

LUTHERAN CHURCH OF THE RESURRECTION
CONSTITUTION
AND BYLAWS

Church
Constitution
& Bylaws

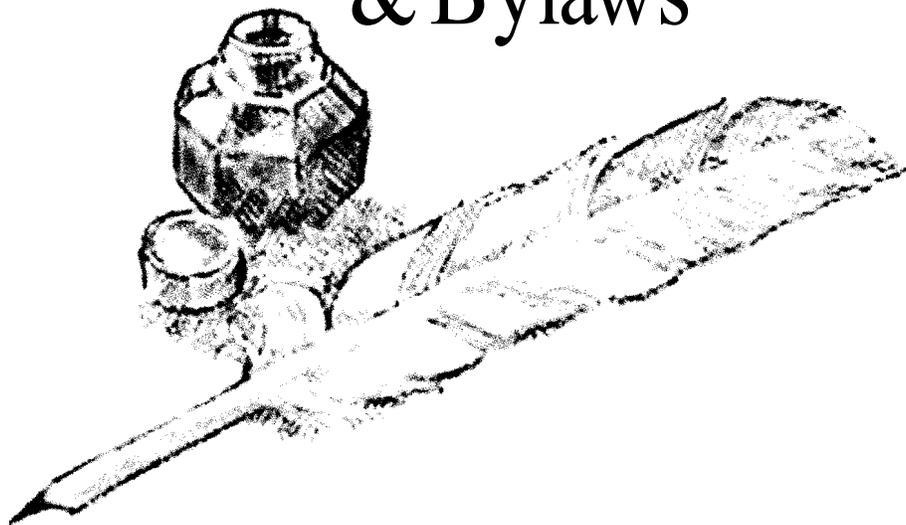


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CONSTITUTION
OF
The Lutheran Church of the Resurrection
OF
San Rafael, Marin County, California 94903

PREAMBLE

It is the will of our Lord Jesus Christ that His disciples should preach the Gospel to the whole world (Mark 16:16, Matthew 28:18-20, Acts 1:8) and that Christ's mission for His church might be carried out according to His will. He has commanded that Christians unite in worship (Hebrews 10:24-25), practice fellowship with one another (Acts 1:8, Matthew 28:18-20), and serve the needs of all people in Christian love (Ephesians 4:7-16, Mark 10:42-44, John 13:35, Galatians 6:10). Christians are also to administer the Office of the Keys as His church (John 20:21-23, Matthew 18:15-20) and to maintain decency and order (1 Corinthians 14:40) in the church.

We, members of The Lutheran Church of the Resurrection of San Rafael (Marin County), CA, accept and subscribe to the following constitution and bylaws in accordance with which all spiritual and material affairs of our congregation shall be governed.

ARTICLE 1. NAME

The name of this congregation is The Lutheran Church of the Resurrection. It may also be referred to as Resurrection Lutheran Church or simply Resurrection.

ARTICLE 2. MISSION AND PURPOSE

Our Lord Jesus said in Matthew 28:19-20 (NIV): “Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you.”

The mission and purpose of this Congregation is to seek the grace and peace of God which is found in Jesus Christ and to share that Good News of God's love in Christ, demonstrating and offering to all people everywhere the new and abundant life in Christ. This we will accomplish by manifesting the unity of faith in Jesus Christ, proclaiming the Kingdom of God, fostering Christian fellowship and love, preaching the Word of God. Administering the Sacraments, and by the religious instruction of members according to the confessional standard of the Evangelical Lutheran Church (**Article 3**).

ARTICLE 3. CONFSSIONAL STANDARD

This Congregation acknowledges and accepts:

- A. All the Canonical Books of the Old Testament and the New Testament as the revealed, inspired, and written Word of God and submits to them as the only rule and norm of faith and life.

- B. All the Confessional Writings of the Evangelical Lutheran Church contained in the Book of Concord of the Year 1580 AD as true and genuine expositions of the doctrines of the Holy Bible. These Confessional Writings are the three Ecumenical Creeds (Apostles', Nicene and Athanasian), the Augsburg Confession, the Apology of the Augsburg Confession, the Smalcald Articles, Luther's Large and Small Catechisms and the Formula of Concord.

ARTICLE 4. MEMBERSHIP

There shall be three classifications of membership: Baptized, Confirmed (Communicant), and Voting.

ARTICLE 5. OFFICE OF THE PASTOR

The pastoral office shall be conferred only on such a pastor or candidate who professes and adheres to the confessional standard set forth in this constitution, who is qualified for pastoral work, and who is a member of the Lutheran Church – Missouri Synod (LCMS).

ARTICLE 6. AUTHORITY OF THE CONGREGATION

The Congregation, through the Voters Assembly, shall administer and manage all substantive powers, external and internal, in the Congregation. This Congregation shall be represented by and administer all of its affairs through the Mission and Ministry Council. The Council, shall exercise only that authority delegated to it by the bylaws of the Congregation.

ARTICLE 7. PROPERTY RIGHTS

All property of this Congregation shall be held in the corporate name as stated in Article I.

This Congregation, through the Voters Assembly may receive, acquire, hold title to, and manage real and personal property, and may erect structures thereon, mortgage, sell, or convey such real or personal property or any part thereof. A two-thirds majority vote of the voters present a Voters Assembly shall be necessary for the purchase or sale of real property or erection of buildings.

In the event the Congregation, while still a member of the California-Nevada-Hawaii (C-N-H) District of the Lutheran Church – Missouri Synod (LCMS), shall totally disband, the property and all rights connected therewith shall be transferred to the C-N-H District of the LCMS. Should the Congregation survive the C-N-H District of the LCMS or sever its synodical connection, the property and all rights connected therewith shall be transferred to such church or other organization exempt from taxation under the provisions of Section 501 (C) (3) of the Internal Revenue Code of 1986 as the majority of then - voting members shall determine.

ARTICLE 8. QUORUM

All members present at a properly called Voters Assembly meeting of the Congregation shall constitute a quorum.

ARTICLE 9. CHANGING THE ARTICLES OF INCORPORATION, CONSTITUTION

Amendments to the Articles of Incorporation or constitution which the Congregation may adopt for the accomplishment of its purpose may be adopted or repealed at any regular Voters Assembly meeting provided:

- A. That they do not conflict with the provisions laid down in Article 3 or this constitution.
- B. That the (M&M) shall review any proposed changes prior to final consideration by the Voters Assembly.
- C. That there has been printed and/or written notice of the proposed change at least two Sundays prior to the Voters Assembly meeting.
- D. The affirmative vote of two-thirds majority of the voting members present shall be required for the adoption, repeal, or amendment of the Articles of Incorporation or constitution.

The revised constitution shall, as a condition of continued membership in The Lutheran Church – Missouri Synod, be submitted to the president of the C-N-H District for review by the District Committee on Constitutional Matters (DCCM) and approved by the C-N-H District’s Board of Directors before being implemented by the congregation.

Date of Adoption of Constitution _____ Date: _____

President of Congregation _____ Date: _____

Secretary of Congregation _____ Date: _____

Pastor of Congregation _____ Date: _____

BYLAWS
OF
The Lutheran Church of the Resurrection
OF
San Rafael, Marin County, California 94903

ARTICLE I. MEMBERSHIP

A. General

Membership in this Congregation shall consist of all persons who have met the qualifications for membership and are listed on the membership roll. The pastor shall ensure that member names and kind of membership shall be recorded in the official record book of the congregation.

B. Membership

The membership of this Congregation includes Baptized, Confirmed (Communicant) and voting members. The types and duties of membership are as follows:

1. Baptized Members

Baptized members are all who have been baptized in the name of the Triune God and who are under the spiritual care of the pastor of this Congregation, including children who have not yet been confirmed into communicant membership.

2. Confirmed (Communicant) Members

Confirmed Members are all baptized persons within the Congregation who have met the criteria established by the pastor for confirmed membership. It is expected of all confirmed members that they:

- a. Accept all Canonical Books of the Old and New Testament as the only divine rule and standard of faith and life;
- b. Familiarize themselves with the teachings of the Congregation as set forth in Luther's Small Catechism and declare acceptance of them;
- c. Partake of the Lord's Supper regularly;
- d. Provide for the Christian training of their children by making use of the educational resources of the Congregation; and
- e. Submit willingly and cheerfully to the policies of the Congregation already made or still to be made, provided such policies do not conflict with the Word of God.
- f. Attend worship services faithfully and regularly;
- g. Lead a Christian life as taught in Galatians 5:19-26;
- h. Out of Christian love, submit to fraternal admonition, according to Scriptural principles as outlined in Matthew 18, when having erred or offended;
- i. Contribute, as God has blessed them of their time, talents and treasure toward the maintenance of the Congregation and the extension of the Congregation at large;
- j. In due time, take a course of instruction in preparation for confirmed membership in this Congregation; and
- k. Are not members of any organization that conflicts with the Word of God.

3. Voting Members and Voting Rights

All confirmed members who are at least 18 years of age are considered voting members and may vote in this Congregation.

- a. Voting members are expected to have read the constitution and bylaws of the Congregation and be familiar with their contents.
- b. Each voting member is entitled to one vote on each of the matters listed below. Voting by proxy is prohibited. The following matters may only be decided by the voters at a duly called Voters Assembly:
 - i. The annual budget of the Congregation;
 - ii. The selection of the Council.
 - iii. The approval of the Congregation's goals;
 - iv. The disposition of some or substantially all real property or other assets of the Congregation;
 - v. The merger or dissolution of the Congregation;
 - vi. The acquisition of real property and related indebtedness;
 - vii. The disposition of funds restricted or designated by the voters;
 - viii. Amendments to the Articles of Incorporation, constitution, or bylaws of the Congregation; and

ix. The calling or removal of the pastor.

4. Reception of Members

Baptized members are received through the Sacrament of Holy Baptism or through the consent of one or both parents in the case of children who have been baptized in another Christian congregation.

Confirmed (communicant) members are received through the Rite of Confirmation, by transfer from a Lutheran Church – Missouri Synod congregation, upon profession of faith, or by reaffirmation of faith, provided they conform to the requirements for membership in the Congregation.

Voting members are all confirmed members who have reached their 18th birthday and are listed on the membership roll of the congregation.

5. Termination of Membership

Members may be removed from the Congregation's roll by the pastor for the following reasons:

- a. Death
- b. Baptized members, including baptized children, may be removed from the Congregation's roll by the pastor for the following reasons: Parent(s) receive a transfer (to a congregation in fellowship with us) or a letter of reference (to a congregation not in fellowship with us) or are released from membership, and for whose spiritual care we can, therefore, no longer share responsibility.
- c. Confirmed members may be terminated for the following reasons:
 - i. Members who request and receive transfers (to a congregation in fellowship with us) or a letter of reference (to a congregation not in fellowship with us) or are released from membership, and for whose spiritual care we can, therefore, no longer share responsibility. Such requests shall be acted upon by the pastor and reported to the Council.
 - ii. Members who have not maintained contact for one year.
 - iii. Members who, despite of all admonition according to Matthew 18: 15-20, refuse to amend their behavior.

6. Restoration of Membership

Members removed may be restored by the pastor according to the spirit of 2 Corinthians 2:7-8.

ARTICLE II. PASTOR, STAFF, COUNCIL, COMMITTEES and MINISTRY TEAMS

A. Pastor

1. Calling of a Pastor

The Congregation through its Voters Assembly shall extend a call for the pastor. The process of calling shall be as follows:

- a. A Call Committee shall be appointed by the Council and include a representative of the Council, a representative from the Ministerial Advisory Team (MAT), and at least three other Confirmed Members of the Congregation. The Call Committee shall contact the Circuit visitor who shall serve as advisor to the Committee. The Committee shall work under the guidance of and in close harmony with the Circuit visitor. The District President shall be contacted for a list of pastoral candidates, and members of the Congregation may make nominations. All nominations shall be forwarded to the District President for approval. The Call Committee shall consider the approved nominations and submit a slate of candidates along with any recommendations of the Call Committee to the Voters Assembly for vote.
- b. The election of the pastor from the list of approved candidates, by the Voters Assembly shall be by Ballot. The president of the Council shall see to the proper preparation of the Ballots, which shall be in the safekeeping of the Secretary of the Council. The Secretary shall count the ballots, which is to be a public tally. The candidates receiving the majority of all votes shall be considered elected. The election shall, if possible, be made unanimous. In the event the Call of the Congregation is returned, the process begins anew.

3. Removal

The pastor may only be removed by the Voting members at any regular special Voters meeting for the following reasons: teaching false doctrine, leading an immoral life, or being incapable of fulfilling duties (to include willful neglect or general incompetence) as pastor. Such removal shall require a two-thirds majority vote by ballot, in Christian and lawful order, of voting members present at a Voters Assembly.

4. Right of Privilege

The pastor does bear the "right of privilege." A confession made by a penitent is protected from disclosure. The pastor is pledged to work in the spirit of cooperation and love with the Congregation, its leaders and organizations. The pastor shall have all the rights, privileges and responsibilities so designated in the respective Constitutions and Bylaws of Lutheran Church of the Resurrection, the CNH District and the LCMS.

B. Staff

Staff members include all employees of the church. They are responsible to the pastor and shall be considered non-tenured.

C. Mission and Ministry Council Members

1. Purpose

Council is authorized to administer all matters except those reserved by the Voters Assembly in Article I (B.4.). The Council represents and is responsible to the Congregation in matters of governance.

2. Qualifications

Council members must be Voting members who are committed to the mission and purpose of this congregation.

3. Number and Term

The elected number of Council shall be five (5), holding the positions of president, vice president, treasurer, secretary and Member-at-Large. Council members shall be elected by the Voters Assembly at the annual meeting held in November. Each Council member shall serve a term length of two years, with a maximum of two consecutive terms (total of 4 years). The term of office shall begin at the first Council meeting of the year (January) following election by the Congregation. Installation of the Council shall take place on the Sunday immediately preceding the first Council meeting. All Council members shall serve until the first Council meeting of the following year, at which time the new members shall take office.

4. Selection

The Council will establish a Nominating Committee by October fifteen (15) of each year which will provide a roster of potential candidates for the Congregation; all candidates will be approved by the Nominating Committee. Voting members may submit nominees for consideration. The pastor will be an advisory member to the Nominating Committee. The Council shall be elected by a simple majority of those present at the Voters Assembly.

5. Council Composition Limitations

No member of the Council may be:

- a. An employee of the Congregation;
- b. An immediate family member of an employee of the Congregation (including parent, spouse, brother, sister, child, son-in-law, daughter-in-law, uncle, aunt);
- c. An immediate family member of a Council member (including parent, spouse, brother, sister, child, son-in-law, daughter-in-law, uncle, aunt);
- d. Anyone directly reporting to the pastor for his or her ministry.

D. Officers

The members of the Council are the officers of the Congregation. No member of the Council may hold more than one church office.

1. President

The president shall be responsible for chairing the Council and all Voters Assembly meetings. The president, as a trustee, shall have authority to sign all legal documents. The president shall present a "State of the Church" message to the Congregation at the annual Voters Assembly (November). The president shall inform the Congregation of the time, place, and agenda of all Voters Assembly meetings.

2. Vice President

The vice president shall act for and instead of the president in the event of the president's temporary absence. The vice president shall serve in whatever duties the president assigns.

3. Treasurer

The treasurer shall be responsible for keeping an accurate and valid record of offerings, income and disbursements and for reporting income and disbursements monthly and at the Voters Assembly meetings.

4. Secretary

The Secretary shall be responsible for keeping accurate minutes of official proceedings of the Voters Assembly and Council.

5. Member-at-Large

The Member-at-Large shall serve in the duties the Council may assign.

6. Election of Officers

The Council members shall elect the five principal officers of the Congregation at the first meeting of each year.

7. Reassignment of Officers and Removal of Council Members

The Council may reassign or reorganize officers from their elected office by a majority vote of attendees at a Council meeting called for that purpose, and for which a two-week notice has been given to Council members.

Council members may be removed from the Council by a simple majority vote of voting members present at a Voters Assembly meeting called for that purpose and for which two-week notice has been given to all Voting members.

8. Vacancies on the Council

A vacancy on the Council shall be filled by vote of the members of the Council. Efforts should be made to fill such vacancies as soon as possible, usually within 30 days. The appointed member shall only fulfill the term of the vacated member's term. In the event of a departure of a Council member who is an officer before the expiration of his/her term, the Council shall elect the replacement to that specific office for completion of the term.

E. Committees

The following committees will be appointed and convened by the Council as indicated and will report to the Council to assist it in the execution of its responsibilities. Other committees may also be appointed as deemed necessary by the Council.

1. Financial Review

Both internal and external Financial Review committees may be used on a frequency decided upon by the Council.

2. Constitution and Bylaws Review

This committee will be convened as necessary to report to the Council on the currency and appropriateness of the Congregation's constitution and bylaws and offer options and suggested changes as deemed important. This should be done at least every 25 years.

3. Nominating

This committee will be convened every October to provide a roster of potential candidates for election to the Council for the coming year. The committee shall consist of three members of the Congregation. The pastor is an advisory member.

4. Call Committee

A Call Committee will be appointed by the Council as outlined in Article II A.1.a of these bylaws.

5. Property Committee

A Property Committee will be appointed by the Council to maintain all church properties.

F. Ministry Teams

1. The Ministry Advisory Team (MAT)

The Ministry Advisory Team (3 to 5 members) is appointed by the pastor and approved by the Council. The Ministerial Advisory Team does not supervise the pastor or any of his staff. The purpose of the Ministry Advisory Team is:

- a. To advise and assist the pastor and staff in providing for and coordinating care-giving ministries in the Congregation;
- b. To advise and support the pastor and staff in supporting the pastor and staff in providing appropriate and inspiring worship opportunities; and
- c. To provide encouragement and care for the pastor.

2. Other Ministry Teams

Other Lay Ministry Teams may be appointed by the Council or pastor as needed.

ARTICLE III. POWERS AND AUTHORITY

A. Members

The congregation as a body, through the vote of its Members, shall have supreme power to administer and manage all its external and internal affairs. The Congregation, however, shall not be empowered to decide anything contrary to the Word of God and the Confessions of the Lutheran Church. Any such decision shall be null and void. The Congregation appropriately empowers the Council to act in its behalf upon election of the Council. Congregational officers shall have no authority beyond that which has been conferred upon them. Whatever power may have been delegated to them may at any time be altered or revoked by the voters of the congregation.

B. Mission and Ministry Council

1. General Corporate Powers

Subject to the provisions and limitations of its Articles of incorporation and constitution, and California law, the activities, business and affairs of the Congregation shall be conducted, and all corporate powers shall be exercised by, or under the direction of the Council.

2. Ongoing Responsibilities

Without prejudice to the general powers set forth above, and subject to the same limitations, Council shall:

- a. Develop and support the fulfillment of the long-term vision of the Congregation to ensure that God's will is expressed through His Word and people;
- b. Develop and support the fulfillment of the Congregation's mission and goals;
- c. Propose an annual budget and periodic reviews;
- d. Select and remove all officers of the Congregation;
- e. Appropriately respond to confidential issues;
- f. Prepare a policy manual and annually review and monitor all such said policy;
- g. Appoint a circuit representative to attend circuit forums, meetings, and other events, as a representative of the Congregation;
- h. Hold the pastor accountable for fulfilling his ordination vows;
- I. Appoint committees, task forces, or other groups, as necessary for the operation of the Council; and
- J. Approve the pastor's recommendation to hire and dismiss non-called employees, and non-tenured called ministers, both ordained and commissioned.

C. Pastor

The pastor shall be responsible for:

1. Teaching, preaching and administering the Sacraments;
2. Staff supervision, including the responsibility for the hiring and dismissal of non-called employees.
3. Motivating, inspiring, guiding, and collaborating with the Council to fulfill God's mission and purpose for the Congregation; and
4. Providing the Council with all information required to meet its responsibilities.

D. Staff

The staff shall:

1. Assist the pastor in achieving the purpose of the Congregation;
2. Be accountable to the pastor;
3. Recruit, train, and equip Congregational volunteers to achieve the purposes of the Congregation;
4. Adhere to the policies of the Congregation; and
5. Demonstrate Christian character and meet other expectations as established from time to time by the Council.

ARTICLE IV. MEETINGS

A. Voter's Assembly Meetings

1. Place

The Council shall determine the location of the Voter's Assembly meetings and provide no less than two weeks notification to the membership of a scheduled meeting.

2. Annual Voter's Assembly

The annual Voter's Assembly meeting shall be held in November of each year. The purpose of the meeting is to approve a proposed spending budget (annual), receive the "State of the Church" report, elect Council members, and conduct other business.

3. Special Voter's Assembly Meetings

The Council, the pastor, or ten percent (10%) of the Voting Members may call special meetings at any time for any purpose by giving notice to the members. Ten percent (10%) of the Voting Members shall make such a call by submitting a written petition to the Council to call a special meeting.

4. Notice Requirements for Voter's Assembly Meetings

Whenever members are required or permitted to take any action at a meeting, notice shall be given to members no less than two weeks prior to a meeting. Notice shall include all items on the agenda and all motions to be presented. Notification of Voter's Assembly meetings shall be given in all the following manners:

- a. Oral announcement and distribution of written material to the Congregation in attendance at all worship services during the week;
- b. Announcement of the meeting in Congregation publications (Example: Newsletter); and
- c. Delivery by mail and/or by email to each member identified on the membership roll.

B. Council Meetings

1. Place of Meetings

Regular or special meeting of the Council may be held at any place, within budget constraints, determined by the president of the Council or his or her designee. Any meeting, regular or special, may be held via telephone conference or similar communication equipment, as long as all Council members participating in the meeting can communicate.

2. Special Meetings

The pastor or any Council member may call for a special meeting for any purpose and at any time. A reasonable attempt shall be made to notify all Council members.

3. Quorum

- a. A majority of current Council members present at a meeting duly called and noticed shall constitute a quorum for the transaction of business. Every action taken or decision made by a majority of the Council members present at a meeting duly held at which a quorum is present shall be the act of the Council, subject to the provisions of California law. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of Council members.
- b. A majority of current Council members must be present at a time-urgent meeting duly called and noticed and shall constitute a quorum for the transaction of business. Every action taken, or decision made by a majority of the Council members present at such meetings shall be an act of the Council subject to the provisions of California law.

ARTICLE V. RECORDS and REPORTS

The Congregation shall maintain the following Records and Reports at the Congregation's principal office.

1. Adequate and correct books and records of accounts (financial records);
2. Written minutes of the proceedings of the Voter's Assembly meetings and the meetings of the Council;
3. A record of the members of the Congregation, setting forth the members' names, addresses, and phone numbers;
4. Contribution statements for contributors; and
5. All policy, operational manuals and covenants.

ARTICLE VI. CONSTRUCTION AND DEFINITIONS

Unless the context requires otherwise, the general provisions, rules of construction, and definitions of California law shall govern the construction of these bylaws.

ARTICLE VII. AMENDMENTS TO THE BYLAWS

Subject to California law, Articles of Incorporation and constitution, these bylaws or any provision of them may be altered, amended or repeated, and new bylaws may be adopted, by a majority vote of the members present at any special or regular Voter's Assembly.

The revised bylaws shall, as a condition of continued membership in The Lutheran Church – Missouri Synod, be submitted to the president of the C-N-H District for review by the District Committee on Constitutional Matters (DCCM) and approval by the C-N-H District’s Board of Directors before being implemented by the congregation.

Date of Adoption of bylaws Date: _____

President of Congregation _____ Date: _____

Secretary of Congregation _____ Date: _____

Pastor of Congregation _____ Date: _____

(Seal of Church)