

**CONSTITUTION**

**FOR**

**HOPE LUTHERAN CHURCH**  
**EAU CLAIRE, WISCONSIN**

**OF THE**

**EVANGELICAL LUTHERAN**

**CHURCH IN AMERICA<sup>®</sup>**

**2019**

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Table of Contents - 2

Preamble - 4

Chapter 1        Name and Incorporation - 4

Chapter 2        Confession of Faith - 4

Chapter 3        Nature of the Church - 5

Chapter 4        Statement of Purpose - 6

Chapter 5        Powers of the Congregation - 7

Chapter 6        Church Affiliation - 8

Chapter 7        Property Ownership - 11

Chapter 8        Membership - 12

Chapter 9        Rostered Minister 14

Chapter 10       Congregation Meeting - 21

Chapter 11       Officers - 22

Chapter 12       Congregation Council - 22

Chapter 13       Congregation Committees - 25

Chapter 14	Organizations within the Congregation - 26
Chapter 15	Discipline of Members and Adjudication - 26
Chapter 16	Amendments - 28
Chapter 17	Bylaws - 29
Chapter 18	Continuing Resolutions - 30
Chapter 19	Indemnification - 30
Chapter 20	Parish Authorization - 30
Bylaws - 32	
Chapter 8	Membership - 32
Chapter 10	Congregation Meeting - 32
Chapter 12	Congregation Council - 34
Chapter 14	Organizations within the Congregation - 37
Continuing Resolutions - 38	
Chapter 4	Statement of Purpose - 38
Chapter 11	Officers – 38
Chapter 12	Congregation Council - 38
Chapter 13	Congregation Committees - 39
Appendix A	Rachel’s Place Early Learning Center By-Laws - 43
Appendix B	Mission Endowment Fund - 48
Introduction to Model Constitution for Congregations - 53	

**\*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 Hope Lutheran Church.

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

**C1.03.** This congregation shall be incorporated under the laws of the State of Wisconsin.

**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.

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\* Required provision

- \*C2.05. This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- \*C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- \*C2.07. This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

**Chapter 3.**  
**NATURE OF THE CHURCH**

- \*C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- \*C3.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- \*C3.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- \*C3.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.
- \*C3.05. 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, 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, Congregation Council, boards, and committees, 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.
- \*C5.04.** 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 Northwest Synod of Wisconsin of the Evangelical Lutheran Church in America.
- C5.05.** This congregation shall have a Mission Endowment Fund of Hope Lutheran Church that will operate as specified in their bylaws (See Appendix B). 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 Northwest Synod of Wisconsin 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 Northwest Synod of Wisconsin 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:

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.

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 Northwest Synod of Wisconsin 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 Northwest Synod of Wisconsin.

- \*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 Northwest Synod of Wisconsin—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.
- \*C8.03.** 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.

**Chapter 9.**  
**ROSTERED MINISTER**

- \*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 this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.02.** Only a member of the 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 *Northwest Synod of Wisconsin*; 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, bylaws, and continuing resolutions.

**\*C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.

**\*C9.07.** During the period of service, an interim pastor shall have the rights and duties in 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:
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;
  - b. shall submit a summary of such statistics annually to the synod; and
  - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- \*C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of 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 this congregation 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:

- a. Be rooted in the Word of God, for proclamation and service;
- b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
- c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
- e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
- f. Practice stewardship that respects God's gift of time, talents, and resources;
- g. Be grounded in a gathered community for ongoing diaconal formation;
- h. Share knowledge of 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 a congregation shall be as follows:

- a. The call of a congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by 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 Wisconsin, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation
- C10.02.** A special Congregation Meeting may be called by the 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 ten 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.** Those voting members present 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. To the extent permitted by state law, notice of all meetings may be provided electronically.

**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 continuing resolutions.
  - 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 at the close of the annual meeting at which they are elected.
- 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 officers of this congregation, one youth, and up to two members which include the chair of each board and one other member from the boards of Deacons, Trustees, Outreach, Education, and Rachel's Place. 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 three successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.
- C12.02.** The voting membership of the Deacons, Trustees, Outreach and Education shall consist of not more than nine nor fewer than five members of the congregation. Term of office shall be two years with approximately a third of the members elected each year. Such members shall be eligible to serve no more than two full terms consecutively. Members who have served less than one half of a regular term shall be eligible for nomination and election to a full term. Their terms shall begin at the close of the annual meeting at which they are elected. The Rachel's Place Board is governed by Rachel's Place Early Learning Center, which has its own Bylaws (see Appendix A).
- C12.03.** Should a member's place on a board be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.
- 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 ministers 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 support of 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 Wisconsin, 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 this congregation.
- c. The Congregation Council may enter into contracts of up to \$5,000 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. 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 mission support monies to the synod treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

**C12.06.** The Congregation Council shall see that the provisions of this constitution, 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 this 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 annual meeting.

**C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor(s) 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 Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference and, to the extent permitted by state law, notice of all meetings may be provided electronically.

## **Chapter 13.**

### **CONGREGATION COMMITTEES**

- C13.01.** The officers of this congregation and the pastor shall constitute the *Executive Committee*.
- 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.
- C13.03.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.
- C13.04.** A *Personnel Committee* shall consist of the pastor(s), president, immediate past president, and three voting members of this congregation. Term of office for the voting members appointed by the Congregation Council shall be three years, with one member to be appointed each successive year. Members shall be eligible for re-appointment.
- C13.05.** When a vacancy occurs in a position for which this congregation calls a rostered minister, a *Call Committee* of six voting members shall be elected by this congregation. Term of office will terminate upon installation of the newly called rostered minister.
- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of committees of this congregation shall be specified in the continuing resolutions.
- C13.08.** The pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation with voice but not vote. The president of this congregation shall be *ex officio* a member of all committees and boards of this congregation with voice but not vote, except the Nominating 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.
- C14.02.** 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: (C15.03)
  - 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 ten percent of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify 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.

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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 synodical review of the amendment.

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.
- \*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.
- \*C18.02. 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.

## BYLAWS

### Chapter 8. MEMBERSHIP

**\*C8.05.01.** Membership in this congregation shall be terminated by any of the following:

- a. death;
- b. resignation;
- c. transfer or release;

Members who move and establish an address at an unreasonable distance from this congregation shall be placed on the responsibility list and encouraged to transfer to another congregation in closer proximity.

Members who move away to enter the military or pursue post-secondary education shall be maintained on the roll of members until their status changes.

- d. disciplinary action in accordance with ELCA constitutional provision 20.41. and the accompanying bylaws; 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.

Confirmed members, who during the current year have not communed in this congregation and have not made a contribution of record to this congregation, shall be contacted personally in a reasonable amount of time by the pastor and others. Confirmed members, who during the current or preceding calendar year, have not communed in this congregation and have not made a contribution of record to this congregation, may be removed from the roll of members and placed on a responsibility list after personal contact has been made. Removal or change from the responsibility list after one year shall be based on the recommendation of the pastor and approval by the Congregation Council.

### Chapter 10. CONGREGATION MEETING

**C10.01.01.** The annual meeting of this congregation shall be held at a time specified in the bylaws.

- a. The annual meeting of this congregation shall be held in January.
- b. The order of business shall be as follows unless otherwise stated:
  - 1) Opening devotion
  - 2) Approval of the minutes of the previous meeting
  - 3) Reports of the pastor, treasurer, boards, committees, and others
  - 4) Elections
  - 5) Approval of budget
  - 6) Unfinished business
  - 7) New business
  - 8) Closing prayer

**C10.04.01.** Those voting members present shall constitute a quorum.

The roll of members as defined in \*C8.02. shall be made available at each meeting of the congregation.

**C10.06.01.** All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.

- a. Voting shall be by written ballot in the following cases:
  - 1) To elect the officers and board members.
  - 2) To adopt or amend the articles of incorporation, constitutions, or bylaws of the congregation.
  - 3) To call a pastor or to request the resignation of a pastor.
  - 4) To remove a member from office.
  - 5) To terminate its relationship with the Evangelical Lutheran Church in America.
  - 6) To buy, sell, or encumber real property.
  - 7) To accommodate the request of ten or more voting members present and voting.
- b. A motion shall be in order to limit balloting after the first ballot to the three candidates receiving the highest number of votes on the first ballot if more than one ballot is required in an election and after the second ballot to limit the balloting to the two candidates receiving the highest number of votes.

**Chapter 12.**  
**CONGREGATION COUNCIL**

**C12.01.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the officers of the congregation, one youth and up to two persons which include the chair of each board and one other member from the boards of Deacons, Trustees, Outreach, Education, and Rachel's Place. 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 three 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.

- a. The **Board of Deacons** shall seek to involve all members of this congregation in worship, learning, witness, service, and support. The duties of this board shall include the following:
  - 1) To exercise general oversight of the 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.
  - 2) To work with the pastor and director of worship and music.
  - 3) To appoint members to the Worship and Music Committee and to the Welcome Committee and to advise them in their activities.
  - 4) To act as a liaison between the Congregation Council and the committees.
  - 5) To keep minutes of all meetings to be turned into the church office as soon as possible after each meeting.
  - 6) To report its activities to the annual meeting of the congregation and as such times as the congregation may decide.
- b. The **Board of Trustees** shall be responsible for maintaining and protecting the property of the congregation and managing its business and fiscal affairs. The duties of this board shall include the following:
  - 1) To appoint members to the Buildings and Grounds Committee, the Building Use Committee, and Stewardship Committee. No more than three members and no fewer than one member shall be appointed from the Board of Trustees for each of these committees. The remaining member shall be appointed from the congregation.

- 2) To advise the Building and Grounds Committee, the Building Use Committee, and the Stewardship Committee.
  - 3) To act as a liaison between the Congregation Council and the above-mentioned committees.
  - 1) To recommend appointees for the Audit Committee, which shall audit the books and examine the total insurance program and report its findings to the annual meeting.
  - 2) To prepare a proposed budget and present it to the Congregation Council for approval and recommendation at the annual meeting of the congregation.
  - 3) To designate two members of the board or elect two members of the congregation for the counting and depositing of the regular offering during the year.
  - 4) To provide financial reports to the Congregation Council.
  - 5) To keep minutes of all meetings to be turned into the church office as soon as possible after each meeting.
  - 6) To report its activities to the annual meeting of the congregation and as such times as the congregation may decide.
- c. The ***Board of Education*** shall develop an effective education ministry, which includes the training of teachers and leaders and provides opportunity for study for the members of the congregation. The duties of this board shall include the following:
- 1) To organize, maintain, promote, direct, coordinate, and supervise the congregation education agencies. This duty involves evaluating materials and programs; determining and implementing special activities; providing and organizing Vacation Bible School; organizing Sunday School – choosing curriculum, securing volunteers, providing and organizing teachers’ meetings, and securing supplies for education room.
  - 2) To write and/or update policies for education ministry.
  - 3) To delegate the workload throughout the year as projects come up.
  - 4) To keep minutes of all meetings to be turned into the church office as soon as possible after each meeting.
  - 5) To report its activities to the annual meeting of the congregation and as such times as the congregation may decide.
- d. The ***Board of Outreach*** shall seek to involve all members of this congregation in witness, service, and support. The duties of this board shall include the following:
- 1) To encourage, advocate for, and support outreach activities of this congregation.

- 2) To provide education opportunities for this congregation in the area of outreach.
  - 3) To communicate activities and missions to the congregation.
  - 4) To be a liaison between the community, Congregation Council, congregation, synod, churchwide, and wider church.
  - 5) To consider and review donation allocations for distribution and to recommend benevolence allocations to the Congregation Council if outside the Board of Outreach budget.
  - 6) To reach out and to pray for the above concerns.
- e. The ***Rachel's Place Board*** reports to and makes recommendations to the Hope Lutheran Church Council. The duties of this board will include the following:
- 1) Sustain the philosophy and attributes of a high quality program.
  - 2) Approve job description for and hire the Director, subject to review and concurrence of the Personnel Committee of Hope Lutheran Church and supervise and evaluate the Director.
  - 3) Approve job descriptions, subject to review and concurrence of the Personnel Committee of Hope Lutheran Church.
  - 4) Approve building and playground modifications.
  - 5) Define the policies of the center in a manner which reflects the mission of the congregation, approve a policy manual and staff and parent handbooks, either annually or as needed.
  - 6) Review compliance standards.
  - 7) Approve marketing strategy and promote the center.
  - 8) Approve the operating budget.

**C12.05.01.** The Congregation Council shall be responsible for the financial and property matters of this congregation.

- 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.

The Congregation Council shall consider the impact of a request for a new fund on the overall stewardship and giving patterns of the congregation. A gift of money shall not create a fund. The Congregation Council may create a fund outside the annual budget to meet an expressed need. The movement of monies from one fund to another greater than \$100 shall require the approval of the Congregation Council.

**C12.11.01.** 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.

The Congregation Council shall normally meet the second Monday of the month unless designated by at least one-half of its members. The boards of Deacons, Trustees, Outreach, and Education shall normally meet the second Monday of the month prior to the meeting of the Congregation Council. Special meetings of the individual boards may be called by the chair, and shall be called by the chair 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.

#### **Chapter 14.**

#### **ORGANIZATIONS WITHIN THE CONGREGATION**

**C14.01.01.** 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.

Such organizations shall include but not be limited to the Hope Lutheran Church Women (HLCW) and Dartball.

## **CONTINUING RESOLUTIONS**

### **Chapter 4.**

#### **STATEMENT OF PURPOSE**

**\*C4.05.A04.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.

“As God’s people, abounding in hope, empowered by the Holy Spirit,  
we invite all to share in the unfolding experience of Jesus Christ.”

### **Chapter 11.**

#### **OFFICERS**

**C11.01.A96.** The officers of this congregation shall be a president, vice president, secretary, and treasurer.

a. Duties of the officers shall be specified in the continuing resolutions.

- 1) The president shall preside at the meetings of the Congregation Council and of the congregation.
- 2) The vice president shall preside at the meetings of the Congregation Council and of the congregation in the absence of the president.
- 3) The secretary shall keep the minutes of the Congregation Council and of the congregation and shall maintain custody of the archives of the congregation.
- 4) The treasurer shall maintain custody of all funds of the congregation and shall receive and disburse such funds in accordance with the decisions of the congregation or the Board of Trustees.

### **Chapter 12.**

#### **CONGREGATION COUNCIL**

**C12.01.A06.** Youth Member

One member of the Congregational Council shall be a youth 18 years or younger who is eligible to serve on the council for a calendar year prior to their high school graduation. Such a member shall be elected at the annual meeting. Term of office shall conclude at the end of the regular January Congregation Council meeting in the year following the election.

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

**C13.01.A07.** The officers of this congregation and the pastor shall constitute the *Executive Committee*.

The duties of the Executive Committee shall include the following:

- 1) To develop and foster the leadership direction of the congregation via the Congregation Council and the boards.
- 2) To provide the direction for the leadership of the congregation in the establishment of focus, goals, mission, and vision statements.
- 3) Work closely with and report to the Congregation Council.
- 4) To discuss and make recommendations to the Congregation Council and boards on staffing issues relating to compensation, benefits, performance, and other employee-relations issues.
- 5) To organize and set the meeting agendas according to the needs of the boards and the congregation.
- 6) To promote cooperation and support to the Congregation Council and staff in their activities of fulfilling the mission of Hope Lutheran Church.

**C13.04.A07.** The *Personnel Committee* shall consist of the pastor(s), president, immediate past president, and three voting members of this congregation. Term of office for the voting members appointed by the Congregation Council shall be three years, with one member to be appointed each successive year. Members shall be eligible for re-appointment.

The duties of the Personnel Committee shall include the following:

- 1) This committee shall annually review the salaried lay works of this congregation, the pastor(s), and other rostered leaders helping them to evaluate the fulfillment of the calling or employment.
- 2) This committee shall complete the annual reviews prior to the November meeting of the Congregation Council.
- 3) This committee shall serve in a confidential support role to the pastor(s) and lay staff, focusing on the health and well-being of individuals and the staff as a whole.
- 4) This committee shall identify early warning signs of misunderstandings and take action to diffuse problems or situations before they escalate.

- 5) This committee shall be a resource for all staff members of this congregation to which they turn for counsel, direction in their work, and to whom they may express concerns regarding any aspect of their employment.
- 6) This committee shall be available for assistance in the hiring of lay staff members.
- 7) This committee shall make decisions on the termination of employment of any staff member and convey the decision of the committee to the staff member involved.
- 8) This committee shall make recommendations to the Executive Committee regarding salary levels for members of the staff.
- 9) This committee shall implement and maintain the Personnel Policy Manual of this congregation.

**C13.06.A07.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

- a. A ***Buildings and Grounds Committee*** of not more than three nor fewer than one members of the congregation shall be appointed by the Board of Trustees upon the approval of the Congregation Council. The designated staff shall have voice but not vote at the meetings of this committee. This committee shall select a chair and vice chair from its membership. This committee shall normally meet at a regularly appointed time and may hold special meetings as needed. This committee shall work closely with and report to the Board of Trustees in helping them to be responsible for maintaining and protecting the property of this congregation. This committee shall draw up a list of responsibilities to be presented to the Board of Trustees and to the Congregation Council for approval. Such responsibilities shall be reviewed on an annual basis and revised if deemed necessary by the committee, board, council, or staff.
- b. A ***Buildings Use Committee*** of not more than three nor fewer than one members of the congregation shall be appointed by the Board of Trustees upon the approval of the Congregation Council. The designated staff shall have voice but not vote at the meetings of this committee. This committee shall select a chair and vice chair from its membership. This committee shall normally meet at a regularly appointed time and may hold special meetings as needed. This committee shall work closely with and report to the Board of Trustees in setting the cost structure for the use of the building. This committee shall promote and encourage the use of the building both within the membership and throughout the

community at large. This committee shall draw up a list of responsibilities to be presented to the Board of Trustees and to the Congregation Council for approval. Such responsibilities shall be reviewed on an annual basis and revised if deemed necessary by the committee, board, council, or staff.

- c. A **Stewardship Committee** of not more than three nor fewer than one members of the congregation shall be appointed by the Board of Trustees upon the approval of the Congregation Council. The designated staff shall have voice but not vote at the meetings of this committee. This committee shall select a chair and vice chair from its membership. This committee shall normally meet at a regularly appointed time and may hold special meetings as needed. This committee shall work closely with and report to the Board of Trustees in helping them to be responsible for managing the business and fiscal affairs of this congregation. This committee shall draw up a list of responsibilities to be presented to the Board of Trustees and to the Congregation Council for approval. Such responsibilities shall be reviewed on an annual basis and revised if deemed necessary by the committee, board, council, or staff.
- d. A **Youth Committee** of not more than three nor fewer than one members of the congregation shall be appointed by the Board of Education upon the approval of the Congregation Council. There shall be youth representation on the committee. The committee shall report to the Board of Education and will assist in planning, scheduling, coordinating and evaluating the educational and social activities for the middle and high school youth of the church.

To achieve its purpose, the Youth Committee shall:

- 1) Support the Youth Director and other Hope staff in planning the activities that promote faith development Christian fellowship and service to the community and world, helping to coordinate transportation, leadership, refreshments and other tasks related to activities as needed.
- 2) Assist in planning opportunities for the youth of our church to actively participate in roles that foster Christian leadership skills within Hope Lutheran Church
- 3) To ensure the safety of youth participants, the committee will assist the Youth Director to make sure that an adequate number of adult chaperones and present at all events.
- 4) Help in the coordination of fund-raising activities, making sure that all funds are properly accounted for and managed.

- 5) Help promote youth events offered by groups outside the congregation, such as events organized by the synod, Luther Park Bible Camp or other opportunities as they arise.
- 6) Evaluate all programs, materials, activities and budgeting decisions at the end of the year and determine the best way to proceed the next year.

## **APPENDIX A**

### **Hope Lutheran Church Rachel's Place Early Learning Center By-Laws**

#### **ARTICLE I. NAME**

The name of this organization shall be the Rachel's Place Early Learning Center

#### **ARTICLE II. OBJECT**

Rachel's Place Early Learning Center exists as an unincorporated, non-profit ministry of Hope Lutheran Church.

#### **ARTICLE III. MISSION STATEMENT**

Rachel's Place Early Learning Center is based on the following objectives and focus:

- A. This is a Christian-based center, proclaiming God's Word experienced through the church for nurturing the child's faith.
- B. The center provides a high-quality educational program that is appropriate to the developmental needs of young children.
- C. The center serves the mission of the church by providing a service to young families.
- D. The center provides an evangelistic outreach to member and non-member families.

#### **ARTICLE IV. GOVERNING BOARD**

The Governing Board shall consist of the Pastor, Council President, and four elected church members. Up to 4 additional members from the congregation and/or community at large may be appointed by the Governing Board - one representing parents from the day care. The Early Childhood Center Director is a non-voting member of the Governing Board.

The officers are selected by the Board: Chairperson, Vice-Chairperson, and Secretary. Officers are elected at the first meeting each year.

The elected members shall have staggered 3-year terms. These members shall be elected at the Annual Congregational meeting. Members appointed by the Governing Board shall serve two-year terms.

A vacancy occurring in a Board position shall be filled by a person elected by a majority of the remaining Board members. In the event there is a vacancy in the office of the Chairperson, the Vice-Chairperson shall become the Chairperson and the vacancy shall be in the office of the Vice-Chairperson.

The Governing Board may have various task forces. Each task force shall include at least one member of the Governing Board and other volunteers.

The immediate past chairperson shall serve on the Governing Board as an ex-officio member for one year with no voting privileges. In the event that the immediate past chairperson's term as a Governing Board member has not expired, that person will continue to serve as a voting member of the Governing Board.

A member's place on the Governing Board shall be declared vacant if the member is absent from three successive regular meetings of the Governing Board without excuse.

Should an elected member's place on the Governing Board be declared vacant, the Governing Board shall elect, by a majority of its members, a successor until the next scheduled Congregational meeting at which elections are normally held.

The Governing Board is responsible to report to and make recommendations to the Hope Lutheran Church Council. The final authority is a congregational meeting.

#### ARTICLE V. GOVERNING BOARD RESPONSIBILITIES

- A. Sustain the philosophy and attributes of a high-quality program.
- B. Approve job descriptions for and hire the Director, subject to review and concurrence of the Personnel Committee of Hope Lutheran Church and supervise and evaluate the Director.
- C. Approve job descriptions, subject to review and concurrence of the Personnel Committee of Hope Lutheran Church.
- D. Approve building and playground modifications.
- E. Define the policies of the center in a manner which reflects the mission of the congregation. Approve a policy manual and staff and parent handbooks, either annually or as needed.
- F. Review compliance standards.
- G. Approve marketing strategy and promote the center.
- H. Approve the operating budget.

#### ARTICLE VI. MEETINGS

The Governing Board will meet monthly, or as needed. The Governing Board meetings are open to all members of the congregations and parents involved in the center.

The chairperson may call special meetings as needed.

#### ARTICLE VII. DUTIES OF THE OFFICERS

1. Chairperson
  - a. Shall preside at all Governing Board meetings.
  - b. Shall make recommendations for the agenda for all Governing Board meetings.
  - c. May be a member ex-officio of task forces upon request.
  - d. Shall perform all other duties as may pertain to the office.
2. Vice-Chairperson
  - a. Act as an aide to the chairperson and perform the duties of the Chairperson in his/her absence.
  - b. Shall perform all other duties as may pertain to the office.
3. Secretary
  - a. Shall keep an accurate record of all meetings of the Governing Board.
  - b. Provide copies of the minutes to all Board members, the Church Council President, and the Church Office for distribution to congregational members upon request.

#### ARTICLE VIII. TASK FORCES

The following task forces may be established, under the guidance of the Director.

4. Personnel
  - a. Determine job qualifications.
  - b. Develop job descriptions.
  - c. Prepare and maintain job applications and contact forms
  - d. Insure that fingerprinting and background checks are completed and documented for all center employees.
  - e. Recruit candidates for the position of Director.
  - f. Prepare and maintain hiring policies and practices.
  - g. Support the director in hiring additional staff for the center.
  - h. Prepare and maintain personnel policies and a staff handbook.
  - i. Other responsibilities as determined by the Governing Board.
5. Finance/Fund-raising

- a. Develop the annual budget proposal
    - Submit for Governing Board approval
    - Submit for Congregational Council approval.
  - b. Recommend tuition rates and registration fees.
  - c. Recommend salary ranges and benefits.
  - d. Investigate federal funding subsidies.
  - e. Determine the allocation of tuition assistance funds.
  - f. Oversee fund-raising projects.
  - g. Write and submit grant proposals for funds.
  - h. Assist and support the director in financial aspects of the center.
  - i. Other responsibilities as determined by the Governing Board.
6. Building, Playground, and Equipment
- a. Oversee building modifications and maintenance.
  - b. Oversee playground construction and maintenance.
  - c. Responsible for meeting (or exceeding) all city and state regulations and inspections.
  - d. Assist and support the director in selection and purchase of furnishings and equipment.
  - e. Oversee regular cleaning, painting, repair work.
  - f. Other responsibilities as determined by the Governing Board.
7. Promotion, Enrollment, and Parent/community Relations
- a. Assist and support the director with parent orientation meeting, open house.
  - b. Assist in planning and implementing parent -education meetings.
  - c. Prepare and place promotional ads, flyers, and brochures.
  - d. Maintain & update current enrollment forms and policies.
  - e. Maintain an updated parent handbook.
  - f. Other responsibilities as determined by the Governing Board.
  - g. Assist and assure compliance with non-bias materials.
8. Program Support
- a. Assist and support the Director in planning and enriching the curriculum.
  - b. Assist and support the Director and Child Care Staff in setting up the facility.
  - c. Other responsibilities as determined by the Governing Board.
9. Any other task force that is deemed appropriate by the Governing Board.

#### ARTICLE IX. CHAIN OF OPERATION:

The Director is responsible to the Board of Rachel's Place, Personnel Committee and to regulatory state agencies.

The Pastor and Youth and Education Director provides support and coordination, acting as liaison between Rachel's Place Early Learning Center and other Christian Education programs and church groups. The Parish Administrator provides support and acts as liaison in matters of building use.

All Daycare teachers are responsible to the Director. When the Director is not present, the Assistant Director will be in charge and represent the center. The Assistant Director is responsible to the Director.

The cook and other Rachel's Place Early Learning Center staff members are responsible to the Director.

Volunteer classroom assistants are responsible to the classroom teachers.

#### ARTICLE X. RULES OF ORDER

Roberts Rules of Order, Newly Revised, shall govern at meetings in all cases to which they are applicable.

#### ARTICLE XI. AMENDING THE BY-LAWS

These by-laws may be amended at any regular Governing Board meeting. Prior to any voting taking place, a quorum must be present. When a quorum is not met, the board cannot hold a vote, and cannot change the status quo. Votes will be approved based on two-thirds of the majority, and must be ratified by the Congregational Council. By-laws shall be amended at the annual or any special congregational meeting called for that purpose, upon notice.

## APPENDIX B

### BYLAWS FOR MISSION ENDOWMENT FUND OF HOPE LUTHERAN CHURCH EAU CLAIRE, WISCONSIN

#### **Permanent Resolution to Establish the Mission Endowment Fund of Hope Lutheran Church**

Whereas, Christian stewardship involves the faithful management of all gifts God has given to humankind – the created world, the Gospel, life, time abilities money, including accumulated inherited and appreciate resources; and

Whereas, the biblical principle of proportionate giving, to return to the Lord a portion of the gifts God has first given to his beloved children, is both a privilege and an appropriate response in all times and circumstances; and,

Whereas, Christians can give to the work of the church through gifts in and from wills, life insurance policies, charitable gift annuities, charitable remainder and other trusts, and transfers of property such as cash, stocks, bonds and real estate; and,

Whereas, it is the desire of Hope Lutheran Church hereinafter designated as “this congregation.” to encourage, receive and administer these gifts in a manner consistent with the loyalty and devotion to our Lord in accord with the policies of this congregation, now,

**It is Further Resolved** that the purpose of this Fund is to enhance the mission outreach of this congregation apart from the general operation of the congregation so that no portion of the distributions of the Fund shall be used for the annual operating budget of the congregation, and,

**It is Further Resolved** that the mission endowment fund committee hereinafter designated as “this committee” shall be the custodian of the Fund, and,

**It is Further Resolved** that the purpose, governance, administration and management of the Fund and this committee are established and defined by the plan of operation as hereinafter set forth.

#### **Plan of Operation Committee Membership**

This committee shall consist of five (5) members, all of whom shall be voting members of this congregation. Except as herein limited, the term of each

member shall be three (3) years. Upon adoption of this resolution by this congregation, it shall elect five (5) members to the committee: two (2) for a term of three (3) years; two (2) for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter, at each annual meeting, the congregation shall elect the necessary number for a term of three (3) years. No member shall serve more than three (2) consecutive three (3) year terms. After a lapse of one (1) year, a former committee member may be re-elected. The pastor and the president of the Congregation Council shall be *ex-officio* members of the committee with voice but not vote.

The Nominating Committee of the congregation shall provide for the nomination of potential members of this committee and report same to the annual congregation meeting in the same manner as for other offices and committees. Should a member's place on this committee be declared vacant, the Congregation Council shall appoint a congregation member to fill the vacancy until the next annual meeting of the congregation, at which time the congregation shall elect a member to fill the term of the vacancy.

This committee shall meet at least quarterly, or more frequently as deemed by it in the best interest of the Fund. A quorum shall consist of three (3) members. When only three (3) members are present, a unanimous vote shall be required to carry any motion or resolution.

This committee shall elect from its membership a chair, recording secretary, and treasurer. The chair, or member designated by the chair, shall preside at all committee meetings. The recording secretary of this committee shall maintain complete and accurate minutes of all meetings and supply a copy to each member of the committee. Each member shall keep a complete copy of minutes to be delivered to the successor. The recording secretary shall also timely supply a copy of the minutes to the Congregation Council.

The treasurer of this committee shall maintain complete and accurate accounts for the Fund. The treasurer and the chair of this committee shall sign checks and all other necessary documents on behalf of the congregation in furtherance of the purposes of the Fund. The financial records of this committee shall be audited annually by a certified public accountant, congregation audit committee, or other appropriate person who is not a member of this committee. The Congregation Council shall decide what type of audit will be performed. This committee shall report on a quarterly basis to the Congregation Council. Further, at each annual meeting of the congregation this committee shall render a full and complete account of the administration of the Fund during the preceding year.

This committee may request other members of the congregation to serve as members with voice but not vote and, at the expense of Fund, may provide for such professional counseling on investments or legal matters as it deems to be in the best interest of the Fund.

Members of this committee shall not be liable for any losses which may be incurred upon the investments of the assets of the Fund except to the extent such losses shall have been caused by bad faith. No member shall be personally liable

as long as such a member acts in good faith. Each member shall be liable only for their own willful misconduct or omissions, and shall not be liable for the acts or omissions of any other member. No member shall engage in any "self-dealing" or transactions with the Fund in which the member has direct or indirect financial interest, and shall at all times refrain from any conduct in which personal interests would conflict with the interest of the Fund.

Decisions to hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest and in all other respects to manage and control the assets of the Fund (including stocks, bonds, mutual funds, debentures, real estate, mortgages, notes or other securities) shall be made at the discretion of the Committee. However, the Congregation Council shall approve each decision/transaction involving an amount in excess of 50% of the value of the fund. The Fund assets shall not be used for loans. Members of this committee shall be bonded under the insurance policy of this congregation.

### **Defining Principal and Income**

This committee shall determine what is principal and income and shall have the discretion to include all appreciation of the assets of the fund with the definition on income.

The Fund shall accumulate until a principal amount of \$25,000 is achieved, after which 3-8 % of the assets of the Fund shall be distributed annually according to the distribution formula below. In no event shall annual distributions reduce the Fund balance below \$25,000. The distribution percent shall follow as nearly as reasonable the distribution recommended by the advisors of the ELCA Endowment Pooled Trust Fund.

The current distribution percent, based on a five-year rolling average of interest and growth with inflation and 1% annual fund management expense considered, is 4.25%. The Mission Endowment Committee may select whatever percent is prudent. While there is no assurance that the recommended percent will not reduce principle value, higher percentages than recommended has a greater probability, in poor economic conditions, to erode the principle.

### **Distributions**

Income from the Fund shall be distributed annually, or at such other times as is deemed necessary or feasible to accomplish its purposes through the following distributions:

- A. Ten to thirty-five (10-35%) percent for outreach into the community and synod, including, but not limited to, grants to Evangelical Lutheran Church in America seminaries, colleges or students attending such institutions, social service agencies, institutions and agencies to which this Congregation relates, and to special programs designed for those persons in our parish area who are in spiritual and/or economic need.

- B. Ten to thirty-five (10-35%) percent for missions of the Evangelical Lutheran Church in America, nationally and worldwide, including, but not limited to, grants to the Evangelical Lutheran Church in America for new congregation development, professional leadership, educational ministries, global mission, ecumenism, evangelism, social ministries, disaster response and capital financing.
- C. Up to thirty-five (0-35%) percent for capital improvements, debt reduction for a building program, or for the development of any special ministry of the Congregation.
- D. Up to twenty-five (0-25%) percent for any one or all of the above designated areas in any proportion as determined by this committee, or for causes and programs which at the discretion of the committee are deemed consistent with the purpose of the Fund in enhancing the missional outreach of the congregation.

This committee shall determine both the percentage of available funds per category to be distributed quarterly and the recipients of the quarterly distribution within any category. Such determinations of this committee shall be approved by the Congregation Council prior to the disbursement of funds.

#### **Emergency Distributions**

When, in the opinion of this committee, circumstances are so dire and of such an emergency nature that the future of the congregation is at stake, and that the only recourse seems to be the use of the Fund principal beyond any portion distributable under the foregoing provisions, this committee may, upon a unanimous vote, recommend such authorizing action to the congregation. Such an emergency distribution of principal shall require a two-thirds ( $\frac{2}{3}$ s) vote of the members present at a duly convened meeting of the congregation.

When, in the unanimous opinion of this committee there is a need so great of one of the recipients in one of the categories of distribution that Christian compassion and stewardship requires a distribution greater than available under the previous distribution provisions of this plan, the Committee, with the prior approval of the Congregation Council, may distribute up to 5% of the Fund to such need.

#### **Amending of Resolution**

Be it further resolved, that any amendment to this resolution which will change, alter or amend the purpose for which the Fund is established, and/or its distributions, shall be adopted by a two-thirds ( $\frac{2}{3}$ s) vote of the members present at an annual meeting of the congregation, or at a special Congregation Meeting called specifically for the purpose of amending this resolution.

#### **Disposition or Transfer of Fund**

In the event this congregation ceases to exist either through merger or dissolution, disposition or transfer of the Fund shall be at the discretion of the Congregation Council in conformity with the congregation constitution and bylaws, and in

consultation with the bishop of the synod of the Evangelical Lutheran Church in America to which this congregation belongs.

### **Designated Gifts**

The committee encourages undesignated gifts. Should a donor wish to designate their gift to a specific need or ministry, this committee requests that the committee be informed in writing of the designation prior to receiving the gift. Further, this committee reserves the right to clarify the designation with the donor and not accept gifts that do not comply with the mission or purpose statement of the congregation. Gifts to a designated fund will be independently accounted for and will be separate from all other endowment funds.

Last updated and approved at the annual meeting on 1/03/2016

## 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 fourteenth Churchwide Assembly in 2016. 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 “C13.07A13.” The initial numbers “C13.07” indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers “A13” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2013. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

► **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 17, 2016