

Dear Members of Peace,

Your Council has asked me to be the shepherd of our Constitution, watching for changes from the ELCA, writing amendments as proposed by Council, and making sure things stay in good order.

In Spring, 2016, Council specifically asked me to review the Constitution to assure it reflected our needs and propose changes, where necessary. In addition, new amendments to the Model Constitution were approved at the 2016 ELCA Churchwide Assembly.

The results of this work will come to fruition on Sunday, May 7, 2017, at our Annual Meeting, when you will be asked to vote to approved those amendments recommended by Council. There will be three or four votes taken.

1. The first vote will approve two amendments to the Constitution which you approved on March 1, 2017.
2. The second vote will be to approve amendments to the bylaws of our Constitution.
3. The third vote will be to approve the amendments to the Model Constitution approved by the 2016 ELCA Churchwide Assembly.
4. If the above amendments receive your approval, we will take the first of two votes to amend a portion of the constitution.

The following pages will provide an introduction to what is being voted on, the actual amendments being voted on and the reason each amendment was proposed.

If you want an electronic copy of our current Constitution (5/3/15), please contact the church office.

Thank you for taking the time to read through this material and giving it consideration.

Respectfully submitted.

Allan Ellstrom

# VOTE 1

## CONSTITUTION AMENDMENTS

The first vote will be to approve the two amendments to the Constitution, which received a first vote of approval on March 1, 2017. (Amendments to the Constitution must be approved two times by the congregation. The second vote must be by a 2/3 majority.

C12.02

### CURRENT VERSION

The At-Large Member(s) of the Council shall be elected by written ballot to serve for 2 years or until their successor(s) are elected. Such Members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the Annual Meeting at which they are elected. The terms of office for the Officers are defined in Chapter 11.

### PROPOSED

The At-Large Member(s) of the Council shall be elected by written ballot to serve for 2 years. Such Members shall be eligible to serve no more than two full terms consecutively. Their term(s) shall begin at the close of the Annual Meeting at which they are elected. The terms of office for the Officers are defined in Chapter 11.

**This brings this article into agreement with other portions of the Constitution and provides greater clarity.**

C11.03

The incumbent Vice-President accedes to the office of President at the close of the meeting at which his term of office as Vice President ends.

**This article duplicates the information in C11.01.02.b.2.**

## VOTE 2

### BYLAW AMENDMENTS

These are the proposed amendments to the Bylaws of our Constitution. The current version is followed by the proposed change and the reason for the recommended change. Note that reasons for each change are underscored..

#### C10.01.01

##### ORIGINAL

The Annual Meeting shall be held in May. The regular election of members to the Council shall be held at the Annual Meeting, according to Provision C11.02 of the Constitution.

##### PROPOSED

Add at end: In addition, election of delegates to the ELCA Southeastern Synod Assembly shall be held, in accordance with Provision C5.04.

**This formalizes the procedure for selecting delegates to the Southeastern Synod Assembly. (There are other meetings within the Synod to which official delegates may/should be sent. This can be addressed as needed, as indicated in Article C5.04.**

#### C11.01.01.b.3      NEW ITEM

##### PROPOSED

There is no limit on the total number of terms that may be served, except as limited by C11.01.01.b.1.

**This is an addition, indicating that a President may serve as often as willing. It brings it into alignment with the terms of office of other Officers.**

#### C11.01.02.b.4      NEW ITEM

##### PROPOSED

There is no limit on the total number of terms that may be served, except as limited by C11.01.02.b.1.

**Same reason as preceding article.**

C11.01.03.b.2

ORIGINAL

Should the office of Secretary become vacant in mid-term, a new Secretary shall be elected by the Council to serve until a new Secretary is elected at the next Annual Meeting.

PROPOSED

Should the office of Secretary become vacant before the first Annual Meeting following election, a new Secretary shall be elected by the Council to serve until the next Annual meeting. At this meeting, the Secretary will be elected to a one-year term. The Secretary elected by Council shall be eligible to be re-elected. If the vacancy occurs during the second year, the Council will elect a Secretary to serve until the next Annual Meeting. The Secretary may choose to seek election to a full two-year term. A Secretary elected to fill a mid-term vacancy will remain eligible to serve 2 full terms, in accordance with Provision C11.01.03.b.1 of the Bylaws.

**This article addresses the timing of an unexpected vacancy in this office. It also addresses the stated desire of Council to elect the Secretary and the Treasurer in alternating years, because a term of office for these officers is defined as two years..**

C11.01.04.b.2

ORIGINAL

Should the office of Treasurer become vacant in mid-term, a new Treasurer shall be elected by the Council to serve until a new Treasurer is elected at the next Annual Meeting.

PROPOSED

Should the office of Treasurer become vacant before the first Annual Meeting following election, a new Treasurer shall be elected by the Council to serve until the next Annual meeting. At this meeting, the Treasurer will be elected to a one-year term. The Treasurer elected by Council shall be eligible to be elected. If the vacancy occurs during the second year, the Council will elect a Treasurer to serve until the next Annual Meeting. The Treasurer may choose to seek election to a

full two-year term. A Treasurer elected to fill a mid-term vacancy will remain eligible to serve 2 full terms, in accordance with Provision C11.01.03.b.1 of the Bylaws.

**This is the same change as proposed for the Secretary.**

C11.01.04.1.4

ORIGINAL

Participates in reconciliation of accounts with the Financial Secretary at least quarterly.

PROPOSED

Participates in reconciliation of giving records with the Financial Secretary on a regular basis.

**This pertains to interactions between the Treasurer and the Financial Secretary, and provides additional flexibility, while also requiring that this interaction take place.**

C11.01.05.1

ORIGINAL

3. Provides quarterly reports of giving to each member.

And

8. Provides each contributor, for which there is available address, an itemized statement of their contributions for the previous year no later than January 31 of the current year. Provides members with an itemized statement as soon as possible following the end of each calendar quarter.

PROPOSED

Combine as item 3 and delete item 8

Provides each contributor, for which there is an available address, an itemized statement of their contributions. These reports will be distributed within one month of the end of each calendar quarter for members and regular contributors, and annually for those who are not members with a limited number of contributions. The annual statement for the preceding year shall be provided no later than January 31 of the current year.

**This addresses how giving records will be distributed to the Congregation during the course of the year, and consolidates the language.**

C11.01.05.a.4

ORIGINAL

C11.01.05.a.4

Orders giving envelopes and labels envelopes based on membership list provided by Council in September, distributes them to congregation, sees that unclaimed envelopes are distributed by the end of January.

PROPOSED

Orders and provides giving envelopes for those members who request them. In September of each year, the Financial Secretary will place an announcement requesting that members desiring giving envelopes for the following year notify the church office within three weeks of the date the announcement is first published.

**Aligns practice with reality.**

C11.01.05.b.3

ORIGINAL

Shall be elected by Congregation Council at the regular October (November?) Council meeting.

PROPOSED

Shall be elected by Congregation Council at the regular January Council meeting.

**These pertain to the Financial Secretary. The term of office begins at the conclusion of the Annual Meeting. This makes sense because it eliminates the transition at the beginning of the year. Changing the election date to January puts it closer to the start of the term of office. This allows about four months for the outgoing FS to train the incoming FS.**

C12.01.01

PROPOSED

Add the words “at least” between “of” and “five.”

**This change is recommended because it gives some flexibility in setting the size the Council. The way the Constitution/Bylaws are written, more than one –At-Large Member can be elected.**

C12.04.01                      **NEW ITEM**

PROPOSED

f. Elects members of the Congregation to represent Peace Lutheran Church at area church meetings when the delegates elected to represent the Congregation at the ELCA Southeastern Synod Assembly are unable to attend.

**This amendment makes it the duty of the Council to provide delegates to area and regional ELCA meetings when it is determined that Peace needs to be represented.**

## **VOTE 3**

The Model Constitution forms the basis of our Constitution at Peace. It is usually amended every three years, with the most recent amendments being approved at the 2016 Churchwide Assembly. These are the approved amendments.

The amendments are of two types. Those sections of the Constitution marked with an asterisk (\*) are required to be in our Constitution. Chapters 10-14 are not restricted and we are permitted to amend these chapters to suit our needs, provided they do not conflict with other portions of the Constitution.

These next pages contain those amendments. There were some amendments to Chapters 10-14. For convenience, I am going to copy them and put them in the next section so you can review them more easily.

## AMENDMENTS TO THE MODEL CONSTITUTION FOR CONGREGATIONS

AS APPROVED BY THE 2016 CHURCHWIDE ASSEMBLY

Prepared by the Office of the Secretary

Evangelical Lutheran Church in America

April 10, 2017

**Additions are underlined. Deletions are ~~struck through~~ in the text.**

In coordination with the following amendments, the 2016 Churchwide Assembly authorized the secretary of the Evangelical Lutheran Church in America to:

- strike the words “ordained minister/s” and replace with the words “minister/s of Word and Sacrament”;
- strike the word “clergy” and replace with the words “minister/s of Word and Sacrament”;
- strike the words “pastor/s” and replace with the words “minister/s of Word and Sacrament” where appropriate;
- strike the words “associate in ministry, diaconal minister and deaconess” and replace with the words “minister/s of Word and Service”; and
- make editorial corrections that identify the rosters of this church and implement the creation of the ministers of Word and Service roster.

**\*C3.02.** This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.

**\*C3.03.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

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

**\*C3.0305.** The name Evangelical Lutheran Church in America (ELCA or “this church”) as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

\*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:

...

- c. call a minister of Word and Service;
- d. or terminate the call of associates in ministry, deaconesses, and diaconal ministers a minister of Word and Service in conformity with the applicable policy constitution of the Evangelical Lutheran Church in America;
- de. adopt amendments to the constitution, as provided in Chapter 17 16, amendments to the bylaws, as specified in Chapter 16 17, and continuing resolutions, as provided in Chapter 18;
- ef. approve the annual budget;
- fg. acquire real and personal property by gift, devise, purchase, or other lawful means;
- gh. hold title to and use its property for any and all activities consistent with its purpose;
- hi. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- ij. elect its [officers][,] [and] Congregation Council, [boards, and committees,] and require [them] [the members of the council] to carry out their duties in accordance with the constitution[, ] [and] bylaws[, ] [and continuing resolutions]; and
- jk. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

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

...

- c. This congregation agrees to call pastoral leadership from the clergy-roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of ordained ministers Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with an ordained minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers of Word and Service for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.

...

\*C6.05. ~~A~~ ~~This~~ congregation may terminate its relationship with ~~this church~~ ~~the Evangelical Lutheran Church in America~~ by the following procedure:

...

f. Notice of termination shall be forwarded by the bishop to the secretary of ~~this church~~ ~~the ELCA~~, who shall report the termination to the Churchwide Assembly.

g. ~~This congregation shall abide by these covenants by and among the three expressions of this church:~~

1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.

~~h.~~ 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synodical approval before terminating their membership in this church.

~~i.~~ 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.

~~jh.~~ If ~~a~~ ~~this~~ congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If ~~a~~ ~~this~~ congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after that second meeting.

\*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, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the (insert name of synod) 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 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.

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

. . .

- c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
- d. **Associate** members are persons holding membership in other [ELCA] [Lutheran] [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 These individuals 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 or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
- e. **Seasonal** members are voting members of other ELCA congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
  - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
  - 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
  - 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with the ELCA;
  - 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
  - 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
  - 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

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

- a. death;

- b. resignation;
- c. transfer or release;
- d. disciplinary action in accordance with ELCA constitutional provision 20.4041. and the accompanying bylaws; or
- e. removal from the roll due to inactivity as defined in the bylaws in accordance with the provisions of this constitution and its bylaws.

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

## Chapter 9.

### THE PASTOR ROSTERED MINISTER

- \*C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.02. Only a member of the clergy-roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers Ministers of Word and Sacrament who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- \*C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
  - a. Every ordained minister of Word and Sacrament shall:
    - ...
    - 4) provide pastoral care;
    - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
    - 6) impart knowledge of this church and its wider ministry through distribution of its communications and publications;
    - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
    - 58) 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-pastor with a congregational call shall, within the congregation:
    - ...
    - 2) supervise-relate to 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 ELCA churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the (insert name of synod) Synod of the ELCA.

\*C9.05. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:

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

...

6) resignation or removal of the pastor from the roster of ordained ministers Ministers of Word and Sacrament of this church;

...

b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a. 3) above, have come to the attention of the bishop of this synod,

- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two ordained-rostered ministers and one layperson, or
- 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two ordained-rostered ministers and one layperson.

c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament as disabled. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.

...

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds **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.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for **disciplinary action discipline**, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

**\*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 rostered minister** providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.

**C9.20. Ecumenical pastoral ministry**

**C9.21.**

**C9.15.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, **an ordained minister of Word and Sacrament** of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the **ordained minister pastor** in a form proposed by the synodical bishop and approved by the congregation.

**\*C9.21.** **Authority to call a minister of Word and Service shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation] [the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.**

**\*C9.22.** **Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synodical bishop may be called as a deacon of this congregation.**

**\*C9.23.** **Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:**

- a. Be rooted in the Word of God, for proclamation and service;
- b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
- c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
- e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
- f. Practice stewardship that respects God's gift of time, talents, and resources;
- g. Be grounded in a gathered community for ongoing diaconal formation;
- h. Share knowledge of the ELCA and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
- i. Identify and encourage qualified persons to prepare for ministry of the gospel.

**\*C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.

**\*C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:

- a. The call of a congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
  - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
  - 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
  - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
  - 4) physical disability or mental incapacity of the deacon;
  - 5) suspension of the deacon through discipline for more than three months;
  - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
  - 7) termination of the relationship between this church and this congregation;
  - 8) dissolution of this congregation or the termination of a parish arrangement; or

9) suspension of this congregation through discipline for more than six months.

b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,

1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or

2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service as disabled. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.

d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.

e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds 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.

f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

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

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

**\*C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.

**\*C9.28.** With the approval of the bishop of the synod, this congregation may depart from \*C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.25.a.

**\*C9.29.** The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.

**\*C9.31.** The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

**C10.02.** A special Congregation Meeting may be called by the [senior] 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 \_\_\_\_\_ [number][percent] of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.

**C10.04.** \_\_\_\_\_ percent of the voting members shall constitute a quorum.

**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:

...

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

...

- C12.12. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the senior pastor or interim pastor, except when the senior 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 senior 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.
- C13.04. ~~A~~ Mutual Ministry Committee(s) (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president [vice president<sup>1</sup>] and the pastor rostered minister. Term of office shall be two years, with three members to be appointed each successive year.
- \*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 ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.

## 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 that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.~~
- \*C16.04. ~~Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.~~

## Chapter 176.

### AMENDMENTS

**\*C176.01.** Unless provision **\*C176.04.** 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 \_\_\_\_\_ voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

**\*C176.02.** An amendment to this constitution, proposed under **\*C176.01.**, shall:

- a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those **voting members** present and voting;
- b. be ratified without change at the next annual meeting by a two-thirds **majority** vote of those **voting members** present and voting; and
- c. have the effective date included in the resolution<sup>1</sup> and noted in the constitution.

**\*C176.03.** Any amendments to this constitution that result from the processes provided in **\*C176.01.** and **\*C176.02.** 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.

**\*C176.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a **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 or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of \_\_\_\_\_ **at least two (2)** voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## Chapter 17.

### BYLAWS

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

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

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

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

As mentioned in the preceding section, there are the amendments to the Model Constitution which we have the ability to change. Council recommends approval of the amendments, except as noted below. First you will see the version currently in our Constitution, followed by the amended version. I am including notes to indicate what has changed, etc.

## **C10.02.**

### **OUR VERSION**

A special meeting shall be called by the President of the Congregation upon the written request of ten (10) 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.

### **NEW VERSION**

A special Congregation Meeting may be called by the [senior] 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 ten (10) 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.

**NOTE: This expands who has the ability to call a special meeting of the Congregation.**

**C10.04.** \_\_\_\_\_ percent of the voting members shall constitute a quorum.

**NOTE: This actually makes no change to our Constitution. We had previously designated 10 percent of the voting members as a quorum.**

**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:

...

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

**NOTE: This replaces “pastor” with “rostered minister(s).” This reflects there are other people besides pastors currently serving in Congregations.**

**C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the **[senior]** pastor or interim pastor, except when the **[senior]** 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 **[senior]** 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.

**NOTE: The only change here is the insertion of the word “senior” before “pastor.”**

## C13.04

### **OUR VERSION**

A Mutual Ministry Committee shall consist of no fewer than four (4) members and shall be formed as specified by the Continuing Resolutions. Term of office shall be two years, with two members to be appointed each successive year.

### **NEW VERSION**

*Mutual Ministry Committee(s)* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president and the ~~pastor~~ rostered minister. Term of office shall be two years, with three members to be appointed each successive year.

**NOTE: The new version is significantly different from our current version. Council has recommended that our version best meets our needs, with some modifications. However, to make this change is a multistep process. The first step is to approve the change as included in the Model Constitution Amendments. We will then offer a motion to amend C13.04. This will be explained in the next section.**

# VOTE 4

## AMENDING C13.04

If we agree to adopt the amendments to the Model Constitution (previous item), we will look at C13.04. As you can see, OUR VERSION differs from the NEW VERSION in the Model Constitution. However, there are important elements in both which we want to retain. So, we are going to begin the process to amend this item. The PROPOSED VERSION is given below. Because this is an amendment to the Constitution, two votes will be required to complete the process. If the vote to make this amendment is successful, a special meeting will be announced to take the second vote to complete the process.

## C13.04

### **OUR VERSION**

A Mutual Ministry Committee shall consist of no fewer than four (4) members and shall be formed as specified by the Continuing Resolutions. Term of office shall be two years, with two members to be appointed each successive year.

### **NEW VERSION—MODEL CONSTITUTION**

*Mutual Ministry Committee*(s) (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.

### PROPOSED VERSION

Mutual Ministry Committee(s) shall consist of four (4) members and shall be formed as specified by the continuing resolutions. Term of office shall be two (2) years, with two (2) members to be appointed each successive year.