Congratulations on your willingness to update your constitution, bylaws, and continuing resolutions! It is a good and necessary work to do for the life and health of your congregation.

A note about the work that I have done: These are suggested changes only. You retain the right to keep any and all previous provisions if you do not like my suggestions. My goals were three-fold, in no specific order. One, to get the body of the constitution up to date with the current *Model Constitution for Congregations* by the ELCA. (This gets you up to date so that any future changes will be much easier.) Two, incorporate your bylaws and continuing resolutions into the body of the constitution as required. (This will prevent enacting bylaws that are contrary to the constitutional provisions.) And three, edit. (I suggest some changes, simplify some provisions, and remove those I see as being contrary to the constitution.)

Key to understanding:

Items I see that ought to be **removed**, I have utilized both the strikethrough and highlighted in yellow. ~~It will look like this.~~

Items I see that ought to be **included**, I have highlighted in green. It will look like this.

I have included **my rationale** for suggesting doing what I did. *It will look like this.*

I have done it this way so that if this is posted on your website, or sent electronically, it will be easy to see what changes were made.

My suggestion to you, the Council, is this: since some of these are changes to your constitutional provisions it needs to be voted on twice. (As I mention in the Codification Explanation in the “clean copy” – version that has all the suggested changes in place, and my explanations removed - constitutional provisions require two votes by the congregation, bylaw changes require one vote by the congregation, and continuing resolutions require one vote by the council.) I would hold a special congregational meeting sometime this fall to vote on the proposed changes. Then I would have the second vote at your regular congregational meeting in January. That way it will be done and won’t be hanging out there until your summer meeting.

If you have any questions do not hesitate to contact me.

Thank you for your partnership in the gospel of Jesus Christ!

*Soli Deo Gloria*

The Rev. Timothy LH Bernard

Pastor, The Lutheran Church of the Resurrection

Roseville, MN

CONSTITUTION

Trinity Lutheran Church

DeWitt, Nebraska

In the name of the Father, and of the Son and of the Holy Spirit. Amen

\*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 Lutheran Church. This congregation shall be incorporated in its own name, as a corporation not for profit, under the laws of the State of Nebraska.

C1.02.For the purpose of this constitution and the accompanying bylaws, the congregation of Trinity Lutheran Church is hereinafter designated as “this congregation”.

C1.11.The congregation shall be incorporated under the laws of the State of Nebraska.

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 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.The 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.The Church exists 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 form 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.

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:

1. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness and service.
2. 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.
3. 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.
4. Serve in response to God’s love to meet human needs, caring for the sick and aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
5. 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.
6. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

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

a. Provide services of worship at which the Word of God is preached and the sacraments are administered.

b. Provide pastoral care and assist all members to participate in this ministry.

c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.

d. Teach the Word of God.

e. Witness to the reconciling Word of God in Christ, reaching out to all people.

f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.

g. Motivate its members to provide financial support for the 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.

\*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 Council.)

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

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 or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;

d. Adopt amendments to the constitution, as provided in Chapter 17, and amendments to the bylaws as specified in Chapter 16.

e. Approve the annual budget;

f. Acquire real and personal property by gift, devise, purchase, or other lawful means.

g. Hold title to and use its property for any and all activities consistent with its purpose;

h. Sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;

i. Elect its officers, Congregation Council, and require them to carry out their duties in accordance with the constitution, by laws, and continuing resolutions; and

j. 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 Nebraska Synod of the Evangelical Lutheran Church in America.

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 Nebraska 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 this life as a Christian community.

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

c. This congregation agrees to call pastoral leadership from the clergy roster of 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.

d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers 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 outline 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 desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.

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

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

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

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

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

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

Chapter 7

PROPERTY OWNERSHIP

\*C7.01If this congregation ceases to exist, title to undisposed property shall pass to the Nebraska 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, the title to property shall continue to reside in this congregation.

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

\*C7.04.If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title or 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.

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.

C8.01.01 Persons who wish to be received into this congregation by transfer of membership from another Lutheran congregation or by renewal of membership, shall make their desire known to the pastor, who shall bring the matter to the attention of the Congregation Council. If the Congregation Council is convinced that there is nothing to prevent the applicants from becoming members, they shall be received into membership in the congregation.

~~C8.01.02 A person who wishes to be released from this congregation by transfer of membership to another Christian congregation shall make his or her desire known to the pastor, who shall bring the matter to the attention of the Congregation Council. The Congregation Council shall convince itself, so far as it can, of the standing of the congregation of the person desiring transfer, and on the basis of its findings take appropriate action on his or her request.~~

*Explanation: If a person wishes to leave the congregation you cannot stop them. You do not have to determine the standing of the congregation he or she wishes to transfer to. They also may leave the congregation without transferring anywhere. That is their choice and you cannot stop them.*

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

a. Baptized members are those person 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.

d. Associate members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with the congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

\*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.

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

a. Death;

b. Resignation;

c. Transfer of release;

d. Disciplinary action by the Congregation Council; or

e. Removal from the roll due to inactivity as defined by the bylaws.

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

~~C8.05.01 The following procedure shall be observed with regard to inactive members of this congregation:~~

~~a. At the end of each calendar year, the pastor and the Congregation Council shall review the membership list of the congregation. Any member who has not met the provisions of sections C8.02 and C8.04 of Chapter 8 of the constitution, shall become the object of special fervent spiritual concern to the pastor and the Congregation Council.~~

~~b. If, at the end of the second year the member has not met the provision of sections C8.02 and C8.04 of Chapter 8 of the constitution, especially concerning diligent use of the means of grace, he or she shall be placed on the inactive list and the pastor and Congregation Council shall inform him or her of that fact. Nevertheless, the pastor and Congregation Council shall continue their fervent concern for his or her soul.~~

~~c. If, at the end of the third year, all effort to regain the inactive one have failed, he or she shall automatically be removed from the membership list and placed on the responsibility list of the congregation.~~

~~d. The former member’s name shall be kept on the responsibility list of the congregation as long as there is hope of regaining him or her as a member.~~

~~e. Membership shall be reactivated with a gift of Record or participation in receiving communion in the calendar year.~~

**C8.05.01** After pastoral concern has been shown the Congregation Council may remove members from the rolls if they have not communed and have not made a contribution of record during the two proceeding years.

*Explanation: I would not specify how exactly you do this in your constitution. I think it is a procedural act that will vary depending upon the education, experience, and current practices learned by your pastor. I reduced the specifics down to a one-sentence statement that ensures that the rolls can (and should!) be kept up-to-date, yet without tying the hands of the pastor.*

Chapter 9

THE PASTOR

\*C9.01.Athority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of 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.

C.9.01.01 After the congregation has, by a majority of at least two-thirds of the votes cast, elected a pastor, a written call signed by the chairman and secretary of the congregation, attested by the bishop, shall be sent to the pastor elect from the synod office.

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

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

a. Every ordained minister shall:

1. preach the word;
2. administer sacraments;
3. conduct public worship;
4. provide pastoral care; and
5. 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 ordained minister with a congregational call shall, within the congregation:

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

c. Every pastor shall:

1. strive to extend the Kingdom of God in the community, in the nation, and abroad;
2. seek out and encourage qualified persons to prepare for the ministry of the Gospel;
3. impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
4. endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the Nebraska 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 By his or her call, the pastor shall be held to teach, reprove, and comfort in accordance with the confession of faith and the regulations of the congregation.~~ *Redundant because of C9.03*

~~C9.04.02 In the call, the congregation shall bind itself, in accordance with the Word of God, to receive the pastor-elect as its pastor and spiritual advisor, to tender him or her Christian respect and obedience, to pray for him or her, and to show him or her all manner of good will. It shall also supply his or her temporal wants in such a manner that he or she may be able as much as possible to devote his or her time and talents to the performance of his or her official duties.~~

C9.04.02 In accordance to the Word of God and approval of the call, the congregation shall pray for their pastor, tender him/her the respect due to the office, and show him/her goodwill. The congregation shall show temporal care for their pastor through adequate compensation, housing, and benefits.

*Explanation: I simply sought to update the language and sentiment.*

\*C9.05.

a.The call of a congregation when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of death of the pastor, shall be terminated only following consultation with the synodical bishop and 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, 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, without reflection on the competence or the moral and spiritual character of the pastor;

4) the physical or mental incapacity of the pastor;

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

6) the dissolution of the congregation; or

7) suspension of the congregation as a result of discipline proceedings.

~~C9.05a.01 Since both pastor and congregation are mutual parties to the call, the pastor shall be expected, as a rule, to consult with the congregation, or at least the council, before his or her decision on any call which he or she has received. If the pastor deems it advisable to accept a call to another pastorate, he or she shall seek to gain the consent of the congregation at a properly convened meeting.~~

*Explanation: If the pastor senses that God is calling him/her to ministry in a new locale, he or she must be able to interview and “test the waters” so to speak in private as he or she discerns God’s will. Current ministries can be devastated if the congregation knows their pastor is leaving, or even thinking about leaving. According to most synods, one month’s notice is all that is required to give a congregation. Yes, they are mutual parties, but if one party (the pastor) is sensing that it is time to move on, my guess is that there are members in the congregation who are also sensing it is time for him/her to accept a new call.*

b.When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or 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 shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson.

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

d.In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in \*C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

e.If, in the course of proceedings described in \*C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.

f.If, following the appointment of the committee described in \*C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregations(s) without prejudice and with pay provided through a joint synodical and churchswide fund and with housing provided by the congregation(s).

\*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 ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.

\*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 a 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 be 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 the congregation shall attest in writing to the bishop of this synod that such records have been placed in her 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.

C9.20.Ecumenical pastoral ministry

C9.21.Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister 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 ordained minister in a form proposed by the synodical bishop and approved by the congregation.

Chapter 10

CONGREGATION MEETING

C10.01 The congregation shall assemble for regular semi-annual meetings in January and July of each year.

~~C10.02.The congregation shall also hold such special meetings as may be necessary, as determined by this congregation, the pastor, the chairman, the Congregation Council, or twelve or more voting members.~~

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 twelve 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. *Updated language from the Model Constitution.*

C10.02.01. No special meeting of the congregation may be held without properly notifying the pastor, in view of his or her position as a member of the congregation and an advisor in all congregational affairs. ~~No business other than that stated as the purpose of the meeting shall be acted upon at such special meetings.~~ *Redundant with C10.02*

C10.03 Notice of ~~regular or semi-annual~~ 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. ~~The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.~~ *This pertains to all meetings. Also, the use of electronic means is a recent addition from the Model Constitution.*

C10.03.01 The congregation council and pastor shall endeavor to publicize matters of importance to be discussed before the meetings of the congregation. ~~However, only special meetings shall be restricted to the action as stated in the purpose of the meeting.~~ *Redundant, see C10.02 for the strikethrough. I would suggest the addition of congregation council. I think it shows that the ministry of the gospel and the work of the congregation is a shared ministry. Both the council and the pastor are responsible for talking about meeting actions.*

~~C10.03.The call for all special meetings of this congregation shall be stated in writing and signed by those authorized herein. Twelve voting members shall constitute a quorum. Voting by proxy or by absentee ballot shall not be permitted.~~ *Redundant, see C10.02. for special meeting, and C10.05 for proxy*

~~C10.04.Notice of such special meeting shall be announced orally at all public services within ten days prior to such meeting or by means of a bulletin, or by notice mailed to the voting members at their home address at least ten days in advance stating time, place, and purpose of the meeting.~~ *This pertains to all meetings, and is in C10.02.*

~~C10.06.When necessary to complete the business of the meeting, a congregation meeting may by majority vote recess to reconvene at a specified time and place. A congregation meeting may also decide to recess to reconvene upon call, but the time and place of such reconvened meeting must then be announced orally or by bulletin at least one public service in advance or by written notice to the voting members mailed at least ten days in advance.~~

*Explanation: This was a constitutional provision in your “old” constitution. I would suggest that it become a bylaw and have made changes below to reflect that. This will also make the numbering more consistent with the Model Constitution.*

C10.03.02 When necessary to complete the business of ~~the~~ a meeting, ~~a~~ the voting members ~~congregation meeting~~ may ~~by majority~~ vote to recess and to reconvene at a specified time and place. ~~A congregation meeting may also decide to recess to reconvene upon call, but~~  The time and place of such reconvened meeting must ~~then~~ be announced orally or by bulletin in at least one public service ~~in advance~~ or by written or electronic means ~~notice~~ to the voting members ~~mailed~~ at least ten days in advance.

C10.04 Twelve voting members shall constitute a quorum. *I think this is a little low. Resurrection has 30, or approximately 10% of its membership. I would suggest a similar number. You want to make it a small enough number to attain, but not so small that just a few people can call the shots for the whole congregation.*

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.

*These are just renumbered to be consistent with the Model Constitution.*

Chapter 11

OFFICERS

C11.01.The officers of this congregation shall be a ~~chairman, vice chairman,~~ 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.

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

Council

C11.01.01 The ~~chairperson~~ president shall preside at the meetings of the Congregation Council and at the meetings of the congregation; he or she shall see that the meetings are called and properly announced; he or she shall provide for the faithful execution of the resolutions of the congregation and the Congregation Council; and he or she shall, with the secretary, sign documents for the congregation.

C11.01.02 The vice ~~chairman~~ president shall perform the duties of the ~~chairperson~~ president when the latter is absent or unable to act. The vice president automatically becomes the president in the second year of his/her term.

*I am suggesting that you move from chairman to president, and vice-chairman to vice president. This is inclusive language meant to get around the awkward wording of chairwoman, or chairperson. It cleans it up nicely by using terms that are gender neutral. It also makes it consistent with the Model Constitution.*

C11.01.03 The secretary shall record and keep the minutes of the meetings of the congregation and of the Congregation Council; ~~he or she~~ shall keep reports and communications on file; ~~he~~ shall ~~at the annual meetings of the congregation~~ submit a report at the annual meetings of the congregation on the activities of the Congregation Council during the preceding year ~~together with such recommendations as the Congregation Council may make~~. ~~All deeds, policies, and other documents pertaining to the property of the congregation shall be in his or her keeping as furnished by the church and designated by the Congregation Council.~~ *These documents need to be kept on church property and/or in a commercially secure location (e.g. safety deposit box, electronic cloud, etc).*

C11.01.04 The secretary and one to four at-large council members shall be elected in alternate years from the treasurer and a different one to four at-large council members. *This is an attempt to clarify your old Bylaw V.1*

C11.01.05 The treasurer shall keep an accurate and orderly account of the funds of the congregation and shall disburse them only by authority of the Congregation Council. He or she shall report on the finances of the congregation at the monthly meetings of the Congregation Council and at the annual meeting of the congregation or as often as required. *Renumbered.*

C11.02.The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office. *This is in the Model Constitution. It is not mandatory, but it is good practice.*

C11.03.01 The officers of the Trinity Lutheran Church of DeWitt, Nebraska, ~~be and hereby are authorized and directed~~ are hereby directed and authorized to borrow sums of money up to, but not to exceed $150,000.00 upon such terms and conditions as they shall deem advisable. *Attempted to make it more understandable by rewording the “legalese.”*

C11.03.02 The ~~chairman~~ president and secretary ~~be and hereby are authorized~~ ~~and directed~~ are hereby directed and authorized to execute any all evidence of indebtedness which may be required by any such lending institutions, and to secure the same by executing and delivering any trust deeds, mortgages, or other forms of security which may be required. *Attempted to make it more understandable by rewording the “legalese.”*

Chapter 12

CONGREGATION COUNCIL

~~(Refer to By-laws)~~ *Bylaws are now within the body of the whole constitution.*

C12.01.The voting membership of the Congregation Council shall consist of the pastor(s), the officers of the congregation, and not less than three nor more than twelve members of the congregation. 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.~~

*Making it consistent with the Model Constitution I inserted C12.01 and removed the old C12.01.*

C12.02. The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for three years or ~~and shall serve~~ until their successors are elected. Such members shall serve no more than one term. Members are eligible for re-election after having been off of the council for one year. Their terms shall begin at the close of the annual meeting at which they are elected. *Part of old bylaw V.1*

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. *New from Model Constitution*

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

a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.

b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.

c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.

d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.

e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.

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

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

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

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

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

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

a. The Congregation Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Nebraska, 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 10% for items not included in the budget.

d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than 10% in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation’s fully 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.

~~a. Have only such authority as may be delegated to it by the congregation and exercise such authority in accordance with the constitution, bylaws, and resolutions of the congregation.~~

~~b. Work with the pastor in providing for the spiritual as well as the material welfare of the congregation.~~

~~c. Manage the financial affairs of the congregation. The Congregation Council may enter into contracts of up to 10% of the annual budget for items not included in the budget.~~

~~d. Not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.~~

~~e. Appoint such committees as may be necessary or advisable to facilitate the discharge of the above responsibilities.~~

~~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.~~  *A through E and the paragraph after e have all been absorbed into current language by the Model Constitution.*

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

**C12.07.** The Congregation Council shall provide for an annual review of the membership roster. *Suggested addition from the Model Constitution.*

**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. *Suggested addition from the Model Constitution. Eliminates the need for Bylaw V.6 and V.17 giving permission to hire a secretary and custodian. This covers whatever staff the council deems necessary for the ministry to succeed.*

**C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting. *Suggested addition from the Model Constitution.*

**C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present. *Suggested addition from the Model Constitution. This eliminates Bylaw V.14*

**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. *Suggested addition from the Model Constitution.*

**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. *Suggested addition from the Model Constitution.*

Chapter 13

CONGREGATION COMMITTEES

C13.01. The officers of this congregation and the pastor shall constitute the ***Executive Committee***. *Suggested addition from the Model Constitution.*

C13.01.01 The ~~chairperson, vice chairperson,~~ president, vice president, secretary, and treasurer, shall constitute a special committee with which the pastor may take up special problems or church discipline or spiritual care. *Suggested change explained before.*

C13.02 The ***Nominating Committee*** shall consist of four ~~men or women~~ voting members of the congregation who ~~may~~ are not ~~be~~ members of the Congregation Council, elected at the annual meeting for terms of two years, the terms to be arranged that two are elected each year. *Cleaned up need for gender specifications.*

C13.02.01 ~~The Nominating Committee shall consist of four men or women who may not be members of the Congregation Council, elected at the annual meeting for terms of two years, the terms to be so arranged that two are elected each year.~~ The nominating committee shall make two nominations for each office to be filled at the annual meeting and shall publish the nominations on the Sunday morning prior to the meeting. The congregation at its annual meeting may accept, revise, or supplement the nominations as it may see fit. *I broke up old bylaw IV into two bylaws for better understanding.*

C13.02.02 Vacancies occurring on the nominating committee shall be filled at the next annual meeting, to complete the un-expired term of office. The Congregation Council shall fill by appointment any vacancy occurring after the time of the annual meeting, until the congregation may by election fill the un-expired term at the following annual meeting. *The other part of old bylaw IV.*

C13.03.The congregation shall elect from its membership an ***Auditing Committee*** consisting of two members, who shall serve terms of two years, the terms of office so arranged that one expires each year.

C13.03.01 ~~The congregation shall elect from its membership an auditing committee consisting of two members, who shall serve terms of two years, the terms of office so arranged that one expires each year.~~ This committee shall audit all accounts of the congregation previous to the annual meeting and shall report its findings to the congregation at the annual meeting. Members of the auditing committee shall not be members of the Congregation Council. *This is old bylaw VII.*

C13.04. 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. *You did not specify in either the constitution or the bylaws how the call committee would be formed. Either the council votes on the call committee members or the congregation does. I put it as the council, but you could change it.*

C13.05.Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C13.05.CR2015A The ministry committees of this congregation are: ***Evangelism, Parish Education, Property, Stewardship,*** *and* ***Youth***. *The Executive, Auditing, Nominating, and Call committees are standing committees for good governance of the congregation. The ministry committees will vary depending on how your council decides are the most important needs of the congregation that needs special attention and focus. From your old bylaws V7 & V8 you state the above four committees. In another part of bylaw V7 you mention a Youth committee. I assume you do, indeed, have a youth committee, so I included it. These committees I suggest that you have as continuing resolutions, so the council can adjust the committees easily for the administration of the ministry.*

C13.05.CR2015B ~~The members of the Congregation Council shall at the first council meeting following the installation of new members, elect from the members of the council one person to serve on the Parish Education Committee, providing that the chairperson or vice chairperson of the council may not be elected to any of these positions; and that one member of the council be elected to serve on the Youth Committee. The members of the Congregation Council shall also appoint at the first meeting following the installation of the new council members, person who may or may not be members of the Congregation Council to serve on the Evangelism, Parish Education, Property and Stewardship Committees.~~

At the first council meeting following the installation of new council members, the council shall elect one person (cannot be the president or vice president) to serve on the Parish Education Committee. They shall elect one member of the council to serve on the Youth Committee. They shall also appoint congregational members who may or may not be council members to serve on the Evangelism, Parish Education, Property and Stewardship committees. *Re-worded for better understanding.*

C13.05.CR2015C The Evangelism, Parish Education, Stewardship and Youth Committees shall consist of three persons; the terms arranged so that one is appointed each year. The Property Committee shall consist of a chairperson elected from the Congregation Council and one assistant appointed by the Congregation Council. *Inclusion of a Youth committee and made a continuing resolution.*

C13.06.Duties of committees of this congregation shall be specified in the bylaws.

C13.06.CR2015A The Evangelism Committee shall seek to:

a. Broaden the approach of the church to those in the community who are unchurched.

b. Cultivate the complete loyalty of all the church’s members in the program of the church.

c. Assimilate new members into the congregation as quickly as possible.

d. Deepen the spiritual life of the members of the congregation.

C13.06.CR2015B The Parish Education Committee shall:

a. Oversee the work of the Sunday School in all of its departments.

b. Appoint qualified members to serve as teachers and substitute teachers in the Sunday School.

c. Supervise the Vacation Bible School program.

d. Direct the expenditure of the monies in the Sunday School treasury for the purposes of parish education.

e. Assist the pastor in the promotion of Christian education in all phases of the congregation’s life, including confirmation instruction.

The Parish Education Committee shall appoint one of its number to serve as treasurer of the Sunday School funds and another to serve as secretary of the Parish Education Committee. The Parish Education Committee shall make recommendations to the Congregation Council through its chairperson concerning needs which the committee is unable to fill.

C13.06.CR2015C The Property Committee shall keep the property of the congregation in good repair and shall secure it from damage. The committee shall bring matters of needed repairs or alterations to the attention of the Congregation Council. The committee shall regularly (at least once a year) make a complete inspection of all church property and shall give a full report to the Congregation Council.

C13.06.CR2015D The Stewardship Committee shall promote the full utilization of all of the resources of the congregation for the advancement of the work of the Kingdom of God. The Stewardship Committee shall prepare a budget for the succeeding year which shall be reviewed and altered if necessary by the Congregation Council and then presented to the congregation at the annual meeting. The budget as adopted shall constitute authorization of the congregation for the expenditure of the amounts indicated. It shall be the duty of the stewardship committee periodically to review the church’s finances and to prepare its recommendations for the Congregation Council.

C13.06.CR2015E The Youth Committee will provide ministry to, and with, our youth as they grow in love for God and each other. Provide direction for youth programs and activities. *If we are going to have a Youth Committee named then we need to briefly explain what the committee’s responsibilities are. This is wording from Resurrection’s continuing resolution, feel free to change or edit to better fit your context.*

C13.07. The pastor and council president of this congregation shall be *ex officio* members of all committees and boards of the congregation. *Ex officio* *allows for the pastor and president to have voice and vote at any and all meetings of the congregation. At Resurrection, this has been adapted so that the pastor and president are ex officio members of all committees and boards of the congregation, except the Nominating Committee. When I was at Messiah I could. There are pros and cons each way as to whether or not the pastor and president can serve on the nominating committee.*

C13.08.01 ~~An Assistant Superintendent of the Sunday School shall be elected each year at the annual meeting of the congregation, beginning January 19, 1969, in addition to the election of the Assistant Superintendent, a Superintendent shall be elected for a one year term of office.~~ A Superintendent and an Assistant Superintendent of the Sunday School shall be elected at the annual meeting of the congregation for a one year term of office. Both the Superintendent and the Assistant Superintendent of the Sunday School shall be *ex officio* members of the Parish Education Committee. *This updates the language since we are clearly past January 19, 1969. It is old bylaw VI.*

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.Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Congregation Council. If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the chairman (if not the pastor) or vice chairman shall administer such admonitions.~~

~~\*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 discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges at the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. A member charged with the offense shall appear before the Congregation Council after having received a written citation, at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member’s absence.~~

~~\*C15.03.Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:~~

~~a. Censure before the council or congregation;~~

~~b. Suspension from membership for a definite period of time; or~~

~~c. Exclusion from membership in this congregation.~~

~~Disciplinary actions b. and c. shall be delivered to the member in writing.~~

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

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

~~\*C15.06.For disciplinary actions in this congregation, “due process” shall be observed as specified in 20.41.04. in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.~~

~~\*C15.07.No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.~~  *These have all been changed recently in the Model Constitution and are mandatory. The following is new and are required.*

**\*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 lay persons and two clergy). 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, who decision shall be final.

Chapter 16

BYLAWS

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

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

\*C16.03.Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. ~~and that the Congregation Council notify the congregation’s members by mail of the proposal with the council’s recommendations at least 30 days in advance of the Congregation Meeting.~~ 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. *Updated from the Model Constitution to include email notification.*

\*C16.04.Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17

AMENDMENTS

\*C17.01.Unless provision C17.04 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 12 voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by the congregations at the regular or special Congregation Meeting called for that purpose. ~~The Congregation Council shall notify the congregation’s members by mail of the proposal together with the council’s recommendations at least 30 days in advance of the meeting.~~ 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. *Updated from the Model Constitution to include email notification.*

\*C17.02.An amendment to this constitution, proposed under C17.01., shall:

a. Be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;

b. Be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and

c. Have the effective date included in the resolution and noted in the constitution. (*Such an effective date must be stated in relation to the requirements of \*C17.03. to allow time for synodical review of the amendment.)*

\*C17.03.~~Any amendments to this constitution that result from the processes provided in C17.01. and C17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the Nebraska Synod of the ELCA.~~

Any amendments to this constitution that result from the processes provided in \*C17.01. and \*C17.02. 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. *Required change from the Model Constitution.*

\*C17.04.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—by a simple 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 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 12 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 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.

\*C18.02.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.

Chapter 19

INDEMNIFICATION

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

~~Chapter 20~~

~~PARISH AUTHORIZATION~~

~~[Required provisions when congregation is part of a parish]~~

~~\*C20.01.This congregation may unite in partnership with one or more other congregations recognized by the synod named in C6.01. to form a parish. Except as provided in \*C20.02., and \*C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to a Parish Council.~~

~~\*C20.02.Whenever a letter of call is being recommended for extension to an ordained minister of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended to the congregation by the synodical bishop to service the congregations of a parish, such letter of call shall be first approved by a two-thirds vote at congregational meetings of each of the congregations forming the parish. If any congregation of the parish should fail to approve extending this call, the other congregation(s) in the same parish shall have the right to terminate the parish agreement.~~

~~\*C20.03.Any one of the congregations of a parish may terminate the call of a pastor as provided in S14.13.d.of the synodical constitution of the synod named in C6.01. In such case, the other congregation(s) in the same parish shall have the right to terminate the parish agreement.~~ *Removed because you aren’t part of a parish, are you?*

February 10, 2008

May 19, 2008