

**Evangelical Lutheran  
Church in America**

God's work. Our hands.

**CONSTITUTION**

**FOR**

**ST. JOHN LUTHERAN CHURCH,**

**BROOKLYN, BALTIMORE, MARYLAND**

**OF THE**

**EVANGELICAL LUTHERAN**

**CHURCH IN AMERICA<sup>®</sup>**

**2010 LOCAL—REVISED SOURCE**

**2016 BASE**

**2019 VERSION**



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**A Congregation of the Evangelical Lutheran Church in America**

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To the members of the congregation of St. John Lutheran Church:

The following motion is made to the meeting of the congregation on November 17, 2019, by the Constitution Committee.

**We move that the current 2010 constitution be amended by substitution of the 2019 update.**

This motion allows us to discuss the update and take the work as a whole instead of individual sections as an amendment. If approved, it will take affect immediately.

The major change is in how the ELCA desires the constitution to be structured. The Bylaws and Continuing Resolutions are no longer found in the back but at the location where they effect the constitution.

We have taken into consideration changes made at the 2019 August ELCA Assembly and the review of the constitution was done over the summer by the Delaware-Maryland Synod.

This copy is being made available in early October for your review in ample time for questions to be raised and answered before the annual meeting. Please see any member of the Committee with your concerns.

This action was approved at the September 2019 Congregation Council meeting.

The Constitution Committee  
Sue Calvert, Leslie Schell, Fran Sieradzki, and Pastor Bob Schmitt

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## INTRODUCTION to the *Model Constitution for Congregations*

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

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

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

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

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

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

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

► **Codification explanation:** The *Model Constitution for Congregations* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital “C.” If a constitutional provision is mandatory, it will be preceded by an asterisk, “\*C.”

a. Constitutional provisions are codified with two sets of numbers, preceded by a “C”: the chapter number, followed by a period, and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to “Membership” in Chapter 8 is codified as “\*C8.02.” A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as “C12.09.” Constitutional provisions are adopted and amended in accordance with Chapter 16 titled “Amendments.”

b. Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to “Membership” would be codified as “C8.02.01.” A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as “C12.09.01.” Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation's organization, operation, and life, there is not a model set of bylaws or continuing resolutions. Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations*, the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the constitution of the synod, as indicated in \*C6.03.e. Bylaws are adopted and amended in accordance with Chapters 16 and 17.

c. Continuing resolutions are intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. They follow the relevant constitutional provision or bylaw to which they refer. Continuing resolutions also are codified with three sets of numbers, except that the third set is preceded by a capital letter. Thus, a continuing resolution describing congregational

committees in Chapter 13 might be numbered “C13.07A19.” The initial numbers “C13.07” indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers “A19” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2019. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

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

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

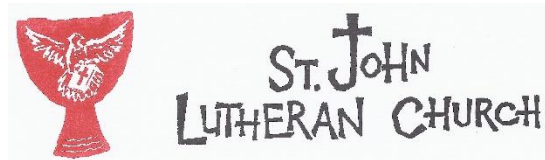
► **References to church:** In the governing documents, “Church” with a capital letter refers to the one, holy, catholic, and apostolic Church. The words “church” or “this church” in lowercase letters refer to the Evangelical Lutheran Church in America. The specific congregation may be identified, as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

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

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

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

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



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for  
ST. JOHN LUTHERAN CHURCH,  
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**\*PREAMBLE**

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

**Chapter 1.**

**NAME AND INCORPORATION**

**C1.01. The name of this congregation shall be St. John Lutheran Church, Brooklyn, Baltimore, Maryland.**

**C1.02. For the purpose of this constitution and the accompanying bylaws, the congregation of St. John Lutheran Church, Brooklyn, Baltimore Maryland, is hereinafter designated as "this congregation."**

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

*C1.11.A1988 For informational purposes it is noted that:*

*The congregation was originally incorporated in Anne Arundel County [Liber GW #5 Folio 1] and then added to the City of Baltimore. In 1988 the congregation reincorporated in the City of Baltimore [Roll 247 Page 2478-2479 Oct 5, 1988] in relation to a change required to secure a construction loan from Anne Arundel Federal Savings and Loan by congregational action at its special meeting.*

*September 11, 1988 Special Congregation Meeting*

*Articles of Amendment*

*St. John Lutheran Church, Brooklyn, Baltimore, Maryland, a Maryland Corporation having its principal place of worship in Baltimore City, Maryland (hereinafter called the "Corporation"), hereby certifies to the State Department of Assessments and Taxation of Maryland that:*

*First: That the name of the Church shall henceforth be known as St. John Lutheran Church, Brooklyn, Baltimore, Maryland. The officers, directors and congregation of the Church hereby acknowledge, ratify and certify that they have also been know as, and have done business under the following names since their original incorporation in April 1917:*

- 1. "The Saint John's Evangelical Lutheran Church of Brooklyn, Maryland"*

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\* Required provision

2. *“Saint John’s Evangelical Lutheran Church of Brooklyn, Anne Arundel County, and the State of Maryland”*
  3. *“St. Johns Evangelical Lutheran Church of Brooklyn, Md.”*
  4. *“St. Johns Evangelical Lutheran Church”*
- C1.11.B2019 The seal of the congregation is inscribed as follows: St. John Lutheran Church Brooklyn, Baltimore, MD and has a sunburst with a cross as its center.*
- C1.11.C2019 for branding purposes: St. John Lutheran Church, Brooklyn, may also style itself “The Church that Cares” and “The Welcome Place.”*

## **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, standing with the poor and powerless, and committing itself to their needs.**
- e. **Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.**
- f. **Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.**

**\*C4.03. To fulfill these purposes, this congregation shall:**

- a. **Provide services of worship at which the Word of God is preached and the sacraments are administered.**
- b. **Provide pastoral care and assist all members to participate in this ministry.**
- c. **Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.**
- d. **Teach the Word of God.**
- e. **Witness to the reconciling Word of God in Christ, reaching out to all people.**
- f. **Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.**
- g. **Motivate its members to provide financial support for this congregation’s ministry and the ministry of the other expressions of the Evangelical Lutheran Church in America.**
- h. **Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.**
- i. **Foster and participate in ecumenical relationships consistent with churchwide policy.**

**\*C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.]**

*C4.04.01 The congregation shall have the organizational structure of congregational members in assembly C8; C10 and elected leadership; Pastor C9 and Congregation Council C11 and C12.*

*C4.04.02 The congregation shall elect leadership as described in C9, C11, and C12*

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

*C4.05.A2010 The mission of St. John Lutheran Church, a member of the Body of Christ made up of many parts, is to obey our Lord’s command, “that you love one another as I have loved you.” We do this by proclaiming the Gospel of Jesus Christ through the Word and Sacrament, by*



*developing the many gifts that we have been given, and by reaching out to the needs of individuals in our congregation, our community, and our world in worship, in prayer, and in service.*

***Congregational Goals for St. John Lutheran Church, Brooklyn (adopted November 19, 2000)***

*as a priority, the congregation initiates an environment and develops programs that attract youth and young adults and include them in the total life of the congregation (including but not limited to worship and other activities)*

*The congregation initiates an environment and develops programs that attract new members, including but not limited to Sunday School and those who are unchurched in the community.*

*The congregation initiates a strong commitment to the teaching ministry, especially focused on the development of a comprehensive understanding of the Bible, Apostle's and Nicene Creeds, Lutheran Confessions, and Church traditions.*

*The congregation maintains a strong liturgical and sacramental worship life and maintains the long tradition of outreach ministries.*

- \*C4.06. References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.**

## **Chapter 5.**

### **POWERS OF THE CONGREGATION**

- \*C5.01. The powers of this congregation are those necessary to fulfill its purpose.**
- \*C5.02. The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.**
- \*C5.03. Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by this congregation. This congregation is authorized to:**
- a. call a pastor as provided in Chapter 9;**
  - b. terminate the call of a pastor as provided in Chapter 9;**
  - c. call a minister of Word and Service;**
  - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;**
  - e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;**
  - f. approve the annual budget;**
  - g. acquire real and personal property by gift, devise, purchase, or other lawful means;**
  - h. hold title to and use its property for any and all activities consistent with its purpose;**

- i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - j. elect its Congregation Council, and require the members of the council to carry out their duties in accordance with the constitution, and bylaws, and continuing resolutions; and
  - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- \*C5.04.** This congregation shall elect from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by this congregation and other qualifications shall be as prescribed in guidelines established by the Delaware-Maryland Synod of the Evangelical Lutheran Church in America.
- C5.04.A2019 This shall be done by nomination and election at a Congregation Meeting as advised by Synod rules and direction in the annual announcement of assembly.*
- C5.05.** This congregation shall have a mission fund that will operate as specified in this congregation's continuing resolutions. The purpose of the mission fund is to provide for mission work beyond the operational budget of this congregation.
- C5.05.A2019 description of the funds as a continuing resolution of Congregation Council and Committee on Finances from and may be found in C12.05*

## **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 Delaware-Maryland Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- C6.01.A2019 This congregation is a member of the Baltimore City Conference of the Delaware-Maryland Synod.*
- \*C6.02.** This congregation accepts the Confession of Faith and agrees to the purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- \*C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community.
  - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
  - c. This congregation agrees to call pastoral leadership from the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved

**for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.**

- d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in this congregation according to the procedures of the Evangelical Lutheran Church in America.**
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.**

**\*C6.04. Affiliation with the Evangelical Lutheran Church in America is terminated as follows:**

- a. This congregation takes action to dissolve.**
- b. This congregation ceases to exist.**
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.**
- d. The Delaware-Maryland Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.**
- e. This congregation follows the procedures outlined in \*C6.05.**

**\*C6.05. This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:**

- a. A resolution indicating the intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time this congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the first meeting.**
- b. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall**

**send copies of the resolution and certification to voting members of this congregation.**

- c. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.**
- d. If this congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the second meeting.**
- e. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.**
- f. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case \*C7.04. shall apply.**
- g. This congregation shall abide by these covenants by and among the three expressions of this church:**
  - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.**
  - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synod approval before terminating their membership in this church.**
  - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.**
- h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above or fails to achieve the required two-thirds vote of**

voting members present at this congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after the meeting at which the two-thirds vote was not achieved.

- \*C6.06. If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is taken.
- \*C6.07. If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

## **Chapter 7.**

### **PROPERTY OWNERSHIP**

- \*C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Delaware-Maryland Synod of the Evangelical Lutheran Church in America.
- \*C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline or pursuant to 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America, title to property shall continue to reside in this congregation.
- \*C7.03. If the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Delaware-Maryland Synod
- \*C7.04. If the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in \*C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the process established by the synod, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America. In neither case does title to this congregation's property transfer to the synod.

- \*C7.05.** Notwithstanding the provisions of **\*C7.02.** and **\*C7.03.** above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the Delaware-Maryland 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.

*C8.01.A2019 The pastor shall submit prior to Easter each year any names that after the review of the roster for the annual ELCA Parish Report that have been affected or might be affected for removal as listed in C8.05. a-e and share the completed report for Congregation Council review for advice and consent. The Congregation Council may request to see the actual Parish Register for review.*

- \*C8.02.** Members shall be classified as follows:
- a. *Baptized* members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - b. *Confirmed* members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
  - c. *Voting* members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.

- d. **Associate members are persons holding membership in other Christian congregations, military, and college students who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.**
- e. **Seasonal members are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:**
  - 1) **they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;**
  - 2) **they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;**
  - 3) **they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;**
  - 4) **they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;**
  - 5) **they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and**
  - 6) **they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.**

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

*C8.03.A2010 The pastor and or the Learning Committee shall present the names of confirmands or prospective adult members to the Congregation Council at the preceding Congregation Council meeting*

**\*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.**

*C8.04.A2019 Members who by pastoral advice and should remain active despite inability to fulfil some membership requirements shall be reported to the Congregation Council. This*

*includes military members deployed, college students, diaspora nursing persons, or others presented to the council in the annual report.*

- \*C8.05. Membership in this congregation shall be terminated by any of the following:**
- a. death;**
  - b. resignation;**
  - c. transfer or release;**
  - d. disciplinary action in accordance with Chapter 20 of the constitution and bylaws of the Evangelical Lutheran Church in America; or**
  - e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.**

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

*C8.05.01 Procedures for change of Membership Status*

*Members may have their status change from the roll of active voting membership after inactivity of three consecutive years and be notified of their change by letter in status to associate membership by the advice and consent of the Congregation Council.*

## **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 Congregation Council following a procedure outlined in the bylaws to recommend the call, shall seek the advice and help of the bishop of the synod.**

*C9.01.01 Call Committee*

*After notifying and consulting with the bishop of this synod, the Congregation Council shall propose a representative slate of members to form a call committee. This slate of members will be approved or rejected at a duly called Congregation Meeting. If a slate fails, the Congregation Council will seek opinion and may either immediately or reconvene at a later date to form another slate for approval. After congregational approval, the Call Committee shall consult with the bishop and seek, interview, and vote to recommend a candidate to the congregation for call through the synod process.*

*C9.01.A2019 The Congregation Council will communicate with the congregation, the duties, and nominations, and responsibilities of serving on a Call Committee, before forming the slate of members to be presented to the Congregation Meeting for approval.*

*C9.01.B2019 Members may be nominated to the Congregation Council for consideration for the Call Committee. The decision of Call Committee membership is the responsibility of the Congregation Council.*

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



- \*C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,**
- a. Every minister of Word and Sacrament shall:**
    - 1) preach the Word;**
    - 2) administer the sacraments;**
    - 3) conduct public worship;**
    - 4) provide pastoral care;**
    - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;**
    - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;**
    - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and**
    - 8) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God’s love for the world.**
  - b. Each pastor with a congregational call shall, within the congregation:**
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;**
    - 2) relate to all schools and organizations of this congregation;**
    - 3) install regularly elected members of the Congregation Council;**
    - 4) with the council, administer discipline;**
    - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of the Delaware-Maryland Synod of the ELCA.**
    - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.***
- \*C9.04. The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.**
- C9.04.A2019 Each year the Mutual Ministry/Personnel Committee shall review the pastoral goals initially described in the call document and updated every following year. The pastor will be requested to submit a working draft document of goals for discussion between the committee and the pastor.*
- C9.04.B2019 Every other year, the pastor shall review any staff member following the evaluation form provided by the committee. And will verbally report any joys and concerns each year.*
- \*C9.05. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:**
- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor’s death or, following consultation with the synod bishop, for the following reasons:**
    - 1) mutual agreement to terminate the call or the completion of a call for a specific term;**

- 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
  - 3) inability to conduct the pastoral office effectively in this congregation in view of local conditions;
  - 4) physical disability or mental incapacity of the pastor;
  - 5) suspension of the pastor through discipline for more than three months;
  - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
  - 7) termination of the relationship between this church and this congregation;
  - 8) dissolution of this congregation or the termination of a parish arrangement; or
  - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to this

**congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.**

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, this congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.**
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.**

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

*C9.06.A2019 If a short period exists between a pastoral departure and the appointment of an interim pastor the Congregation Council shall contact the dean of the Baltimore City Conference in regard to pastoral emergencies.*

**\*C9.07. During the period of service, an interim pastor shall have the rights and duties in this congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.**

**\*C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.**

**\*C9.09. When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.**

*C9.09.A2019 When a deacon is also called to congregational service, the deacon will be responsible to the pastoral authority and to the Congregation Council. The deacon's duties shall be outlined and reviewed by the Mutual Ministry Committee.*

- \*C9.11. With the approval of the bishop of the synod, this congregation may depart from \*C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.**
- \*C9.12. The pastor of this congregation:**
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;**
  - b. shall submit a summary of such statistics annually to the synod; and**
  - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.**
- \*C9.13. The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.**
- \*C9.14. The parochial records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another call or approval of a request for change in roster status.**
- C9.14.A2019 The Congregation Council is encouraged to review the actual register during the report of membership issues in C8.02. It is also appropriate to place the register for examination to the congregation each year at the Festival of the Baptism of Our Lord in January or another baptismal event in the church year.*
- C9.15. Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between this congregation and the pastor in a form proposed by the synod bishop and approved by this congregation.**
- C9.15.A2019 Under Special Circumstances, subject to approval of the synod bishop, and the concurrence of this congregation, a minister of Word and Service in the Order of St. Stephen, Deacon, may serve temporarily the duties of the office of pastor this congregation, under a contract between the congregation in a form proposed by the synod bishop and approved by the Congregation Council.*
- \*C9.21. Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.**

- \*C9.22. Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.**  
*C9.22.A2019 The congregation in consultation with the synod bishop may issue a call to Word and Service to a candidate in the Order of St. Stephen, Deacon.*
- \*C9.23. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:**
- a. Be rooted in the Word of God, for proclamation and service;**
  - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;**
  - c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;**
  - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;**
  - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;**
  - f. Practice stewardship that respects God's gift of time, talents, and resources;**
  - g. Be grounded in a gathered community for ongoing diaconal formation;**
  - h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and**
  - i. Identify and encourage qualified persons to prepare for ministry of the gospel.**
- \*C9.24. The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.**  
*C9.24.A2019 The specific duties of a deacon of the Order of St. Stephen, Deacon, including compensation, and other matters pertaining to the service of the deacon shall be included in the 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 this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for the following reasons:**
    - 1) mutual agreement to terminate the call or the completion of a call for a specific term;**

- 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
  - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
  - 4) physical disability or mental incapacity of the deacon;
  - 5) suspension of the deacon through discipline for more than three months;
  - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
  - 7) termination of the relationship between this church and this congregation;
  - 8) dissolution of this congregation or the termination of a parish arrangement; or
  - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this

congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

- \*C9.26. This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
- \*C9.27. When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.28. With the approval of the bishop of the synod, this congregation may depart from \*C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.25.a.
- \*C9.29. The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- \*C9.31. The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

*C9.05A2010 Pastors and or deacons who retire after service to St. John Lutheran Church may be declared "pastor emeritus" and "deacon emeritus," and this designation may be used on*

*official church publications, as appropriate. These titles are deemed to be honorific only, conferring no special privilege or responsibility. These and all future designations, shall terminate with the individual's death. Members of the congregation understand that these are honorific titles, and the called pastor or interim pastor of St. John Lutheran Church shall serve in his or her designated role of ministers of Word and Sacrament, and sharing this role in Word or Sacrament only by invitation of the pastor or interim pastor.*

*A) At this time the Rev. Joseph Lettrich has been given the title of Pastor Emeritus.*

## **Chapter 10.**

### **CONGREGATION MEETING**

**C10.01. This congregation shall have at least one regular meeting per year. The regular meeting(s) of the congregation shall be held at the time(s) specified in the bylaws. Consistent with the laws of the State of Maryland, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.**

*C10.01.01 The annual meeting of the congregation shall be between the 15th of November and the 15th of December as called by the Congregation Council*

*C10.01.02 The congregation duties at its annual meeting are adopting an operating budget, electing members of the Congregation Council, choosing voting members for the annual Synod Assembly, and conducting any other business deemed appropriate. The agenda will be formulated by the Executive Committee in consultation with the pastor.*

**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 25 of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synod bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.**

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

**C10.04. Fifteen percent of the voting members shall constitute a quorum.**

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

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

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



## **Chapter 11.**

### **OFFICERS**

- C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.**
- a. Duties of the officers shall be specified in the bylaws.**
  - b. The officers shall be voting members of this congregation.**
  - c. Officers of this congregation, except the treasurer, shall serve similar offices of the Congregation Council and be voting members of the Congregation Council.**
  - d. The Congregation Council elects its officers, the president, vice president, and secretary and they shall be selected from the elected membership of the Congregation Council. The Congregation Council shall appoint a treasurer for the congregation. 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.**
- C11.02. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.**
- C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.**

#### *C11.01.01 DUTIES OF OFFICERS*

*C11.01.01. The president shall preside at all meetings of the congregation and the Congregation Council.*

*C11.01.02. The vice president shall preside at meetings of this congregation and the Congregation Council in the absence of the president.*

*C11.01.03. The secretary, or a designee, shall keep accurate minutes of all meetings of the Congregation and the Congregation Council in a volume provided by the congregation which shall be preserved permanently in the archives of the congregation. The secretary shall preside at meetings of the congregation and the Congregation Council in the absence of the president and vice president.*

*C11.01.04. The Head Teller shall keep record of all income from contributing members and make a monthly report to the Congregation Council of member envelopes used.*

*C11.01.05. The treasurer shall keep books of accounts of the congregation; and shall receive an accounting of all funds received and disburse them on proper orders, making monthly remittance of benevolence receipts to the treasurer of the Delaware-Maryland Synod. The treasurer shall make written report of all financial transactions to the Congregation Council monthly and the congregation annually. All financial officers shall give corporate surety in amounts determined by the Congregation Council, for which the premium shall be paid by the congregation. Fidelity coverage provided by the ELCA shall be deemed a fulfillment of this requirement.*

*C11.01.06 The officers of the Congregation Council, or designees shall be the only ones authorized to sign checks and disburse funds.*

## **Chapter 12.**

### **CONGREGATION COUNCIL**

- C12.01. The voting membership of the Congregation Council shall consist of the pastor, and not more than twelve nor fewer than six members of this**

congregation, and shall strive to have at least one of whom shall be a youth or a young adult. Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

- C12.02.** The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for two years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin January 1, following the Congregation Meeting and installed after their election at worship. They shall be invited to the December meeting following their election.
- 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 rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
  - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
  - f. To promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.
  - g. To arrange for pastoral service during the sickness or absence of the pastor.
  - h. To emphasize support of the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-

**Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.**

- i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.**
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.**

*C12.03.08 The Congregation Council may make Continuing Resolutions as to the management of the congregation as it sees fit, as long as these resolutions are not in conflict with another provision of this constitution and bylaws.*

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

- a. The Congregation Council shall be the board of directors of this congregation and, as such, shall be responsible for maintaining and protecting its property and managing its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Maryland, except as otherwise provided herein.**
- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of this congregation.**
- c. The Congregation Council may enter into contracts of up to 10% of current giving for items not included in the budget.**
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than 25 percent in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in collaboration with the synod and churchwide organization.**
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of mission support to the synod treasurer.**
- f. The Congregation Council shall be responsible for funds received following procedure outlined in a continuing resolution.**
- g. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.**

*C12.05.A2010 The church auditor shall be appointed by the Congregation Council annually, shall keep control of the total financial activity of this congregation and auxiliaries thereof, shall receive records of all monies received and disbursed on forms supplied, and shall present monthly an audit to the Congregation Council of the total financial activity of the congregation and its auxiliaries.*

*C12.05.B2010 Abiding Memorial Fund*

*It was originally intended that the Abiding Memorial Fund should be a cumulative fund. This means all monies received would be accumulated until such time as a 'fitting' memorial purchase was needed. The purchase would then be made in memory of all the deceased rather than in the name of any one individual. A 'fitting' memorial is one which furthers the mission of the congregation. Some families prefer to place a memorial in the name of a specific person and in order to accommodate this preference in an orderly and just manner, the following guidelines are established.*

- 1) *Persons wishing to select a memorial in the name of a specific individual may do so within a twelve month period from the death of the deceased person being memorialized.*
  - a. *The expenditure selected must be approved by a two-thirds majority of the Congregation Council.*
  - b. *The expenditure selected may not exceed the amount of money donated in the name of the deceased, unless the family and or friends are willing to contribute the difference between the amount donated and the total cost of the desired memorial.*
  - c. *Any monies not designated in memory of a specific individual within the twelve month period following the death reverts to be accumulated funds.*
- 2) *Accumulated funds are to be disbursed as follows:*
  - a. *All items must be approved by a two-thirds majority of the Congregation Council*
  - b. *If the cost of the item exceeds 5 percent of the total amount of the annual budget, the approval of the congregation is also required at either an annual meeting or a meeting convened specifically called for this purpose, regardless of the source of the gift or bequest.*
- 3) *Interest money received on the Abiding Memorial Fund may be disbursed by the Congregation Council (up to the 5 percent maximum) to meet expenses or make any purchase deemed necessary or desirable by a two-thirds majority vote.*

*C12.05.C2010 amended 2019 The Campership Fund*

*Funds originally received from the estate of Marie Brown, and other gifts designated in succeeding years for camping shall be left in the best and safest interest bearing account. Funds are to be used to send children to the Mar-Lu-Ridge camp of the Delaware-Maryland Synod. Funds are to be released by Congregation Council action.*

*C12.05.D2010 amended 2019 Estimates*

*The sum of \$10,000 is established as the dollar amount requiring three estimates. This includes purchases outside the annual operating budget, and for all maintenance and upkeep of the physical plant, parking lot, and other real estate owned by the congregation; and for capital improvements to the building and or grounds. The stipulation applies even in situations in which monies have been donated or received by the congregation through bequest. The Congregation Council has the right not to accept the lowest bid if it deems a higher bid to be a better alternative for reasons of its own discretion.*

*C12.05.A2013 amended 2019 The following procedures are from a Congregational Treasurer's workshop for Good Practices held by the Delaware-Maryland Synod and originally adopted in 2013 with limited clarification in 2019*

*The Congregation Council of St. John Lutheran Church will revise its yearly budget to include an expense line titled, "The Office of Pastor." Within this category, there will be these line items:*

- *Pastor's continuing education*
- *Mileage*
- *Supply clergy*
- *Other incidental pastoral expenses*

*This change does not require the appropriation of any money not previously appropriated in the 2013 congregational operating budget, but rather represents only a bookkeeping change and a small widening of the purpose of the clergy supply line item. The description of this expense line in the budget is set forth in greater detail in the accompanying documents. It is suggested that this practice be maintained in future budgets of the congregation but is not mandated. To the greatest extent practical, the treasurer will write checks directly to the vendors of the goods and services. In the event of out of pocket expenses incurred by the pastor, the pastor may only be reimbursed only with documentation that sets for the cost of the*

*expense, date, and purpose. For expenses that appear on the pastor's credit card, the pastor must provide the purpose of the expense, and if necessary, its relevance to the pastoral office. Only expenses approved by the Internal Revenue Service for business purposes of either the congregation or the pastor may be included as expenses of the Office of Pastor.*

*C12.05.B2013 amended 2019*

*The following resolution concerns some of the financial policies of St. John Lutheran Church. They do not discuss the entirety of all the financial practices of the congregation. They remain in force until changed by an act of the Congregation Council in this or some future year and will remain as part of the permanent records of the congregation in the minutes of this meeting. This meeting was held on January 8, 2013.*

- Requests for reimbursements for expenses incurred by staff of members of the church must be submitted within 60 days of their expenditure. This included mileage reimbursement for the pastor. Mileage reimbursements will be at the rate prescribed by the IRS. Documentation is necessary for all reimbursements must include, date, business purpose, place, and miles driven.*
- Contributions for items for the church do not imply that the person making the contribution has the right to take possession of the item after its use. For example, flowers used in the liturgy may be given to anyone afterwards, as appropriate, for any worthy purpose.*
- If the congregation maintains a discretionary fund for the pastor's use, the following is followed: The income for this fund will come from stipends for pastoral acts, weddings, funerals, and donations. Income for this account will be deposited in the church accounts. It will not be considered a charitable contribution to the church, but rather will be used to fund a discretionary fund. Dispersals from this fund will be by check. If large amounts, directly to the payee: and by petty cash for small amounts, and amount kept by the pastor. In no fashion can any money from this account be used for the pastor's personal benefit. The purpose of the fund is to further the social ministry related activities of the congregation. The pastor will keep a record of the disbursements from this account, both by cash and by monetary support. This record will be audited by a designated person who may be different from the auditing committee, determined by Congregation Council and the pastor. That income/expense record will remain with the yearly financial records of the congregation. With regard to cash dispersals from discretionary funds, the pastor will receive cash from the congregation, never a check made out personally. The pastor will keep account of all cash and checking dispersals. Cash dispersals can be for any amount up to \$75. The record of the discretionary account is confidential, although the bottom line amount of the yearly dispersal is a public record.*
- The church will provide the office and ministry assistant with a petty cash fund. Money in the petty cash fund will be provided in cash; a personal check to the ministry assistant will not be made. The petty cash fund will be replenished as necessary. Cash dispersals can be made for any amount up to \$75. A record will be kept of petty cash dispersals which can be reviewed annually by a designated officer of the Congregation Council, and that income/expense record will remain included with the yearly financial records of the congregation*
- The Office of the Pastor will be considered as a business expense item of the congregation. Funds included in this account are the pastor's continuing education fund, an annual mileage expense, support for cell and internet services, and the allowance for pastoral supply in the event of a pastor's absence. The pastor is granted the right to determine what is qualified as a continuing education expense. The pastor may interpret continuing education broadly, and it may include books, subscriptions, travel for study, conference fees, and the like. Out of pocket expenses the pastor incurs can also be charged to this account, including meals and entertainment. Expenditures from this fund may be by means of the pastor's credit card accompanied by receipts, including the purpose of the expense if not clearly discernable, or by check written by*

*the treasurer to the vendor that supplied the good or service. At no point may the treasurer write the pastor a personal check. It is assumed that the majority of continuing education and mileage be for the purposes stated, as well as clergy supply: while the amount for incidentals and meals and entertainment be relatively small. If greater amounts are necessary or seem to be getting out of hand, the pastor and / or treasurer can bring these matters forward for a discussion and determination by the Congregation Council. Any unexpended money in the line items of this expense allocation will return to the general funds of the congregation. If the pastor spends more than the budgeted amount, the pastor will incur those expenses personally.*

- The housing allowance of the pastor shall be determined in discussion for the coming year as part of the budgetary process. It will be declared yearly when the congregation approves the annual budget. It shall be noted with an asterisk and footnote with the following which meets the Internal Revenue Service rules: “For IRS purposes the following amount is declared as the pastoral housing allowance for the coming year.”*
- The congregation periodically receives bequests. Unless otherwise stipulated, the Congregation Council may determine the management and use of bequest funds. The congregation may, as a general practice, encourage that bequests be in the form of unstipulated use, to be used at the discretion of the Congregation Council, within the parameters for money management as set forth in the congregation’s constitution and bylaws.*
- None of the above items must require a separate checking account except the optional discretionary account, but may be handled as a bookkeeping transaction by the treasurer*
- The congregation will keep separate the functions of the treasurer (dispensing of funds) and other cash management (receipt of funds) practices of the congregation. To the greatest extent possible, the treasurer will not handle cash.*
- This resolution does not touch upon every aspect of money management and bookkeeping of the congregation. These provisions may be added to and revised as necessary. In all measures, the congregation will strive to follow laws and regulation of the government jurisdictions in which the congregation operates.*

*C12.05.A2019 The tellers of the congregation shall tabulate offering monies and other monies except funds for the other organizations which deposit in the church account.*

*C12.05.B2019 Other organizations using the congregational tax exemption number, such as this congregation’s unit of the Women of the ELCA and St. Cecilia Fund, which deposit funds in the church account, must report all transactions to the auditor.*

*C12.05.C2019 The banking organizations shall be determined by the Congregation Council.*

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

**C12.07. The Congregation Council shall provide for an annual review of the membership roster as indicated in Co8.01.01**

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

**C12.09. The Congregation Council shall 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.**

**C12.10. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be**

absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synod bishop.

- C12.11.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference and, to the extent permitted by state law, notice of all meetings may be provided electronically.

## **Chapter 13.**

### **CONGREGATION COMMITTEES**

- C13.01.** The officers of this Congregation and the pastor, in ex-officio role, shall constitute the Executive Committee. The Executive Committee shall act in an emergency situation only when it is not possible to convene a meeting of the Congregation Council; or when one of the officers deems calling a meeting of the Executive Committee is necessary for good and right reason, for example in dealing with issues of a confidential nature. An Executive Committee meeting may be called by any of the four officers of the Congregation Council. Minutes of the Executive Committee will be kept in the archives of the Congregation, but they may be sealed for a period of time if necessary.
- C13.02.** A Nominating Committee of this Congregation, two of whom, if possible, shall be appointed by the Congregation Council.
- C13.03.** An Audit Committee of two 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 two years, with one member elected each year. Members may be eligible for reelection after an absence of two years.
- C13.04.** A Mutual Ministry Committee shall consist to up to six persons appointed mutually by the Congregation Council and the rostered minister(s) of the congregation. Term of office may be two years, three members to be appointed each successive year. In the absence of a functioning Mutual Ministry Committee, the Executive Committee may function as a Mutual Ministry Committee.
- C13.05.** When a vacancy occurs in a position for which this congregation calls a rostered minister, a *Call Committee* of six voting members shall be formed by the Congregation Council following procedures in the bylaws of the congregation. Term of office will terminate upon installation of the newly called rostered.
- C13.06.** A Worship Committee may be formed. A member of the Congregation Council may serve on the committee and may also serve as chairperson of the committee. Other members may include the director of music, altar guild, members of the adult choir, and members of the Congregation.

- C13.07.** A Learning Committee may be formed. A member of the Congregation Council may serve on the committee and may also serve as chairperson of the committee. Other members may be representatives of the staff of the Sunday school, and others, particularly those with expertise in Christian education.
- C13.08.** An Evangelism Committee may be formed. A member of the Congregation Council may serve on the committee and may also serve as chairperson of the committee. Other members may be selected from the Congregation at large. If no Evangelism Committee is formed, the Congregation Council shall serve as the Evangelism Committee.
- C13.09** A Stewardship Committee shall be formed. A member of the Congregation Council may serve on the committee and may also serve as chairperson of the committee. Other members may be selected from the Congregation at large. If no Stewardship Committee is formed, the Congregation Council shall serve as the Stewardship Committee.
- C13.10** A Youth Ministry Committee may be formed. A member of the Congregation Council may serve on the committee and may also serve as chairperson of the committee. Other members may be drawn from the youth of the Congregation and those adults involved in youth ministry, and representatives from the Sunday school staff, and those who award camperships.
- C13.11** A Service Committee may be formed. A member of the Congregation Council may serve on the committee and may also serve as chairperson of the committee. Other members may be representatives of the service organizations of the Congregation.
- C13.12** A Facility Management Committee may be formed. A member of the Congregation Council shall serve on the committee and may also serve as chairperson of the committee. Other members may be drawn from the Congregation according to the needs of the committee.
- C13.13** A Finance Committee may be formed. A member of the Congregation Council may serve on the committee and may also serve as chairperson of the committee. Other members may be the treasurer, church auditor, and other members of the Congregation entrusted with the financial matters of the Congregation.
- C13.14** A Personnel Committee may be formed. A member of the Congregation Council may serve on the committee and may also serve as chairperson of the committee. In the absence of a Personnel Committee, the Executive Committee may serve as the Personnel Committee. In the instance that one of the officers is also an employee, that person shall recuse him- or herself from actions of the Personnel Committee that affect him or her personally. The pastor is considered the day-to-day supervisor of staff, and will provide direction and/or correction, perform annual performance reviews in writing, and refer these reviews to the Personnel Committee, along with recommendations for remedial action and/or termination.



**C13.15** The pastor and/or deacon, and/or assisting pastor shall be *ex officio* a member of all committees, except the Nominating Committee, the Audit Committee, the Mutual Ministry Committee, the Call Committee, and the Personnel Committee.

**C13.16.** Other committees and task forces of this congregation may be formed, as the need arises, by decision of the Congregation Council. Additional and/or revised duties of committees of this congregation shall be specified by Continuing Resolutions.

*DUTIES OF COMMITTEES*

*C13.A2019* The composition of the committees are articulated in the constitutional portion of this document. These duties—indeed the existence of these committees—may be changed by a Continuing Resolution change at the beginning of each new Congregation Council. The duties of the committees at the adoption of this Constitution and Continuing Resolutions follow.

The **Executive Committee** shall act in an emergency situation only when it is not possible to convene a meeting of the Congregation Council.

The **Nominating Committee** shall provide nominees to fill vacancies on the Congregation Council and conclude its duties upon election. If vacancies occur after the normal election process, the Congregation Council will appoint a new committee to fill the vacancies.

The **Audit Committee** shall provide an annual audit of all congregational accounts and make a report to the Congregation Council at the completion of the audit.

The **Mutual Ministry Committee** shall support the mutual ministry of the pastor(s), the deacon(s), and the congregation, evaluating the ministry yearly reviewing the goals of the pastoral leadership and the mission of the congregation. It shall work with the pastoral leadership to create yearly goals. It may meet in conjunction or be a parallel committee with the Personnel Committee, but its duties are different. Its membership shall be reaffirmed when council restructures after the annual meeting.

The **Call Committee** shall at the time of a pastoral vacancy convene and follow the prescribed Synod procedure to call a new pastor.

The **Worship Committee** shall plan the worship agenda for the congregation following the Lutheran liturgical year. It shall help in planning services of worship and provide the personnel to fulfill this agenda, i.e., acolytes, communion assistants, lectors, etc. The committee shall oversee a budget for those items needed to carry out the worship experience of the congregation, i.e., candles, flowers, communion elements, bulletins, music, etc. It may appoint a Head Sacristan.

The **Learning Committee** shall be responsible for the agenda of spiritual education of the members of the congregation. It shall oversee the budget to support the work of the committee.

The **Stewardship Committee** shall be responsible the financial health of this congregation, through regular giving by members, providing information about major donations, planning capital campaigns, and for fundraising. It may conduct an annual stewardship effort to encourage greater Christian commitments of time, talents, and resources from among the members of the congregation. It shall oversee the budget to support the work of the committee.

The **Evangelism Committee** is responsible for the growth in membership of this congregation, and for the public face of this congregation. It may conduct annual efforts to renew lapsed members and bring new members into the life of the church. It may plan special events to enrich the fellowship and community of the congregation. It provides, equips, and supports these activities. It oversees the budget to support the work of the committee.

The **Youth Ministry** Committee has responsibility for planning and implementing programs that have special appeal to the youth of the congregation, to encourage the youth to be a part of the total ministry of the church by participating in the activities that are provided in the Christian community. It oversees the budget to support the work of the committee.

The **Service Committee** has responsibility to motivate, equip, and support the members of the congregation to visit the sick, the infirm, and the imprisoned, and to minister to the poor and

*distressed; to serve as Christians In the community of which they are a part. It oversees the budget to support the work of the committee.*

*The **Facility Management Committee** shall be responsible for the management of the real property of the congregation, providing for the maintenance and upkeep of same and making regular reports to the congregation Council of needed repairs and improvements.*

*It oversees the budget to support anticipated need of the physical plant.*

*Responsibilities will include maintenance of the building. Suggestions for improvements to the physical plant, as well as capital improvements, will fall under the purview of this committee, and such matters will be referred to the Congregation Council.*

*The **Finance Committee** shall prepare and present an annual budget for approval by the Congregation Council.*

*The **Personnel Committee** shall be responsible for interviewing and hiring individuals to fill vacancies on the staff of the church. (They are not responsible to fill a pastoral vacancy.) The committee shall provide contracts and job descriptions that specify duties of the staff, including updating the specific goals, evaluating the staff reviews done by the pastor, the pastoral review completed by the Mutual Ministry committee, and then the committee recommends salaries of same. They shall make regular determination of staff duties, from these reviews recommend changes as needed to the Finance Committee and Congregation Council.*

## **Chapter 14.**

### **ORGANIZATIONS WITHIN THIS CONGREGATION**

**C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

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

*C14.02.A2019 All special interest groups who use this congregation's state sales tax exempt certificate shall be subject to review of their finances by the audit committee for the protection of the congregational honesty bond and the tax exempt status.*

## **Chapter 15.**

### **DISCIPLINE OF MEMBERS AND ADJUDICATION**

**\*C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of this congregation, or willful and repeated harassment or defamation of member(s) of this congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice

president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

- \*C15.02.** The process for discipline of a member of this congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to \*C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- \*C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members, plus the nonvoting chair, comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- \*C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
- a. suspension from the privileges of congregation membership for a designated period of time;

- b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
  - c. termination of membership in this congregation; or
  - d. termination of membership in this congregation and exclusion from the church property and from all congregation activities.
- \*C15.06.** The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- \*C15.07.** No member of this congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- \*C15.10.** Adjudication
- \*C15.11.** When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

## **Chapter 16.**

### **AMENDMENTS**

- \*C16.01.** Unless provision **\*C16.04.** is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at 15% voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- \*C16.02.** An amendment to this constitution, proposed under **\*C16.01.**, shall:

- a. be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting;
- b. be ratified without change at the next regular meeting of this congregation held pursuant to C10.01 by a two-thirds vote of those voting members present and voting; and
- c. have the effective date included in the resolution<sup>2</sup> and noted in the constitution.

**\*C16.03.** Any amendments to this constitution that result from the processes provided in \*C16.01. and \*C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.

**\*C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such

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

notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 17.**

### **BYLAWS**

**\*C17.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.

**\*C17.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds vote of those voting members present and voting.

**\*C17.03.** Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify 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. Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.**

## **Chapter 18.**

### **CONTINUING RESOLUTIONS**

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

*C12.18.A2010 Continuing resolutions may be passed by the Congregation Council by a two-thirds majority, or by the congregation at its annual meeting, without needing prior approval of the Delaware-Maryland Synod. However, a continuing resolution needs to be called as such, and all continuing resolutions passed by the Congregation Council must be reported to the congregation during its annual meeting for notification, review, and possible veto. If a continuing resolution is passed and not vetoed by the congregation at its next annual meeting, or if it shall be passed by the congregation itself, it shall be deemed to be a part of this document, until it is amended or repealed at a subsequent time.*

## **Chapter 19.**

### **INDEMNIFICATION**

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

## **Chapter 20.**

### **PARISH AUTHORIZATION**

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

- \*C20.01. This congregation may unite with one or more other congregations recognized by the synod named in \*C6.01. to form a parish. Except as provided in \*C20.02. and \*C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for**

identifying which congregation issues calls on behalf of the member congregations.

- \*C20.02.** One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- \*C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- \*C20.04.** Any one of the congregations of the parish may terminate their relationship with the pastor as provided in †S14.18.d. of the synod constitution of the synod named in \*C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- \*C20.05.** Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in †S14.43.d. of the synod constitution of the synod named in \*C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- \*C20.06.** Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.

# **Committee and Council Members, Synod Review Committee.**

**This update is being reviewed over the summer by the synod committee and at the September council meeting by providing you with both a 2010 and a 2019 update.**

**Please review this any concerns, issues, etc. on this document will be adjusted at the September Congregation Council meeting.**

**If the issue is minor (editing, grammar, etc.) it will just happen by ‘friendly action’. If it is significant it will go both before the synod and Congregation Council before presentation to the congregation in early October. This process of final editing will include any required action by the 2019 August Assembly of the ELCA after it acts.**

## **TIMELINE:**

<b>Committee work complete</b>	<b>End of June 2019</b>	<b>DONE</b>
<b>Review by editing personnel</b>	<b>End of June to Council</b>	<b>DONE</b>
<b>Review by Congregation Council</b>	<b>July-August</b>	<b>DONE</b>
<b>Review by Synod</b>	<b>July-August</b>	<b>DONE</b>
<b>Final committee editing</b>	<b>Sept. 1 to Sept. 10 Council Meeting</b>	<b>DONE</b>
<b>Final Council Approval</b>	<b>September 10, 2019 Meeting</b>	<b>DONE</b>
<b>Printing and Availability</b>	<b>October-November</b>	<b>DONE</b>
<b>Congregational Approval</b>	<b>November 17, 2019 Annual Meeting</b>	
<b>Final Approved Copy to Synod</b>	<b>December 2019</b>	