

**St. Timothy's Lutheran Church**  
5100 Camden Ave, San Jose, California 95124

**Proposed January 2012 changes to  
CONSTITUTIONS**

**as adopted by the members of  
St. Timothy's Lutheran Church  
(October 1989)  
and  
as amended by the  
1993, 1996 and 2000 Congregational Meetings  
of St. Timothy's Lutheran Church**

*Edition current as of December 1999*

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**PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly  
5 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 St. Timothy's Lutheran Church.

10 C1.02. For the purpose of this constitution and the accompanying bylaws, the St. Timothy's Lutheran Church congregation is hereinafter designated as "this congregation."

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

15 C1.04. This congregation is a member congregation of the North American Lutheran Church (hereafter "NALC").

**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.

5                   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.

10                   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.

15                   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.

20   **C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.

**C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teaching of the Unaltered Augsburg Confession.

25   **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.

30   **C2.07.** This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

### **Chapter 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.

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

### **Chapter 4.**

#### **STATEMENT OF PURPOSE**

- 15 **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:

- 20 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  
25 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  
30 all.
- d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the

nations, and standing with the poor and powerless, and committing itself to their needs.

5 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.

10 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:

- 15 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.
- 20 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.
- 25 g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the ~~ELCA~~ NALC.
- 30 h. Foster and participate in interdependent relationships with other congregations, the ~~synod~~ Mission District, and the ~~ELCA~~ NALC.
- 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 leadership team, committee, task force, or other organizational groups and shall review their actions. Such description(s) shall be contained in continuing resolutions of the Congregation Council.

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

## **Chapter 5.**

### **POWERS OF THE CONGREGATION**

**C5.01.** The powers of this congregation are those necessary to fulfill its purpose.

- 10 **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 the congregation's governing documents is recognized. This congregation retains all remaining authority. The congregation is authorized to:

- 15 a. call a pastor as provided in Chapter 9;
- b. terminate the call of a pastor as provided in Chapter 9;
- c. appoint or terminate the appointment of associates in ministry in conformity with the applicable policy of the **ELCA** NALC;
- d. approve the annual budget;
- 20 e. acquire real and personal property by gift, devise, purchase, or other lawful means;
- f. hold title to and use its property for any and all activities consistent with its purpose;
- 25 g. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- h. elect its Congregation Council, boards, and leadership teams, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
- 30 i. terminate its relationship with the **ELCA** NALC as provided in Chapter 6.

**C5.04.** All schools, societies, and other organizations within the congregation shall be organized only with the approval of the congregation and shall operate in harmony with its policies.

## **Chapter 6.**

### **5 CHURCH AFFILIATION**

**C6.01.** This congregation shall be an interdependent part of the ELCA NALC or its successor. This congregation is subject to the discipline of the ELCA NALC.

**C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the ELCA NALC and shall act in accordance with them.

10 **C6.03.** This congregation acknowledges its relationship with the ELCA NALC 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 ELCA NALC.

15 c. This congregation agrees to call pastoral leadership from the clergy roster of the ELCA in accordance with its the call procedures of the NALC except in special circumstances and with the approval of the bishop of the synod.

20 d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for appointment to other staff positions in the congregation according to the procedures of the ELCA NALC.

25 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 ELCA or with the constitution of the synod.

**C6.04.** Affiliation with the ELCA NALC may be terminated as follows:

a. This congregation takes action to dissolve.

30 b. This congregation ceases to exist.

c. This congregation is removed from membership in the ~~ELCA~~ NALC according to the procedures for discipline of the ~~ELCA~~ NALC.

d. This congregation follows the procedures outlined in C6.05.

5 C6.05. This congregation may terminate its relationship with the ~~ELCA~~ NALC by the following procedure:

10 a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.

15 b. The secretary of this congregation shall submit a copy of the resolution to the ~~synodical~~ NALC bishop and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.

c. ~~The bishop of the synod shall~~ The Dean of the Mission District or the Bishop of the NALC may consult with this congregation during a period of at least 90 days.

20 d. ~~If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. At~~ least 90 days after the first legally called and conducted special meeting of the congregation, a second legally called meeting shall be conducted at which a representative of the NALC may be present and the only item on the agenda shall be a vote to terminate the congregation's relationship with the NALC.  
30 Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.

e. A certified copy of the resolution to terminate its relationship shall be sent to the ~~synodical~~ NALC bishop, at which time the relationship between this congregation and NALC shall be terminated.

35 f. ~~Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.~~

~~C6.06. If this congregation is considering relocation, it shall confer with the bishop of the synod before any steps are taken leading to such action. The approval of the synod Council shall be received before any such action is effected.~~

## Chapter 7.

### 5 PROPERTY OWNERSHIP

C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the ~~ELCA~~ NALC.

10 C7.02. If this congregation is removed from membership in the ~~ELCA~~ NALC according to its procedure for discipline, title to property shall continue to reside in this congregation.

15 C7.03. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the ~~ELCA~~ NALC.

20 C7.04. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the NALC bishop. ~~The synod Council, after consultation with the congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of the congregation. If the synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the ELCA.~~

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C7.05. This congregation shall hold title to all real or personal property acquired by this congregation, its organizations, or individuals for use by this congregation and its organizations.

30 C7.06. Real property shall not be purchased, disposed of, or encumbered in any manner except by resolution adopted by not less than two-thirds majority of the voting members of this congregation present at a legally called and conducted meeting of this congregation.

## Chapter 8.

### MEMBERSHIP

5 **C8.01.** Members of this congregation shall be those baptized persons on the roll of the 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:

10 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.

15 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.

20 c. **Voting** members are confirmed members. Such confirmed members shall have communed and made a contribution of record during the current or preceding year.

25 d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

**C8.03.** All applications for confirmed membership shall be submitted to and shall be subject to the approval of the Congregation Council.

30 **C8.04.** It shall be the privilege and duty of members of the 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 and of the **ELCA**  
**NALC** 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:

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- a. death;
  - b. resignation;
  - c. transfer or release;
  - d. disciplinary action by the Congregation Council; or
  - e. removal from the roll due to inactivity as defined in the
- 10 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.**

### **THE PASTOR**

15 **C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a leadership team elected by this congregation to recommend the call, shall seek the advice and help of the **bishop** **Dean** of the **synod** **Mission District**.

20 **C9.02.** ~~Only a member of the clergy roster of the ELCA or whom the synodical bishop has recommended for it may be called as a pastor of this congregation.~~

**C9.03.** Consistent with the faith and practice of the **ELCA** **NALC**,

- a. Every ordained minister shall:
  - 1) preach the Word;
  - 25 2) administer the sacraments;
  - 3) conduct public worship;
  - 4) provide pastoral care; and

5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.

5 b. Each ordained minister with a congregational call shall, within the congregation:

1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;

2) supervise all schools and organizations of this congregation;

10 3) install regularly elected members of the Congregation Council; and

4) with the council, administer discipline.

c. Every pastor shall:

1) strive to extend the Kingdom of God in the community, in the nation, and abroad;

15 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;

3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and

20 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the ~~ELCA~~ NALC.

**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.

**C9.05.**

25 a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the ~~synodical~~ NALC bishop and for the following reasons:

30 1) mutual agreement to terminate the call or the completion of a call for a specific term of years;

2) resignation of the pastor;

3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;

4) the physical or mental incapacity of the pastor;

5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty; or

6) the dissolution of the congregation; or

7) suspension of the congregation as a result of discipline proceedings.

10                    b. In the case of alleged physical or mental incapacity of the pastor or ineffective conduct of the pastoral office, it shall be the responsibility of the bishop of the **synod NALC**, when such difficulties are personally known or have been brought to the **synod bishop**'s attention by an official recital of allegations by  
15                    the Congregation Council, or by a petition signed by at least one-third of the voting members of the congregation, to investigate such conditions personally in company with a committee of two ordained ministers and one layperson.

20                    c. In case of alleged physical or mental incapacity competent medical testimony shall be obtained. When such disability is evident, the bishop of the **synod NALC** with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the **synod NALC** shall take steps to enable the pastor to resume  
25                    the ministry, either in the congregation last served or in another field of labor.

30                    d. In the case of alleged local difficulties, which imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the **synod NALC** together with the committee described in C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the **synod NALC**. If either party fails to assent, the congregation  
35                    may dismiss the pastor by a two-thirds majority vote of the voting members present at a legally called meeting after consultation with the bishop.

e. The foregoing procedure shall never be invoked when questions of doctrine, morality, or continued neglect of duty are involved, all such cases being treated as disciplinary matters.

5 f. If in the course of the proceedings, it should become  
apparent that the pastoral office cannot be conducted  
effectively in the congregation being served by the ordained  
minister due to local conditions, the bishop of the **synod**  
**NALC** may temporarily suspend the pastor from service in the  
10 congregation without prejudice and with pay **provided through**  
**a joint churchwide/ synod fund** and **with** housing provided by  
the congregation.

**C9.06.** At a time of pastoral vacancy, the bishop of the **synod** **NALC** with the consent of this congregation or the Congregation Council may appoint an interim pastor.

15 **C9.07.** During the period of service, an interim pastor shall have the rights and duties 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** **NALC** and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.

20 **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.

25 **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** **NALC**. As occasion requires, the documents may be revised through a similar consultation.

30 **C9.11.** With the approval of the bishop of the **synod** **NALC** the congregation may depart from C9.05.a. and call a pastor for a specific term of years. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop, shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of C9.05.a.

**C9.12.** The pastor of this congregation:

35 a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;

b. shall submit a summary of such statistics annually to the  
synod NALC; and

5 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.~~

## Chapter 10.

### 10 CONGREGATION MEETING

C10.01. The annual meeting of this congregation shall be held at a time specified in the  
bylaws and notice shall be given as provided in the bylaws.

15 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 at the written request of  
ten (10%) percent of the voting members. The call for each special meeting shall specify  
the purpose(s) for which it is to be held and the agenda for the meeting, no changes to the  
agenda will be allowed, and no other business shall be transacted. Notice of the meeting  
shall be given as provided in the bylaws.

20 C10.03. The pastor(s) shall be notified of the time and place at which a special meeting  
of the congregation is to be held.

C10.04. Fifty voting members shall constitute a quorum.

C10.05. Voting by proxy or by absentee ballot shall not be permitted.

C10.06. All actions by the congregation shall be by majority vote except as otherwise  
provided in this constitution.

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

30 C10.08. A meeting of the congregation may by majority vote recess to reconvene at a  
specified time and place. A meeting may also recess to reconvene upon call; provided,  
however, that the time and place of such a reconvened meeting must be announced at a  
public service of the congregation, or written notice be mailed to the voting members not  
less than five days in advance of the reconvened meeting.

## **Chapter 11.**

### **OFFICERS**

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

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- a. Duties of the officers shall be specified in the bylaws.
  - b. The officers shall be voting members of the congregation.
  - c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council, except for the treasurer who need not
- 10
- d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council.

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**C11.02.** The Congregation Council shall elect its president, vice-president and secretary and shall appoint its treasurer and they shall be the officers of the congregation. The officers shall serve for one year or until their successors are elected. Their terms shall begin immediately upon their election. The treasurer's term shall begin immediately upon his/her appointment.

**C11.03.** No officer shall hold more than one office at a time.

## 20 **Chapter 12.**

### **CONGREGATION COUNCIL**

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**C12.01.** The voting membership of the Congregation Council shall consist of not more than 15 members of the congregation including the elected officers of the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation, or b) is absent from four successive regular meetings of the Congregation Council without cause.

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**C12.02.** The members of the Congregation Council, except the pastor(s), shall be elected to serve for one three-year term or until their successors are elected. Such members shall not be eligible to serve consecutive terms. Their terms shall begin at the close of the annual meeting at which they are elected.

**C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.

5 **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 ~~ELCA~~ NALC. The duties of the Congregation Council shall include the following:

- 10 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.
- 15 c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.
- 20 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.
- 25 g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with the ~~synod and churchwide units of the ELCA~~ NALC as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the ~~synod and the ELCA~~ NALC.
- 30 i. To recommend and encourage the use of program resources produced or approved by the ~~ELCA~~ NALC.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

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

5 a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the *State of California*, except as otherwise provided herein.

10 b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.

15 c. The Congregation Council may enter into contracts of up to \$6,000 or 2% of the annual budget adopted by this congregation; which ever is greater, for items not included in the budget. Contracts of any amount may be entered into when specifically authorized by resolution adopted by a majority vote of the voting members of this congregation present at a legally called and conducted meeting of this congregation.

20 d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of no more than \$12,000 or 5% of the annual budget adopted by this congregation; which ever is greater, in excess of the annual budget adopted by this congregation. The budget of this congregation may be exceeded by any amount when specifically authorized by resolution adopted by a majority vote of the voting members of this congregation present at a legally called and conducted meeting of this congregation. The budget shall include this congregation's full-indicated share in support of the wider ministry being carried on in partnership with the ~~synod and churchwide organization~~ **NALC**.

35 e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations ~~and to the regular forwarding of benevolence monies to the synodical treasurer.~~

f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

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

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

5 **C12.08.** The Congregation Council shall be responsible for the appointment and supervision of the salaried lay workers of this congregation.

**C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.

10 **C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called 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.

15 **C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, ~~including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.~~

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**C12.21.** The Congregation Council shall choose from among the voting members of the congregation, laypersons to serve as voting members of the ~~synod Assembly~~ **NALC Convocation** as well as persons to represent the congregation at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. ~~The number of persons to be appointed by the Congregation Council and other qualifications shall be as prescribed in guidelines established by this synod.~~

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## **Chapter 13.**

### **CONGREGATIONAL LEADERSHIP TEAMS**

30 **C13.01.** An *Administration Team* consisting of the officers of this congregation and the pastor(s).

**C13.02.** A *Nomination Team* of five voting members of this congregation elected at the annual meeting for a term: of one year.

**C13.03.** An *Audit Team* of two voting members of this congregation appointed by the Congregation Council for a term of one year.

**C13.04.** A *Strategic Planning Team* of six voting members of this congregation, one being the president of the Congregation Council and five elected at the annual meeting for a term of three years.

5 **C13.05.** A *Pastoral Call Team* of five to seven voting members of this congregation elected at a Congregational Meeting whenever a pastoral vacancy occurs. The term of office of this leadership team will terminate at the installation of the newly called pastor.

**C13.06.** Other congregational leadership teams may be formed as the need arises, by decision of the Congregation Council.

10 **C13.07.** Duties of the congregational leadership teams shall be specified in the bylaws or continuing resolutions.

## **Chapter 14.**

### **ORGANIZATIONS WITHIN THE CONGREGATION**

15 **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 the 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.

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

## **Chapter 15.**

### **DISCIPLINE OF MEMBERS**

25 **C15.01.** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following *Matthew 18:15-17*, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Congregation  
30 Council.

**C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing Resolutions of the ELCA NALC. A member charged with the offense shall appear before

the Congregation Council having received a written notice, specifying the exact charges that have been made against the member, at least 10 days prior to the meeting.

5 **C15.03.** Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the Congregation Council, the council shall impose one of the following disciplinary actions:

a. censure before the council or congregation;

10 b. suspension from membership for a definite period of time;  
or

c. exclusion from membership in this congregation.

Disciplinary actions b. and c. shall be delivered to the member in writing.

15 **C15.04.** The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision ~~to the synod Council.~~ Such right may not be abridged and the decision of the synod Council shall be final at a Congregational Meeting, which may revise or overturn the Church Council's decision by a majority vote. Any such vote will be by secret ballot.

20 **C15.05.** Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.

## **Chapter 16.**

### **BYLAWS**

**C16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.

25 **C16.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by majority vote of those voting members present and voting.

30 **C16.03.** Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the members of the proposal with its recommendations at least 30 days in advance of the Congregation Meeting.

**C16.04.** ~~Approved changes to the bylaws shall be sent to the synod.~~

## Chapter 17.

### AMENDMENTS

5 **C17.01.** Amendments to this constitution 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 its regular or special meeting called for that purpose. The Congregation Council shall notify the members of the proposal with their recommendations at least 30 days in advance of the meeting.

**C17.02.** A proposed amendment to the constitution shall:

- 10
- a. be approved at a legally called meeting according to this constitution by a majority vote of those present and voting;
  - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
  - 15 c. have the effective date included in the resolution and noted in the constitution.

20 ~~**C17.03.** Any amendments to this constitution shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the ELCA.~~

25 ~~**C17.04.** Whenever the *Model Constitution for Congregations* is amended by the Churchwide Assembly, this constitution may be amended to reflect any such amendment by a simple majority vote at any subsequent meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments at least 30 days prior to the meeting. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod, consistent with C17.03.~~

## Chapter 18.

### 30 CONTINUING RESOLUTIONS

**C18.01.** The Congregation Council may enact continuing resolutions which describe the function of the various leadership teams, committees or organizations of this congregation.

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

## **Chapter 19.**

### **INDEMNIFICATION**

- 5    **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 leadership team or committee  
of this congregation, was or is threatened to be made a party to any threatened, pending,  
10 or completed civil, criminal, administrative, arbitration, or investigative proceeding