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# Constitution, Bylaws and Continuing Resolutions

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Trinity-Emmanuel Evangelical Lutheran Church  
Rochester, New York, in the town of Gates

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Approved April 30, 2018

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Bruce Holroyd  
Church Council President

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## **AN EXPLANATION OF THE COMBINING AND CODIFICATION OF THE CONSTITUTIONAL PROVISIONS, BYLAWS, AND CONTINUING RESOLUTIONS:**

This Constitution is organized into chapters by general subject matter. Starting with this 2018 revision, this document contains the (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions now combined together within the paragraph they relate to.

- a. Constitutional provisions are used to establish the most vital rights, restrictions and organization of this congregation. Constitutional provisions are codified with two sets of numbers, preceded by a “C”: the chapter number, followed by a period, and a two-digit number. A period follows the two-digit number. If a provision is required it will be preceded by an asterisk (“\*C.”).
- b. Bylaws relate to specific practices and details of this congregation’s organization, operation, and life. Bylaw provisions follow constitutional provisions to which they apply. Bylaws are codified with three sets of numbers, these being the two sets of numbers described above for the related constitutional provision, plus an additional two-digit number. There is also a period after the two-digit bylaw number.
- c. Continuing resolutions provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of this congregation. Continuing resolutions follow the relevant constitutional provision or bylaw to which they refer. Continuing resolutions, like the Bylaws, are codified with three sets of numbers, except that the third set indicates the last two digits of the year that it was adopted and is preceded by a capital letter. The capital letter indicates the number of the continuing resolution referring to a particular paragraph, “A” being the first etc.

## **\*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 Trinity Emmanuel Lutheran Church, Rochester, New York, which is located in the town of Gates.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of Trinity Emmanuel Lutheran Church of Rochester, New York 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.

## **Chapter 2. CONFESSION OF FAITH**

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

## **Chapter 3. NATURE OF THE CHURCH**

- \*C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- \*C3.02.** This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- \*C3.03.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it

acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

**\*C3.04.** This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.

**\*C3.05.** The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

#### **Chapter 4. STATEMENT OF PURPOSE**

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

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

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

**C4.02.01.** Serving as Christians in society

This congregation shall serve as Christians in all the institutions of society of which we are part; and individually and corporately foster justice, overcome oppression, alleviate suffering and care for the earth.

**\*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 s.
- f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
- h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
- i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- j. Ensure that all functions of this congregation witness to the reconciling Word of God in Christ and strengthen among its members the motivation and ability for service.

**C4.03.01.** Worship

In accordance with the traditions of the Lutheran Church this congregation shall recruit, equip, and support members for leadership in worship. This congregation shall also make certain that worship has a place in all other functions of the congregation.

**C4.03.02.** Teaching the Word of God

This congregation shall teach the Word of God through educational ministry to assist persons to perceive and respond to God's self-revelation in Jesus Christ, and to participate in God's continuing activity with other individuals, groups, institutions, cultures, and physical environments. To do so it shall recruit and equip teachers to provide learning activities, and use appropriate educational materials, and make certain that adequate study undergirds the other functions of the congregation.

**C4.03.03.** Stewardship

In this congregation support for its ministries goes beyond financial support to include generous stewardship of time and talents as well.

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

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

**C4.05.01.** Mission Statement

The mission statement shall be periodically examined and evaluated as the congregation seeks to perceive and respond to God's continuing call in the midst of changing conditions in society.

**\*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 congregation. The congregation is authorized to:

- a. call a pastor as provided in Chapter 9;
- b. terminate the call of a pastor as provided in Chapter 9;
- c. call a minister of Word and Service;
- d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;
- e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;
- f. approve the annual budget;
- g. acquire real and personal property by gift, devise, purchase, or other lawful means;
- h. hold title to and use its property for any and all activities consistent with its purpose;
- i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- j. elect its Congregation Council and require the members of the council to carry out their duties in accordance with the constitution, bylaws and continuing resolutions; and
- k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

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

**C5.05.** Congregational Funds: This congregation shall create and maintain funds, the purposes of which are to provide for projects and work beyond the operational budget of this congregation. These funds will operate as specified in this congregation's bylaws.

- C5.05.01.** Memorial Funds
- a. 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.
  - b. Source of funds:
    1. Unrestricted memorial offerings, which are to be received as the sole property of the congregation.
    2. Council designated gifts.
  - c. Expenditures:
 

All expenditures from the fund must be authorized by the Church Council in accordance with the stated purpose.
- C5.05.02.** The Greater Trinity Emmanuel Development (GTED) Fund
- a. Purpose:
 

To provide funds for special and extraordinary projects and programs (Non-Budgeted activities and 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.
  - b. Source of funds:
    1. Gifts and bequests
    2. Council designated gifts
    3. Appropriation from current funds
  - c. Expenditures:
 

All expenditures from the fund must be authorized by the Council. Any single expenditure exceeding 1/3 of the fund balance, shall require prior congregational approval.
- C5.05.03.** Designated Gifts Funds (restricted funds)
- a. Purpose:
 

To receive gifts and bequests which are made with restrictions as to use. These restrictions are made by the donors at the time of gift or bequest. Restricted gifts are subject to acceptance by the Church Council. Given the reality that the needs of the congregation may change over time, or that the restrictions of the designated gift can no longer be met, gifts are received with the donor's clear acceptance that their restricted use requirement may be changed by a congregational vote. Any changes to restricted use requirements may be made only after 2 years of inactivity of the funds.
  - b. Source of funds:
    1. Gifts, memorial offerings and bequests
  - c. Expenditures:
 

Expenditures are made with authorizations of the Council and in accordance with the donors' stated restrictions except under circumstances as outlined in the purpose statement above.
- C5.05.04.** The Trinity Emmanuel Unrestricted Fund
- a. Purpose:
 

To receive gifts and bequests which are made with no restrictions on their use.
  - b. Source of funds:
    1. Gifts, memorial offerings and bequests
    2. Income earned on investments
  - c. Expenditures:
 

All expenditures from the fund must be authorized by the Council.
- C5.05.05.** Endowment Fund(s)
- a. Purpose:
 

To receive gifts and bequests which are made with the requirement that only the interest and dividends received from the invested principal be used. Restrictions on the use of interest and dividends are made by the donors at the time of gift or bequest. Restricted use gifts are subject to acceptance by the Church Council. Given the reality that the needs of the congregation may change over time, or that the restrictions of the designated gift can no

longer be met, gifts are received with the donor's clear acceptance that their restricted use requirement may be changed by a congregational vote. Any changes to restricted use requirements may be made only after 2 years of inactivity of the funds. The Finance Team shall document the management practice for each specific endowment to insure continuity of the donors' wishes.

b. Source of funds:

1. Gifts, memorial offerings and bequests
2. Income earned on investments of the fund

c. Expenditures:

Expenditures are made with authorization of the Council and in accordance with the donors' stated restrictions.

d. Examples of existing TELC Endowments are:

1. Support our Students (SOS)
2. Outreach and Social Ministry

e. Examples of potential TELC Endowments:

1. Mission Endowments

**C5.05.06.** Charitable Trust Fund(s)

a. Purpose:

To hold and manage the funds in a Trust for Charitable purposes, along with meeting the legal requirements established by the donor. Restricted use gifts are subject to acceptance by the Church Council. The Finance Team shall document the management practice for each specific Charitable Trust to insure continuity of the donors' wishes.

b. Source of funds:

1. Gifts, memorial offerings and bequests
2. Income earned on investments of the fund

c. Expenditures:

Expenditures and dispositions of trusts are made with authorization of the Trustees and in accordance with the legal requirements of the Trust.

**C5.05.A18.** Contributions received as an unrestricted bequest

When contributions to this congregation are received in the form of an unrestricted bequest, 15% of the bequest shall be dedicated to the purpose of outreach.

## **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 Upstate New York Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

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

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

- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
- d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

- \*C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
- a. This congregation takes action to dissolve.
  - b. This congregation ceases to exist.
  - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
  - d. This congregation follows the procedures outlined in \*C6.05.
- \*C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
  - b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
  - c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
  - d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
  - e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraph g. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
  - f. Notice of termination shall be forwarded by the bishop to the secretary of the ELCA, who shall report the termination to the Churchwide Assembly.
  - g. This congregation shall abide by these covenants by and among the three expressions of this church:
    - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
    - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synodical approval before terminating their membership in this church.
    - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
  - h. If this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after that second meeting.
- \*C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken

leading to such action. The approval of the Synod Council shall be received before any such action is effected.

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

## Chapter 7. PROPERTY OWNERSHIP

- \*C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Upstate New York Synod of the Evangelical Lutheran Church in America.
- \*C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- \*C7.03. If two-thirds of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Upstate New York Synod.
- \*C7.04. If two-thirds of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in \*C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.
- C7.05. Notwithstanding the provisions of \*C7.02. and \*C7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
  - a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the Upstate New York Synod—reconvey and transfer all right, title, and interest in the property to the synod.

## Chapter 8. MEMBERSHIP

- \*C8.01. Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- C8.01.A18. Announcement of new members  
The names of new members shall be publicly announced.
- \*C8.02. Members shall be classified as follows:
  - a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
  - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
  - d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These

individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.

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

**C8.02.01.** Voting members

Voting members are further defined as confirmed members who have attained the age of sixteen years.

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

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

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

**C8.04.01.** Letters of transfer or standing

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

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

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

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

**C8.05.01.** Removal due to inactivity

For the purpose of section e above, inactivity is defined as failure to receive Holy Communion and to make a contribution of record during the current or preceding calendar year.

**C8.05.02.** Any member serving with the United States Armed Forces or temporarily relocated as a part of their employment will maintain active membership status.

**C8.06.** It shall be the responsibility of the congregation to foster faithful membership by:

- a. Providing proper instruction in the Word of God and the teaching of the Lutheran Church to persons prior to becoming confirmed members.
- b. Providing continuing concern and conscientious pastoral care for members, in an effort to encourage fulfillment of their duties and responsibilities.
- c. Transferring membership to another Lutheran congregation or the issuing of a certificate of standing and/or release to another evangelical congregation at the request of the confirmed member (such

transfer of membership or issuing of a certificate of standing and/or release would be granted to baptized but unconfirmed children at the request of their parents).

## **Chapter 9. ROSTERED MINISTER**

- \*C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.02.** Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- \*C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every minister of Word and Sacrament shall:
    - 1) preach the Word;
    - 2) administer the sacraments;
    - 3) conduct public worship;
    - 4) provide pastoral care;
    - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
    - 6) impart knowledge of this church and its wider ministry through distribution of its communications and publications;
    - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
    - 8) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
  - b. Each pastor with a congregational call shall, within the congregation:
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
    - 2) relate to all schools and organizations of this congregation;
    - 3) install regularly elected members of the Congregation Council;
    - 4) with the council, administer discipline; and
    - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of the Upstate New York 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.
- C9.04.01.** Compensation
- In order that a pastor of this congregation may be devoted fully to the duties of the office, an adequate salary shall be provided, paid in semi-monthly or monthly installments. Expenses incident to attendance at conventions of the synod, except for travel, and attendance at meetings of the conference shall be defrayed by the congregation.
- \*C9.05.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
    - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
    - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
    - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions;
    - 4) physical disability or mental incapacity of the pastor;
    - 5) suspension of the pastor through discipline for more than three months;
    - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
    - 7) termination of the relationship between this church and the congregation;
    - 8) dissolution of the congregation or the termination of a parish arrangement; or
    - 9) suspension of the congregation through discipline for more than six months.

- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
  - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament as disabled. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

**C9.05.01.** Clarification regarding termination of the call from this congregation to a pastor

With regards to these sections above;

a.3) When the call of this congregation is terminated for reason of inability to conduct the pastoral office effectively in the congregation in view of local conditions it shall be without reflection on the competence or the moral and spiritual character of the pastor.

a.5) When the call of this congregation is terminated for suspension of the pastor through discipline for more than three months it shall be on grounds of doctrine, morality or continued neglect of duty.

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

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

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

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

- \*C9.11.** With the approval of the bishop of the synod, the congregation may depart from \*C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.
- \*C9.12.** The pastor of this congregation:
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
  - b. shall submit a summary of such statistics annually to the synod; and
  - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- \*C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- C9.15.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the pastor in a form proposed by the synodical bishop and approved by the congregation.
- \*C9.21.** Authority to call a minister of Word and Service shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.22.** Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synodical bishop may be called as a deacon of this congregation.
- C9.22.01.** Training of deacons
- Candidates for a call as deacon to this congregation must demonstrate successful completion of the appropriate training as a Minister of Word and Service available within the ELCA or the Upper New York Synod.
- \*C9.23.** Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- a. Be rooted in the Word of God, for proclamation and service;
  - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
  - c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
  - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
  - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
  - f. Practice stewardship that respects God's gift of time, talents, and resources;
  - g. Be grounded in a gathered community for ongoing diaconal formation;
  - h. Share knowledge of the ELCA and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
  - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- \*C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and 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 death or, following consultation with the synodical bishop, for the following reasons:
    - 1) mutual agreement to terminate the call or the completion of a call for a specific term;

- 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
  - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
  - 4) physical disability or mental incapacity of the deacon;
  - 5) suspension of the deacon through discipline for more than three months;
  - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
  - 7) termination of the relationship between this church and this congregation;
  - 8) dissolution of this congregation or the termination of a parish arrangement; or
  - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service as disabled. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

**C9.25.01** Clarification regarding termination of the call from this congregation to a deacon

With regards to these sections above;

- a.3) When the call of this congregation is terminated for reason of inability to conduct the ministry of Word and Service effectively in the congregation in view of local conditions it shall be without reflection on the competence or the moral and spiritual character of the deacon.
- a.5) When the call of this congregation is terminated for suspension of the deacon through discipline for more than three months it shall be on grounds of doctrine, morality or continued neglect of duty.

**\*C9.26.** The deacon shall make satisfactory settlement of all financial obligations to a former congregation before:

- a. installation in another field of labor, or
- b. the issuance of a certificate of dismissal or transfer.

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

## **Chapter 10. CONGREGATION MEETING**

- C10.01. The congregation shall meet semi-annually at times specified in the bylaws.
- C10.01.01. Dates of the Congregational Meetings  
The Annual Congregational Meeting at which council members are elected and the annual reports are approved shall be held in April or May. The Semi-annual Meeting at which the budget is approved for the following year shall be held in November or December. The dates shall be determined by the congregation council.
- C10.01.02. Chair of the Congregational Meetings  
The president of the congregation council shall chair these meetings. In the event of the president's inability to perform these duties, the vice-president shall serve as the president.
- C10.01.03. Written Reports  
At the Annual Meeting the pastor, financial secretaries, treasurers, and teams of the congregation shall each submit a written report. Each organization within the congregation shall also submit a written report.
- C10.02. A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of 10 percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting.
- C10.04. 10 percent of the voting members shall constitute a quorum.
- C10.05. Voting by proxy or by absentee ballot shall not be permitted.
- C10.06. All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

## **Chapter 11. OFFICERS**

- C11.01. The officers of this congregation shall be a president, 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 congregation in good standing. If any of them ceases to be such, his or her office shall at once be declared vacant by the council, which shall fill the vacancy for the unexpired term.
  - 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.

- C11.01.01.** Meeting minutes  
The secretary shall keep accurate minutes of all meetings of the congregation and of the council. These minutes shall be preserved permanently in the congregation's archives.
- C11.01.02.** Duties of the Financial Secretary  
The financial secretary(ies) shall receive and keep a record of all income for contributing members and other sources.
- C11.01.03.** Duties of the Treasurer  
The treasurer(s) shall keep the books of account of the congregation; and shall receive from the financial secretary all funds and disburse them on proper orders, making monthly remittance of benevolence receipts to the treasurer of the synod. The treasurers and financial secretaries shall make written report of all their transactions to the church council monthly and, together with a satisfactory audit, to the congregation at its annual meetings.
- C11.02.** The Congregation Council shall elect its officers The officers, except the Treasurer, shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin at the Congregation Council meeting of the month following the annual meeting at which they are elected and end at the same meeting the following year.
- C11.02.01.** Election of Treasurer(s) and Financial Secretary(ies)  
At its December meeting each year, the Council shall elect a treasurer(s) and financial secretary(s) to serve for a term of two years beginning January 1st. and ending December 31st. These officers will serve both the council and the congregation in their several capacities.
- 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, except the treasurer and the financial secretary. Individuals may serve as treasurer and financial secretary for as many consecutive terms as elected.
- C11.03.01.** Exceptions for the term of the presidential  
Under extenuating circumstances the President may be allowed to serve one more term for the purposes of continuity of leadership. One example of such a circumstance would be of entering into a period of pastoral transition.

## **Chapter 12. CONGREGATION COUNCIL**

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s) and not more than 12 voting members of the congregation, including the officers of the congregation. As a goal at least one of these will be a youth and at least one of these will be a young adult. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.
- C12.02.** The members of the Congregation Council except the pastor(s) and youth member(s) shall be elected to serve for 3 years. The term of the youth member(s) shall be 1 year. Such members shall be eligible to serve no more than two full terms consecutively without a year's interruption. Their terms shall begin at the first day of the month following the annual meeting at which they are elected and end on the last day of the election month.
- C12.02.01.** Tenure of members of the Congregational Council  
The tenure of the members of the Congregational Council shall be so arranged that one-third of the terms expire annually.
- C12.02.02.** Installation of Congregation Council members  
Newly elected Congregation Council members shall be installed at a service of worship prior to the date they assume office.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.
- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize 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.
- k. To provide leadership training as needed for committee chairpersons and council members.

**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 trustees of this congregation and, as such, shall be responsible for maintaining and protecting its property and managing its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of New York, except as otherwise provided herein.
- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council may enter into contracts of up to 3% of the total expense budget 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 3% of the total expense budget in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

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

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

**C12.08.** 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 congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

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

**C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called at the initiative of the pastor or the president, and shall also 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.** Chair of the meetings

The president of the Congregation Council shall chair these meetings. In the event of the president's inability to perform these duties, the vice-president shall serve as the president.

**C12.11.A18.** Order of business at regular meetings

The following shall constitute the order of business at regular meetings:

- a. Devotions
- b. Period for the study of the life and work of the church.

- c. Roll call and action on excuses for absence
- d. Reading of prior minutes
- e. Reception of petitions and communications
- f. Report of Pastor
- g. Report of Treasurer
- h. Report of Standing Teams
- i. Report of Special Teams
- j. Other business
- k. Old business
- l. New business
- m. Adjournment (with Lord's Prayer)

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

**C12.13.01.** Voting by telephone or equivalent electronic means

The Congregational Council may, when the urgency of a matter requires, hold a vote on that matter at a time between council meetings by telephone or equivalent electronic means. Decisions with regards to church staff are excluded from this provision and monetary decisions are limited to a maximum of 1% of the current budget. When this alternative is exercised, the rules of order, including those for a motion and a second, must still be followed. This action and the result must be included in the minutes of the next regular Council meeting.

**C12.13.A18.** Further condition for voting by electronic means

If, in the process of making a decision by these means, any member indicates their need for a meeting then a motion to table the matter to an in-person council meeting would be in order.

### **Chapter 13. CONGREGATION COMMITTEES**

**C13.01.** The President, Vice-President and Secretary of this congregation and the pastor shall constitute the *Executive Team*.

**C13.02.** The Congregational Council shall appoint a Nominating Team to secure nominees for the Council. The Nominating Team shall consist of at least three voting members of the Congregation.

**C13.03.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.

**C13.05.** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.

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

**C13.06.01.** Appointment of Constitutional Standing Teams

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

**C13.07.** Duties of committees/teams of this congregation shall be specified in the bylaws.

**C13.07.02.** Operation of Constitutional Standing Teams

Constitutional Standing Teams shall have a minimum of 8 meetings per year except as stipulated below. Each Team shall have a Council approved Mission/Purpose Statement. Each Constitutional Standing Team shall be composed of one or more members of the council and, in addition, other voting members of the

congregation in good standing. Leaders of Constitutional Standing Teams may normally only serve three consecutive years in the leadership role.

Except as stipulated in the following paragraphs, the duties of all such teams shall be affirmed by the Council, along with such instructions it judges to be in the best interests of the congregation. All actions of teams shall be subject to review by the Council.

**C13.07.03. Christian Education**

There shall be a Constitutional Standing Team on Christian Education which, in association with the Pastor, shall oversee the conduct and promotion of the schools and activities of all educational organizations within the congregation.

**C13.07.A18. Mission of the Christian Education Team**

The mission of the Christian Education Team is to nurture, lead, support, and stimulate the maturation of faith for our Church family and community, so that all are enabled to continue to grow spiritually. It 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 team 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.

**C13.07.05. Church Property**

There shall be a Constitutional Standing Team on Church Property.

**C13.07.B18. Mission of the Church Property Team**

The Church Property Team shall see to the proper maintenance and protection of all 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.

**C13.07.06. Evangelism**

There shall be a Constitutional Standing Team on Evangelism. This Team shall be called the Welcoming Team.

**C13.07.C18. Mission of the Welcoming Team**

This team shall stimulate and lead all members of the 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 team shall devote itself to deepening spiritual life and shall periodically study the congregation in the context of its surrounding community.

**C13.07.07. Finance**

There shall be a Finance Team of which the treasurer(s) shall be member(s) ex officio. The team shall exercise oversight of all the financial affairs of the 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 moneys to the synodical treasurer. Its role is to recommend financial matters to council. Council will approve or modify the matters presented. Finance Team will implement council's direction on issues. Specific known duties at this time are, but not limited to:

- a. It shall prepare a draft budget by Council's October meeting for the succeeding year, including this congregation's full indicated share in support of the wider ministry being carried out by the Evangelical Lutheran Church of America and the synod, and shall submit such draft budget to the Council for its action and later presentation at the semi-annual congregational meeting.
- b. It shall be responsible for the congregation's investments.
- c. It shall provide for annual audits of the accounts of the treasurer(s) and financial secretary(ies) as well as the accounts of the schools and organizations within the congregation.
- d. It shall provide for the handling of taxes, insurance, accounting, counters, checking and savings issues.
- 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.
- f. It shall provide an annual training for all Council members and Team Leaders.

**C13.07.08. Christian Outreach**

There shall be a Constitutional Standing Team for Christian Outreach. The purpose of Christian Outreach Team shall be to extend Christian compassion and helpfulness to the ill, elderly orphaned, disadvantaged, imprisoned, and, in general, to persons of all ages in need of aid in body or soul.

**C13.07.D18. Mission of the Christian Outreach Team**

The Christian Outreach Team shall strive to enlist in these efforts as many as possible of the individual members and organizations of the congregation. The team 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.

**C13.07.09. Stewardship**

There shall be a Constitutional Standing Team on Stewardship, of which the treasurer(s) shall be member(s) ex-officio.

**C13.07.E18. Mission of the Stewardship Team**

The Stewardship Team 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, and world-wide ministries; and to lead all its members to higher levels of proportionate giving for the Lord's work. The team 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.

**C13.07.10. Worship and Music**

There shall be a Constitutional Standing Team 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.

**C13.07.F18. Mission of the Worship and Music Team**

The Worship and Music Team shall see that that competent Ushers, Greeters, Readers and Projectionists are recruited and trained, and that hymnals and other devotional materials are provided and properly cared for. The team 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.

**C13.07.11. Fellowship**

There shall be a Constitutional Standing Team on Fellowship.

**C13.07.G18. Mission of the Fellowship Team**

The Fellowship Team shall encourage the interaction between members of Trinity Emmanuel Lutheran Church so that members may become more of a family. This team does not meet regularly but collaborates in planning special events.

Specific known 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. Be an information resource for memorial services gatherings held at TELC.

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

**C13.09.** The president, Vice-President and Secretary of the congregation shall constitute the Staff Personnel Team. The duties of the Staff Personnel Team shall include:

- a. Periodic review of job descriptions / performance expectations as compared against congregational needs
- b. Periodic review of performance of staff against their performance expectations and providing of constructive feedback toward achieving performance expectations. The team shall solicit input from members and / or other staff affected by or otherwise familiar with the staff member's performance
- c. Listen and identify any concerns from staff members toward removal of barriers to achieving their goals
- d. Assist, if not lead, in resolution of conflict among staff members

**Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION**

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

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

## **Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION**

- \*C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.
- \*C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. If the counseling, censure, and admonitions pursuant to \*C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- \*C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members, plus the nonvoting chair, comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- \*C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.
- \*C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
- a. suspension from the privileges of congregation membership for a designated period of time;
  - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
  - c. termination of membership in the congregation; or
  - d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.
- \*C15.06.** The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- \*C15.07.** No member of the congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- \*C15.10. Adjudication**
- \*C15.11.** When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation

Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## **Chapter 16. AMENDMENTS**

**\*C16.01.** Unless provision \*C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 2/3 of voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

### **C16.01.A18.** Regular review of this constitution

This constitution, bylaws and continuing resolutions shall be reviewed at least as often as every 5 years for the need for amendment. The Church Council shall appoint a team of at least 3 voting members as a team for this review.

**\*C16.02.** An amendment to this constitution, proposed under \*C16.01., shall:

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

### **C16.02.A18.** Effective Date of an amendment

The effective date of an amendment must be determined in relation to the requirements of \*C16.03. to allow time for synodical review of the amendment.

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

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

## **Chapter 17. BYLAWS**

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

### **C17.01.01.** Explanation of Bylaws

Bylaws relate to specific practices and details of this congregation's organization, operation, and life.

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

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

**\*C17.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

## **Chapter 18. CONTINUING RESOLUTIONS**

**\*C18.01.** The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.

**C18.01.01.** Explanation of continuing resolution

Continuing resolutions describe the function of the various committees or organizations of this congregation.

**\*C18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

**C18.02.01.** Amendment of continuing resolutions

In this congregation continuing resolutions shall be enacted or amended by a two-thirds vote of all voting members of the Congregation Council.

## **Chapter 19. INDEMNIFICATION**

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

**C19.01.01.** Corporate surety of financial officers

All financial officers shall give corporate surety, in amounts determined by the church council, for which the premiums shall be paid by the congregation. Fidelity coverage provided by private liability insurance shall be deemed fulfillment of this requirement.

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