

**CONSTITUTION  
FOR  
MOUNT ZION  
EVANGELICAL LUTHERAN  
CHURCH**



January 2012

## CONTENTS

Preamble .....	3
Chapter 1 Name and Incorporation .....	3
Chapter 2 Confession of Faith .....	3
Chapter 3 Nature of the Church.....	4
Chapter 4 Statement of Purpose .....	4
Chapter 5 Powers of the Congregation.....	5
Chapter 6 Church Affiliation .....	5
Chapter 7 Property Ownership .....	7
Chapter 8 Membership .....	7
Chapter 9 The Pastor.....	8
Chapter 10 Congregation Meeting.....	10
Chapter 11 Officers.....	10
Chapter 12 Congregation Council .....	11
Chapter 13 Congregation Committees .....	12
Chapter 14 Organizations within the Congregation .....	13
Chapter 15 Discipline of Members and Adjudication.....	14
Chapter 16 Bylaws.....	15
Chapter 17 Amendments .....	15
Chapter 18 Continuing Resolutions.....	15
Chapter 19 Indemnification .....	16
Bylaws .....	17
Continuing Resolutions .....	17

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EVANGELICAL LUTHERAN  
CHURCH**

**\*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**

- 1.01.** The name of this congregation shall be Mount Zion Evangelical Lutheran Church, and is more commonly referred to as Mount Zion Evangelical Lutheran Church Cedar Point.
- 1.02.** For the purpose of this constitution and bylaws or continuing resolutions, the congregation of Mount Zion Evangelical Lutheran Church is hereinafter designated as "this congregation."
- 1.03-1.10** (This space intentionally left blank)
- 1.11.** This congregation shall be incorporated under the laws of the Commonwealth of Pennsylvania.

**Chapter 2.**

**CONFESSION OF FAITH**

- \*2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- \*2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
  - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
  - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
  - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- \*2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- \*2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- \*2.05.** 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.
- \*2.06.** 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.
- \*2.07.** 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**

- \*3.01.** 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.
- \*3.02.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- \*3.03** The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions—congregations, synods, and churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein

### **Chapter 4.**

#### **STATEMENT OF PURPOSE**

- \*4.01.** 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.
- \*4.02.** To participate in God's mission, this congregation as a part of the Church shall:
  - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
  - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
  - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
  - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
  - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
  - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- \*4.03.** 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 church wide organization of the Evangelical Lutheran Church in America.

- i. Foster and participate in ecumenical relationships consistent with church wide policy.
- \*4.04. 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.
- \*4.05. This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.
- \*4.06. References herein to the nature of the relationship between the three expressions of this church-congregations, synods, and the churchwide organization-as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

**Chapter 5.**

**POWERS OF THE CONGREGATION**

- \*5.01. The powers of this congregation are those necessary to fulfill its purpose.
- \*5.02. The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- \*5.03. 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, and continuing resolutions as, as provided in Chapter 18.
  - 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 Congregation Council and require the members of the council to carry out their duties in accordance with this constitution; and
  - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- \*5.04. 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 Lower Susquehanna Synod of the Evangelical Lutheran Church in America.

**Chapter 6.**

**CHURCH AFFILIATION**

- \*6.01. This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Lower Susquehanna Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- \*6.02. 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.
- \*6.03. This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
  - a. This congregation agrees to be responsible for its life as a Christian community.
  - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
  - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the

bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of ordained ministers of the Evangelical Lutheran Church in America or for contracting for pastoral services with an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.

- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers 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.

**\*6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:

- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
- d. This congregation follows the procedures outlined in 6.05.

**\*6.05.** A congregation may terminate its relationship with this church by the following procedure:

- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the congregation council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
- d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
- f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly.
- g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in C6.05., shall be required to receive Synod Council approval before terminating their membership in this church.
- h. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in C6.05, to receive synodical approval before terminating their membership in this church.
- i. Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in C6.05, to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- j. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of C6.05. and may begin no sooner than six months after that second meeting.

- \*6.06. If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the church wide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is affected.
- \*6.07. If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the church wide organization before any steps are taken leading to such action.

## Chapter 7.

### PROPERTY OWNERSHIP

- \*7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Lower Susquehanna Synod of the Evangelical Lutheran Church in America.
- \*7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- \*7.03. 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 provided the process for termination of relationship in C6.05 has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of Lower Susquehanna Synod.
- \*7.04. 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 and have followed the process for termination of relationship in C6.05, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.
- \*7.05. Notwithstanding the provisions of 7.02. and 7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
  - a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of Lower Susquehanna Synod—convey and transfer all right, title, and interest in the property to the synod.

## Chapter 8.

### MEMBERSHIP

- \*8.01. 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.
- \*8.02. Members shall be classified as follows:
  - a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
  - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and/or 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 this 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.

- \*8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- \*8.04.** 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 church wide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
  - d. have parents present their children for Holy Baptism in early infancy and diligently nurture them in the Christian faith in the home and in the schools provided by the congregation.
- \*8.05.** Membership in this congregation shall be terminated by any of the following:
  - a. death;
  - b. resignation;
  - c. transfer or release;
  - d. disciplinary action by the Congregation Council; or
  - e. removal from the roll due to inactivity as defined in the bylaws.Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

## **Chapter 9.**

### **THE PASTOR**

- \*9.01.** Authority 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.
- \*9.02.** 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.
- \*9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,
  - a. Every ordained minister shall:
    - 1) preach the Word;
    - 2) administer the 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 church wide organization of the Evangelical Lutheran Church in America (ELCA) and of the Lower Susquehanna Synod of the ELCA.
- \*9.04.** 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.

- \*9.05.** 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 the 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 the termination of a parish arrangement; or
  - 7) suspension of the congregation as a result of discipline proceedings.
- 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 declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- 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 9.05.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 9.05.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 9.05.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 congregation(s) without prejudice and with pay provided through a joint synodical and church wide fund and with housing provided by the congregation(s).
- \*9.06.** 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.
- \*9.07.** 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. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- \*9.08.** 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.
- \*9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- 9.10.** (This space intentionally left blank)
- \*9.11.** With the approval of the bishop of the synod, the congregation may depart from 9.05.a. and call a pastor for a

specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of 9.05.a.

- \*9.12.** 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.
- \*9.13.** 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.
- \*9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- 9.15-9.19.** (This space intentionally left blank)
- 9.20. Ecumenical pastoral ministry**
- 9.21.** 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**

- 10.01.** The annual meeting of this congregation shall be held at a time and place specified in the continuing resolutions.
- 10.02.** 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 50 of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.
- 10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays or by mail to all members at least 14 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. Electronic notice of meetings may be provided in addition to notice by regular mail.
- 10.04.** Fifty voting members shall constitute a quorum. In the event there are not sufficient members at a congregation meeting to constitute a quorum, the meeting will be postponed for one week.
- 10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- 10.06.** 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.
- 10.07.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

## **Chapter 11.**

### **OFFICERS**

- 11.01.** The officers of this congregation shall be a president, vice president, secretary, and treasurer.
- a. The officers shall be voting members of the congregation.
  - b. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. If the treasurer or financial secretary is not selected from the elected membership of the Congregation Council, the treasurer or financial secretary shall have voice but not vote at the meetings of the Congregation Council.
  - c. The president, vice president, and secretary shall be elected annually by the Congregation Council at the first meeting following the annual Congregation meeting.

- d. The treasurer and the financial secretary shall be appointed by a consensus of council.
- 11.02.** The Congregation Council shall elect its officers and they shall be the officers of the congregation. The officers shall serve for one year or until their successors are elected. Their terms shall begin when they are elected.
- 11.03.** 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.
- 11.04.** Duties of Officers
- a. The President shall preside over and conduct all meetings of the church council and the congregation; serve as an ex-officio member of all committees; submit an annual report to the congregation to include reports from all of the committees; appoint tellers to count contributions collected at the services; and along with the pastor, represent the congregation at special functions.
- b. Vice President shall preside over all meetings in the absence of, or where the President is unable to perform his duties, and serves as the chair of the Audit Review Committee.
- c. The Secretary shall keep accurate records of all meetings of the congregation and the church council which shall be preserved permanently in the church archives.
- d. The Treasurer shall be responsible for the accurate recording of receipts, disbursements, budgeted and actual expenditures according to proper accounting procedures; present monthly, a detailed report to the council and a summary of receipts and expenditures to the congregation; serve as an ex-officio member of the Finance Committee.
- e. A Financial Secretary shall be appointed by the council and operate under the guidance and supervision of the Treasurer; receive and keep record of all contributions from church members; provide an accounting at the end of each calendar year to the members of the congregation for tax purposes; and provide for the annual distribution of offering envelopes used by congregation members for weekly contributions.

## **Chapter 12.**

### **CONGREGATION COUNCIL**

- 12.01.** The voting membership of the Congregation Council shall consist of the nine (9) elected members of the Council. 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 commonwealth in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances. No two members of an immediate family (spouse, children, and siblings) may serve concurrently on the Congregation Council.
- 12.02.** The members of the Congregation Council shall be elected by written ballot to serve for three (3) years. Such members shall be eligible to serve no more than one (1) full three (3) year term, and may not succeed themselves except for anyone completing a prior appointed/elected term of less than three (3) years. Their terms shall begin at the close of the annual meeting at which they are elected.
- 12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council may elect, by majority vote, a successor until the next annual meeting.
- 12.04.** 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 church wide 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.

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

- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the Commonwealth of Pennsylvania, 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 individual expenditures of up to \$ 5000.00 for discretionary 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 no more than 10% in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and church wide 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.

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

**12.07.** The Congregation Council shall provide for an annual review of the membership roster. The membership roster shall be divided into two sections designated as "Active" and "Inactive" members, and made available to the congregation.

**12.08.** 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.

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

**12.10.** (This space intentionally left blank)

**12.11.** 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.

**12.12.** 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.

## **Chapter 13.**

### **CONGREGATION COMMITTEES**

**13.01.** a. At its first meeting of each year, the church council shall appoint as many standing committees as the local and wider concerns of the congregation shall require. Each such committee shall be composed of one or more members of the council and, in addition, other confirmed members of the active rolls of the congregation. Although appointed by and responsible to the church council, these committees shall be recognized as representative of, and performing essential services for, the congregation as a whole.

b Except as may be stipulated elsewhere, the duties of all committees shall be assigned by the congregation council, along with such instructions as in its judgment are in the best interests of the congregation. All actions of committees shall be subject to review by the church council.

- c. Although appointed by and responsible to the congregation council, these committees shall be recognized as representative of the interests of, and performing essential services for, the congregation. Except as stipulated elsewhere, the duties of all committees shall be assigned by the congregation council, along with such instructions as in its judgment are in the best interests of the congregation.
- d. Each committee shall be responsible for providing a written report to the congregation on an annual basis.

**13.02. Standing Committees**

- a. A Financial Review Committee consisting of three voting members shall be appointed by the Congregation Council and shall be chaired by the Council Vice President. The Committee shall be responsible for conducting an annual financial review of the church financial records, and providing a written report to the Congregation Council. Term of office for the appointed members shall be three years, with one member appointed each year. Members shall be eligible for reappointment. The Treasurer and the Financial Secretary are not eligible for appointment to the Financial Review Committee, but are responsible for providing to the Committee all requested financial records.
- b. A Cemetery Committee shall be responsible for maintaining the records of all burials in the cemetery, the sale of burial lots, supervising grave openings, and the maintenance and upkeep of the cemetery grounds.
- c. A Church Property Committee shall see to the proper maintenance, repair, and protection of all property of the congregation.
- d. A Stewardship and Evangelism Committee shall promote the expression of the Christian faith in daily living, financial contributions, knowledge of all ministries, and giving for the Lord's work. It shall stimulate and lead the congregation in a continuous endeavor to maintain the spirituality of the congregation and the spreading of the gospel. From time to time, the committee shall undertake endeavors to reach out to others and shall periodically study the congregation in the context of its surrounding community.
- e. A Finance Committee shall prepare a draft budget for the next year, and shall submit the budget to the church council for its action and later presentation to the congregation for approval. The committee shall exercise oversight of all the financial affairs of the congregation to insure they are being conducted efficiently and that all obligations are being promptly paid. It shall, subject to the approval of the congregation council, be responsible for the congregation's investments and its total insurance program.
- f. A Social Ministry Committee shall extend Christian compassion and support to the ill, the aged, the underprivileged, the imprisoned, and in general to all persons in need of aid for body or soul. It shall strive to enlist as many as possible of the individual members and organizations of the congregation. This committee shall have the duty to study social conditions, primarily in the local community, in order to bring the cleansing and healing light of Christian truth to bear upon critical problems through thoughtful Christian discussion of facts and issues.
- g. A Recreation and Fellowship Committee shall organize and promote recreational and social activities for the congregation.
- h. A Worship and Music Committee shall assist in establishing regular and special services and hymns in accordance with the Lutheran liturgy, and shall consult with the pastor, organist and choir director(s) on the liturgy and music for all services. It shall insure that procedures are in place to provide for acolytes, readers, greeters, and ushers for all services, and it shall arrange for the care of paraments, vestments, and musical equipment.
- i. A Christian Education Committee shall oversee the conduct and promotion of the school(s) and the activities of all organizations within the congregation. It shall encourage the use of teaching and worship materials published or approved by the church council, and seek to introduce the church's periodicals and books of family devotion into the homes of the congregation. One of the committee's primary aims shall be to bring the call of the ministry of the gospel and other fulltime church vocations to the attention of the qualified youth of the congregation.

- 13.03.** When a pastoral vacancy occurs, a **Call Committee** of six voting members shall be elected by the Congregation Council; the six member committee shall include no more than 2 members of the Congregation Council. Term of office will terminate upon installation of the newly called pastor.
- 13.04.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- 13.05.** Duties of committees of this congregation shall be specified in the continuing resolutions.
- 13.06.** The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation.

**Chapter 14.**

**ORGANIZATIONS WITHIN THE CONGREGATION**

- 14.01.** 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 annual meeting shall receive reports concerning their membership, work, and finances.

- 14.02.** 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.

## **Chapter 15.**

### **DISCIPLINE OF MEMBERS AND ADJUDICATION**

- \*15.01.** 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 president (if not the pastor) or vice president shall administer such admonitions.
- \*15.02.** 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 as 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. The written citation that specifies the time and place of the hearing before the Congregation Council and requests the presence of a member charged with the offense shall be sent at least 14 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.
- \*15.03.** 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:
- censure before the council or congregation;
  - suspension from membership for a definite period of time; or
  - exclusion from membership in this congregation.
- Disciplinary actions b. and c. shall be delivered to the member in writing.
- \*15.04.** 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.
- \*15.05.** 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.
- \*15.06.** 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*.
- \*15.07.** 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.
- 15.08-15.09.** (This space intentionally left blank)
- \*15.10. Adjudication**
- \*15.11.** When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## Chapter 16.

### BYLAWS

- \*16.01. This congregation may adopt bylaws. The bylaws set forth in detail the procedures to be followed in order to conduct business in an orderly manner and include rules not contained elsewhere in the constitution. No bylaw may conflict with this constitution.
- \*16.02. 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.
- \*16.03. Changes to the bylaws may be proposed by any voting member provided, that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations by mail at least 30 days prior to the meeting, by announcement in the church bulletin on two consecutive Sundays prior to the meeting, and by posting on the church website at least 30 days prior to the meeting.
- \*16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

## Chapter 17.

### AMENDMENTS

- \*17.01. Unless provision 17.04. 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 50 voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations-by mail at least 30 days prior to the meeting, by announcement in the church bulletin on two consecutive Sundays prior to the meeting, and by posting on the church website at least 30 days prior to the meeting.
- \*17.02. An amendment to this constitution, proposed under paragraph 17.01. 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.
- \*17.03. Any amendments to this constitution that result from the processes provided in 17.01. and 17.02. 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 Lower Susquehanna Synod of the ELCA.
- \*17.04. 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 Church wide Assembly. Such Amendments may be approved by a simple majority vote of those voting members present and voting at any legally called meeting of the 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 50 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

- \*18.01. The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Continuing resolutions provide descriptions of operational patterns and the ongoing responsibilities of committees and/or other units within the organizational structure of the congregation. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.

- \*18.02.** 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**

- \*19.01.** 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.

**(REQUIRED PROVISIONS: SECTIONS OF THIS CONSTITUTION MARKED BY AN ASTERISK [\*] ARE REQUIRED AND MUST REMAIN WHEN THIS DOCUMENT IS AMENDED. THESE SECTIONS MUST BE USED WITHOUT ALTERATION OR AMENDMENT OF THE TEXT IN ANY MANNER [NEITHER ADDITIONS NOR DELETIONS]. THIS IS IN KEEPING WITH PROVISION 9.52. IN THE CONSTITUTION, BYLAWS, AND CONTINUING RESOLUTIONS OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA)**

## **BYLAWS**

### **CONGREGATIONAL MEETINGS**

**10.01.01** At the annual meeting, the pastor, the treasurer, and the chairperson of the standing committees shall each submit a written report. Each organization and any school(s) within the congregation shall also submit a written report. The president shall present the annual operating budget for the coming year to the congregation for approval, and the congregation shall vote for members of the congregation council as provided for in 12.02. of the constitution.

### **CONGREGATION COUNCIL**

**12.02.01** All election of lay members of the congregation council shall be by written ballot and the result recorded in full by the secretary. In the event there is only one nomination for each vacant office, the secretary shall cast the unanimous ballot for those nominated.

**12.02.02** Nomination for council membership shall be made by the congregation council. At least one nominee shall be presented for each vacancy to be filled. Additional nominations may be made from the floor. A majority of the votes cast shall be necessary to be elected.

**12.11.01** The following shall constitute the order of business at regular congregation council meetings:

- a. Opening prayer
- b. Roll call and action of excuses for absence
- c. Reading of the minutes
- d. Petitions and communications
- e. Pastor's report
- f. Treasurer's report
- g. Report of standing committees
- h. Report of special committees
- i. Other reports
- j. Old business
- k. New business
- l. Adjournment

### **Amendments**

**17.02.01** No alterations or amendments to these bylaws shall be made unless they are presented in writing to the congregation council and read at a public service at least 30 days prior to the meeting of the congregation at which they are to be voted upon. The proposed alteration or amendment shall also be posted on the church website at least 30 days prior to the scheduled vote. A two-thirds vote of the active members present and voting at the meeting of the congregation shall be necessary for adoption of amendments to these bylaws.

## **CONTINUING RESOLUTIONS**

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