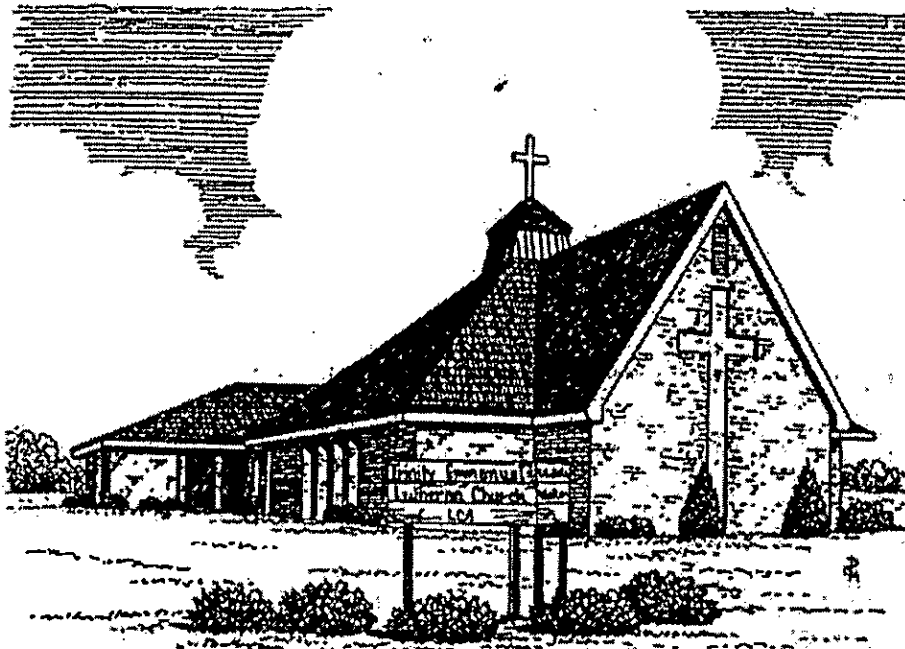

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**CONSTITUTION
& BYLAWS**



Trinity Emmanuel Lutheran Church

Rochester, NY

Trinity Emmanuel Lutheran Church

June 1992

Last Revised :

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Trinity-Emmanuel Evangelical Lutheran Church
of Rochester, New York

Constitution & Bylaws
June 1992

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, develop a Christian relationship with community and world organizations, 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 the Son and of the Holy Spirit.

Chapter 1

Name and Incorporation

C1.01. The name of this congregation shall be Trinity Emmanuel Lutheran Church of Rochester, New York.

C1.02. For the purpose of this constitution and the accompanying bylaws, the Trinity Emmanuel Lutheran Church of Rochester, New York congregation is hereinafter designated as "this congregation".

C1.11. This congregation shall be incorporated under the laws of the State of New York.

C1.12. The seal of this congregation presents the open Bible with the words "Incorporated 1975" in its inner circle and Trinity Emmanuel Evangelical Lutheran Church, Rochester, NY in its outer circle.

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.

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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 Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3

Nature of the Church

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

C3.02 As this congregation seeks to carry out its mission in the world, it does so under the following five functional areas:

a. **Worship**

This congregation, remembering God's mighty acts in the past, celebrating His abiding presence, and moving toward His promised fulfillment, shall listen to the Word of God in Scripture and preaching, receive the sacraments, and respond with liturgical acts of confession, prayer, praise, thanksgiving, and with tithes and offerings. In order to assist members to acknowledge God's rule over their lives, their own unity as Christ's body on earth, and to express their relationship with God in public and in private, the congregation shall gather for worship regularly, and in accordance with the traditions of the Lutheran Church recruit, equip, and

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104 support members for leadership in worship, use appropriate worship
106 materials, and make certain that worship has a place in other
functions of the congregation.

b. Learning

108 This congregation shall develop and educational ministry to assist
110 persons to perceive and respond to God's self-revelation in Jesus
112 Christ, and , in the power of the Holy Spirit, to participate in
114 God's continuing activity and other individuals, groups,
116 institutions, culture, and the physical environment. To clarify its
mission the congregation shall study itself in relation to its
community and to the church around the world. It shall provide
schools and other learning activities, recruit, use appropriate
educational materials, and make certain that adequate study
undergirds the other functions of the congregation.

c. Witness

118 This congregation, relying on the Holy Spirit, shall proclaim the
120 Gospel by example and by programs to invite all people to repent
and share the Lord's kingdom. The congregation shall motivate its
122 members to witness to their faith at every opportunity in daily
life. It shall try to restore those who have lapsed from active
124 membership, bring new members into the fellowship of the church,
and recruit, equip, and support members of the congregation for
126 these activities. It shall provide for the communication of the
Gospel through fellowship in the wider Christian community. It
128 shall make certain that other functions witness to the faith of the
Church.

d. Service

130 This congregation shall live by faith active in love. It shall
132 motivate, equip, and support its members to visit the sick, the
infirm and the imprisoned, and to minister to the poor and the
134 distressed; to serve as Christians in all the institutions and
structures of society of which they are part; and individually and
136 corporately to foster justice, overcome oppression, alleviate
suffering and care for the earth. In these efforts the congregation
138 shall cooperate with the synod and the church wide agencies of the
Evangelical Lutheran Church in America, other Christian churches
and other groups in society. It shall make certain that its other
140 functions strengthen the motivation and ability for service.

e. Support

142 This congregation in faithfulness to God shall provide leadership,
144 organizational structures, facilities, and funds to enable
fulfillment of the functions to their maximum potential. The
146 congregation shall maintain effective communication among its
members and with its community, inculcate the motives and practices
148 of stewardship in all members of the congregation, encourage
generous giving to the work of the church at home and elsewhere,
150 evaluate regularly the total life and ministry of the congregation
and recruit, equip, and support members of the congregation to
152 provide for these activities.

54 C3.03 The Church exists both as a inclusive fellowship and as local
congregations gathered for worship and Christian service. Congregations

156 find their fulfillment in the universal community of the Church, and the
157 universal Church exists in and through congregations. This church,
158 therefore, derives its character and powers both from the sanction and
159 representation of its congregations and from its inherent nature as a
160 expression of the broader fellowship of the faithful. In length, it
161 acknowledges itself to be in the historic continuity of the communion of
162 saints; in breadth, it expresses the fellowship of believers and
congregations in our day.

164 Chapter 4

Statement of Purpose

166 C4.01 The Church is a people created by God in Christ, empowered by
167 the Holy Spirit, called and sent to bear witness to God's creative,
168 redeeming, and sanctifying activity in the world.

170 C4.02 To participate in God's mission, this congregation as a part
171 of the Church shall:

- 174 a. Worship God in proclamation of the Word and administration of
the sacraments and through lives of prayer, praise, thanksgiving,
175 witness, and service.
- 176 b. Proclaim God's saving Gospel of justification by grace for
177 Christ's sake through faith alone, according to the apostolic
178 witness in the Holy Scripture, preserving and transmitting the
Gospel faithfully to future generations.
- 180 c. Carry out Christ's Great Commission by reaching out to all
181 people to bring them to faith in Christ and by doing all ministry
182 with a global awareness consistent with the understanding of God as
183 Creator, Redeemer, and Sanctifier of all.
- 184 d. Serve in response to God's love to meet human needs, caring
185 for the sick and the aged, advocating dignity and justice for all
186 people, working for peace and reconciliation among the nations, and
187 standing with the poor and powerless, and committing itself to
188 their needs.
- 190 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
191 exercise of their Christian calling, and to use the gifts of the
192 Spirit for their life together and for their calling in the world.
- 194 f. Manifest the unity given to the people of God by living
together in the love of Christ and by joining with other Christians
195 in prayer and action to express and preserve the unity which the
196 spirit gives.

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

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

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- 208 e. Witness to the reconciling Word of God in Christ, reaching out
to all people.
- 210 f. Respond to human need, work for justice and peace, care for
the sick and suffering, and participate responsibly in society.
- 212 g. Motivate its members to provide financial support for the
congregation's ministry and the ministry of other parts of the
214 Evangelical Lutheran Church in America.
- 216 h. Foster and participate in interdependent relationships with
other congregations, the synod, and the Evangelical Lutheran Church
in America.
- 218 i. Foster and participate in ecumenical relationships consistent
with church wide policy.
- 220 C4.04 This congregation shall develop an organization structure to
be described in the bylaws. The Congregation Council shall prepare
222 descriptions of the responsibilities of each committee, task force, or
other organizational groups and shall review their actions. (Such
224 Descriptions shall be contained in continuing resolutions of the
Congregational Council.) The Pastor shall have voice and vote in each
226 committee or task group. The Council shall prepare descriptions of
responsibilities and review actions.
- 228 C4.05 This congregation shall, from time to time, adopt a mission
230 statement which will provide specific direction for its programs. The
statement of mission shall be periodically examined and evaluated with
232 the intent of possible amendment as the congregation seeks to perceive
and respond to God's continuing call in the midst of changing conditions
234 in society.

236 Chapter 5

238 **Powers of the Congregation.**

- 240 C5.01. The powers of the congregation are those necessary to fulfill
its purpose.
- 242 C5.02. The powers of this congregation are vested in the Congregation
Meeting called and conducted as provided in this constitution and
244 bylaws.
- 246 C5.03. Only such authority as is delegated to the Congregation
Council or other organizational units in the congregation's governing
248 documents is recognized. All remaining authority is retained by the
congregation. The congregation is authorized to:
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- 252 a. call a pastor;
 - 254 b. appoint or terminate the appointment of associates in ministry
in conformity with the applicable policy of the Evangelical
Lutheran Church in America;
 - 256 c. approve the annual budget;
 - d. acquire real and personal property by gift, devise, purchase,
or other lawful means;

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- 258 e. hold title to and use its property for any and all activities
consistent with its purpose;
260 f. sell, mortgage, lease, transfer, or otherwise dispose of its
property by any lawful means;
262 g. elect its Congregation Council and require them to carry out
their duties in accordance with the constitution, bylaws, and
264 continuing resolutions; and
h. terminate its relationship with the Evangelical Lutheran
266 Church in America as provided in Chapter 6.

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Chapter 6

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Church Affiliation

272 C6.01. This congregation shall be an interdependent part of the
Evangelical Lutheran Church in America or its successor, and of the
274 Upstate New York Synod of the Evangelical Lutheran Church in America.
This Congregation is a subject to the discipline of the Evangelical
276 Lutheran Church in America.

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

282 C6. 03 This congregation acknowledges its relationship with the
Evangelical Lutheran Church in America in which:
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286 a. This congregation agrees to be responsible for its life as a
Christian community.

288 b. This congregation pledges its financial support and
participation in the life and mission of the Evangelical Lutheran
Church in America.

290 c. This congregation agrees to call pastoral leadership from the
clergy roster of the Evangelical Lutheran Church in America in
292 accordance with its call procedures except in special circumstances
and with the approval of the bishop of the synod.

294 d. This congregation agrees to consider associates in ministry
for appointment to other staff positions in the congregation
296 according to the procedures of the Evangelical Lutheran Church in
America.

298 e. This congregation agrees to file this constitution and any
subsequent changes to this constitution with the synod for review
300 to ascertain that all of its provisions are in agreement with the
constitution and bylaws of the Evangelical Lutheran Church in
302 America or with the constitution of the synod.

304 f. The Bishop of the synod or an appointed representative shall
have the right to be present at and shall receive prior notice of,
306 all meetings of the congregation and of the church council during a
pastoral vacancy.

308 C6.04. Affiliation with the Evangelical Lutheran Church in America
may be terminated as follows:

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- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
- d. This congregation follows the procedures outlined in C6.05.

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

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

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

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c. The bishop of the synod shall consult with this congregation during a period of at least 90 days.

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d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or a authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.

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

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

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g. If this congregation was a member of the Lutheran Church in America it shall be required, in addition to the provision in C6.05., to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.

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

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Chapter 7

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Property Ownership

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C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Upstate New York Synod of the Evangelical Lutheran Church in America.

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

368 C7.03. If a two-thirds majority of the voting members of this
congregation present at a regularly called and conducted special meeting
370 of this congregation vote to transfer to another Lutheran church body,
title to property shall continue to reside in this congregation. Before
372 this congregation takes action to transfer to another Lutheran church
body, it shall consult with representatives of the Upstate New York
Synod.

374 C7.04. If a two-thirds majority of the voting members of this
376 congregation present at a regularly called and conducted special meeting
of this congregation vote to become independent or relate to a non-
378 Lutheran church body, title to the property of this congregation shall
continue to reside in this congregation only with the consent of the
380 Synod Council. The Synod Council, after consultation with the
congregation by the established synodical process, may give approval to
382 the request to become independent or to relate to a non-Lutheran church
body, in which case title shall remain with the majority of the
384 congregation. If the Synod Council fails to give such approval, title
shall remain with those members who desire to continue as a congregation
386 of the Evangelical Lutheran Church in America.

388 Chapter 8

390 **Membership**

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

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

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

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

410 c. Voting members are confirmed members who have attained the age
of sixteen years. Such confirmed members shall have communed and
412 made a contribution of record during the current or preceding
year.

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

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

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

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

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

- 436 a. death;
438 b. resignation;
440 c. transfer of release;
442 d. disciplinary action by the Congregation Council; or
e. removal from the roll due to inactivity as defined in the
bylaws.

444 such persons who have been removed from the roll of members shall remain
446 persons for whom the church has a continuing pastoral concern.

448 C8.06. Responsibilities of the congregation for fostering faithful
membership shall include:

- 450 a. proper instruction in the Word of God and the teaching of the
Lutheran Church prior to reception as confirmed members.
452 b. transfer membership to another Lutheran congregation or the
issuing of a certificate of standing and/or release to another
454 evangelical congregation at the request of the confirmed member:
(such transfer of membership or issuing of a certificate of
456 standing and/or release would be granted to baptized but
unconfirmed children at the request of their parents).
458 c. encouraging members who move from the community which the
congregation serves to transfer to a Lutheran congregation which
460 can serve them effectively and in which they can participate
regularly. A Lutheran congregation in the new community which such
462 members live shall be notified of their move.
464 d. continuing concern and conscientious pastoral care for
members, in an effort to encourage fulfillment of their duties and
responsibilities, when they do not partake of Holy Communion,

466 support the church with their offerings, or appear to desire to
468 participate in the life and worship of the congregation. When such
470 members have failed to receive Holy Communion and to make a
472 contribution of record for a period of two consecutive calendar
474 years, they may be removed from the roll of members by the Church
476 Council. This procedure will take place only when there is a pastor
under call to serve this congregation or with the approval of the
bishop of the synod and after such members have been counseled
about the matter, if possible. Such persons who have been removed
from the roll of members shall remain person for whom the church
has a continuing pastoral concern.

478 Chapter 9

480 **The Pastor**

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

488 C9.02. Only a member o the clergy roster of the Evangelical Lutheran
490 Church in America or who has been recommended for it by the synodical
492 bishop may be called as a pastor of this congregation.

492 C9.03. Consistent with the faith and practice of the Evangelical
Lutheran Church in America:

- 494 a. every ordained minister shall:
- 496 1) preach the Word;
 - 498 2) administer the sacraments;
 - 500 3) conduct public worship;
 - 502 4) provide pastoral care; and
 - 504 5) speak publicly to the world in solidarity with the poor and
oppressed, calling for justice and proclaiming God's love for
the world.
- 506 b. Each ordained minister with a congregational call shall,
508 within the congregation:
- 510 1) offer instruction, confirm, marry, visit the sick and
distressed, and bury the dead;
 - 512 2) supervise all schools and organizations of the
congregation;
 - 514 3) shall install regularly elected members of the Congregation
Council; and
 - 516 4) with the council administer discipline.
- 516 c. Every pastor shall:
- 1) seek out and encourage qualified persons to prepare for the
ministry of the Gospel; and strive to extend the Kingdom of
god in the community, in the nation, and abroad;
 - 2) impart knowledge of this church and its wider ministry
through distribution of its periodicals and other
publications; and

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518 3) endeavor to increase the support given by the congregation
520 to the work of the ELCA church wide organization and of this
ELCA synod.

522 C9.04. The specific duties of the pastor, compensations, and other
524 matters pertaining to the service of the pastor shall be included in the
letter of call.

526 C9.05.

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

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

534 2) resignation of the pastor;

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

540 4) the physical or mental incapacity of the pastor;

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

544 6) dissolution of the congregation.

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

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

560 d. In the case of alleged local difficulties which imperil the
562 effective functioning of the congregation, all concerned persons
shall be heard, after which the bishop of the synod together with
564 the committee described in C9.05.b. shall decide on the course of
action to be recommended to the pastor and the congregation. If
566 they agree to carry out such recommendations, no further action
shall be taken by the synod. If either party fails to assent, the
matter shall be referred to the Synod Council for its hearing and
decision. The decision of the Synod Council shall be final.

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

572 f. If in the course of the proceedings, it should become apparent
that the pastoral office cannot be conducted effectively in the
574 congregation being served by the ordained minister due to local
conditions, the bishop of the synod may temporarily suspend the
576 pastor from services in the congregation without prejudice and
with pay provided through a join church wide/synod fund and with
housing provided by the congregation.

578 g. In order that a pastor of this congregation may be devoted
fully to the duties of the office, an adequate salary shall be
580 provided, paid in semi-monthly or monthly installments. Expenses
incident to attendance at conventions of the synod, except for
582 travel, and attendance at meetings of the conference shall be
defrayed by the congregation.

584 C9.06. At a time of pastoral vacancy, an interim pastor may be
586 appointed by the bishop of the synod with the consent of this
congregation or the Congregational Council.

588 C9.07. During the period of service, an interim pastor shall have the
590 rights and duties of a regularly called pastor and may delegate the same
in part to a supply pastor with the consent of the bishop of the synod
592 and this congregation or Congregation Council. The interim pastor and
any ordained pastor providing assistance shall refrain from exerting
594 influence in the selection of a pastor.

596 C9.08. This congregation shall make satisfactory settlement of all
financial obligations to a former pastor before calling a successor. A
598 pastor shall make satisfactory settlement of all financial obligations
to this congregation.

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

608 C9.11. With the approval of the bishop of synod the congregation may
depart from C9.05.a. and call a pastor fro a specific term of years.
610 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
612 designated representative of the bishop, shall meet with the pastor and
representative of the congregation for a review of the call. Such call
614 may also be terminated before its expiration in accordance with the
provisions of C9.05.a.

616 C9.12. The pastor shall keep accurate parochial records of all
618 baptisms, confirmations, marriages, burials, communicants, members

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620 received, members dismissed, or members excluded from the congregation,
and shall submit a summary of such statistics annually to the synod.

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

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Chapter 10

628

Congregation Meeting

630 C10.01. The Congregation shall meet semi-annually at a time specified
in the bylaws.

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

638

640 C10.03. Notice of all meetings of this congregation shall be given at
the services of worship on the preceding two consecutive Sunday and mail
to all voting members at least 10 days in advance of the date of the
642 meeting. The posting of such notice in the regular mail, with the
regular postage affixed or paid, sent to the last known address of such
644 members shall be sufficient.

646 C10.04. Ten percent of voting members shall constitute a quorum.

648 C10.05. Voting by proxy or by absentee ballot shall not be permitted.
650 C10.06. All actions by the congregation shall be by majority vote
except as otherwise provided in this constitution.

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

654

656 Chapter 11

658 **Officers**

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

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666 a. Duties of the officers shall be specified in the bylaws.
b. The officers shall be voting members of the congregation.
c. Officers of this congregation shall serve similar offices of
the Congregation Council and shall be voting members of the
668 Congregation Council. The treasurer's role with the Congregation
Council is governed by C11.04 & C11.06.

668

670 C11.02. The officers, except the treasurer, shall be elected by the
Congregation Council by written ballot and shall serve for one year. The

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672 term shall begin the month following the annual meeting and end the following year at the end of the month of the annual meeting.

674 C11.03. At its December meeting each year, the Council shall elect a
676 treasurer(s) and financial secretary(s) to serve for a term of two years
beginning January 1st. and ending December 31st. These officers will
678 serve both the council and the congregation in their several capacities.

680 C11.04. No officer shall hold more than one office at a time. No
elected officer shall be eligible to serve more than two consecutive
682 terms in the same office, except the treasurer and the financial
secretary. Individuals may serve as treasurer and financial secretary
684 for as many consecutive terms as elected.

686 C11.05. The president shall chair meetings of the congregation and the
congregation council. In the event of the president's inability to
688 perform these duties, the vice-president shall serve as the president.

690 C11.06. The president, vice-president and secretary shall be chosen
from the membership of the congregation council. The treasure, if not a
692 member of the council, shall be accorded the privilege of voice without
vote in its meetings.

694 C11.07. All officers shall be voting members of the congregation in
good standing. If any of them ceases to be such, his or her office shall
696 at once be declared vacant by the council, which shall fill the vacancy
for the unexpired term.
698

700 Chapter 12

Congregation Council

702 C12.01. The voting membership of the Congregation Council shall
consist of the pastor(s) and not more than 12 members of the
704 congregation including the officers of the congregation. Any voting
members of the congregation may be elected to serve for a term of three
706 years. Their tenure shall be so arranged that one-third of the terms
expire annually and no member shall serve more than two full terms
708 without a year's interruption. A member's place on the Congregation
Council shall be declared vacant if the member a) ceases to be voting
710 member of this congregation or b) is absent from four successive regular
meetings of the Congregation Council without cause.
712

714 C12.02. The members of the Congregation Council (except the pastor(s))
shall be selected at a legally called meeting of the congregation at its
716 annual meeting. Their term of office shall be for 3 years with the term
office beginning the first day of the month following the election and
718 ending the last day of the election month. Newly elected Congregation
Council members shall be installed at worship prior to the date they
assume office.
720

TELC Constitution and Bylaws

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

726 C12.04. The Congregation Council shall have general oversight of the
life and activities of this congregation, and in particular its worship
728 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
730 America. The duties of the Congregation Council shall include the
following:

- 732 a. To lead this congregation in stating its mission, to do long-
734 range planning, to set goals and priorities, and to evaluate its
activities in light of its mission and goals.
- 736 b. To seek to involve all members of this congregation in
worship, learning, witness, service and support.
- 738 c. To oversee and provide for the administration of this
congregation to enable it to fulfill its functions and perform its
740 mission.
- 742 d. To maintain supportive relationships with the pastor(s) and
staff and help them annually to evaluate the fulfillment of their
744 calling, appointment or employment.
- 746 e. To be examples individually and corporately of the style of
life and ministry expected of all baptized persons.
- 748 f. To promote a congregational climate of peace and goodwill and,
as differences and conflicts arise, to endeavor to foster mutual
750 understanding.
- 752 g. To arrange for pastoral service during the sickness or absence
of the pastor.
- 754 h. To emphasize partnership with the synod and church wide units
of the Evangelical Lutheran Church in America as well as
756 cooperation with other congregations, both Lutheran and non-
Lutheran, subject to established policies of the synod and the
758 Evangelical Lutheran Church in America.
- 760 i. To recommend and encourage the use of program resources
produced or approved by the Evangelical Lutheran Church in America.
- 762 j. To bring the call to the professional leadership of the church
to the attention of the congregation, particularly the youth.
- 764 k. To provide leadership training annually for all committee
chairpersons and council members.

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

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

TELC Constitution and Bylaws

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

776 c. The Congregation Council shall prepare an annual budget for
adoption by this congregation, shall supervise the expenditure of
778 funds in accordance therewith following its adoption, and may incur
obligations (per request and non-accumulative) more than 3% in
780 excess of the total expense budget only after approval by a
Congregation Meeting. The budget shall include this congregation's
782 full indicated share in support of the wider ministry being carried
on in partnership with the synod and church wide organization.

784 d. The congregation Council shall ascertain that the financial
affairs of this congregation are being conducted efficiently,
786 giving particular attention to the prompt payment of all
obligations and to the regular forwarding of benevolence moneys to
the synodical treasurer.

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

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

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

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

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

804 C12.10. The Congregation Council shall normally meet once a month.
Special meetings may be called by the pastor or the president, and shall
806 be called at the request of at least one-half of its members. Notice of
each special meeting shall be given to all who are entitled to be
808 present.

810 C12.11. A quorum for the transaction of business shall consist of a
majority of the members of the Congregation Council, including the
812 pastor or interim pastor, except when such persons requests or consents
to be absent and has given prior approval to an agenda of routine
314 matters which shall be the only business of the meeting.

316 Chapter 13

Congregational Committees

318 C13.01. The President, Vice-President and Secretary of the
320 congregation, along with the pastor shall constitute the Executive
Committee.

TELC Constitution and Bylaws

822 C13.02. . . The president, Vice-President and Secretary of the
824 congregation shall constitute the Staff Personnel Committee.

826 C13.03. When a pastoral vacancy occurs, a Call Committee of voting
828 members shall be appointed by the Congregation Council. Term of office
will terminate at installation of the newly-called pastor.

830 C13.04. Other congregational committees may be formed as the need
arises, by decision of the Congregation Council.

832

Chapter 14

834 **Organizations within the Congregation**

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

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

848

Chapter 15

850 **Discipline of members**

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

860 C15.02. A member charge with the offense shall appear before the
Congregation Council having received a written notice, specifying the
862 exact charges that have been made against the member, at least 10 days
prior to the meeting.

864

366 C15.03. Should the allegations be sustained by a two-thirds majority
vote of the Congregation Council, the council shall impose one of the
368 following disciplinary actions:

- 370 a. censure before the council or congregation
b. suspension from membership for a definite period of time; or
372 c. exclusion from membership in this congregation. Disciplinary
actions b. and c. shall be delivered to the member in writing.

TELIC Constitution and Bylaws

874 C15.04. The member against whom disciplinary action has been taken by
the Congregation Council shall have the right to appeal the decision to
876 the Synod Council. Such right may not be abridged and the decision of the
Synod Council shall be final.

878
880 C15.05. Disciplinary actions may be reconsidered and revoked by the
Congregation Council upon receipt of a) evidence that injustice has been
882 done or b) evidence of repentance and amendment.

884 Chapter 16
Bylaws

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

888
890 C16.02. Bylaws may be adopted or amended at any legally called meeting
of this congregation with a quorum present by a majority vote of those
892 voting members present and voting.

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

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

902

Chapter 17

904 **Amendments to the Constitution**

906 C17.01. Amendments to this constitution may be proposed by at least
2/3 of voting members or by the Congregation Council. Proposals must be
908 filed in writing with the Congregation Council 60 days before formal
consideration by this congregation at its regular or special meeting
called for that purpose. The Congregation Council shall notify the
910 members of the proposal with their recommendations at least 30 days in
advance of the meeting.

912
914 C17.02. A proposed amendment to this constitution shall:

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

922 C17.03. Any amendments to this constitution shall be sent by the
secretary of this congregation to the synod. The amendment shall be come
924 effective within 120 days from the date of the receipt of the notice by
the synod unless the synod informs this congregation that the amendment

TELC Constitution and Bylaws

926 is in conflict with the constitution and bylaws of the Evangelical
928 Lutheran Church in America, or the constitution of the Upstate New York
Synod.

930

Chapter 18

932 **Continuing Resolutions**

934 C18.01. The Congregation Council may enact continuing resolutions
which describe the function of the various committees or organizations
936 of this congregation.

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

940

942 Adopted on; June 1992

944 Approved by Bishop: _____

Date: _____

946

Bylaws

948 Section I - Congregational Meeting

950 Item 1. The annual congregational meeting shall be held in April or
952 May. The semi-annual meeting shall be held in November or December. The
954 date shall be determined by the congregation council. The president of
the congregation council shall chair this meeting.

956 Item 2. At the annual meeting the pastor, financial secretaries,
treasurers, and committees of the congregation shall each submit a
958 written report. Each organization and school within the congregation
shall also submit a written report.

960

962 Section II - Members

964 Item 1. The names of the new members shall be publicly announced.

966 Item 2. Letters of transfer of membership or standing shall be issued
968 upon approval of the pastor or by a majority vote of the church council
present and meeting.

970 Section III - The Church Council

972 Item 1. the congregation council shall appoint a nominating committee
974 to secure nominees for the council. The nominating committee shall
976 consist of the nine members to serve for a term of three years. Their
978 tenure shall be so arranged that one-third of the terms expire annually
and no members shall serve more than one full term without a year's
interruption. Following the original appointment, the church council
will be required to appoint three new members each year.

980 Item 2. The council shall meet regularly once per month. The president
982 shall chair these meetings.

984 Item 3. The following shall constitute the order of business at
regular meetings:

- 986 a. devotions
188 b. period for the study of the life and work of the church.
c. roll call and action on excuses for absence
190 d. reading of prior minutes
e. reception of petitions and communications
92 f. report of Pastor
g. report of Treasurer
94 h. report of Standing Committees
i. report of Special Committees
j. other business

TELC Constitution and Bylaws

- 996 k. old business
- l. new business
- 998 m. adjournment (with Lord's Prayer)

000 The secretary shall keep accurate minutes of all meetings of the
002 congregation and of the council in a volume provided by the
congregation, which shall be preserved permanently in its archives.

004 The financial secretary of secretaries shall receive and keep record of
006 all income for contributing members and other sources.

008 The treasurer(s) shall keep the books of account of the congregation;
and shall receive from the financial secretary all funds and disburse
010 them on proper orders, making monthly remittance of benevolence receipts
to the treasurer of the synod.

012 The treasurers and financial secretaries shall make written report of
014 all their transactions to the church council monthly and to the
congregation, together with a satisfactory audit, at its annual
016 meetings. All financial officers shall give corporate surety, in amounts
determined by the church council, for which the premiums shall be paid
018 by the congregation. Fidelity coverage provided by the Evangelical
Lutheran Church in America shall be deemed fulfillment of this
020 requirement.

022 Section IV - Constitutional Standing Committees and Appointed/Authorized
024 Committees

026 Item 1. At its first meeting each congregational year, the church
council shall appoint as many **Constitutional Standing Committees and**
028 **Appointed/Authorized Committees** as the local and wider concerns of the
congregation shall require. Although appointed by and responsible to
030 council, these committees shall be recognized as representation of the
interest of, and performing essential services for, the congregation as
032 a whole. The pastor or pastors shall have voice and vote in all
committees.

034 Constitutional Standing Committees shall have a minimum of 8 meetings
per year and shall have a Council approved Mission/Purpose Statement.
036 Each Constitutional Standing Committee shall be composed of one or more
members of the council and, in addition, other voting members of the
038 congregation in good standing. Chairpersons on Constitutional Standing
Committees may only serve two consecutive years in the leadership role.
040

042 Item 2. Except as stipulated in the following paragraphs, the duties
of all such committees shall be assigned by the Council, along with such
044 instructions as it its judgment are in the best interests of the
congregation. All actions of committee shall be subject to review by the
Council.
046

TELC Constitution and Bylaws

048 Item 3. There shall be a Constitutional Standing Committee on
050 **Christian Education** which in association with the Pastor, shall oversee
052 the conduct and promotion of the schools and activities of all
054 organizations within the congregation. Its mission is to nurture, lead,
056 support, and stimulate the maturation of faith for our Church family and
058 community, so that all are enabled to continue to grow spiritually. It
060 shall encourage the use of teaching and worship materials published or
approved by the Evangelical Lutheran Church in America, assure that
Acolytes and Crucifers are recruited and trained, and seek to introduce
the church's periodicals and books of family devotion into the homes of
the congregation. This committee shall also bring the call to the
ministry of the gospel and to other full time church vocations to the
attention of qualified youth of the congregation.

062 Item 4. There shall be a Constitutional Standing Committee on **Church**
064 **Property**. It shall see to the proper maintenance and protection of all
066 property of the congregation, take care that the same is kept in good
repair and adequately insured, and perform any other duties that may be
assigned by the Council.

068 Item 5. There shall be a Constitutional Standing Committee on
070 **Evangelism** which shall stimulate and lead all member of the congregation
072 in continuous and, from time to time, concerted endeavors to reawaken
074 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 the spiritual life of the
congregation and shall periodically study the congregation in the
context of its surrounding community.

076 Item 6. There shall be a **Finance** Committee, of which the treasurers
078 shall be a members exofficio. The committee shall exercise oversight of
080 all the financial affairs of the congregation to make sure that they are
082 being conducted efficiently, giving particular attention to the prompt
084 payment of all obligations and to the regular forwarding of benevolence
moneys to the synodical treasurer. Its role is to recommend financial
matters to council. Council will approve or modify the matters
presented. Finance Committee will implement council's direction on
issues. Specific known duties at this time are, but not limited to:

086 a. It shall prepare a draft budget by Council's October meeting for
088 the succeeding year, including this congregation's full indicated
090 share in support of the wider ministry being carried out by the
092 Evangelical Lutheran Church of America and the synod, and shall
submit such draft budget to the Council for its action and later
presentation at a congregational meeting.

094 b. It shall be responsible for the congregation's investments.

096 c. It shall provide for annual audits of the accounts of the
treasurers and financial secretary as well as the accounts of the
schools and organizations within the congregation.

TELC Constitution and Bylaws

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d. It shall provide for the handling of taxes, insurance, accounting, counters, checking and savings issues.

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e. It shall review non-budget items greater than 3% of the total Current Budget and make recommendations to council on where or how the money should be obtained.

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f. It shall provide an annual training for all Council members and Committee Chairpersons.

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Item 7. There shall be a Constitutional Standing Committee of **Social Ministry**. The purpose of the which shall be to extend Christian compassion and helpfulness to the ill, aged, orphaned, underprivileged, imprisoned, and, in general, to persons of all ages in need of aid in body or soul. It shall strive to enlist in these efforts as many as possible of the individual members and organizations of the congregation. The 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.

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Item 8. There shall be a Constitutional Standing Committee on **Stewardship**, of which the treasurers shall be members ex officio. It shall evoke and promote the expression of Christian faith in daily living; to teach the Christian use of time, talent and money; to diffuse knowledge of the congregation's local, national, an world-wide ministries; and to lead all its members to higher levels of proportionate giving for the Lord's work. The committee shall be responsible for any Every Member Visit and other stewardship promotions recommended by Council, and congregational efforts which lead to informed and grateful giving.

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Item 9. There shall be a Constitutional Standing Committee on **Worship and Music** which shall assist the 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, that competent Ushers, Greeters and Readers are recruited and trained, and that hymnals and other devotional materials are provided and properly cared for. The committee shall supervise, and strive to advance the welfare and effective service of, the choirs of the congregation, instruments, and, in consultation with the pastor, the organist, and the choir director, furnish music supplies appropriate for use in the worship of a congregation of the Evangelical Lutheran Church in America.

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Item 10. There shall be a Constitutional Standing Committee on **Fellowship**. The committee shall encourage the interaction between members of Trinity Emmanuel Lutheran Church so that members may become more of a family.

TELIC Constitution and Bylaws

Specific know duties at this time are:

- a. Planning and execution of various events with co-sponsors throughout the year for either the entire congregation or for adult fellowship.
- b. An information resource for memorial services gatherings held at TELC.
- c. Stocking kitchen with operation supplies.

Section V - Congregational Funds

Item 1.

A. Name of the Fund: Trinity Emmanuel Memorial Fund

B. Purpose:

1. To glorify God and to comfort His servants, and to provide for the reception and administration of Memorial gifts offered for the perpetuation of our Lord's work.
2. To fulfill needs of the Church which are in harmony with the spirit of Christian remembrance.

C. Source of funds:

1. Unrestricted memorial offerings, which are to be received as the sole property of the congregation.
2. Bequests, which are to be received as the sole property of the congregation.
3. Council designated gifts.
4. Income earned on investments of the fund.

D. Expenditures: All expenditures from the fund must be authorized by the Church Council in accordance with the stated purpose.

Item 2. A. Name of the fund: The Greater Trinity Emmanuel Development (GTED) Fund

B. Purpose: To provide funds for special and extraordinary projects and programs (Non-Budgeted activities & programs), the cost of which is not otherwise provided for, including; construction, development, renovation, or alteration of Church property; educational programs; youth activities; or any project or program which would enrich the life of the congregation. All income generated by the fund is to be added to and become part of the principal balance of the fund.

C. Source of funds: Gifts, bequests, income earned on investment of the fund, council designated gifts, appropriation from current funds.

D. Expenditures: All expenditures from the fund, exceeding 3% of the fund's balance per proposal, must be authorized by the Council in accordance with the stated purpose. Expenditures for other than stated purpose, exceeding 3% of the fund's balance, require congregational approval prior to proceeding.

TELC Constitution and Bylaws

- 200 Item 3. A. Name of the fund: The Trinity Emmanuel Designated Gifts
fund (a restricted fund)
202 B. Purpose: To receive gifts and bequests which are made with
204 restrictions as to use. These restrictions are made by the donors
at the time of gift or bequest. Restricted gifts are subject to
206 acceptance by the Church Council.
208 C. Source of funds: Gifts, memorial offerings, bequests, income
earned on investments of the fund.
210 D. Expenditures: Expenditures are made with authorizations of the
Council and in accordance with the donors' stated restrictions.
- 212 Item 4. A. Name of the fund: The Trinity Emmanuel Unrestricted Fund
214 B. Purpose: To receive gifts and bequests which are made with no
restrictions on their use.
216 C. Expenditures: All expenditures from the fund must be authorized
by the Council.
- 218 Item 5. A. Name of the fund: The Trinity Emmanuel Endowment Fund
B. Purpose:
220 C. Source of Funds:
D. Expenditures: