

CONSTITUTION AND BYLAWS

KIMBALL MEMORIAL EVANGELICAL LUTHERAN CHURCH

REVISED ~~JUNE 30, 2016~~*****2026

Constitutional Provisions are designated by the letter C followed by two sets of numbers

Bylaws are also designated by the letter C followed by three sets of numbers

Comparison Summary (2016 Final vs. 2026 Proposed Revision)

All additions and modified text are highlighted in **bold red**, and deleted provisions or text are shown in ~~striketthrough red~~.

- **Rostered Ministry terminology:** Updated from "ordained minister / clergy roster" to "Minister of Word and Sacrament / Minister of Word and Service (Deacon)".
- **New Provisions Added:** *C3.04 (Lutheran World Federation), C5.05 (Mission Endowment Fund), *C6.04.d (Property charge pursuant to Synod constitution), *C9.21 through *C9.31 (Detailed provisions for calling, service, and termination of Deacons), C10.08 & C12.13 (Remote/electronic meetings), C10.09 (Definition of "Ex officio").
- **Restructured Chapters:** Chapters 16 and 17 swapped positions to align with current ELCA Model Constitution (Chapter 16: Amendments; Chapter 17: Bylaws; Chapter 18: Continuing Resolutions).
- **Financial & Operational Updates:** Move of parish register oversight to C13.01.01–C13.01.02, replacement of "Audit Committee" with "Financial Review Committee" (C13.03), reduction of Nominating Committee size from 6 to 4 (C13.02), and inclusion of young adult / youth representation on Congregation Council (C12.01).

*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 KIMBALL MEMORIAL EVANGELICAL LUTHERAN CHURCH.

C1.02. For the purpose of this constitution and the accompanying bylaws, the congregation of Kimball Memorial Evangelical Lutheran Church is hereinafter designated as "this congregation."

C1.11. This congregation shall be incorporated under the laws of the State of North Carolina.

Chapter 2. CONFESSION OF FAITH

***C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.

***C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.

a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.

b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.

c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

***C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.

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

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

***C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.

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

Chapter 3. NATURE OF THE CHURCH

***C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.

***C3.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.**

***C3.0203.** 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.**

***C3.0305.** 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, justice **and equity** for all people, working for peace and reconciliation among the nations, **caring for the marginalized, embracing and welcoming racially and ethnically diverse populations**, and standing **within solidarity with** the poor and ~~powerless-oppressed~~, and committing itself to their needs.
- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

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

- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
- b. Provide pastoral care and assist all members to participate in this ministry.
- c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.

- d. Teach the Word of God.
- e. Witness to the reconciling Word of God in Christ, reaching out to all people.
- f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- g. Motivate its members to provide financial support for ~~the this~~ congregation's ministry and the ministry of ~~other parts~~ **the other expressions** of the Evangelical Lutheran Church in America.
- h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
- i. Foster and participate in ecumenical relationships consistent with churchwide policy.

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

***C4.05.** This congregation shall ~~from time to time~~, adopt **and periodically review** a mission statement which will provide specific direction for its programs.

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

Chapter 5. POWERS OF THE CONGREGATION

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

***C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.

***C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by ~~the this~~ congregation. **The 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 or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy~~ **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;
- ~~d.e.~~ adopt amendments to the constitution, as provided in Chapter ~~47~~**16**, amendments to the bylaws, as specified in Chapter ~~46~~**17**, and continuing resolutions, as provided in Chapter 18.;
- ~~e~~**f.** approve the annual budget;
- ~~f~~**g.** acquire real -and personal property by gift, devise, purchase, or other lawful means;

- ~~gh.~~ hold title to and use its property for any and all activities consistent with its purpose;
- ~~hi.~~ sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- ~~ij.~~ elect its Congregation Council, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
- ~~jk.~~ terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

***C5.04.** This congregation ~~or the Congregation Council~~ shall ~~choose~~ **select** from among its voting members **of the congregation** laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected ~~by the congregation~~ and other qualifications shall be as prescribed in guidelines established by the North Carolina Synod of the Evangelical Lutheran Church in America.

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

Chapter 6. CHURCH AFFILIATION

***C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the North Carolina Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

***C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.

***C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:

- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the ~~clergy~~ 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 ~~ordained~~ ministers **of Word and Sacrament** of the Evangelical Lutheran Church in America or to contracting for pastoral services with ~~an-ordained~~ 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 ~~associates in ministry, deaconesses, and diaconal~~ ministers **of Word and Service** for call to other staff positions in ~~the~~ **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 may be terminated as follows:

- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America **or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.**
- d. The North Carolina 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.**
- ~~de.~~ This congregation follows the procedures outlined in *C6.05.

***C6.05.** A congregation may terminate its relationship with ~~this church~~ **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 ~~meeting~~ **meetings** of ~~the this~~ congregation by a two-thirds vote of the voting members present **at each meeting. The first such.** ~~Such~~ meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time ~~the 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 the~~ **the bishop and/or the bishop's designees are voting members of this** congregation, ~~the bishop and the bishop's designees, if any, they~~ 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** ~~The~~ secretary of ~~the 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 ~~mail a copy send copies~~ **of the resolution and certification** to voting members of ~~the this~~ congregation. ~~This notice shall be submitted within 10 days after the resolution has been adopted.~~
- c. **If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the** ~~The~~ bishop of the synod and ~~the this~~ congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the ~~synod of the notice~~ **bishop of the attestation and certification** as specified in paragraph b. above.
- d. If ~~the this~~ congregation, after such consultation, ~~still seeks to terminate its relationship~~ **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 ~~mailed 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 the~~ **the bishop and/or the bishop's designees are voting members of this** congregation, ~~the bishop and the bishop's designees, if any, they~~ 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.

~~e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church (the ELCA) shall be terminated subject to paragraphs g., h., and i. below.~~

f. Unless this notification to the bishop also certifies that ~~the this~~ congregation has voted ~~by a two-thirds vote~~ to affiliate with another Lutheran denomination, ~~the this~~ congregation ~~will be conclusively presumed~~ **shall be deemed** to be an independent or non-Lutheran church, **in which case *C7.04 shall apply.**

~~f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly.~~

g. This congregation shall abide by these covenants by and among the three expressions of this church:

1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.

2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synodical approval before terminating their membership in this church.

3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.

jh. If ~~at~~**this** congregation fails to achieve the required two-thirds vote of voting members present at ~~the this~~ congregation's first meeting as specified in paragraph a. above, ~~another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation fails or fails~~ to achieve the required two-thirds vote of voting members present at ~~the 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 ~~that second meeting~~ **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 **affected 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 North Carolina Synod of the Evangelical Lutheran Church in America.

***C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline **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 ~~a two-thirds majority of~~ the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to ~~transfer~~ **relate** to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in *C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the North Carolina Synod.

***C7.04.** If ~~a two-thirds majority of~~ voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in *C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the ~~established synodical~~ process **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 *C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, this congregation accepts such restrictions and:

- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
- b. Shall upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the North Carolina Synod **reconvey** and transfer all right, title, and interest in the property to the synod.

Chapter 8. MEMBERSHIP

***C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.

***C8.02.** Members shall be classified as follows:

- a. Baptized members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.

b. Confirmed members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.

c. Voting members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of ~~the~~**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 who wish to retain such membership but desire to participate in the life and mission of this congregation, ~~or persons who wish to retain a relationship with this congregation while being members of other congregations. These individuals~~**They** 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. and** eligibility for elected offices or membership on the Congregation Council of this congregation.

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.

C8.03.01. All application for associate membership shall be submitted to and require approval of the Congregation Council.

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

- a. Make regular use of the means of grace, both Word and sacraments;
- b. Live a Christian life in accordance with the Word of God and the teachings of the Lutheran church;

and

c. Support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

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

- a. Death;
- b. Resignation;
- c. Transfer or release;
- d. Disciplinary action in accordance with ~~ELCA constitutional provision 20.40. and the accompanying bylaws~~ **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** as defined in the 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. When members have failed to receive Holy Communion and to make a contribution of record for a period of five consecutive calendar years, they may be removed from the roll of members by the Congregational Council. This procedure will take place after such members have been counseled about the matter, if possible.

Chapter 9. ROSTERED MINISTER

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

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

This congregation may call as a pastor only:

- a. a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or**
- b. a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod bishop**

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

- a. Every ~~ordained~~ 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
- 58) speak publicly to the world in solidarity with the poor and oppressed, ~~calling for justice and~~ proclaiming God's love for the world, **advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.**

b. Each ~~ordained minister~~**pastor** with a congregational call shall, within the congregation:

- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
- 2) ~~supervise~~**relate to** all schools and organizations of this congregation;
- 3) install regularly elected members of the Congregation Council;
- 4) with the council, administer discipline.;~~and~~

5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the North Carolina Synod; and

6) encourage adherence to covenantal relationship with this church as expressed in the Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.

c. Every pastor shall:

- 1) ~~strive to extend the Kingdom of God in the community, in the nation, and abroad;~~
- 2) ~~seek out and encourage qualified persons to prepare for the ministry of the Gospel;~~
- 3) ~~impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and~~
- 4) ~~endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the North Carolina Synod of the ELCA.~~

***C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.

***C9.05. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:**

a. The call of **athis** 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 synodical bishop, for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
- 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
- 3) inability to conduct the pastoral office effectively in ~~thethis~~ 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 ~~ordained~~ ministers **of Word and Sacrament** of this church;
- 7) termination of the relationship between this church and ~~thethis~~ congregation;
- 8) dissolution of ~~thethis~~ congregation or the termination of a parish arrangement; or
- 9) suspension of ~~thethis~~ 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~~**who has** sole discretion, may investigate such conditions personally together with a committee of two ~~ordained~~**rostered** ministers and one layperson, or

2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of ~~the~~**this** congregation, the bishop personally shall investigate such conditions together with a committee of two ~~ordained~~**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 ~~and the~~. **When the pastorate is declared vacant, the Synod Council shall list the pastor shall be listed on the clergy roster of Ministers of Word and Sacrament as disabled with disability status.** Upon ~~removal of the disability and the restoration of the pastor to health~~**resumption of the ability to conduct the office effectively**, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.

d. In the case of alleged local difficulties that imperil the effective functioning of ~~the~~**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 ~~the~~**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 ~~the~~**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, ~~the~~**this** congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds ~~majority~~ vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a ~~simple~~ majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for ~~disciplinary action~~**discipline**, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

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

***C9.07.** During the period of service, an interim pastor shall have the rights and duties in ~~the~~**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 ~~ordained pastor~~**rostered minister** providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.

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

C9.08.01. This congregation shall make satisfactory settlement of all financial obligations to a ~~former called~~ rostered leader (Associate in Ministry, deaconess, or diaconal minister) before calling a successor. A called rostered leader shall make satisfactory settlement of all financial obligations to this congregation before service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.

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

***C9.11.** With the approval of the bishop of the synod, ~~the~~**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 ~~the~~**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 ~~the~~**this** congregation;

~~C9.12.01 The pastor(s) annually present the parish register to the Executive Committee for it examination.~~

~~C9.12.02 Upon the resignation of the pastor(s) and prior to the effective date of his/her resignation, the Executive Committee shall review with the pastor(s) the parish register to ascertain its completeness.~~

~~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.~~

~~(Note: Provisions C9.12.01 and C9.12.02 and items b/c relocated to Chapter 13 under C13.01.01 and C13.01.02)~~

***C9.13.** The pastor(s) shall submit a report of ~~his or her~~ ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

***C9.14.** The ~~parochial~~ records of this congregation shall be maintained by the pastor and shall remain the property of ~~the~~**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~~**the secretary's** hands in good order by a departing pastor before the installation of that pastor in another ~~field of labor or the granting by the synod of retired status to the pastor~~**call or approval of a request for a change in roster status.**

C9.20. Ecumenical pastoral ministry

***C9.215.** Under special circumstances, subject to the approval of the ~~synodical~~**synod** bishop and the concurrence of this congregation, ~~an ordained~~**a** minister of Word and Sacrament of a church body with

which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between ~~the~~**this** congregation and the ~~ordained~~ pastor in a form proposed by the ~~synodical~~**synod** bishop and approved by ~~the~~**this** congregation.

***C9.21 - *C9.31 Provisions for Ministers of Word and Service (Deacons)**

***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. This congregation may call as a deacon only:**

- a. a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America; or**
- b. a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop.**

***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, proclaiming God's love for the world, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;**
- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;**
- e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;**
- f. Practice stewardship that respects God's gift of time, talents, and resources;**
- g. Be grounded in a gathered community for ongoing diaconal formation;**
- h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and**
- i. Identify and encourage qualified persons to prepare for ministry of the gospel.**

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

***C9.25. The provisions for termination of the mutual relationship between a minister of Word and Service and this 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 any of 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) inability to conduct the office effectively in view of disability or 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 disability or 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, who has 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 disability or 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 resumption of the ability to conduct the office effectively, 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 ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

Chapter 10. CONGREGATION MEETING

C10.01. The annual meeting of this congregation shall be held at a time specified in the bylaws **consistent with the State of North Carolina.**

C10.01.01. The annual congregational meeting shall be held on a Sunday in the fourth quarter of the year as may be designated by the Congregation Council. At this meeting there shall be the election of Council members, the adoption of the budget, and the transaction of any other business to come before ~~the~~**this** congregation. **The meeting may be at a single combined service or at each individual service held on the same date where voting members present at each service tally together to determine if a quorum is present. A voting member can only vote at one service when the meeting is held during multiple service times on the same date.**

C10.01.02. There shall be a meeting of ~~the~~**this** congregation held at least one-week prior to the annual meeting. The purpose of this meeting shall be to hear the report of the Nominating Committee concerning nominees for election to the Congregation Council. At this time additional nominations may be received from the floor.

C10.01.03. The pastor(s), the treasurers of ~~the~~**this** congregation and its organizations, the officers of ~~the~~**this** congregation, the officers of the various organizations and schools of ~~the~~**this** congregation, and the chairmen of all committees of ~~the~~**this** congregation shall submit reports in writing which reports shall be published in the form of an annual yearbook. The yearbook shall be available for distribution on or before February 15. Members having questions concerning any of the reports shall submit them to the

Congregation Council on or before the date of its March meeting. The Congregation Council shall review the reports and take appropriate action thereon.

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~~**this** congregation upon the written request of ten **(10%)** percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the ~~synodical~~**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. Twenty percent **(20%)** 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 ~~the~~**this** congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.

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

C10.08. **This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.**

C10.09. **"Ex officio" as used herein means membership with full rights of voice and vote unless otherwise expressly limited.**

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 ~~the~~**this** congregation.

c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.

d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. ~~[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 Congregation Council shall elect its officers and they shall be the officers of ~~the~~**this** congregation. The officers shall be elected by the Congregation Council **either by voice vote or by** written ballot and shall serve for one year. The term shall begin on January 1 and end on December 31.

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12. CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the ~~pastor(s)minister of Word and Sacrament~~ and the ~~deacon(s)minister of Word and Service~~, twelve elected members **(with at least one being a young adult)** and a **confirmed youth** of this congregation. Any voting member of ~~thethis~~ 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, ~~thethis~~ congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

C12.01.01. The treasurer shall attend meetings of the Congregation Council and shall have voice but not vote in such meetings (unless a member of the Congregation Council).

C12.02. The members of the Congregation Council except the pastor(s) **and deacon(s)** shall be elected at a legally called meeting of ~~thethis~~ congregation during the fourth quarter of the year. Their term of office shall be for two **(2)** years, with the term of office beginning on January 1 and ending on December 31. Newly elected Congregation Council members shall be installed at a worship service ~~on a Sunday in December and prior to the date they assume office~~**at a time appointed by the Congregation Council.**

C12.02.01. The members of this congregation may consent to be nominated for a second consecutive two **(2)** year term on the Congregational Council. No member of ~~thethis~~ congregation shall be eligible for reelection to the Congregational Council for a term beginning less than two years after the expiration of two consecutive terms.

C12.02.02. Newly elected members of the Congregation Council shall attend its regular December meeting. Immediately following adjournment of this meeting, the newly elected members and those members whose terms are not expiring shall convene and elect the officers of ~~thethis~~ congregation.

C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor to serve for the remainder of the unexpired term.

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

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized

persons.

f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.

g. To arrange for pastoral service during the sickness or absence of the pastor.

h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.

i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.

j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

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

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

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

c. The Congregation Council may enter into contracts of up to \$10,000 for items not included in the budget.

d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than 10 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 ~~partnership~~**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 ~~benevolence~~**mission support** monies to the ~~synodical treasurer~~**synod**.

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

~~(Note: Former C12.05.01 through C12.05.06 have been relocated to Finance Committee section under C13.06.03.e)~~

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.

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 ~~the~~**this** congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

C12.09. The Congregation Council shall submit an annual report to this congregation ~~at the annual meetings~~ **as stated in C10.01.03.** This report shall be published in the annual church yearbook.

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

C12.11.01. The normal order of business for Congregation Council meetings shall be as follows. The Council shall have the privilege of changing this order to suit its methods of procedure:

- (a) Devotions
- (b) Roll Call
- (c) Presentation of excuses for absences
- (d) Approval of Minutes
- (e) Pastor(s) Report(s)
- (f) Reports of Treasurer or Treasurers
- (g) Reports of Standing Committees
- (h) Reports of Special Committees
- (i) Reception of Petitions and Communications
- (j) Other official Reports
- (k) Unfinished Business
- (l) New Business
- (m) Adjournment

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

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

Chapter 13. CONGREGATION COMMITTEES

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

C13.01.01. ~~The pastor(s) annually present the member register to the Executive Committee for its examination.~~

C13.01.02. ~~Upon the resignation of the pastor(s) and prior to the effective date of his/her resignation, the Executive Committee shall review with the pastor(s) the parish register to ascertain its completeness.~~

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

C13.02. A Nominating Committee of ~~six~~**four** voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be appointed by the Executive Committee for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election.

C13.02.01. For the office of Congregation Council, the Nominating Committee shall submit one nominee for each vacancy to be filled. At the congregational meeting held prior to the annual meeting for the purpose of nominating Congregation Council members, additional nominations may be received from the floor.

C13.03. ~~An Audit~~**A Financial Review** Committee ~~of two voting members~~ shall be elected by the Congregation Council. ~~Audit Committee members shall not be members of the Congregation Council or the Finance Committee. Term of office shall be one year.~~ The committee shall report directly to the Congregation Council.

C13.04. A Mutual Ministry Committee of six members shall be appointed jointly by the president of the Congregation Council and the pastor. These appointments shall be ratified by the Congregation Council. (In the absence of a Mutual Ministry Committee, the duties of the Mutual Ministry Committee shall be fulfilled by the Executive Committee.) Term of office shall be two years, with three members to be appointed each successive year.

C13.04.01. The purpose of the Mutual Ministry Committee shall be affirming and strengthening the mission of ~~the~~**this** congregation and the ministry of the staff through:

- (a) listening and clarifying
- (b) sharing and communicating
- (c) reviewing and reflecting

C13.04.02. The Mutual Ministry Committee may fulfill its purpose by

- (a) developing open communication about the expectations, attitudes, concerns within ~~the~~**this** congregation, community and the staff
- (b) identifying early warning signs of misunderstandings
- (c) becoming a "Listening Post" for pastor and people
- (d) serving as a group where the pastor and staff can test new ideas
- (e) conducting annual review and affirmation of the staff
- (f) being a "sounding board" in time of personal, professional stress
- (g) planning continuing education that benefits both the mission of ~~the~~**this** congregation and the ministry of the staff
- (h) assessing annually the working conditions, compensation, housing, benefits, etc., provided for pastor and other staff

~~**C13.04.03** The committee shall consist of six (6) members appointed for two year terms, provided that at the first appointment shall be made so that the terms of three members expire at the end of the first year.~~

C13.05. When a ~~pastoral~~ vacancy occurs **in a position for which this congregation calls a rostered minister**, a Call Committee of ~~seven~~**six** voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called ~~pastor~~**rostered minister**.

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

C13.06.01. Following the organizational meeting of the Congregation Council and ~~prior to~~ its January meeting **or immediately thereafter**, the newly elected officers, the pastor(s) and the chairperson of each standing committee shall appoint members to the standing committees. These newly appointed committees shall be subject to approval by the Congregation Council at its January meeting. Each such committee shall be composed of one or more members of the Congregation Council and other persons on the roll of confirmed members of ~~the~~**this** congregation. Although responsible to the Congregation Council, these committees shall be recognized as representative of the interests of, and performing essential services for, ~~the~~**this** congregation as a whole. The pastor(s) shall have voice and vote in all committees.

C13.06.02. Except as set out in the description of committee responsibilities, the duties of all committees shall be assigned by the Congregation Council, along with such instructions as in its judgment are in the best interest of ~~the~~**this** congregation. All actions of committees shall be subject to review by the Congregation Council.

C13.06.03. In addition to the committees stated in the constitution, there shall be the following standing committees:

- a. CHURCH PROPERTY. This committee shall see to the proper maintenance and protection of all property of ~~the~~**this** congregation, and shall take care that the same is kept in good repair. All buildings ~~including the parsonage~~ shall be inspected periodically (at least annually). This committee may be divided into subcommittees which would have primary responsibilities for assigned church properties.
- b. EDUCATIONAL MINISTRIES. This committee, in association with the pastor(s), shall oversee the conduct and promotion of the school(s) and the activities of all organizations within ~~the~~**this** congregation, except for those things which are the responsibility of the Youth Ministry Committee. It shall encourage the use of teaching and worship materials published or approved by the Evangelical Lutheran Church in America, and seek to introduce the church's periodicals and books of family devotion into the homes of ~~the~~**this** congregation. One of the primary aims of the Educational Ministries Committee shall be to bring the call to the ministry of the Gospel and to other full-time church vocations to the attention of qualified youth of ~~the~~**this** congregation.
- c. EVANGELISM. This committee shall stimulate and lead all members of ~~the~~**this** congregation in continuous and, from time to time, concerted endeavors to reawaken the spiritually indifferent and to reach others, who are as yet unwon, with the Gospel and attach them to Christ's Church. To this end, the committee shall devote itself to deepening spiritual life and shall periodically study ~~the~~**this** congregation in the context of its surrounding community.
- d. FELLOWSHIP. This committee shall assist the Congregation Council in planning of all fellowship activities of the congregation by implementing and promoting enthusiasm for Christian sharing.
- e. FINANCE. The treasurers shall be members ex officio of this committee. It shall prepare a draft budget for the succeeding year, and shall submit such draft budget to the Congregation Council for its action and later presentation to a congregational meeting. The chairperson of each committee or a representative of each committee shall meet with the finance committee at the time it is preparing the draft budget for the purpose of discussing the committee's needs for the coming year. If the budget submitted to the Congregation Council by the finance committee does not include the full indicated share in support of the wider ministry being carried on in its behalf by the Evangelical Lutheran Church in America and the Synod, the committee shall specifically call this fact to the attention of the Congregation Council. The committee shall exercise oversight of all the financial affairs of ~~the~~**this**

congregation to make sure that they are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence ~~monies~~ **monies** to the ~~synodical treasurers~~ **synod**. It shall, subject to the approval of the Congregation Council, be responsible for ~~the~~ **this** congregation's investments and its total insurance program. It shall also provide for annual audits of the accounts of the treasurers and the ~~financial secretary~~ **office administrator**, if there be one, as well as of the accounts of the schools and organizations within ~~the~~ **this** congregation.

1) All offerings from regular services will be counted and tallied by at least two members of the congregation and office administrator. A record of the total receipts will be made promptly and suitable information delivered to the treasurer as evidence of deposit of all funds to this congregation's accounts. All such records will be kept by the treasurer as part of the church's documents to be made available to the financial review committee.

2) The Congregation Council shall determine from time to time what records of a financial nature shall be permanently filed, and how long permanent records shall be retained consistent with sound practices.

3) The records of the treasurer and the office administrator shall be made available to the pastor(s) and/or the Finance Committee for inspection at any time.

4) Records of individual contributions shall be considered confidential by the treasurer and office administrator and shall be revealed only upon the specific authorization of the pastor(s) and the chairman of the Finance Committee, or the Congregation Council.

5) No auxiliary, organization or individual shall have the authority to solicit funds from the congregation or its members without approval of the Congregation Council.

6) The Congregation Council will be responsible for establishing the priority of payments of obligations incurred, it being understood that all gifts will be honored for the cause for which they were given or else returned to the donor. The Congregation Council shall have authority to exceed expenditures on any current expense budget item when necessary or advisable in its judgment for the care and maintenance of property, or for the conduct of the work of this congregation, subject to the limitations of Section C12.05.c and C12.05.d of this constitution. The Congregation Council may defer or omit payment of any budgeted item when the need or purpose for which it was intended does not materialize.

f. SOCIAL MINISTRY. The purpose of this committee shall be to extend Christian compassion and helpfulness to the ill, the aged, the orphaned, the underprivileged, the imprisoned and, in general, to persons of all ages in need of aid in body and soul. It shall strive to enlist in these efforts as many as possible of the individual members and organizations of ~~the~~ **this** congregation. This committee shall further have the duty to study social conditions, primarily in the local community, in order to bring the cleansing and healing light of Christian truth to bear upon critical problems through thoughtful Christian discussion of facts and issues.

g. STEWARDSHIP. It shall be the function of this committee to evoke and promote the expression of Christian faith in daily living; to teach the Christian use of money, time, talents and resources; to impart knowledge of ~~the~~ **this** congregation's local, national and world-wide ministries; and to lead all its members to higher levels of proportionate giving for the Lord's work. This committee shall also be responsible for any congregational efforts which lead to informed and grateful giving. **The treasurers may be members ex officio of this committee for any congregational efforts which lead to informed and grateful giving.** The treasurers may be members ex officio of this committee.

h. WORSHIP AND MUSIC. It shall assist the Congregation Council in seeing that the services of

God's house are conducted regularly and in accordance with the liturgy of the Evangelical Lutheran Church in America and that hymnals and other devotional materials are provided and properly cared for. This committee shall supervise and strive to advance the welfare and effective service of the choirs of ~~the~~**this** congregation. It shall arrange for the care of paraments, vestments and musical instruments and, in consultation with the pastor(s), the organist and choir director(s), it shall furnish music supplies appropriate for use in the worship of a congregation of the Evangelical Lutheran Church in America.

i. YOUTH MINISTRY. This committee shall have a representative membership including a member of the Congregation Council, parents, adult advisers, and/or such member of the church staff as may be assigned the responsibility of youth ministry, and youth. The role of this committee will be to oversee the goals, vision, and leadership of Kimball Kids, the Jr. High LYO, and the Sr. High LYO, ensuring that these ministries are carried out in accordance with the Statement of Purpose found in Chapter 4 of ~~the~~**this** congregation's Constitution.

In addition, this committee shall recommend to the Finance Committee an amount for youth ministry to be included in the annual budget and oversee that these monies are spent responsibly and in line with the intended purpose of the ministry. The committee will facilitate youth involvement in all areas of congregational life, encouraging youth to become active members of the body of Christ and helping ensure that the Church family is one in which youth are accepted, nurtured, and encouraged to grow in their faith.

C13.07. Duties of committees of this congregation shall be specified in the bylaws or continuing resolutions.

C13.08. The senior pastor of this congregation shall be ex officio a member of all committees and boards of ~~the~~**this** congregation. The president of this congregation shall be ex officio a member of all committees and boards of ~~the~~**this** congregation, except the Nominating Committee.

Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION

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

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

Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION

***C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of ~~the~~**this** congregation, or willful and repeated harassment or defamation of member(s) of ~~the~~**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 ~~the~~**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 lay persons and two ~~clergy~~**rostered ministers**). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.

***C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

***C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.

***C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:

- a. suspension from the privileges of congregation membership for a designated period of time;
- b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
- c. termination of membership in ~~the~~**this** congregation; or
- d. termination of membership in ~~the~~**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 ~~the~~**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 that cannot be resolved by the parties, members of this congregation ~~shall have access to the synodical~~**may petition the synod** bishop for consultation after informing the ~~chair~~**president** of the ~~Congregation Council~~**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 *C9.05.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to.** ~~If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall,~~ **which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts** fail to resolve the ~~issue(s)~~**dispute, the entire** matter shall be referred to the Synod Council **for adjudication by whatever process the Council deems necessary. The,** ~~whose~~ **Synod** Council's decision shall be final.

Chapter 16. AMENDMENTS

***C16.01.** Unless provision ~~*C17.04~~**C16.04.** is applicable, those sections of this constitution that are not required, in accord with the Model Constitution for Congregations of the Evangelical Lutheran Church in America, may be amended in the following manner. Amendments may be proposed by at least ~~ten~~ voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify ~~the~~**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 ~~*C17.04~~**C16.01.**, shall:

a. be approved at ~~a~~**any** legally called **meeting of this** congregation ~~Meeting according to this constitution~~ by a majority vote of those **voting members** present and voting;

b. be ratified ~~without change~~**unchanged** at the next ~~annual~~**regular** meeting **of this congregation** by a two-thirds ~~majority~~ vote of those **voting members** present and voting.; ~~and~~

~~c. have the effective date included in the resolution and noted in the constitution.~~

***C16.03.** Any amendments to this constitution that result from the processes provided in *C16.01. and *C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify ~~the~~**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 ~~simple~~ majority vote of those voting members present and voting at any legally called meeting of ~~the~~**this** congregation without presentation at a prior meeting of ~~the~~**this** congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to ~~the~~**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 ~~30~~**at least two (2)** voting members of ~~the~~**this** congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of ~~the~~**this** congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following ~~at~~**the congregation's** 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 ~~majority~~**two-thirds** vote of those voting members present and voting.

***C17.03.** Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.

***C17.04.** ~~Approved changes to the~~**Adopted or amended** bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 18. CONTINUING RESOLUTIONS

***C18.01.** ~~The~~**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 ~~the~~**this** congregation or a two-thirds vote of all voting members of the Congregation Council.

***C18.03.** Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

Chapter 19. INDEMNIFICATION

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

or completed civil, criminal, administrative, arbitration, or investigative proceeding.