

**CONSTITUTION, BYLAWS,
AND CONTINUING RESOLUTIONS
OF
THE LUTHERAN CHURCH OF OUR SAVIOR
PATCHOGUE, NEW YORK**

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CODIFICATION EXPLANATION

As per guidelines¹ from the ELCA, the *By-Laws* and Continuing Resolutions have been inserted into the body of the Constitution.

- 5 **Constitution items are in 12-point boldface.**
Bylaw items are in 12-point italics.
 Continuing Resolutions are in 11-point regular type.

Required sections that allow for a [choice] have the choice underlined in this constitution.

- 10 **Required provisions² by the ELCA are marked with an asterisk (*) and “...must be used without alteration or amendment of the text in any manner (neither additions nor deletions).”**

Approved date shall be the last date changes to this document were approved by the Congregation. The prior Approved date shall be included in any such approval resolution by the Congregation. Effective date shall be amended as required per Chapter 16. Amendments, p27.

- 15 Corrections of article or section numbering, cross references, or misspellings that cannot result in a change of meaning are delegated to the Council.

Updated date at the top shall indicate the latest minor or Continuing Resolution changes approved by the Congregation Council.

1 Model Constitution for Congregations of the ELCA 2019, pi, Codification explanation

2 Ref: CONSTITUTIONS, BYLAWS, AND CONTINUING RESOLUTIONS of the Evangelical Lutheran Church in America®; 9.25.b

Preamble³

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

C1.1. The name of this congregation shall be THE LUTHERAN CHURCH OF OUR SAVIOR OF PATCHOGUE, NEW YORK. (Also known as OUR SAVIOR’S LUTHERAN CHURCH, PATCHOGUE, NEW YORK)

C1.2. For the purpose of this constitution and the accompanying bylaws, the LUTHERAN CHURCH OF OUR SAVIOR OF PATCHOGUE, NEW YORK is hereinafter designated as “this congregation.”

C1.3. This congregation shall be incorporated under the laws of the State of New York.

CHAPTER 2. CONFESSION OF FAITH

C2.1. *This congregation confesses the Triune God, Father, Son, and Holy Spirit.

C2.2. *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.

C2.3. *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.

C2.4. *This congregation accepts the Apostles’, Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.

C2.5. *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.

C2.6. *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.

C2.7. *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.

³ Required provision

CHAPTER 3. NATURE OF THE CHURCH

- C3.1. *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.**
- C3.2. *This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.**
- C3.3. *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.**
- C3.4. *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.**
- C3.5. *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

- C4.1. *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.**
- C4.2. *To participate in God's mission, this congregation as a part of the Church shall:**
- a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.**
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.**
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.**
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.**
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.**
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity, which the Spirit gives.**

C4.3. *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.
- 5 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,
10 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.
- 15 i. Foster and participate in ecumenical relationships consistent with churchwide policy.

C4.4. *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.]⁴

C4.5. *This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.

C4.6. *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

C5.1. *The powers of this congregation are those necessary to fulfill its purpose.

C5.2. *The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.

C5.3. *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 America⁵;
- 40 e. adopt amendments to the constitution, as provided in Chapter Chapter 16. Amendments, p27, and amendments to the bylaws, as specified in Chapter 17. Bylaws, p28, and continuing resolutions, as provided in Chapter 18. Continuing Resolutions, p28.

⁴ See: page 18 Chapter 11.

⁵ See: <https://www.elca.org/About/Churchwide/Office-of-the-Secretary/Constitutions>

- 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;
 - 5 j. elect its officers, Congregation Council, boards, and committees, and require them to carry out their duties in accordance with the constitution, and bylaws, and continuing resolutions; and
 - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- 10 C5.4. *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 Metropolitan New York Synod of the Evangelical Lutheran Church in America.
- 15

CHAPTER 6. CHURCH AFFILIATION

- 20 C6.1. *This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Metropolitan New York Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- C6.2. *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.
- C6.3. *This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- 25 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.
- 30 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 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.
- 35 d. This congregation agrees to consider ministers of Word and Sacrament for call to other staff positions in this congregation according to the procedures of the Evangelical Lutheran Church in America.
- 40 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.
- C6.4. *Affiliation with the Evangelical Lutheran Church in America is terminated as follows:
- 45 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.**
- 5 d. **The Metropolitan New York Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.**
- 10 e. **This congregation follows the procedures outlined in *C6.5.**
- 10 **C6.5. *A congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:**
- 15 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**
- 20 **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**
- 25 **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**
- 30 **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.**
- 35 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.**
- 40 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**
- 45 **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 will be deemed an independent or non-Lutheran church, in which case *C7.4. shall apply.**
- g. **This congregation shall abide by these covenants by and among the three expressions of this church:**

- 1) **Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.5. shall be required to receive Synod Council approval before terminating their membership in this church.**
- 2) **Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.5., to receive synod approval before terminating their membership in this church.**
- 3) **Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.5., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.**

h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above or fails to achieve the required two-thirds vote of voting members present at this congregation's second meeting as specified in paragraph d.. above, another attempt to consider termination of relationship with this church must follow all requirements of *C6.5. and may begin no sooner than six months after the meeting at which the two-thirds vote was not achieved.

C6.6. *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.

C6.7. *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

C7.1. *If this congregation ceases to exist, title to undisposed property shall pass to the Metropolitan New York Synod of the Evangelical Lutheran Church in America.

C7.2. *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 America⁶, title to property shall continue to reside in this congregation.

C7.3. *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 *C6.5. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Metropolitan New York Synod.

C7.4. *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, 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

⁶ See: <https://www.elca.org/About/Churchwide/Office-of-the-Secretary/Constitutions>

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.

- 5 C7.5. *Notwithstanding the provisions of *C7.2. and *C7.3. 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 America⁷, this congregation accepts such restrictions and:
- 10 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 New York Metro Synod —reconvey and transfer all right, title, and interest in the property to the synod.

15 CHAPTER 8. MEMBERSHIP

C8.1. *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.

20 C8.2. *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.
- 25 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
- 30 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
- 35 previous two calendar months.
- 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. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the
- 40 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 right in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this

7 See: <https://www.elca.org/About/Churchwide/Office-of-the-Secretary/Constitutions>

congregation is a member of a synod where the Synod Council has approved seasonal member voting rights 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 or, 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 of 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.

C8.3. *All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.

C8.4. *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.

C8.5. *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 America⁸; 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

C9.1. *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.

C9.2. *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.

⁸ See the [Constitutions, Bylaws, and Continuing Resolutions of the ELCA](#), Chapter 20 Consultation, Discipline, Appeals, and Adjudication

C9.3. *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 of the Metropolitan New York Synod; and
- 6) encourage adherence to covenantal relationship with this church as expressed in the Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.

C9.4. *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.**C9.5. *The provisions for termination of the mutual relationship between a minister of Word and Sacrament of 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 the congregation or the termination of a parish agreement; or
- 9) suspension of the congregation through discipline for more than six months.

b. When allegations of physical disability or mental incapacity of the pastor under paragraph *C9.5.a.4) above, or ineffective conduct of the pastoral office under paragraph *C9.5.a.3) above, have come to the attention of the bishop of the 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.

- 5
- c. In case of alleged physical disability or mental incapacity under paragraph *C9.5.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 pastor 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.
- 10
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph C9.5.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.
- 15
- 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.
- 20
- 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.
- 25
- 30

C9.6. *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.

C9.7. *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.

C9.8. *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.

C9.9. *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.

C9.10. RESERVED

5 **C9.11. *With the approval of the bishop of the synod, this congregation may depart from *C9.5.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 this bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration**
10 **in accordance with the provisions of *C9.5.a..**

C9.12. *The pastor of this congregation:

- 15 **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.

20 **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
25 **approval of a request for change in roster status.**

a. Parish Records

1) The records shall consist of:

- 30 *A. The roster of baptized, confirmed, and voting members.*
B. The ministerial acts performed by the pastor.
C. The minutes and reports of the district and the Handbook of the ELCA (or its successors).
D. The financial records of the congregation, for which the treasurer of the congregation shall be responsible.
35 *E. The minutes of the meetings of the congregation and the Congregation Council, for which the recording secretary of the congregation shall be responsible.*
2) The pastor shall annually report to the congregation a summary of his/her ministry.
3) Should the congregation be dissolved, the official records of the congregation shall be deposited in the archives of the ELCA (or its successor).

40 **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 ordained minister in a form proposed by the synod bishop and approved by this congregation.**

45 **C9.16. Skipped**

C9.17. Skipped

C9.18. Skipped

C9.19. Skipped

C9.20. RESERVED

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 majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for 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.

C9.30. RESERVED

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

C10.1. 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 New York, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.

C10.2. 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 twenty (20) of the voting members. The president of the Congregational 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.

C10.3. Notice of all Congregation Meetings shall be given at the services of worship on the preceding two (2) consecutive Sundays or by mail or electronic means, as permitted by state law, to all voting members at least ten (10) days in advance of the date of the meeting if no church services are held during the stipulated time. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members or to the email address of such member, provided that the person has expressly consented to receiving notice via email to a specified email address, shall be sufficient.

C10.4. Forty (40) voting members shall constitute a quorum.

C10.5. Voting by proxy or by absentee ballot shall not be permitted.

C10.6. 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.

C10.7. Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

C10.8. 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.

C10.9. MEETINGS OF THE CONGREGATION

- a. Announcement of the time and place of the annual meeting of this congregation shall be made at two public services immediately preceding the meeting, said services to be at least a week apart; and in such publications as this congregation or the pastor may periodically issue, or by written notice to the voting members mailed not less than ten (10) days in advance of the meeting.*

- b. The current rosters of voting, confirmed, and baptized members shall be available at each meeting of this congregation.*

C10.10. At the annual meeting of this congregation, those attending shall receive reports for all the organizations of this congregation. Such reports, including a financial statement, shall be submitted in writing to the president not less than fourteen (14) days before such meeting.

C10.11. The Congregation Council is authorized to approve the minutes of the annual meeting, the minutes of the annual meeting shall be submitted to the council for their following regular meeting, and the approved minutes shall be published with the next year's annual report.

CHAPTER 11. OFFICERS

C11.1. The officers of this congregation shall be a president, vice president, secretary, treasurer, and financial secretary.

- a. Duties of the officers shall be specified in the bylaws.**
- b. The officers shall be voting members of this congregation.**
- c. Officers of this congregation shall serve similar offices of this Congregation Council and shall be voting members of this Congregation Council.**
- d. The officers shall be elected at the annual Congregation Meeting.**
- e. Their term of office shall be one (1) year; with a maximum of two (2) years continuous elected service in that office for the president and the vice-president and a maximum of three (3) years continuous elected service in that office for the secretary, treasurer and financial secretary.**

C11.2. The Officer's terms shall begin at the close of the annual meeting at which they are elected.

C11.3. No officer shall hold more than one office at a time.

C11.4. DUTIES OF THE OFFICERS:

a. The President shall:

- 1) Preside at all meetings of this congregation and Congregational Council*
- 2) Perform such duties as pertain to this office and be ex-officio member of all committees except the Nominating Committee (see C13.8., p24)*
- 3) Be primarily responsible for determining that the provisions of the church constitution and bylaws are effectively carried out.*
- 4) Sign contracts in the name of the church when authorized to do so by this congregation/council.*
- 5) Be permitted to spend an amount as authorized by continuing resolution per project without prior church council/congregation approval and must report any project expenditures and present bills/receipts for these projects at the next regular council meeting.*
- 6) Prepare an agenda for all congregation/ council meetings, which shall include all unfinished business pending from previous congregation/council meetings and review at the first council meeting all continuing resolutions.*

b. The Vice-President shall:

- 1) Perform the duties of the President in his/her absence and shall become the President in the event of a vacancy in that office for the balance of the year.*
- 2) Be a member of the Parish Education Committee and chairperson of the Pastor-Parish Relations Committee.*
- 3) Know the church constitution and act as parliamentarian at congregation/council meetings.*

c. The Secretary shall:

- 1) Record the minutes of all meetings of this congregation /council and enter them in a permanent record.*

- 2) *Conduct all necessary correspondence as instructed by the council/president and keep a copy in a file.*
- 3) *Issue all official notification of regular/special meetings of this congregation/council.*
- 4) *Distribute copies of minutes to all council members at least one day prior to the next regular meeting.*
- 5) *Supply a synopsis of council/Congregation Meetings for the church paper (The Sandpiper), the church bulletins, etc., as well as press publicity releases as requested by the council/congregation.*
- 6) *Serve as Church Archivist and Historian. Keep a correct copy of the Church Constitution and By-laws together with all additions, amendments, etc.*

d. *The Treasurer shall:*

- 1) *Have custody of the general funds of the church and shall disburse such funds in accordance with the direction of this congregation and/or council.*
- 2) *Render a detailed report of all disbursements at all regular meetings of the council.*
- 3) *Be bonded by a fidelity bond in an amount as authorized by continuing resolution. Such bond shall be procured and premium paid by this congregation.*

e. *The Financial Secretary shall:*

- 1) *Receive all money intended for the church accounts.*
- 2) *See that all money received from regular and special church services be deposited after counting immediately at the approved financial institution, in the name of the church and that a copy of the deposit slip should be furnished to the treasurer. If a deposit is not possible immediately after the service, the money will be left in the church in a secure receptacle the church council shall prescribe.*
- 3) *Coordinate all financial matters of the church and shall report the financial condition of the funds of the church and any budget deficit at each council meeting.*
- 4) *Be bonded by a fidelity bond in an amount as authorized by continuing resolution. Such bond shall be procured and premium paid by this congregation.*
- 5) *Be the chairman of the Budget and Finance Committee. The Budget and Finance Committee shall:*

A. *Include the Financial Secretary, Treasurer, President, Vice President, Evangelism Steward, Social Concerns Steward, Envelope Secretary, and Memorial Fund Committee Chairperson.*

B. *Prepare the budget and oversee the financial operation of the church for the current period and shall plan and periodically update long range capital improvement budgets for renovations, additions, etc., for integration into annual budgets.*

- 6) *Be in charge of the Property Management and Congregational Outreach Accounts.*

f. *Officers may delegate some of their duties to assistants with the approval of the Church Council.*

C11.5. At its annual meeting, this congregation shall also elect five (5) stewards (worship, parish education, evangelism, social concerns, and youth,); and three (3) trustees (church, parsonage and legal). Each of these individuals will be elected for a term of two (2) years with a maximum of four (4) years (two terms) of continuous elected service in that office. Approximately one-half of these individuals shall be elected at each annual meeting of this congregation. Church and parsonage trustees are to be elected in alternate years. In addition, WELCA shall elect a representative to the council to serve a one (1) year term with a maximum of (2) continuous elected service in that office.

C11.6. Stewards Shall:

- a. *Be authorized to spend an amount as authorized by continuing resolution (see C12.14., p24) per project without seeking prior Congregational Council approval, but must report expenditures and present bills/receipts at the next regular council meeting.*
- b. *The Worship Steward shall:*
- 5 1) *See that the church is ready for worship services.*
- 2) *Appoint three (3) Usher Coordinators (One for each regular Sunday Service plus one to handle the special services).*
- 3) *Be the Chairperson of the Worship Committee. The Worship Committee shall:*
- 10 A. *Include the Worship Steward, the organist, a choir representative, first-second-special service Usher Coordinators, the Altar Guild Chairperson, and the tape ministry coordinator*
- B. *Be responsible for the music program as an aid in worship, and oversee the music program and personnel, including the tape ministry.*
- 15 C. *Be responsible for scheduling altar assistants, guest speakers, lectors, and in the event of vacancy, to arrange for pastoral services.*
- D. *Consider matters relating to the enhancement of regular and special worship services.*
- c. *The Parish Education Steward shall:*
- 20 1) *Work with the Pastor to plan, present, and carry out programs for the Christian Educational concerns of this congregation.*
- 2) *Be the chairperson of the Parish Educational Committee. The Parish Education Committee shall:*
- 25 A. *Include the Parish Education Deacon, Vice President, Church School Superintendent, Church Librarian, and other members as appointed by the Parish Education Committee.*
- B. *Recommend standards and policies for the Christian educational concerns of this congregation, including the approving of educational materials used in classes in the church school, vacation church school, confirmation, etc.*
- 30 C. *Nominate Church School Superintendent to be approved by this Congregation Council and appoint all teachers.*
- d. *The Evangelism Steward shall:*
- 35 1) *Work with the Pastor to plan, promote and carry out a program of sharing the Gospel of Jesus Christ within this congregation and community.*
- 2) *Advise the pastor of members who are in need of pastoral care/visits.*
- 3) *Be concerned with the responsible use of time, talents, and money for the work of the Lord and coordinator of volunteer efforts within this congregation.*
- 4) *Teach this congregation about the blessings of tithing.*
- 40 5) *Be the Chairperson of the Evangelism committee. The Evangelism Committee shall:*
- A. *Include the Evangelism Steward, the Envelope Secretary, Fellowship Chairperson and a minimum of two (2) congregation members.*
- B. *Plan, promote and carry out a program of sharing the Gospel of Jesus Christ within this congregation and community in obedience to the Great Commission (Matthew 28:18-20)*
- 45 C. *Create an atmosphere of evangelism within the church and reach out to potential new members, keep track of existing members, and contact non-attending members who are living in the area.*

D. Plan, supervise and evaluate an on-going annual program of Christian stewardship, which will emphasize the contributions of time, talent and treasure for the work of the Lord.

E. Identify congregation members for leadership and service positions

5 *e. The Social Concerns Steward shall:*

1) Keep the Pastor, Congregation, and Council aware of material needs among members of Church and community, both locally and worldwide, and recommend and/or implement programs to satisfy or alleviate these needs.

10

2) Be the Chairperson of the Social Concerns Committee. The Social Concerns Committee shall:

A. Include the Social Concerns Steward, WELCA Action Secretaries and a minimum of two (2) congregation members.

15

B. Extend compassion and assistance to persons of all ages in need of aid in body or soul, keep this congregation and council aware of the needs of the community and church, and recommend and implement programs to satisfy or alleviate these needs.

C. Maintain for the benefit of members of this congregation and community a file of social services available to them from the community agencies and cooperate with, and assist, these agencies. Maintain and distribute food from the church's food pantry and maintain confidential records of its distribution.

20

D. Submit a monthly financial report to this Congregation Council.

f. The Youth Steward shall:

1) Coordinate all church related activities of youth groups (not involving church school).

2) Be concerned with the Christian youth program of the church through service, fellowship, and recreation.

25

3) Be the Chairperson of the Youth Activities Committee. The Youth Activities committee shall:

A. Include the Youth Steward, Lutheran Youth Organization (LYO) advisors, LYO President and representative(s) from any other church youth group that might be organized.

30

B. Plan, supervise and evaluate a Christian youth program, which will encourage our youth to grow in Christ.

C. Provide ways for youth to participate in the work of the church, cooperate with and support conference, synodical and community programs whenever possible, and enlist, train and support youth leaders and counselors.

35

C11.7. The Trustees Shall:

a. Administer the property of this congregation and see that it is kept in good condition. Trustees shall be authorized to spend an amount as authorized by continuing resolution per project without seeking prior Congregation Council approval, but must report expenditures and present bills/receipts at the next regular council meeting.

40

b. The Church and Parsonage Trustees shall:

1) Administer the repair and maintenance of the church and grounds (Church Trustee), parsonage and grounds (Parsonage Trustee), and see that they are kept in good condition and repair, making recommendations to council for any repairs/maintenance to be contracted.

45

2) The respective Trustee shall supervise the work of any contracted services. The Church Trustee shall supervise the church custodian.

3) They shall be alternating Chairpersons of the Property Committee. The Property Committee shall:

A. *Include the Church Trustee, Parsonage Trustee, Legal Trustee and a minimum of two congregation members. The Church Trustee will be the Chairperson in even calendar years and the Parsonage Trustee will be the Chairperson in odd calendar years.*

5 B. *Assist the Church and Parsonage Trustee in the planning of needed maintenance and repairs, etc., of this congregation properties and organizing of work sessions, etc.*

c. *The Legal Trustee shall:*

10 1) *Maintain the deeds, surveys, current insurance policies, and other items in the safe deposit box.*

2) *Keep the insurance coverage current, check fire and safeties hazards, and advise this Congregation Council regarding these items.*

3) *Complete and submit all tax forms for Brookhaven Town, Suffolk County, etc., as required.*

15 C11.8. *The WELCA Representative shall act as liaison between this congregation. WELCA, and this Congregation Council.*

C11.9. *The Designated Non-Voting Member: A representative of any organization chartered to the Church shall be designated as non-voting Congregation Council member provided he/she qualifies as a member of this Congregation and is approved by Congregation Council.*

CHAPTER 12. CONGREGATION COUNCIL

20 **C12.1. The voting membership of the Congregation Council shall consist of the pastor, the officers of this congregation along with the stewards, trustees, and WELCA representative. Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member’s place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation, or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.**

30 a. **No person may hold more than one council position.**

b. **The president, vice-president and secretary of this congregation shall serve as the president, vice-president and secretary of the Congregation Council respectively.**

C12.2. **Newly elected Congregation Council members shall be installed at worship at a time appointed by the Congregation Council.**

35 C12.3. **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.**

C12.4. **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:**

40 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.**

45 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(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.
- e. To be examples 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 units 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 oversee the life and work of this congregation and its committees.
- k. To determine rosters of the baptized, the confirmed, and the voting members of this congregation.
- l. To perform such other duties as are provided in this constitution and its bylaws.
- m. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

C12.5. Skipped

C12.6. The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out.

C12.7. The Congregation Council should provide for an annual review of the membership roster.

C12.8. The Congregation Council shall be responsible for the appointment and supervision of the salaried lay workers of this congregation.

C12.9. The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.

C12.10. RESERVED

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

C12.12. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor, except when the pastor requests or consents to be absent.

C12.13. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the administrative board 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 New York, 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% of the annual budget for items not included in the budget.
- d. The Congregation Council shall recommend an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than 5% of the annual budget in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall

include this congregation’s full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.

- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence funds to the synodical treasurer.**
- f. The Congregation Council shall be responsible for this congregation’s investments and its total insurance program.**

C12.14. Maximum allowable expenditures are as follows: President, \$250.00, Trustees, \$150.00, other council members, \$100.00. (Approved 9/11/07).

CHAPTER 13. CONGREGATION COMMITTEES

C13.1. The officers of this congregation (See C11.1., p18) and the pastor shall constitute the Executive Committee.

C13.2. At the annual meeting this congregation shall elect a Nominating Committee of a minimum of three members, one of whom should be a Congregation Council member whose term will be completed at the end of the annual meeting and is therefore not eligible for re-election to that position.

- a. The term of office of the members of the nominating committee shall be one year.**
- b. The Pastor shall serve as convener and as an advisory member.**
- c. The nominating committee shall nominate one or more candidates for each office to be filled and shall secure the consent of each candidate.**
- d. The list of nominees shall be announced to this congregation in conjunction with the announcements of the meeting of this congregation at which the elections are to take place. In addition to the candidates submitted by the nominating committee, additional nominations may be made from the floor.**

C13.3. An Auditing Committee shall:

- a. Include the Legal Trustee (as chairperson), and a minimum of two (2) congregation members.**
- b. Audit all the fiscal records of this congregation (including the Treasurer, Church School, Financial Secretary, Social Concerns, Memorial, savings, WELCA, Youth and all special funds) and report its findings in writing at the annual meeting. Such audits shall include examination of existing insurance coverage.**
- c. Provide additional audits as necessary.**

C13.4. Skipped

C13.5. When a pastoral vacancy occurs, a Call Committee of seven (7) voting members shall be elected by this congregation. Term of office will terminate upon installation of the newly called pastor.

C13.6. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C13.7. Duties of committees of this congregation shall be specified in the bylaws and/or continuing resolutions.

C13.8. Non-Council Committees: (Note: All these committees, in addition to the stated members, may include other interested congregation members.) The term of committee persons shall be until the first regular meeting of the Congregation Council after the Annual Congregation Meeting. Members may be reappointed.

- a. The Fellowship Committee:*

- 1) *Shall include a chairperson selected by the Evangelism Steward, and a minimum of five (5) congregation members.*
- 2) *Shall assist the Evangelism Steward in carrying out his/her duties, including the obtaining, preparation, and serving of refreshments at special events.*
- 3) *Shall coordinate this congregation's special events: old/new member receptions, church picnic, refreshments, etc.*

b. *The Altar Guild:*

- 1) *Shall have a chairperson selected by the Worship Steward. Membership shall consist of interested congregation members.*
- 2) *Shall perform duties as outlined in the ELCA guidebook and as requested by the Pastor and the Worship Steward.*

c. *The Memorial Fund Committee:*

- 1) *Shall consist of a chairperson approved by the Congregation Council and a minimum of two (2) additional congregation members.*
- 2) *Is permitted to spend Memorial funds without prior approval in the amount of \$100.00, but should report receipts and disbursements and balance monthly to the Financial Secretary.*
- 3) *Designated gifts or purchases should be approved by the Congregation Council.*

d. *The Library Committee:*

- 1) *Shall consist of a minimum of three congregation members. The Chairperson, or Congregation Librarian, shall be appointed by the Congregation Council (at the recommendation of the Parish Education Steward.)*
- 2) *Shall set up and operate the library, reporting any requests for purchase of books, materials, etc., to the Parish Education Steward.*

e. *The Pastor-Parish Relationships Committee:*

- 1) *Shall consist of the Vice President (as chairperson), and two (2) other Congregation Council members as well as four (4) non-council members all appointed by the Congregation Council annually to meet with the Pastor.*
- 2) *Shall seek to promote harmonious and supportive relationships between the Pastor and congregation, and thus aid in making the total ministry of this congregation more effective. It will attempt to keep pastoral morale high, improve internal communications, and develop team ministry.*
- 3) *Shall meet at the call of the Vice-President, or at the request of Pastor or any other committee member.*

C13.9. The pastor of this congregation shall be ex officio a member of all committees and boards of this congregation. The president of this congregation shall be ex officio a member of all committees and boards of this congregation, except the Nominating Committee.

CHAPTER 14. ORGANIZATIONS WITHIN THIS CONGREGATION

C14.1. 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.

C14.2. 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

5 C15.1. ***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, and 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 a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.**

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15 C15.2. ***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 *C15.1. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two 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.**

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30 C15.3. ***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.**

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40 C15.4. ***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*.**

45 C15.5. ***By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:**
a. **suspension from the privileges of congregation membership for a designated period of time;**

- b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
- c. termination of membership in this congregation; or
- d. termination of membership in this congregation and exclusion from the church property and from all congregation activities.

C15.6. *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.

C15.7. *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.

C15.8. Skipped

C15.9. Skipped

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

C16.1. *Unless provision *C16.4. 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 one (1) voting member 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.

C16.2. *An amendment to this constitution, proposed under *C16.1., 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 C10.1. by a two-thirds vote of those voting members present and voting; and
- c. have the effective date included in the resolution⁹ and noted in the constitution.

⁹ Such an effective date must be stated in relation to the requirements of C16.3. to allow time for the synod's review of the amendment.

C16.3. *Any amendments to this constitution that result from the processes provided in *C16.1. and *C16.2. 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.

5 **C16.4. *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*¹⁰—as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at**
 10 **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**
 15 **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

C17.1. *This congregation may adopt bylaws. No bylaw may conflict with this constitution.

20 **C17.2. *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.**

C17.3. *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 this congregation’s members by mail of the proposal with the
 25 **council’s recommendations at least 30 days in advance of the Congregation Meeting. Notifications may take place by mail or electronic means, as permitted by state law.**

C17.4. *Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.

CHAPTER 18. CONTINUING RESOLUTIONS

30 **C18.1. *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.**

C18.2. *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.

35 **C18.3. *Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.**

CHAPTER 19. INDEMNIFICATION

40 **C19.1. *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**

10 <https://www.elca.org/About/Churchwide/Office-of-the-Secretary/Constitutions>

threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.