

Constitution and ByLaws
 St. John’s Evangelical Lutheran Church
 55 Pleasant Avenue
 Lancaster, New York
 Upstate New York Synod
 of

The Evangelical Lutheran Church in America

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***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. Amen.

Chapter 1. NAME AND INCORPORATION

- C1.01.** The name of this congregation shall be St. John’s Evangelical Lutheran Church of Lancaster, New York, County of Erie.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of St. John’s Evangelical Lutheran Church is hereinafter designated as “this congregation.”
- C1.11.** This congregation shall be incorporated under the laws of the State of New York.

Chapter 2. CONFESSION OF FAITH

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

Chapter 3: NATURE OF THE CHURCH

- *C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02.** 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.

Chapter 4. STATEMENT OF PURPOSE

- *C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02.** To participate in God's mission, this congregation as a part of the Church shall:
 - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, 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.
- *C4.03.** To fulfill these purposes, this congregation shall:
 - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.

- h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- *C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. Such descriptions shall be contained in continuing resolutions in the section on the Congregation Council.

C4.04.01 The Organizational structure:

- a) This congregation shall operate through a set of Ministry Groups responsible to the Congregation Council. Each Group shall be composed of representatives of the Congregation Council and voting members of the congregation. Although appointed by and responsible to the Congregation Council, these Groups shall be recognized as representative of the interests of, and performing essential services for, the congregation as a whole. Written reports shall be submitted to the Congregation Council for information and action. Additional Groups or Task Forces may be created as the need arises.*
- b) The President of the Congregation Council shall appoint a chairperson who is a member of the Council for each of the Ministry Groups.*
- c) The following Groups shall serve the congregation:*
 - 1) The Learning Ministry Group*
 - 2) The Witness Ministry Group*
 - 3) The Finance Ministry Group*
 - 4) The Property Ministry Group*
 - 5) The Worship Ministry Group*
 - 6) The Fellowship Ministry Group*

C4.04A06 The Learning Ministry Group shall oversee the conduct and promotion of all education, literary materials and programs within the congregation. In order to facilitate such management it will provide for:

- a.) The Sunday School and its Superintendents, Staff and students. Its purpose will be to provide Christian Education which is grounded in Scripture and is consistent with the doctrinal position of the Evangelical Lutheran Church in America.**
- b.) The Confirmation and First Communion programs involving the Pastor, the Seminary Intern and interested members of the congregation.**
 - First Communion instructions shall be in the Fall of the fifth grade year as part of the Sunday School program.**
 - Confirmation instruction shall be a two-year program taking place during Grades 8 and 9. The Rite of Confirmation shall take place in the Fall of the 10th Grade year. A multi-media program involving small groups and Parent Guides as well as a “Creative**

Team” shall round out the program.

- **Recognizing that Confirmation is a time of commitment in the life a catechumen, the Congregation Council supports the following as an indication of readiness to be confirmed:**

Weekly attendance at worship and involvement in the Learning Events.

The completion of both years work in Confirmation.

c.) The Lutheran Youth Organization shall offer a youth program consistent with the principles and policies of the Evangelical Lutheran Church in America. It shall consist of Adult Advisors and students from Grades 8-12. It shall encourage and develop leadership among the youth, encouraging participation in the annual Spring Trips and volunteer opportunities offered.

It will work with the youth in planning activities which will promote Christian growth and service.

d.) Adult education offerings provided at a variety of scheduled times so as to facilitate ease of access for the membership.

C4.04B06 The Witness Ministry Group shall stimulate and lead the members of the congregation in continuous and, from time to time, concerted endeavors to reawaken the spiritually indifferent and to reach others with the Gospel. It shall also seek to promote Christian compassion and unity among all people and shall seek to improve social problems and conditions wherever there is a need. This Group might include in its programs, but not be limited to, the following:

- **Congregational, local and Lutheran pantries.**
- **Providing a Tape Ministry of the recorded worship service for the members of our congregation.**
- **Maintain contact with and congregational support for our global missionaries.**
- **Promote the social life of our congregation through such functions as dinners, picnics, receptions, festivals and other such activities.**

C4.04C06 The Finance Ministry Group shall consist of the financial

officers of the congregation as well as other members drawn from the voting membership of the congregation. It shall be the function of this Group to evoke and promote the expression of Christian faith in daily living; to teach a faith inspired use of money; to diffuse knowledge of the congregation's local, national and worldwide ministries; and to lead all its members to higher levels of proportionate giving for the Lord's work. This Group shall also be responsible for the fall Stewardship Campaign and other congregational efforts which lead to informed and grateful giving. It shall prepare a draft budget for the succeeding year, including this congregation's share in support of the wider ministry being carried on in its behalf by the Evangelical Lutheran Church in America and the Upstate New York Synod, and shall submit such draft budget to the Congregation Council for its action and later presentation to a Congregational Meeting. The Group shall exercise oversight of all the financial affairs of the congregation to make sure that they are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer. It shall, subject to the approval of the Congregation Council, be responsible for the congregation's investments managing such funds as are established through gifts to the congregation, and shall also provide for audits of the accounts of the financial officers. Fund Raising Programs for non-church related purposes are prohibited. The central purpose of the church and specifically of this congregation and its organizations, is to carry on the ministry of Jesus Christ. The normal source of monetary support of that ministry must always be the tithes and offerings of the members of the congregation. At the same time, it must be recognized that legitimate occasions occur when one of the constituent organizations of the congregation may engage in commercial activities such as bazaars, public dinners, rummage sales, car washes, candy sales, etc. Such endeavors may be engaged in on the basis of the following policies:

- 1. The Congregation Council is to grant to the constituent organization the right to plan and carry out fund-raising activities.**

- 2. Monies thus raised shall be used as directed by the**

governing body of the constituent organization with Council approval.

3. It is hoped that all such commercial activities be designed in such a way that they promote greater fellowship among members of the congregation.

4. It must be recognized that some, on the basis of conscience, cannot condone such commercial activities in the life of the parish. Such persons must never be made to feel obliged to join such activities.

On July 6, 1971, an Article of Agreement was approved by the Congregation Council creating a Living Memorial Fund and a Humanitarian Endowment Fund for St. John's Lutheran Church. That Agreement stipulates, in part, that the Memorial Fund shall be used at the discretion of the Congregation Council to enhance and enrich the life of the congregation. Such enhancement includes but is not limited to exceptional educational or spiritual opportunities, chancel appointments, and audio visual equipment. Memorial monies should not be used for normally-budgeted operating expenses. Criterion for disbursement shall be useful and durable. Memorial gifts designated for particular purposes will be accepted with the approval of the Pastor(s) and the Congregation Council. The names of donors will be recorded in a Memorial Book and all gifts will be acknowledged through the Church Office.

The Humanitarian Endowment Fund is a living trust from which only the interest may be used, not for current expenses nor benevolence commitment, for creative ministries in human terms and to meet changing and special needs as outlined by their charter. Three Trustees are to be elected by the annual meeting of the congregation for terms of three years each to manage this Humanitarian Fund. They are to make an annual accounting to the Congregation Council and the congregation. The Trustees shall be empowered to invest all funds received in a prudent manner, seeking to obtain the highest possible earnings without speculation. It shall be the duty of the Trustees to hold all principal so invested in this Humanitarian Fund, and to manage said fund as a perpetual endowment fund to provide a continuous income for the betterment of St. John's Evangelical Lutheran Church of Lancaster New York and its congregation. The income derived from the investments made

shall primarily be used for projects and undertakings which are likely to enrich and uplift in some special way the spiritual life of St. John's Evangelical Lutheran Church of Lancaster, New York, and its congregation. It is the primary purpose of the income of this fund to provide worthy expansion, additions, and/or improvements to St. John's Evangelical Lutheran Church of Lancaster, New York, which would otherwise be unobtainable; and it is the obligation of this fund to provide needed assistance and/or support to worthy individuals or families, or to any worthy Christian enterprises for the greater benefit of St. John's Evangelical Lutheran Church of Lancaster, New York and its congregation, and the community. An annual accounting shall be given to the Congregation Council and the congregation enumerating how the Humanitarian Fund was used.

The following Funds have been established as a result of gifts to St. John's and are to be managed by the Congregation Council:

A. The Shirley Walls Memorial Christian Education Endowment Fund's purpose is to finance education for the Sunday School teachers of St. John's Evangelical Lutheran Church.

B. The Amber and Harvey Siebert and Ethel Fitzsimmons Memorial Fund's purpose is to provide assistance to the needy, elderly, and/or unfortunate as identified by the Senior Pastor. Distribution of these funds are at the discretion of the Senior Pastor. The principal of this fund cannot be spent. All additional gifts to the fund are to be considered additions to the principal.

C. The William and Adeline Seibel Endowment Fund is a living trust from which only the interest may be used. The initial gift and all additional gifts are to be considered as additions to the principal. If a dire emergency arises in the congregation, permission of the donors must be granted to spend any principal. The purpose of the fund is to provide assistance to the entire program and workings of the congregation. The suggested priority areas to be supported are:

- 1. The Pastoral Ministry of the congregation.**
- 2. The Sunday Church School.**

The Congregation Council will administer these Funds, making prudent investments and allocating income.

C4.04D06 There shall be a Property Ministry Group whose purpose shall be to see to proper maintenance and protection of all church property and keep such property in good repair and properly insured. In its oversight, this Group will provide for:

- 1.) Organizations within or serving the congregation will always have first consideration in the use of the facilities.**
- 2.) Facilities can be made available to other churches in our area for special services or during hardship situations.**
- 3.) All organizations or individuals using church facilities will sign a written Agreement Form governing such use.**

4.) Use of the church facilities will be denied to persons or groups for commercial or political purposes.

5.) Keys to the church, parsonages and garages will be provided only to authorized personnel.

6.) Smoking will not be permitted in any area of the facility in conformance with the Erie County laws forbidding smoking in places of public assembly.

7.) Any church property borrowed by a member or a non-member must be signed out and in through the Church Office. Lost or damaged items must be replaced or repaired by the borrower.

C4.04E06 The Worship Ministry Group shall assist the Council in seeing that our worship services are conducted regularly and in good order, that competent ushers are recruited and trained, and that hymnals and other devotional materials are provided for and properly maintained. The Group shall supervise and strive to advance the welfare and effective service of the choirs of the congregation. It shall arrange for the care of the musical instruments. In consultation with the Pastor and Director of Music, it shall furnish music supplies appropriate for use in our worship and maintain an appropriate system for the care and accounting of our music library.

Deacons will serve as per guidelines established June 7,1994. Deacons may be elected by the congregation to serve in various capacities or functions of ministry within the church as determined by the Pastor(s).

Every attempt will be made to use the time and talents of members of St. John's before seeking musicians from other

sources.

The Group shall be responsible for recruiting help to provide special sanctuary decorations during Advent/Christmas seasons and the Lent/Easter seasons.

C4.04F06 The Fellowship Ministry Group shall be responsible for providing a variety of programs which encourage the participation of both members and friends. These programs shall focus on involving as many people as possible in activities which build enjoyment and relationships.

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

C4.05.01 Statement of Mission: St. John's Evangelical Lutheran Church provides an inviting environment for spreading God's Word through worship, teaching and fellowship to address the spiritual needs of our congregation and community.

Open - Inviting - Alive in Christ!

Chapter 5. POWERS OF THE CONGREGATION

*C5.01. The powers of this congregation are those necessary to fulfill its purpose.

*C5.02. The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.

*C5.03. Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:

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

*C5.04. This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any

conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Upstate New York Synod of the Evangelical Lutheran Church in America.

Chapter 6. CHURCH AFFILIATION

- *C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Upstate New York Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- *C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- *C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
 - a. This congregation agrees to be responsible for its life as a Christian community.
 - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
 - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
 - d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
 - e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.
- *C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
 - a. This congregation takes action to dissolve.
 - b. This congregation ceases to exist.
 - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
 - d. This congregation follows the procedures outlined in C6.05.
- *C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
 - a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
 - b. The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
 - c. The bishop of the synod shall consult with this congregation during a period of at least 90 days.
 - d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of

the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.

- e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the Evangelical Lutheran Church in America shall be terminated.
 - f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.
 - g. Since this congregation was a member of the Lutheran Church in America, it shall be required, in addition to the foregoing provisions in C6.05., to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.
- *C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

Chapter 7. PROPERTY OWNERSHIP

- *C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the Upstate New York Synod of the Evangelical Lutheran Church in America.
- *C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- *C7.03.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Upstate New York Synod.
- *C7.04.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title 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.

Chapter 8. MEMBERSHIP

- *C8.01. Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- *C8.02. Members shall be classified as follows:
 - a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
 - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation.
 - d. **Associate** members are persons holding membership in other Lutheran 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.
- *C8.03. All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- *C8.04. It shall be the privilege and duty of members of this congregation to:
 - a. make regular use of the means of grace, both Word and sacraments;
 - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
 - c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
- *C8.05. Membership in this congregation shall be terminated by any of the following:
 - a. death;
 - b. resignation;
 - c. transfer 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.

C8.05.01 *In the process of annually reviewing the membership records (C12.07), the Congregation Council shall move to the inactive roll any who have not communed and made a contribution of record in the current and preceding year. While such persons shall remain the pastoral responsibility of the congregation, these persons shall not be allowed to vote in Congregational Meetings. Inactive members may be restored to the active role of voting members upon receiving the Lord's Supper and making a contribution of record to the congregation.*

Chapter 9. THE PASTOR

- *C9.01.** 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 this congregation to recommend the call, shall seek the advice and help of the bishop of the synod. The synodical bishop or the bishop's representative shall be present for the interviews of the Call Committee, Council and the vote with the congregation to call the pastor.
- *C9.02.** Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- *C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church 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 churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the Upstate New York Synod of the ELCA.
- *C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.05.** a. The call of a congregation, when accepted by a pastor, shall constitute 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
 - 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 C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either
 - (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or
 - (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - e. If, in the course of proceedings described in C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
 - f. If, following the appointment of the committee described in C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).
- *C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- *C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
- *C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial

- obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- *C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
 - *C9.10** **Category to be added at a later time**
 - *C9.11.** With the approval of the bishop of the synod, the congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
 - *C9.12.** The pastor of this congregation:
 - a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
 - *C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
 - *C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

Chapter 10. CONGREGATION MEETING

- C10.01.** The annual meeting of this congregation shall be held at a time specified in the bylaws.
 - C10.01.01 The Annual Meeting of the congregation shall be held on the fourth Sunday of January each year with the provision for the first Sunday in February to be utilized as a date for rescheduling the meeting in the case of inclement weather. The fiscal year of this congregation shall be from January 1 to December 31.*
- C10.02.** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of 200 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.
- C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail to all [voting] members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.
- C10.04.** 50 voting members shall constitute a quorum.
- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions approved by the congregation shall be by majority vote of those voting members

present and voting, except as otherwise provided in this constitution or by state law.

C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

Chapter 11. OFFICERS

C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of the congregation.
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice and vote at the meetings of the Congregation Council.

C11.01.01 The duties of the Officers of the Congregation Council:

- a) The President shall be Chairperson of the Congregation Council and Congregational Meetings. In the event of the President's inability to perform the duties, the Vice President shall serve as President.*
- b) The Vice-President shall serve in the President's absence and shall oversee the work of the Ministry Groups of the Congregation Council.*
- c) The Secretary shall keep accurate minutes of all meetings of the Congregation and of all meetings of the Congregational Council. These minutes shall be preserved permanently in the archives of the Congregation. The Secretary shall further be responsible for any official correspondence which communicates any decisions of the Congregation Council.*
- d) The Financial Secretary shall receive and keep records of all income from contributing members and other sources. The Financial Secretary shall keep the congregation and Congregation Council informed of progress and performance.*
- e) The Treasurer shall keep the books of account of the congregation. The treasurer shall receive from the financial secretary all funds, pay all bills according to current fiscal policy, and make regular remittance of benevolence receipts to the treasurer of the Synod.*
- f) Both the Treasurer and Financial Secretary shall make written report of all financial transactions to the Congregation Council monthly and to the congregation at its annual meeting in January, together with a satisfactory audit for the Synod.*

C11.02. The officers shall be elected by the Congregation Council by written ballot and shall serve for one year. The term shall begin on February 1 and end on January 31.

C11.03. No officer shall hold more than one office at a time.

Chapter 12. CONGREGATION COUNCIL

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), and 12 members of the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member
- a) ceases to be a voting member of this congregation or
 - b) is absent from four successive regular meetings of the Congregation Council without cause.
- Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.
- C12.02.** The members of the Congregation Council except the pastor(s) shall be elected at a legally called meeting of the congregation during the month of January. Their term of office shall be for 3 years, with the term of office beginning on February 1 and ending on January 31. Newly elected Congregation Council members shall be installed at worship the Sunday nearest the date they assume office.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting. Individuals who have served less than one-half of a regular term shall be eligible for nomination and possible election to a full term.
- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:
- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
 - b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
 - c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
 - d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
 - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
 - f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
 - g. To arrange for pastoral service during the sickness or absence of the pastor.
 - h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
 - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
 - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of 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 State of New York, except as otherwise provided herein.
 - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
 - c. The Congregation Council may enter into contracts of up to \$ 5,000.00 for items not included in the budget.
 - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than \$ 5,000.00 in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
 - e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
 - f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
- C12.06.** The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out.
- C12.07.** The Congregation Council shall provide for an annual review of the membership roster.
- C12.08.** The Congregation Council shall be responsible for the employment and supervision of the salaried lay workers of this congregation.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.10** **Category to be added at a later time**
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

Chapter 13. CONGREGATION COMMITTEES

C13.01. The officers of this congregation and the pastor shall constitute the **Executive Committee**.

C13.02. A **Nominating Committee** of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election.

C13.02A06The Nominating Committee shall be responsible for proposing a set of names as candidates for Congregation Council, Synodical Delegation and any other Boards or Agencies for which the Congregation would have to elect representatives.

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

C13.03A06The Audit Committee shall review the financial records of the Treasurer and Financial Secretary in preparation for the annual Congregational Meeting in January. The Committee shall submit a report to the synod indicating that the records have been audited and have been found to be in order. Further, the Audit Committee may submit a report to the Congregation Council indicating its recommendations for changes or modifications to the accounting procedures in use or suggestions for the use of funds or their investment.

C13.04. A **Mutual Ministry Committee** (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. Term of office shall be two years, with three members to be appointed each successive year.

C13.04A06The Mutual Ministry Committee shall be responsible for maintaining adequate communication between the Pastor(s) and the staff with the congregation. This Committee shall have the responsibility of making salary recommendations to the Budgeting process and making suggestions regarding other benefits and conditions of employment.

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

C13.05A06The Call Committee shall be responsible for working with the Bishop and the Bishop's staff to arrange a process for calling a Pastor. The Committee shall carry out interviews and negotiations with the prospective candidate and make a recommendation to the Congregation Council.

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

C13.07. Duties of committees of this congregation shall be specified in the continuing resolutions.

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

Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION

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

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

Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION

***C15.01.** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps:

- a) private admonition by the pastor,
- b) admonition by the pastor in the presence of two or three witnesses, and
- c) citation to appear before the Congregation Council.

If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president or vice president shall administer such admonitions.

***C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges 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. A member charged with the offense shall appear before the Congregation Council after having received a written citation, at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.

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

- a. censure before the council or congregation;
- b. suspension from membership for a definite period of time; or
- c. exclusion from membership in this congregation.

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

- ***C15.04.** The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- ***C15.05.** Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of
 - a) evidence that injustice has been done or
 - b) evidence of repentance and amendment.
- ***C15.06.** For disciplinary actions in this congregation, “due process” shall be observed as specified in 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- ***C15.07.** No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.
- ***C15.10. Adjudication**
- ***C15.11.** When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16. BYLAWS

- ***C16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution. Bylaws shall normally be incorporated into the chapters and sub-sections which they amplify. In this document the Bylaws appear in *italicized print*.
- ***C16.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- ***C16.03.** Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the congregation’s members by mail of the proposal with the council’s recommendations at least 30 days in advance of the Congregation Meeting.
- ***C16.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17. AMENDMENTS

- ***C17.01.** 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 200 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 by mail of the proposal together with the council’s recommendations at least 30 days in advance of the meeting.

- ***C17.02.** An amendment to this constitution, proposed under C17.01., shall:
 - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
 - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
 - c. have the effective date included in the resolution and noted in the constitution. Such an effective date must be stated in relation to the requirements of C17.03. to allow time for synodical review of the amendment.
- ***C17.03.** Any amendments to this constitution that result from the processes provided in C17.01. and C17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the Upstate New York Synod of the ELCA.
- ***C17.04.** Whenever the *Model Constitution for Congregations* is amended by the Churchwide Assembly, this constitution may be amended to incorporate any such amendment by a simple majority vote of those voting members present and voting at any subsequent 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. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 18. CONTINUING RESOLUTIONS

- ***C18.01.** The Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation. Continuing Resolutions shall normally be incorporated into the chapters and sub-sections which they amplify. In this document the Continuing Resolutions appear in **Arial Black type font.**
- ***C18.02.** Continuing resolutions shall be enacted or amended by a two-thirds vote of all voting members of the Congregation Council.

Chapter 19. INDEMNIFICATION

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

Proposed for adoption by the Congregation: January 28, 2007

Submitted to the Synodical Bishop:

January 29, 2007

Approved by the Synodical Bishop: