20.01. This congregation may unite with one or more other congregations recognized by the synod named in \*C6.01. to form a parish. Except as provided in \*C20.02. and \*C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.
- \*C20.02. One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- \*C20.03. One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish.

If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.

- \*C20.04. Any one of the congregations of the parish may terminate their relationship with the pastor as provided in †S14.18.d. of the synod constitution of the synod named in \*C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- \*C20.05. Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in †S14.43.d. of the synod constitution of the synod named in \*C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- \*C20.06. Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.