Constitution

and

Bylaws

*Of Messiah Lutheran Church*

*Aurora, Nebraska*

Adopted February 5, 2017

**\*PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God’s mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

**Chapter 1**

**NAME AND INCORPORATION**

**C1.01.** The name of this congregation shall be Messiah Lutheran Church.

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

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

**Chapter 2**

**CONFESSION OF FAITH**

**\*C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.

**\*C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.

 a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.

 b. The proclamation of God’s message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.

 c. The canonical Scriptures of the Old and New Testaments are 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** 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.

**\*C3.05** 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 to which specific references may be made herein. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

**Chapter 4**

**STATEMENT OF PURPOSE**

**\*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.

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

**\*C4.06** References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

**Chapter 5**

**POWERS OF THE CONGREGATION**

**\*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 a minister of Word and Service;

 d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;

 e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18.

 f. approve the annual budget;

 g. acquire real and personal property by gift, devise, purchase, or other lawful means;

 h. hold title to and use its property for any and all activities consistent with its purpose;

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

 j. elect its officers, Congregation Council, boards, and committees, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and

 k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

 **\*C5.04** This congregation shall choose from among its voting members laypersons to serve as voting

members of the Synod Assembly as well as persons to represent it at meetings of any conference,

 cluster, coalition, or other area subdivision of which it is a member. The number of persons to

 be elected by the congregation and other qualifications shall be as prescribed in guidelines

 established by the Nebraska Synod of the Evangelical Lutheran Church in America.

**Chapter 6**

**CHURCH AFFILIATION**

**\*C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Nebraska Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

**\*C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.

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

 a. This congregation agrees to be responsible for 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 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 ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a 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 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.

 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. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop’s designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of the congregation, the bishop and the bishop’s designees, if any, shall have voice but not vote at the meeting.

 b. The secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.

 c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.

 d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop’s designees, if any, shall have voice but not vote at the meeting.

 e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.

 f. Notice of termination shall be forwarded by the bishop to the secretary of 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 the ELCA which fail or refuse

 to comply with each of the foregoing provisions in \*C6.05., to receive Synod Council

 approval before terminating their membership in the ELCA.

 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 with the ELCA.

 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 the ELCA and receive Synod Council approval before

 terminating their membership in the ELCA.

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

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

**\*C6.07** If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

**Chapter 7**

**PROPERTY OWNERSHIP**

**\*C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the Nebraska Synod of the Evangelical Lutheran Church in America.

**\*C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.

**\*C7.03.** If two-thirds 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 Nebraska Synod.

**\*C7.04.** If two-thirds 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.

**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. 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 Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights 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 a 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 member 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 maintain voting members.

**\*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 in accordance with ELCA constitutional provision 20.41 and the accompanying bylaws; or

 e. removal from the roll due to inactivity 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**

**ROSTERED MINISTER**

**\*C9.01.** Authority to call a pastor 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 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 roster of ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of 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 minister of Word and Sacrament shall:

 1) preach the Word;

 2) administer the sacraments;

 3) conduct public worship;

 4) provide pastoral care;

 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;

 6) impart knowledge of this congregation 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

 8) 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 pastor with a congregational call shall, within the congregation:

 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;

 2) 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.

 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the Nebraska Synod of the ELCA.

**\*C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.

**\*C9.05.** 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 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:

 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, no later than 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,

 4) physical disability or mental incapacity of the pastor;

 5) suspension of the pastor through discipline for more than three months

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

 7) termination of the relationship between this church and the congregation;

 8) dissolution of the congregation or the termination of a parish arrangement; or

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

 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 the 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 the 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 pastor’s condition. When a disability or incapacity is evident to the committee the bishop of this synod may declare the pastorate vacant. 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 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.

 d. In the case of alleged local difficulties that imperil the effective functioning of the 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 pastor and then to the congregation. The recommendations of the bishop’s committee must address whether the pastor’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 the congregation and by the paster, if appropriate. If the pastor 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 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 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 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.

**\*C9.06.** 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 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.

**\*C9.08.** 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.

**\*C9.11.** 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.

**C9.15.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, 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 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 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

 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 God’s

 mission;

 f. Practice stewardship that respects God’s gift of time, talent, 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

1. 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 minister of Word and Service

 and a congregation shall be as follows:

1. 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 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 agreement; or
9. suspension of this congregation through discipline for more than six months.
10. 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,
11. 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
12. 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.
13. 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 office vacant and the deacon shall be listed 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.
14. 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 the congregation agree to carry out such recommendations, no further action need be taken by the synod.
15. 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 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.
16. If, in the course of proceedings described in paragraph c. or d. above, the bishop’s committee concluded 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:

1. installation in another field of labor, or
2. 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 Congregational 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 call 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 regular 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 meeting of the Synod Assembly.

**Chapter 10**

**CONGREGATION MEETING**

**C10.01.** The annual meeting of this congregation shall be held at a time specified in the bylaws.

**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 10% 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.

**C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting.

**C10.04.** Ten percent of the 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

**C11.02.** The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve for two years or until their successors are elected. Their terms shall begin on March 1 and end on the last day of February.

**C11.03.** No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

**Chapter 12**

**CONGREGATION COUNCIL**

**C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the officers of the congregation, and not more than five 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.

**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 February. Their term of office shall be for two years, with the term of office beginning on March 1 and ending on the last day of February. Newly elected Congregation Council members shall be installed at worship on a Sunday prior to 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.

**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 rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.

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

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

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

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

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

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

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

 a. The Congregation Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Nebraska, except as otherwise provided herein.

 b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.

 c. The Congregation Council may enter into contracts of up to 5% of the annual budget 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% 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 appointment 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.

**C12.11.** 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 [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 of routine matters which shall be the only business of the 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.

**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 three voting members of this congregation, , shall be elected at the annual meeting for a term of 3 years, with one member elected each year. Members shall be eligible for reelection.

**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.

**C13.04.** ***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 president1] and the rostered minister. Term of office shall be two years, with two members to be appointed each successive year.

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

**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.

**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.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

**\*C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod’s Consultation Committee a panel of five members (three lay persons and two 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.

**\*C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member’s reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel’s written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

**\*C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.*

**\*C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:

 a. suspension from the privileges of congregation membership for a designated period of time;

 b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;

 c. termination of membership in the congregation; or

 d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.

**\*C15.06.** The written decision of the discipline hearing panel shall be sent to the vice president of the

synod, the accused member(s), and the Congregation Council as required by the *Constitution,*

 *Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The

decision of the discipline hearing panel shall be implemented by the Congregation Council and

 recorded in the minutes of the next council meeting.

**\*C15.07.** No member of the congregation shall be subject to discipline a second time for offenses that

a discipline hearing panel has heard previously and decided pursuant to this chapter.

**\*C15.10** **Adjudication**

**\*C15.11.** When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

**Chapter 16**

**AMENDMENTS**

**\*C16.01.** Unless provision \*C17.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least ten 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.

**\*C16.02.** An amendment to this constitution, proposed under C16.01., 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 vote of those voting members present and voting; and

 c. have the effective date included in the resolution and noted in the constitution.

**\*C16.03.** Any amendments to this constitution that result from the processes provided in \*C16.01. and \*C16.02. 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.

**C16.04.** 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 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 and call such a 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 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 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 to the secretary of this congregation to the synod.

**Chapter 18**

**CONTINUING RESOLUTIONS**

**\*C18.01.** The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.

**\*C18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

**Chapter 19**

**INDEMNIFICATION**

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

**BYLAWS**

**ARTICLE 1**

**MEMBERSHIP**

(cf. Constitution, Chapter 8)

**C8.02.01. Baptized Members**

 1. The congregation is commissioned to baptize, candidates for membership into the body of Christ with water and the Holy Spirit in the name of the triune God. The baptized member is thereafter privileged to live in that sacrament forever.

 2. Admission to the congregation as baptized members are those who:

 a. are baptized in this congregation; or

 b. having been previously baptized in the name of the triune God, are received by letter of transfer, confirmation, or affirmation of faith.

 3. The congregation will welcome newly baptized members into the Lord's family, receive them as fellow members of the body of Christ and fellow workers in the kingdom of God (Lutheran Book of Worship, p. 125).

 4. Communing members are baptized members who have received the Sacrament of Holy

 Communion at least once within the preceding calendar year.

**C8.02.02 Confirmed Members**

 1. Confirmation is a pastoral and educational ministry of the church "which helps the baptized member through Word and Sacrament to identify more deeply with the Christian community and participate more fully in its mission" (Joint Commission on the Theology and Practice of Confirmation, 1970, p. 21) (cf. Constitution, Chapter 8).

 2. The rite of confirmation (Affirmation of Baptism, LBW, pp. 198-202) will be made available to baptized members after satisfactory completion of courses of study and acknowledgement by the congregation council.

**C8.03.01 Voting Members**

The roster of voting members will be reviewed prior to the regular annual congregation meeting.

**C8.04.01 Associate Members**

 The roster of associate members will be reviewed annually.

**C8.05.01 Care of Members**

 1. The congregation will issue a letter or certificate of transfer to another Lutheran congregation on a member's request. Should a member, having moved to a distant community, fail to request a transfer, a Lutheran congregation in or near that community shall be notified.

 2. A member who has elected not to fulfill the provisions of membership for one year shall be contacted by the pastor and/or representatives of the congregation towards restoring active membership. If, during the second year, the member does not respond, that member's name shall be removed from the active member roster but retained on a responsibility list as a person for concern for another year.

**ARTICLE 2**

**Congregation Meetings**

(cf. Constitution, Chapter 10)

**C10.01.01** The annual congregation meeting will be held during the month of February as called by the executive committee (February for a January 1-December 31 fiscal year.)

**C10.01.02** Each organization of the congregation shall furnish a report to the secretary 30 days before the annual meeting. .The report will include the year's activities, finances, and goals for the coming year. Members will receive a consolidated written annual report at the annual meeting which will include:

 1. pastor's report

 2. program staff reports

 3. treasurer's report, forecast and proposed annual budget

 4. audit committee report

 5. auxiliaries' reports

 6. standing committees' (boards, task forces, etc.) reports

 7. nominating committee report

 8. president's report (a "State of the Congregation" report, especially concerning

 accomplishments and plans towards purpose and mission.)

**C10.01.03** The agenda for the annual meeting shall be prepared by the executive committee. Ten members may petition the president to propose an agenda item. Agenda shall be posted 30 days prior to the meeting and closed 10 days prior to the meeting. The agenda will include:

 1. opening worship

 2. secretary's report (minutes and membership statistics)

 3. pastor's report

 4. treasurer's report

 5. election of officers, committees, and governing board

 6. adoption of budget

 7. president's report

 8. resolutions

 9. benediction

**C10.01.04** The official roster of voting members will be available at each meeting of the congregation. Only voting members present at the meeting may vote.

**ARTICLE 3**

**Officers**

(cf. Constitution, Chapter 11)

**C11.01.01** The ***President*** shall:

 1. Preside at all meetings of the congregation, the Congregation Council, and executive committee.

 2. Coordinate the work of the committees and be an ex officio member with vote.

 3. Carry out the will of the congregation as ordered by this constitution, bylaws, and resolutions of the congregation.

 4. Deliver an annual report to the congregation.

 5. Execute letter of call.

 6. Oversee the activities of two of the Congregation Council committees.

**C11.01.02.** The ***Vice-President*** shall:

 1. Perform the duties of the president in the president's absence, incapacity, or at the

 president's request.

 2. Oversee the activities of three of the Congregation Council committees.

 3. Act as parliamentarian at congregation and Congregation Council meetings.

**C11.01.03.** The ***Secretary*** shall:

 1. Record proceedings of the congregation and Congregation Council; distribute copies to members.

 2. Retain and codify secretarial records to be filed permanently in the church office;

 keep duplicate personal set of records which shall be turned over to Successor.

 3. Keep attendance record of each council meeting; advise president of absentees and their reason for absence; notify members having two unexcused absences.

 4. Select council member to lead devotions for each council meeting.

 5. Announce all congregation and Congregation Council meetings and arrange for

 meeting places.

 6. Maintain membership records; make roster of voting members available at each

 congregation meeting; prepare directory of Congregation Council and committee

 members.

 7. Assist president on agenda items, calling to attention matters deferred or referred

 to committees for further study and recommendations.

 8: Maintain a register of congregation and congregation council resolutions and

 policies; recommend closure when appropriate.

 9. Execute letters of call to pastors on behalf of the congregation.

 10. Be responsible for safekeeping of all official congregation documents (e.g., deeds, mortgages, articles of incorporation, constitution and bylaws, tax returns, etc:)

 11. Compile and distribute the annual report of the congregation arid the congregation report (parochial) to the Evangelical Lutheran Church of America.

 12. Notify the nominating committee of all offices to be filled 90 days prior to the

 annual meeting "Where elections are to take place.

**C11.0l.04.** The ***Treasurer*** shall:

 1. Supervise the financial procedures, records, and investments of the congregation.

 2. Render a monthly statement of income and expense compared to budget to the

 Congregation Council.

 3. Sign all checks.

 4. Deliver an annual financial report to the congregation.

 5. Be a member of the budget and/or planning committee or finance committee.

 6. Recommend written financial policies and procedures for cash management.

 7. Direct the counting, depositing, and recording of all contributions, fees collected, gifts, and bequests received.

 8. Reconcile each deposit to contributors' records.

 9. Issue quarterly statements to contributors.

 10. Keep individual giving records confidential.

 11. Prepare annual report to the congregation and stewardship committee.

 12. Monitor cash management policies and procedures; make recommendations for changes to the Congregation Council.

**ARTICLE 4**

**The Congregation Council**

(cf. Constitution, Chapter 12)

**C12.01.01.** The five non-officer members of the congregation council shall consist of 1 worship, 1 hospitality 1 stewardship, 1 t property, and 1 education chairman.

**C12.02.0l.** President and Treasurer, Hospitality, Property, and Education shall be elected in even numbered years. Vice-President, Secretary, Worship and Stewardship shall be elected in odd numbered years.

**C12.04.01c**. Designate standing committees and specify their number, duties, authority, budget, and

accountability to the Congregation Council (e.g., hospitality, stewardship, education, worship, property).

**C12.04.02c**. Appoint members of standing committees of the church council to two year terms renewable once.

**C12.04.03c.** If standing committee members are not Congregation Council members, name a Congregation Council member to act as liaison to the committee.

**C12.04.04c.** Offer opportunities to serve on special-purpose Congregation Council task forces to

 members of the congregation (e.g., hunger appeal, community celebration, etc.)

**C12.04.05.** Provide an operating manual and training opportunity for each Congregation Council

 member and officer: The manual will contain at least this constitution, bylaws, and continuing resolutions, directory, minutes, resolution registry, organization chart, and position descriptions for each staff position and standing committee.

**C12.04.06.** Provide for internal and external communications of the congregation (e.g., internal- newsletter; external-advertising).

**C12.04.07.** Encourage fellowship (e.g., couples' club, youth activities, singles, etc.).

**C12.04.08.** Support auxiliary organizations; invite representative from each auxiliary to attend council meetings with voice but without vote. .

**C12.04.09.** Appoint or assign planning function to recommend long-range plans to the Congregation Council and to evaluate present programs.

**C12.04.10.** Require each organization of the congregation to be accountable to the mission statement of the congregation.

**C12.04.11.** Preserve historical archives of the congregation, appoint congregation historian, prepare and distribute written history of the congregation, celebrate anniversaries and historic events.

**C12.04.12.** Prepare and distribute a directory of members of the congregation annually.

**C12.04.13.** Coordinate the programs and ministries of the congregation, direct ministry functions not otherwise specified to the most appropriate committee (task force, board.)

**C12.04.14.** Acknowledge candidates for the rite of confirmation in consultation with the pastor.

**C12.04.15** Exercise general oversight of the spiritual life, mission, and ministry of the congregation that all may be done according to the Word of God and this constitution.

**C12.04.16** Approve modifications in worship as recommended by the worship committee.

**C12.04.17** Approve applications for membership into the congregation.

**C12.04.18** Admit persons to membership where there is no evidence of confirmation and there is no letter of transfer.

**C12.04.19.** Provide for spiritual care of congregation members.

**C12.05.01d**. The four congregation council officers and the Stewardship chairman shall propose and recommend the annual budget to the congregation council.

**C.12.05.02**. Authorize expenditures, loans, or use of restricted funds up to 5% in excess of budgeted funds in any one year.

**C12.05.03d.** Adjust allocation of funds should income fall short of expectations or expenses exceed budgeted amounts; provide for contingency or emergency funds.

**C12.05.04.** Adopt a written audit procedure for both income-expense and balance sheet transactions.

**C12.05.05.** Prepare and adopt a capital budget for improvements or major repairs.

**C12.05.06e.** Authorize all extra-budgetary appeals for funds and fund-raising events to the congregation from sources both inside and outside the congregation.

**C12.05.07f.** Approve all depositories of congregation funds.

**C12.05.08e.** Provide a fidelity bond for the treasurer and others who have access to congregation funds. ­

**C12.05.09.** Inspect all insurance policies for adequacy of coverage; report findings to congregations.

**C12.05.10f.** Provide a capital growth fund in a foundation, trust, or endowment to receive bequests, special, or deferred gifts to the congregation; review and accept or decline all offers of unsolicited gifts to the congregation.

**C12.08.01** Set and review lay staff salaries annually.

**C12.08.02** Develop and maintain written position descriptions and personnel policies for all lay staff, including salaries.

**C12.08.03** Provide procedures for lay staff support and performance evaluation.

**C12.08.04** Adopt office policies for the church office and lay staff (e.g., office hours, vacations, records retention, sick leave, etc.)

**C12.12.01** Congregation Council members will support each other and the decisions made by the Congregation Council.

**ARTICLE 5**

**Congregation Committees**

(cf. Constitution, Chapter 13)

**C13.02.01.** The ***Nominating Committee*** shall:

 1. Be convened by the pastor or advisor; elect a chairman from their midst who will

 call and preside at subsequent meetings.

 2. Nominate one or more candidates for each office to be filled.

 3. Ask candidates to serve the full term of office if elected. '

 4. Announce the nominees and their qualifications to the congregation with the notices of the regular or special congregation .meeting.

 5. Any voting member can nominate (up ti1110 days before annual meeting) providing that the nominee is eligible for office and willing to serve.

 6. Provide nominations for:

 a. congregation officers: president, vice-president, secretary, treasurer;

 b. congregation council members;

 c. nominating committee members;

 d. other offices which may be specified in these bylaws as revised.

**C13.03.01.** The ***Audit Committee*** shall:

 1. Audit the financial books and procedures of records prior to the annual meeting.

 2. Follow the written audit procedures adopted by the Congregation Council.

 3. Report their findings to the congregation in writing and include them with the annual report, signed and dated by each member of the committee.

**C13.04.01** The ***Mutual Ministry Committee*** shall:

 1. Meet at least quarterly or on notice of the convener designated by the president.

 2. Not elect a chairman or secretary; there being no reports or minutes maintained.

 3. Provide support for pastor (and other staff members) as specified in the letter of

 call, including such matters as housing, health, continuing education, pensions, salaries, communications, etc.

 4. Recommend and advocate needed changes in staff support to the Congregation

 Council and executive committee.

 5. Meet with staff both individually or in groups, as required; meet at least once each year with entire staff in attendance.

 6. Listen to concerns of members regarding leadership and performance of staff and

 add to agenda of subsequent meetings.

**C13.05.01** The ***Executive Committee*** shall:

 1. Unless otherwise provided herein, supervise support of the pastor according to the

 letter of call.

 2. Prepare the agenda for the regular and special congregation meetings and congregation council meetings.

 3. Develop and recommend a mission statement to the congregation.

 4. Act as personnel committee in the absence of a separate committee for that purpose.

 5. Act as budget and planning committee in the absence of separate committees for those purposes.

 6. Interpret and publicize the work of the congregation to the community and its leaders; listen to and report community needs for Christian service to the congregation.

**C13.06.01** The ***Call Committee*** shall:

 1. When a pastoral vacancy occurs, notify the synod bishop who will assist them in providing interim pastoral service and the call process.

 2. Study the congregation's mission and pastoral needs; share results with synod.

 3. Gather descriptive information about the congregation, e.g., history, pictures of church building, directory, map, congregation reports, annual report, etc.

 4. Receive recommendations of nominees from the synod bishop or synod call committee for study.

 5. Evaluate pastoral candidates by interview and other means; furnish information about the congregation and its mission to each candidate.

 6. Recommend one candidate to the congregation at a special meeting called for that purpose.

**ARTICLE 6**

**Holy Communion**

(cf. Constitution chapter 4)

**C4.03.01a.** The sacrament will be offered at least once each month during regular worship services.

**C4.03.02a.** Members and visitors are invited to participate in the sacrament and will be advised of the Lutheran teachings regarding preparation and worthiness:

 1. Acceptance of the real presence in, with, and under the bread and wine.

 2. Firm belief in the words “given and shed for you for the remission of sins.”

**C4.03.03a.** Preparation for Holy Communion will be provided for baptized members at least nine years of age.

**C4.03.04a.** A record of participation in Holy Communion shall be maintained for all members.

**ARTICLE 7**

**Fellowship**

(cf. Constitution chapter 12)

**C12.05.11a.** The use of the building and facilities of this congregation shall be limited to this congregation's activities and those of outside groups, approved by the Congregation Council.

**C12.05.12a.** Ceremonies of lodges or any organization which does not confess the triune God and Jesus Christ as Lord and Savior shall not be permitted in the buildings or premises of this congregation. The pastor will not take part in such ceremonies inside or outside the building or premises.

**ARTICLE 8**

**Congregation Records**

(cf. Constitution chapter 9)

**C9.12.01** The records of this congregation shall be the property of this congregation and shall not be removed.

 a. The official records are:

 1. the roster of baptized, confirmed, associate, and voting members,

 2. the ministerial acts performed by the pastor

 3. the minutes and reports of the synod and conference

 4. the minutes of the meetings of the congregation and Congregation Council;

 5. the financial records of the congregation; all official and legal documents

 including this constitution, bylaws, and continuing resolutions, deeds, mortgages, contracts, etc.

**C12.13.01** The pastor shall be responsible for the maintenance and security of the records.

**C12.13.02** The pastor and congregation shall furnish an annual congregation report to the Nebraska synod and a report of ministerial acts performed shall be made to the congregation.

**C12.13.03** In the event of dissolution or cessation of ministry, the official records of the congregation shall be deposited in the Nebraska synod or its successor.

**Article 9**

**MESSIAH LUTHERAN CHURCH ENDOWMENT FUND**

(cf. Constitution, Chapter 5)

**C5.03.01** **COMMITTEE MEMBERSHIP**

**C5.03.01.01** The committee shall consist of five members, all of who shall be voting members of Messiah Lutheran Church. Members shall be appointed by the Church Council to serve terms of three years. The Council shall make initial appointments with staggered terms so as to have (approximately) one-third of the member terms expire each year for the initial three year period. Members may serve two full consecutive terms.

**C5.03.01.02** The Committee shall meet at least yearly, or more frequently as deemed by it in the best interest of the fund.

**C5.03.01.03** A quorum shall consist of three (3) members. When only three (3) members are present a unanimous vote shall be required to carry any motion or resolution.

**C5.03.01.04** The committee shall elect from its membership a chairperson and recording secretary. The chairperson, or member designated by the chairperson, shall preside at all committee meetings.

**C5.03.01.05** The recording secretary of the committee shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the committee. Each member shall keep a complete copy of minutes to be delivered to his/her successor. The recording secretary shall also supply a copy of the minutes to the Church Council.

**C5.03.01.06** The Committee shall work with the congregation’s treasurer in maintaining and coordinating complete and accurate accounts for the Fund and the Treasurer shall sign checks and all other necessary documents on behalf of the congregation in furtherance of the purposes of the fund. The books shall be audited annually with the Congregation’s Financial Statement by appropriate persons not serving on this Committee.

**C5.03.01.07** The committee shall report on a yearly basis to the Church Council and at each annual meeting of the congregation. They shall render a full and complete audited account of the administration of the fund during the preceding year.

**C5.03.01.08** The Church Council is responsible for the investing of funds. At the expense of the fund income, the Council may seek professional consultation on investment and legal matters as it deems to be in the best interest of the fund.

**C5.03.01.09** Members of the Committee or Church Council shall not be liable for any losses which may be incurred upon the investments of the assets of the fund except to the extent such losses shall have been caused by bad faith or gross negligence. No member shall be personally liable as long as he/she acts in good faith and with ordinary prudence. Each member shall be liable only for his/her own willful misconduct or omissions, and shall not be liable for the acts or omissions of any other member. No member shall engage in any self-dealing or transactions with the fund in which the member has direct or indirect financial interest and shall at all times refrain from any conduct in which his/her personal interests would conflict with the interest of the fund.

**C5.03.01.10** All assets are to be held in the name of the Messiah Lutheran Endowment Fund, a fund of Messiah Lutheran Church, Aurora, NE.

**C5.03.01.11** Recommendations to hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects to manage and control the assets of the fund, including stocks, bonds, debentures, mortgages, notes, or other securities, as in their judgment and discretion they deem wise and prudent, are to be made and carried out by the Church Council.

**C5.03.02** **DISTRIBUTION OF INCOME**

**C5.03.02.01** The Church Council shall determine what is principal and income according to generally accepted accounting procedures.

Gifts and bequests to the fund shall accumulate each year with at least 80% of accumulated interest in one year’s time to be expended. The remaining portion, of interest if not distributed, will be re-invested in the fund that is established.

**C5.03.02.02** Income from the fund shall be distributed annually to:

Messiah Lutheran Church, for use beyond its normal operating budget; with at least a minimum of 20% to be distributed to local Community, Synod and related agencies and/ or USA and World Missions; the proportion to be determined by the committee for the purpose of enhancing the mission outreach of Messiah Lutheran Church.

**C5.03.02.03** Requests for funding may be recommended by the members of the congregation, and approved by the Committee for funding according to the guidelines established by the Church Council.

**C5.03.03** **DISTRIBUTION OF PRINCIPAL**

When, in the opinion of the Church Council circumstances are so dire and of such an emergency nature that the future of the congregation is at stake, and that the only recourse seems to be the use of the fund principal, the principal may be disbursed by a two-thirds vote of the Congregation at a legally called or special meeting called specifically for this purpose.

**C5.03.04** **AMENDMENTS**

Any amendment to these bylaws which will change, alter or amend the purpose for which the fund is established shall be adopted by a two-thirds vote of the Congregation at a legally called or special meeting called specifically for the purpose of amending this bylaw.

**C5.03.05** **DISPOSITION OR TRANSFER OF FUND**

In the event Messiah Lutheran Church ceases to exist either through merger or dissolution, disposition or transfer of the fund shall be at the discretion of the Church Council in conformity with chapter 5 of the approved congregational constitution; consultation with the Evangelical Lutheran Church in America may be desirable at such time.

 12-2010

**CONTINUING RESOLUTIONS**

Continuing Resolutions #1

(cf. Constitution, Chapter 13)

**C13.05.01** Prior to extending a call to a pastor (or other rostered leader), the Call Committee and Council of Messiah Lutheran shall require the pastor (or rostered leader) to subscribe to ‘Vision and Expectations of 1990’ which states that Christian marriage is the union of one man and one woman blessed by God and recognized by the state. It also states that married pastors shall be faithful to their spouse and unmarried pastors shall be abstinent. Any change in this policy would require a two-thirds vote of the congregation at a legally called meeting of this congregation.