



North Carolina Synod
Evangelical Lutheran Church in America
God's work. Our hands.



CONSTITUTION OF
SAINT JOHN'S LUTHERAN CHURCH
CHERRYVILLE, NORTH CAROLINA

JANUARY 2017

Called + Forgiven + Nourished + Sent

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INTRODUCTION

The *Constitution of Saint John's Lutheran Church*, like the other governing documents of this church, is an ecclesial, legal, and missional document that reflects the underlying theology and doctrines of this church as well as its polity and governance structures. As the guiding document of one of the three expressions of this church, it reflects that the congregation, while fully the church, is not the whole church; we are in an interdependent relationship with the North Carolina Synod and the church-wide organization and are part of the one, holy, catholic, and apostolic Church. As such, the *Constitution of Saint John's Lutheran Church* is deeply rooted in the Gospel of Jesus Christ, the Lutheran Confessions, and the history of this church.

The *Constitution of Saint John's Lutheran Church* follows the *Model Constitution for Congregations* adopted by the Constituting Convention of the Evangelical Lutheran Church in America, as required by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This current edition of the *Constitution of Saint John's Lutheran Church* contains changes adopted by all Church-wide Assemblies, including the fourteenth Church-wide Assembly in 2016. It is consistent with the requirements of the governing documents of the ELCA's churchwide organization and synods.

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

Saint John's is required to provide a copy of its governing documents, and any amendments thereto, to the North Carolina Synod. In accordance with ELCA bylaw 9.53.03., amendments to a congregation constitution become effective *only* when approved by the Synod. This bylaw provides:

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the Synod with which the congregation is affiliated. The Synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the Synod has approved them. The Synod shall recognize that congregations may organize themselves in a manner which they deem most appropriate.

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

Codification explanation: The *Constitution of Saint John's Lutheran Church* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital “C.” If a constitutional provision is mandatory, it will be preceded by an asterisk, “*C.”

- a. Constitutional provisions are codified with two sets of numbers, preceded by a “C”: the chapter number, followed by a period and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to “Membership” in Chapter 8 is codified as “*C8.02.” A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as “C12.09.” Constitutional provisions are adopted and amended in accordance with Chapter 17 titled “Amendments.”
- b. Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to “Membership” would be codified as “C8.02.01.” A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as “C12.09.01.” Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation's organization, operation, and life, there is not a model set of bylaws or continuing resolutions. Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations, the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the

constitution of the Synod, as indicated in *C6.03.e. Bylaws are adopted and amended in accordance with Chapter 17.

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

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

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

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

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

CONSTITUTION FOR SAINT JOHN'S LUTHERAN CHURCH

***PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

Chapter 1. NAME AND INCORPORATION

- C1.01.** The name of this congregation shall be Saint John's Evangelical Lutheran Church at Cherryville, North Carolina.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of Saint John's Evangelical Lutheran Church at Cherryville, North Carolina is hereinafter designated as "this congregation."
- C1.03.** This congregation shall be incorporated under the laws of the State of North Carolina

Chapter 2. CONFESSION OF FAITH

- *C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- *C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
 - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- *C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- *C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- *C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- *C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07.** This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3. NATURE OF THE CHURCH

- *C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02.** This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- *C3.03.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- *C3.04.** This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.
- *C3.05.** The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

Chapter 4. STATEMENT OF PURPOSE

- *C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02.** To participate in God's mission, this congregation as a part of the Church shall:
 - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- *C4.03.** To fulfill these purposes, this congregation shall:
 - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.

- e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
 - h. Foster and participate in interdependent relationships with other congregations, the synod, and the church-wide organization of the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with church-wide policy.
- *C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.]
- *C4.05.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.
- *C4.06.** References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the church-wide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 5. POWERS OF THE CONGREGATION

- *C5.01.** The powers of this congregation are those necessary to fulfill its purpose.
- *C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- *C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
 - b. terminate the call of a pastor as provided in Chapter 9;
 - c. call a minister of Word and Service;
 - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;
 - e. adopt amendments to the constitution, as provided in Chapter 17, amendments to the bylaws, as specified in Chapter 16, and continuing resolutions, as provided in Chapter 18.
 - f. approve the annual budget;
 - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - h. hold title to and use its property for any and all activities consistent with its purpose;
 - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - j. elect its Congregation Council and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
 - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- *C5.04.** This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the *North Carolina Synod* of the Evangelical Lutheran Church in America.

- C5.05.** This congregation shall have a mission endowment fund that will operate as specified in this congregation's bylaws. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

Chapter 6. CHURCH AFFILIATION

- *C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the North Carolina Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- *C6.02.** This congregation accepts the Confession of Faith and agrees to the purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- *C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community.
 - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
 - c. This congregation agrees to call pastoral leadership from the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
 - d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
 - e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.
- *C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
- a. This congregation takes action to dissolve.
 - b. This congregation ceases to exist.
 - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
 - d. This congregation follows the procedures outlined in *C6.05.
- *C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
 - b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.

- c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
- d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
- f. Notice of termination shall be forwarded by the bishop to the secretary of the ELCA, who shall report the termination to the Churchwide Assembly.
- g. This congregation shall abide by these covenants by and among the three expressions of this church:
 - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
 - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synodical approval before terminating their membership in this church.
 - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- h. If this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of *C6.05. and may begin no sooner than six months after that second meeting.

***C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

***C6.07.** If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

Chapter 7. PROPERTY OWNERSHIP

***C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the North Carolina Synod of the Evangelical Lutheran Church in America.

***C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.

***C7.03.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in *C6.05. has

been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the North Carolina Synod.

- *C7.04.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in *C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.
- C7.05.** Notwithstanding the provisions of *C7.02. and *C.7.03. above, where this congregation has received property from the Synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
 - b. Shall upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the North Carolina Synod reconvey and transfer all right, title, and interest in the property to the Synod.

Chapter 8. MEMBERSHIP

- *C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- *C8.02.** Members shall be classified as follows:
- a. ***Baptized*** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - b. ***Confirmed*** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
 - c. ***Voting*** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
 - d. ***Associate*** members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
 - e. ***Seasonal*** members are voting members of other ELCA congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
 - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;

- 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
- 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with the ELCA;
- 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
- 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
- 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

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

***C8.04.** It shall be the privilege and duty of members of this congregation to:

- a. make regular use of the means of grace, both Word and sacraments;
- b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
- c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

***C8.05.** Membership in this congregation shall be terminated by any of the following:

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action in accordance with ELCA constitutional provision 20.41. and the accompanying bylaws; or
- e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.

Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

Chapter 9. ROSTERED MINISTER

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

***C9.02.** Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.

***C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- a. Every 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 distribution of its communications and publications;

- 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
- b. Each 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; and
 - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of the North Carolina Synod of the ELCA.
- *C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.05.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
 - b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
 - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament as disabled. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
 - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements.

The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- *C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- *C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- *C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- *C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- C9.10. Omitted**
- *C9.11.** With the approval of the bishop of the synod, the congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
- *C9.12.** The pastor of this congregation:
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- *C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- *C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- C9.15.** Under special circumstances, subject to the approval of the synodical 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 the congregation and the pastor in a form proposed by the synodical bishop and approved by the congregation.

C9.16. Omitted

C9.17. Omitted

C9.18. Omitted

C9.19. Omitted

C9.20. Omitted

***C9.21.** Authority to call a minister of Word and Service shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.

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

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

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

***C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.

***C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:

- a. The call of a congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the deacon;
 - 5) suspension of the deacon through discipline for more than three months;

- 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service as disabled. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- *C9.26.** The deacon shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another field of labor, or
 - b. the issuance of a certificate of dismissal or transfer.
- *C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.28.** With the approval of the bishop of the synod, this congregation may depart from *C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall

meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.25.a.

***C9.29.** The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.

C9.30. Omitted

***C9.31.** The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

Chapter 10. CONGREGATION MEETING

C10.01. The annual meeting of this congregation shall be held at a time specified in the bylaws

C10.01.01. The annual meeting(s) of this congregation shall be held at a time to be determined by the Congregation Council.

C10.02. A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of 10 percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical Bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.

C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means (e.g. email, telephone, social media), as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting

C10.04. A minimum of 50 voting members shall constitute a quorum.

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

C10.06. All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.

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

Chapter 11. OFFICERS

C11.01. The officers of this congregation shall be a president, 1stvice president, 2ndvice president, secretary, and treasurer.

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 on the Congregation Council

d. The church secretary may serve as secretary for the Congregation Council. If so, the secretary has voice, but not vote, at the Council meetings. If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice, but not vote, at the meetings of the Congregation Council.

C11.01.01. If any officer should cease to be a voting member of the congregation, the office shall at once be declared vacant by the council, which shall fill the vacancy for the unexpired term.

C11.01.02. The President shall preside at all meetings of the congregation and the Congregation Council, assist in appointing committees, and shall see that all elected or appointed officers, committees of the congregation are functioning and carrying out their individual responsibilities. The President shall be ex-officio member of all decision-making bodies.

C11.01.03. The 1st Vice-President shall perform the duties of the President in case of disability or at the President's request. The 1st Vice-President shall monitor the progression of activities related to the goals established by the Congregation Council to ensure their timely attainment.

- C11.01.04.** The secretary shall keep accurate records of all meetings of the congregation and of the Congregation Council and shall submit the minutes for approval at the next regular meeting.
- C.11.01.05.** The treasurer shall keep accurate and permanent records of the receipts and disbursements of the congregation. The treasurer shall present a written treasurer's report at all meetings of the congregation and all regular Congregation Council meetings. The treasurer shall insure that all bills authorized by the congregation are paid, and be prompt in payment of salaries, remittances of benevolence receipts to the treasurer of the Synod. The books and records shall be audited annually by the Auditing Committee. All financial officers shall give corporate surety, in amounts to be determined by the Congregation Council, for which the premiums shall be paid by the Evangelical Lutheran Church in America or the congregation.
- C11.02.** The office of 2nd Vice President is an elected position determined by congregational vote at the annual Congregational meeting(s). The 1st Vice President and President offices shall be an annual progression from 2nd Vice President over a 3 year period. The offices of Secretary and Treasurer are for one year and may be elected annually by the Congregation Council. January 1 will be the effective start date for church officers.
- C11.03.** No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.
- C11.04.** The President, 1stVice-President, 2ndVice-President, Secretary and Treasurer shall be the trustees of the congregation, and shall hold the property of the congregation, both real and personal and excluding the cemetery plots, in trust for the congregation in accordance with the law of the state of North Carolina applying to trustees. The trustees shall not, however, have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation. Cemetery plots will be held, transferred and sold by the trustees of the Cemetery Committee in accordance with the law of the state of North Carolina applying to trustees.

Chapter 12. CONGREGATION COUNCIL

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor, the officers of the congregation, and elected members from the congregation. The composition of the Council should represent a cross-section of the Church's demographic composition. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.
- C12.01.01.** The Nominating Committee shall select from the voting members of the congregation one or more candidates for each of the five council positions to be filled.
- C12.01.02.** The congregation may nominate from the floor candidates for each of the five council positions to be filled, at least one week prior to the election.
- C12.01.03.** The candidate for each position, receiving the majority vote, will be elected. If more than two candidates are nominated for a position and a majority is not achieved, a run-off between the two candidates receiving the most votes will be held until a majority vote is reached for one candidate.
- C12.01.04.** The Nominating Committee shall nominate and the congregation shall elect at its annual meeting(s) persons on the role of voting members as delegates in the permitted numbers to the synod assemblies and the meetings of the conference to which this congregation belongs. The expense incurred by such delegates in connection with their attendance, except for travel to the synod assembly, shall be paid by the congregation.
- C12.02.** The members of the Congregation Council except the pastor(s) shall be elected by ballot for terms of three years by a majority vote at the annual congregational meetings(s). Their tenure shall be so arranged that one third of the terms shall expire annually. They shall not again be eligible for election to the congregation council until two years after the previous full term of office. Their terms shall begin on January 1.

C12.02.01. Congregation Council positions are as follows:

- | | |
|--|-------------------------------------|
| 1) President (Nominating) | 9) Member (Finance) |
| 2) 1 st Vice-President (Strategic Plan) | 10) Member (Nurture and Fellowship) |
| 3) 2 nd Vice-President (Staff Support) | 11) Member (Property) |
| 4) Member (Cemetery) | 12) Member (Social Ministry) |
| 5) Member (Communications) | 13) Member (Stewardship) |
| 6) Member (Christian Education) | 14) Member (Worship and Music) |
| 7) Member (Endowment) | 15) Member (Youth) |
| 8) Member (Evangelism) | 16) Pastor |

C12.02.02. In order to develop more effective leadership, a process of nurturing experience has been developed that will move an individual from 2nd Vice-President to President over (3) three years. Each year, the congregation will elect at its annual meeting(s) a 2nd Vice-President. The succeeding year the 2nd Vice President will become 1st Vice President. At the conclusion of the second year the 1st Vice President will assume the responsibility of President for their final year on the Congregation Council.

C12.02.03. Each year, five congregation council positions become vacant. In order to fill them, a three year cycle has been developed to aid the Council in the search for leaders in specific areas of ministry. In years A, B, & C nominations will be made for:

YEAR A	YEAR B	YEAR C
2nd Vice President	2nd Vice President	2nd Vice President
Member (Christian Education)	Member (Endowment)	Member (Cemetery)
Member (Communications)	Member (Nurture & Fellowship)	Member (Finance)
Member (Evangelism)	Member (Worship & Music)	Member (Property)
Member (Social Ministry)	Member (Youth)	Member (Stewardship)

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.

C12.04. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.

- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with the Synod and church-wide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the Synod and the Evangelical Lutheran Church in America.
- i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

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

- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of North Carolina, except as otherwise provided herein.
- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than 10% 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 church-wide organization.
- d. 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.
- e. The Congregation Council shall be responsible for overseeing this congregation's investments and its total insurance program.

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

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

C12.08. Congregation Council shall be responsible for the employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

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

C12.09.01. Reports of the Pastor, the Secretary, the Treasurer, and of the various organizations, schools and associations within the congregation shall be submitted in writing annually.

C12.10 Omitted

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.

C12.11.01. The Congregation Council shall hold regular monthly meetings on a fixed day and time as the council may determine for the transaction of the affairs of the congregation.

C12.11.02. The following may constitute the Order of Business at regular meetings:

- ❖ Devotions
- ❖ A period for the study of the life and work of the Church
- ❖ Roll Call and action of excuses for absence
- ❖ Reading of minutes
- ❖ Report of the Pastor
- ❖ Report of the Treasurer
- ❖ Reports of committees
- ❖ Reports of special committees
- ❖ Other reports
- ❖ Petitions and communications
- ❖ New business
- ❖ Adjournment with prayer

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. 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.

C12.13. The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 13. CONGREGATION COMMITTEES

C13.01 Unless otherwise specified, each committee shall consist of at least, but not limited to, four members. Each committee shall be comprised of the Congregation Council member elected to that specific position, a Committee Chairperson, and at least 2 voting members of the congregation. Committee Chairpersons will be selected at the initial meeting of the committee and their names submitted along with other committee member names to the Council for approval. Regular committee members may be selected from past year list, new selections, or from the submitted time and talent sheets. Although appointed by and responsible to the Congregation Council, these Committees shall be recognized as representative of the interests of, and performing essential services for, the congregation as a whole. The Pastor(s) and President shall have voice and vote in all decision-making bodies of the congregation.

C13.01.01. Except as stipulated in the following paragraphs, the duties of all Committees shall be assigned by the Congregation Council, along with such instructions as in its judgement are in the best interests of the congregation. All actions of committees shall be subject to review by council.

C13.01.02. All committees shall meet at self-determined times. Special meetings may be called by the chair, the Congregation Council, the Pastor or the President of the congregation.

C13.02. The officers of this congregation and the pastor shall constitute the *Executive Committee*.

C13.03. An *Endowment Committee* consisting of five members, all of whom shall be voting members of St John's, shall be elected by the congregation. Term of office shall be five years, with one member elected each year. Members shall be eligible for re-election after being off the committee for two years.

C13.03.01. The **Endowment Committee** is to receive gifts, make investments and disbursements of income in accordance with the provisions of the "Endowment Fund Plan of Operations." Gifts include bequests in wills, charitable remainder and other trusts, charitable gift annuities, assignment of life insurance and transfers of property, such as cash, stocks, bonds, and real estate. Funds may be expended for: (1) capital asset needs such as land, buildings, furnishings, equipment and renovation; (2) Global Ministries and other ministries including, but not limited to Cherryville Area Ministries, and the Lutheran Group Homes; (3) general operating expenses of the church when necessary.

C13.04. A *Nominating Committee* of six or more voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council and two of whom shall not be members of the

Congregation Council, shall be appointed by the Executive Committee for a term of one year. Members of the Nominating Committee are not eligible for consecutive terms.

- C13.04.01.** In addition to considering the experience, skills, and availability of potential candidates, the Nominating Committee may consult with the respective committee chairpersons as to the suitability of candidates to fill committee vacancies.
- C13.05.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.
- C13.06.** A *Staff Support Committee* shall be appointed by the Congregation Council. The 2nd Vice President shall serve as chairperson and three additional members are to be appointed each year.
- C13.06.01.** A *Staff Support Committee's* purpose is to serve as a conferring, consulting group for the pastor and salaried employees of the congregation. The committee informs the congregational council regarding concerns affecting the relationship among the pastor, salaried employees, and congregational members. The committee studies the staffing needs of the church and works to fill staff positions. The committee prepares job descriptions for the pastor and salaried employees and conducts annual reviews of their work. Issues and concerns of the congregation regarding staff are discussed with the pastor and the salaried employees. Concerns of church staff members are also heard and addressed. Recommendations for compensation and benefits are given to the Congregational Council annually.
- C13.07** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor. No more than two Council members will serve on the Call Committee.
- C13.08.** Additional congregation committees are described in the below bylaws. Terms of service are for an indefinite period unless otherwise specified. Duties of committees of this congregation shall be specified in the bylaws. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.08.01.** A *Cemetery Committee* consisting of four members or more, all of whom shall be voting members of St. John's. The purpose of the Cemetery Committee to provide a dignified, fiscally solvent, perpetually maintained cemetery for the members of St. John's Lutheran Church, their families, other deed holders, and residents of Cherryville buried in the "Old Cemetery." The Cemetery Committee will provide continuous oversight of all aspects of the cemetery including proper rules and regulations and recommend pricing to congregational council. Three members of the Cemetery Committee will serve as trustees authorized to sell gravesites and plots on behalf of Saint John's. The Cemetery Committee is responsible for the operation, care and maintenance of all cemetery sites at Saint John's Lutheran Church. The City of Cherryville is responsible for mowing, tree and shrub maintenance in the "Old Cemetery." The Saint John's Property Committee is responsible for trimming in the "Old Cemetery" and trimming, mowing, tree and shrub maintenance in the "New Cemetery." The primary duties of the Cemetery Committee include the following: (1) maintain accurate, current records of plots and gravesites ownership, designations and burials; (2) monitor the care, maintenance, and use of Saint John's three cemetery sites; (3) recommend the price of gravesites for the "New Cemetery" to the congregational council and set a fee for maintenance and a refundable deposit for footstones in the "Old Cemetery" to defray part of the maintenance cost and loss of gravesites; (4) locate and layoff gravesites and coordinate with respective funeral homes for grave excavation; (5) coordinate with Endowment Committee for approval and recommended disbursement of the perpetual fund for cemetery maintenance and investment strategy of the perpetual fund; (6) assist and inform the congregational council in assessing evolving needs of St. John's cemeteries; and (7) coordinate with the Property Committee through the Property Board Chair who shall be a voting member of the Cemetery Committee.
- C13.08.02.** A *Christian Education Committee* consisting of four members or more, all of whom shall be voting members of St. John's. The purpose of the Christian Education Committee is to nurture, teach, inspire

¹ For use if the pastor is president of the congregation under two of the options in C11.02.

and create Christian education opportunities for lifelong learning centered on the disciples of Saint John's. The Christian Education Committee will be responsible for (1) the Christian nurturing of children, youth, and adults at Saint John's; (2) establishing objectives, selecting curriculum in consulting with teachers, and supervising all education programs, including Sunday School and Vacation Bible School, Rainbow Club and other educational opportunities; (3) arranging breakfasts and directing the program honoring high school and college graduates; (4) organizing Rally Day activities; and (5) overseeing curriculum of Wednesday evening children's programs.

- C13.08.03.** A **Communications Committee** consisting of four members or more, all of whom shall be voting members of St. John's. The purpose of the Communications Committee is to foster communications within and outside of Saint John's to promote community, ideas and activities, in helping people to know what Saint John's stands for and what we do. The Committee addresses the strategic as well as the tactical needs of the congregation members and church committees in meeting their communication needs through various communication vehicles. The Communications Committee is responsible for maintaining and supporting the Saint John's Website, as well as other means of social media used by the church.
- C13.08.04.** An **Evangelism Committee** consisting of four members or more, all of whom shall be voting members of St. John's. The purpose of the Evangelism Committee is to ensure that the congregation reaches out to people with the good news of Jesus Christ and receives them into its care so that they may develop a relationship with God and live as Christian disciples. Responsibilities include: (1) work with the pastor and the congregation council to make evangelism a vital part of the congregation's ministry; (2) care for all members of the congregation (including those who are inactive), as well as people who are not members of any congregation; to help all know and respond to the love of God in Christ; (3) work with all groups and people in the congregation to keep an updated prospect file and to provide for visitation programs; (4) set goals for congregational growth and to plan specific evangelistic events and missions; and (5) develop and carry out programs of membership care, including plans for growth in devotional life and for the distribution of devotional resources.
- C13.08.05.** A **Finance Committee** consisting of four members or more, one of whom shall be elected chairperson and all of whom shall be voting members of St. John's. The Finance Committee shall be augmented with a member of the Stewardship Committee, the Property Committee and any other committee as required to assist with the Church's resource management. Additionally, the Church Treasurer and the Church Secretary are permanent members of this committee. The purpose of the Finance Committee is to assume responsibility in conjunction with the Congregation Council for the finances of the congregation. This shall include developing and monitoring a church budget, financial recording and reporting, disbursement, and auditing of records. The Finance Committee is responsible for overseeing the financial well-being of the congregation and to make recommendations to the Congregation Council on all financial matters as deemed appropriate by the Committee or requested by the Council. The Committee will review and advise the Council regarding the activities of related committees as appropriate. The Committee's duties are to: (1) prepare an annual budget and budget revisions for submission to the Board; (2) cause a financial review of the church books by a committee of no fewer than three members of the Church within 3 months of the end of the fiscal year and report the results to the Congregation Council; (3) meet once a month to review the financial statements submitted by the Treasurer and financial matters of the Church, and make appropriate recommendations to the Congregation Council; (4) conduct the mid-year budget review; (5) review fiscal policies and recommend amendments to the Congregation Council each year, as necessary; and (6) review financial activities of the church, perform assessments, and provide fiscal advice to the Congregation Council.
- C13.08.06.** A **Nurture and Fellowship Committee** consisting of four or more members, all of whom shall be voting members of St. John's. The purpose of the Nurture and Fellowship Committee is to provide opportunities for the members and friends of our congregation to share their love for each other and to encourage each other in Godly living through programs of fellowship and recreation. The Nurture and Fellowship Committee is responsible for (1) Congregation Council Retreat; (2) Graduate Reception; (3) Christmas program breakfast or reception; (4) Sunday school breakfast and (5) other special events as required.
- C13.08.07.** A **Property Committee** consisting of four members or more, all of whom shall be voting members of St. John's. The purpose of the Property Committee is to ensure the church buildings and grounds are

well maintained and advise the Congregation Council on concerns or projects that need attention. The Property Committee is responsible for: (1) making arrangements for lawn, tree and shrub maintenance including the three cemetery sites. The Property Committee is responsible for trimming the “Old Cemetery,” while the City of Cherryville is responsible for mowing, tree and shrub care in the “Old Cemetery,” the Property Committee is responsible for mowing, trimming, tree and shrub care in the “New Cemetery;”(2) ensuring supervision of the work of the custodial staff; (3) overseeing the process of writing specifications, getting bids and all other related contract documents for repair and maintenance of buildings and grounds; (4) ensuring the supervision of maintenance projects whether undertaken by volunteers or by professional crews; (5) developing a written long-range schedule of major repairs and maintenance; (6) coordinating with those persons or professionals who have insurance expertise, review and recommend insurance coverage needed to protect the value of the church property; (7) approving the requests for the use of the church facilities other than church activities; (8) preparing a plan and assign responsibility to ensure church property is safe, that buildings are locked, lights turned off, and heat and air are regulated after each use of the facilities; (9) reviewing and recommending to the congregation council offers for permanent additions to the facilities and landscape; and (10) preparing an annual committee budget.

- C13.08.08.** A **Social Ministry Committee** consisting of four members or more, all of whom shall be voting members of St. John’s. The purpose of the Social Ministry Committee is to encourage all disciples of Saint John’s to reach out in Christian love and compassion to the church family, the community and the church-at-large, volunteering their time and talents to help meet the needs of our community outreach ministries. The Social Ministry Committee is responsible for planning, organizing and overseeing church-wide fellowship events no less than once a quarter.
- C13.08.09.** A **Stewardship Committee** consisting of four members or more, all of whom shall be voting members of St. John’s. The purpose of the Stewardship Committee and the focus of its programs are to develop methods and means to call people into personal growth as people with capacity to give, serve, and care generously. The committee will develop missions, goals and objectives to meet the church’s needs. The committee will encourage stewards of talents to share their gifts through their own vocation. The Stewardship Committee implements strategies to develop a culture of generous stewardship of God’s blessings at Saint John’s Lutheran Church. These include: (1) the annual pledge campaign, in which congregation members are asked to make a specific financial commitment to St. John’s in the upcoming year to fund the Church operating budget; (2) planned giving, which encourages individuals to include St. John’s in their estate planning; (3) recognizing and thanking members for sharing their gifts; and (4) educating parishioners about stewardship throughout the year.
- C13.08.10.** A **Worship and Music Committee** consisting of four members or more, all of whom shall be voting members of St. John’s. The purpose of the Worship and Music Committee works with the Pastor and the Music Director in providing meaningful, vibrant and reverent corporate worship to fulfill the church’s role as a worshipping body, and in expanding the role of music in the life of St. John’s. Responsibilities include: (1) study the worship needs and preferences of the congregation and address these by recommending the ingredients and style of worship services, including music and use of visual and literary arts and other tools of worship; (2) act as a sounding board for all members and age groups in the congregation; (3) assist the Pastor in the implementation of special music programs and activities (4) identify and recruit individuals within the church membership to utilize their gifts through the music and worship; (5) recommend purchase, repair and maintenance of equipment and instruments used in the music and worship program; (6) coordinate the decoration of the sanctuary for special occasions such as Easter and Christmas, and coordinate rotation of banners during the church calendar year; (7) develop the annual music and worship budget; (8) serve as sponsor committee to assigned Ministry Teams: Adult Choirs, Youth Choir, Children’s Choir, and Hand Bell Choirs
- C13.08.11.** A **Youth Committee** consisting of four members or more, all of whom shall be voting members of St. John’s. The purpose of the Youth Committee is to create the next generation of leaders in the church through education, fellowship and leadership challenges. The committee will: (1) develop events to engage the youth of Saint John’s; (2) connect youth to other areas of Saint John’s ministry; (3) invite youth to participate in youth events; (4) create a culture of openness and acceptance with the youth ministry; and (5) assist youth in accepting leadership roles throughout the church. Additionally, the committee will raise funds for Saint John’s youth to participate in ELCA National Youth Gathering.

They will arrange for church youth to participate in weekly Rainbow classes, prayer breakfasts, and other fellowship events

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

Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION

- C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting, or the Congregation Council, shall determine their policies, guide their activities, and receive reports concerning their membership, work and finances.
- C14.02.** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council [and specified in a continuing resolution].

Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION

- *C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.
- *C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to *C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- *C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members, plus the nonvoting chair, comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- *C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

- *C15.05. By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
 - a. suspension from the privileges of congregation membership for a designated period of time;
 - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
 - c. termination of membership in the congregation; or
 - d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.
- *C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- *C15.07. No member of the congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- C15.08. Omitted**
- C15.09. Omitted**
- *C15.10. **Adjudication**
- *C15.11. When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16. AMENDMENTS

- *C16.01. Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least ten (10) voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C16.02. An amendment to this constitution, proposed under *C16.01. shall:
 - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those voting members present and voting;
 - b. be ratified without change at the next annual meeting by a two-thirds vote of those voting members present and voting; and
 - c. have the effective date included in the resolution² and noted in the constitution.
- *C16.03. Any amendments to this constitution that result from the processes provided in *C16.01. and *C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- *C16.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved

² *Such an effective date must be stated in relation to the requirements of *C16.03. to allow time for synodical review of the amendment.*

by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 17. BYLAWS

- *C17.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C17.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds vote of those voting members present and voting.
- *C17.03. Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C17.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 18. CONTINUING RESOLUTIONS

- *C18.01. The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- *C18.02. Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

Chapter 19. INDEMNIFICATION

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

