

**CONSTITUTION  
OF  
EVERGREEN LUTHERAN CHURCH**



**EVERGREEN, COLORADO  
2018**

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➤ **Required provisions:** Sections of this constitution marked by an asterisk [\*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (*i.e.*, neither additions nor deletions are permissible). This requirement is based on provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision requires that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. Provisions in the *Constitution* identified by an asterisk [\*] are those required under ELCA constitutional provision 9.25.b.

➤ **Codification explanation:** The *Constitution* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital “C.” If a constitutional provision is mandatory, it will be preceded by an asterisk, “\*C.”

- a. Constitutional provisions are codified with two sets of numbers, preceded by a “C”: the chapter number, followed by a period, and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to “Membership” in Chapter 8 is codified as “\*C8.02.” A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as “C12.09.” Constitutional provisions are adopted and amended in accordance with Chapter 16 titled “Amendments.”
- b. Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to “Membership” would be codified as “C8.02.01.” A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as “C12.09.01.” Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation’s organization, operation, and life, there is not a model set of bylaws or continuing resolutions. Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations*, the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the constitution of the synod, as indicated in \*C6.03.e. Bylaws are adopted and amended in accordance with Chapters 16 and 17.

- c. Continuing resolutions are intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. They follow the relevant constitutional provision or bylaw to which they refer. Continuing resolutions also are codified with three sets of numbers, except that the third set is preceded by a capital letter. Thus, a continuing resolution describing congregational committees in Chapter 13 might be numbered "C13.07.A13." The initial numbers "C13.07." indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers "A13" designate that this is the first continuing resolution "A" and the year that it was adopted, in this example 2013. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

➤ ***ELC Bylaws and Continuing Resolutions:*** In addition to the statements above in sections b and c, *ELC Bylaws and Continuing Resolutions are indented and in italics.*

➤ ***Missing numbers:*** You will notice that certain numbers are missing from the numbering sequence in some chapters. These omissions are intentional. For example, in some chapters the number ".10." and multiples thereof have been reserved for possible use as section headings in future editions.

➤ ***References to church:*** In the governing documents, "Church" with a capital letter refers to the one, holy, catholic, and apostolic Church. The words "church" or "this church" in lowercase letters refer to the Evangelical Lutheran Church in America (ELCA). The specific congregation may be identified, as provided in C1.02., as "this congregation."

The important task of amending a constitution is challenging. It is, however, an essential endeavor that merits thoughtful work.

**EVERGREEN LUTHERAN CHURCH  
CONSTITUTION**

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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.

**Chapter 1.**

**NAME AND INCORPORATION**

- C1.01.** The name of this congregation shall be EVERGREEN LUTHERAN CHURCH of Evergreen, County of Jefferson, State of Colorado.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of EVERGREEN LUTHERAN CHURCH is hereinafter designated as "this congregation."
- C1.11.** This congregation shall be incorporated under the laws of the State of COLORADO.
- C1.12.** This congregation shall have all power, authority and privileges granted and provided by the Colorado Non Profit Corporation Act. (73C.R.S., 7 20 101) as amended.

**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.

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\* Required provision

- 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. 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, 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 bylaws in the section on the Congregation Committees.

**\*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 and Congregation Council, [boards, and committees,] and require the members of the council 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 Rocky Mountain 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 Rocky Mountain 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 intent to terminate its relationship must be adopted at a legally called and conducted special

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

- b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
- d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraph g. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.

- f. Notice of termination shall be forwarded by the bishop to the secretary of the ELCA, who shall report the termination to the Churchwide Assembly.
- g. This congregation shall abide by these covenants by and among the three expressions of this church:
  - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
  - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synodical approval before terminating their membership in this church.
  - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- h. If this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after that second meeting.

**\*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 effected.

- \*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 Rocky Mountain 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 Rocky Mountain 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.

**C7.05.** Notwithstanding the provisions of \*C7.02. and \*C7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:

- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
- b. Shall—upon written demand by the Synod Council, pursuant to †§13.23. of the constitution of the Rocky Mountain Synod — reconvey and transfer all right, title, and interest in the property to the synod.

## **Chapter 8. MEMBERSHIP**

**\*C8.01.** Members of this congregation shall be those baptized persons on the role 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 ELCA 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 call of any minister of this congregation;
  - 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with the ELCA;

- 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
- 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
- 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

**C08.02.01. Membership**

*To be eligible for membership in this congregation and enjoy the rights and privileges of such membership, such candidates must comply with Chapter 8 of this constitution.*

- \*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 church and its wider ministry through distribution of its communications and publications;
  - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
  - 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;
  - 4) with the council, administer discipline; and
  - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of the Rocky Mountain 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 this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the

Congregation Council or by a petition signed by at least one-third of the voting members of 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 the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- 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 pastor, 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, 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 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 the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.

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

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

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

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

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

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

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

- b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
  - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service as disabled. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds 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.
- \*C9.26.** The deacon shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another field of labor, or
  - b. the issuance of a certificate of dismissal or transfer.
- \*C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.28.** With the approval of the bishop of the synod, this congregation may depart from \*C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.25.a.

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

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

## **Chapter 10.**

### **CONGREGATION MEETING**

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

**C10.01.01.** *Regular Congregation Meetings shall be held twice each year, one in the spring and one in the fall. The date and agenda for these meetings shall be set and publicized at least six weeks in advance.*

1) *The fall meeting will include the presentation for approval of the upcoming year's capital and operations budgets and the election of the Nominating Committee. At this meeting, members of the Congregation Council shall give written reports of their activities.*

2) *The spring meeting will elect Congregational Council and Board members, Endowment and Financial Review Committees in addition to any other committee(s) that requires a congregational vote.*

**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 ten percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.

- C10.03.** 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, secretary and treasurer shall be selected from the elected membership of the Congregation Council excluding the ten permanent board chairpersons.
- C11.04.** The president will not be elected from those members of the Congregation Council who are Council members by virtue of their responsibility as Chairs of a board.

**C11.01.01. Duties of Officers**

a. **The President** - *The President shall perform the following:*

- 1) *Preside at all meetings of the Congregation Council, at Congregation Meetings and is the chairperson of the Executive Committee.*
- 2) *Ensure that all officers, boards and groups comply with the provisions and bylaws of the constitution.*
- 3) *Sign legal documents for this congregation as may be legally required.*
- 4) *Be available to advise boards and attend board and/or committee meetings when requested.*
- 5) *Call the Executive Committee to meet quarterly.*
- 6) *Convene the entire Congregation Council, members of boards, the Pastor(s), presidents of all auxiliary organizations in the congregation, and other interested members of the congregation to meet at least annually to review the past year and discuss plans for the coming year.*
- 7) *Insure that the Financial Review Committee performs their duties in accordance with C13.03.01.*
- 8) *In the absence of the President, the Vice President shall perform the duties of the office of the President.*
- 9) *In the event of a vacancy in the office of the President, the Vice President shall succeed to the*

*office of President for the remainder of the President's unexpired term.*

**b. Vice President** - *The Vice President shall perform the following:*

- 1) Be available to advise boards and attend board and/or committee meetings when requested.*
- 2) Perform the duties of the President in the absence of the President.*
- 3) Maintain the roster of elected Congregation Council, boards and committee positions.*
- 4) Sign legal documents for this congregation as may be legally required in the absence of the President.*
- 5) Perform other duties in keeping with this office or assigned by the President.*
- 6) Succeed to the office of President for the remainder of the President's unexpired term in the vacancy of the office of President.*

**c. Secretary** - *The Secretary shall perform the following:*

- 1) Keep accurate minutes and attendance records of the Congregation Meetings for the permanent records of the congregation.*
- 2) Keep accurate minutes and attendance records of the Congregation Council and Executive Committee meetings for the permanent records of the congregation.*
- 3) Apprise the Congregation Council of 'mandatory changes' in the Evangelical Lutheran Church in America's Model Constitution. Those required*



*changes shall occur within twelve months of issuance unless extended annually by Congregation Council vote.*

- 4) Send all approved changes in this constitution and bylaws to the Rocky Mountain Synod of the ELCA (\*C6.03.e., \*C16.04., \*C17.03., \*17.04.).*
- 5) Sign all forms, documents and official papers requiring signature by the secretary.*
- 6) Perform other duties in keeping with this office.*

*d. **Treasurer** - The Treasurer shall perform the following:*

- 1) Report to the Congregation Council and the congregation for the payment of all financial obligations of the congregation.*
- 2) Keep accurate records of the receipts and disbursements of the congregation in financial records, which shall be and remain the property of the congregation.*
- 3) Coordinate the preparation of the overall congregational budget and present it to the Congregation Council and congregation for approval.*
- 4) Act with fiduciary responsibility to invest temporary excess funds in prudent and safe investments for all accounts and special funds. All of these financial records shall be examined by the Financial Review Committee annually, and a written report of their findings shall be submitted to the Congregation Council within 45 days of completion.*
- 5) Submit a written report at each Congregation Council meeting and fall Congregation Meeting*

*of the financial condition of the congregation. Such written reports shall show actual receipts and disbursements compared with budgeted amounts.*

- 6) *Be a member of all Endowment Fund Sub-Committees.*
- 7) *Appoint/hire a Business Manager or Church Administrator, as deemed necessary, with the advice and consent of the Congregation Council and Board of Personnel.*
- 8) *Assist in the supervision of the Business Manager or Church Administrator in coordination with the Board of Finance and Pastor(s).*
- 9) *Sign legal documents for this congregation as may be legally required.*

**C11.02.** The Congregation Council shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written or verbal ballot and shall serve for one year or until their successors are elected. Their terms shall begin on the date specified in C12.02.

After the annual election at the Congregation Meeting specified in the bylaws, the Congregation Council shall elect its officers from within its own membership. Once elected, they shall also serve as the officers of the congregation in similar positions. The officers shall serve for one year or until their successors are elected. Their terms shall begin on the next Sunday following their election.

**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 with the exception of the Treasurer.

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

C11.04. The president will not be elected from those members of the Congregation Council who are Council members by virtue of their responsibility as Chairs of a board.

C11.05. The treasurer will be elected by the Council from among the four members elected at-large by the congregation. The treasurer will also serve as chair of the Stewardship and Finance Board.

C11.06. The pastor(s) shall not serve as an officer of this congregation.

## Chapter 12. CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the pastor(s) and up to fifteen additional members. Four members to be elected at-large and the remainder to be chairpersons of the following Boards: Christian Discipleship, Christian Education, Christian Outreach, Finance, Lay Ministry, Personnel, Property Management, Stewardship, Worship and Music, and Youth and Family Ministry. In addition, at least one of whom may be a youth and/or young adult. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office (C12.02).

The youth representative may be elected for a one-year term and must be between the ages of 15-19 years. The youth representative may be elected for no more than two consecutive one-year terms.

Staff members shall have voice in all matters with the exception of salary and personnel discussions.

A seminary intern serving an internship at Evergreen Lutheran Church shall have voice but no vote.

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 of Colorado, in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

**C12.01.** The voting membership of the Congregation Council shall consist of the Pastor(s) and twelve additional members. Four members of the Council shall be elected at large by the congregation. These four shall be elected by the congregation at each annual election to fill the expired terms and to serve for three years. Eight members of the Congregation Council will be the chairpersons of the following boards: Christian Education, Evangelism and Discipleship, Lay Ministry, Music and Worship, Christian Outreach, Personnel, Property Management, and Youth and Family Ministry. (The chair of the Board of Stewardship and Finance will automatically be the person elected treasurer by the Council. (Ref. paragraph C11.05)) 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 two regular meetings per year 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 spring Congregational Meeting. Their term of office shall be for three years, with the term of office beginning on the first Sunday following their election. No member shall be eligible to serve more than two full three-year terms consecutively with the exception of the Treasurer. Newly elected Congregation Council members shall be installed the Sunday after their election.

**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 spring Congregational 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 managing 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 Colorado, 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 or expenditures of unrestricted or capital funds for an emergency that is detrimental to congregational life and must be addressed prior to calling a special Congregation Meeting. Expenditures may not exceed an amount approved during the annual fall Congregation Meeting.

- c. The Congregation Council may enter into contracts of up to 2% of the current year 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 2% 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.

- 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 more than 2% in excess of the current year budget only after approval by a Congregation Meeting. The budget shall include this congregation's intended 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 staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

**C12.09.** The Congregation Council shall submit a report to this congregation at the fall and spring Congregation Meetings.

**C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the semi-annual meetings.

**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.

- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference and, to the extent permitted by state law, notice of all meetings may be provided electronically.

### **Chapter 13.**

#### **CONGREGATION BOARDS and COMMITTEES**

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

**C13.01.01.** *The Executive Committee shall be called, as necessary, by the Pastor(s) or Congregation President for the following:*

- 1) *All matters of confidentiality, in which involvement of the Congregation Council would be initially inappropriate.*
- 2) *The Executive Committee can make decisions for the welfare of this congregation that are not expressly reserved for the Congregation Council or congregation as a whole.*
- 3) *The Executive Committee will meet quarterly with the purpose of assessing and supporting the direction of the congregation's ministry.*

- C13.02.** A ***Nominating Committee*** of four voting members of this congregation, one of whom, if possible, shall be an outgoing member



of the Congregation Council, shall be elected at the fall Congregational Meeting for a term of one year.

**C13.02.01.**

- 1) *No more than two members of the previous Nominating Committee may be re-elected but not for more than two consecutive one-year terms.*
- 2) *The Nominating Committee shall present the slate of candidates for approval to the Congregation Council at least two weeks prior to the election.*

**C13.03.** A **Financial Review Committee** of three voting members shall be elected by the Congregation. Financial Review 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 re-election.

**C13.03.01.**

- 1) *The **Financial Review Committee** shall review the congregation's financial records annually and report its findings to the Congregation Council.*
- 2) *The financial review shall be completed within 60 days of the start of the new fiscal year and be reported to the Congregation Council within 45 days of completion.*

**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 by the Congregation Council. The committee may consist of three voting members with each member to be appointed for a three-year staggered term.

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

- 1) *Meet quarterly.*
- 2) *Contact staff members at least quarterly to assess their health.*
- 3) *Report concerns and findings quarterly to the Personnel Board.*

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

**C13.09.** When a pastoral vacancy occurs, a Call Committee shall be selected. Term of office will terminate upon installation of the newly called pastor. Selection process shall be specified in the bylaws.

**C13.05.01.**

- 1) *One Congregation Council member and the chairperson of the Board of Lay Ministry can serve on this committee.*
- 2) *The Call Committee shall elect a chairperson and will act independently on any and all information they receive regarding a pastoral call.*
- 3) *The chairperson will report the Call Committee's progress to the Congregation Council in a timely manner and will prepare a list of candidates.*
- 4) *The Call Committee, after deliberation and consultation with the Treasurer, Personnel Board's chairperson and Congregation Council, shall present a candidate to the congregation.*

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

**C13.06.01. – Endowment Committee**

- 1) *The Endowment Committee shall be responsible for this congregation's endowment fund.*
- 2) *The board shall consist of three voting members with each member to be elected by the congregation for a three-year staggered term.*
- 3) *The Treasurer will be a member of this committee and all Endowment Fund sub-committees.*

**C13.06.A08. – Columbarium Committee**

- 1) *A Columbarium Committee, consisting of three voting members of the congregation, shall be selected by the Congregation Council to three year staggered-terms.*
- 2) *The Pastor(s) will serve as an ex-officio member of the committee.*
- 3) *The committee will maintain a set of Rules and Regulations regarding the ELC Columbarium and be responsible for decisions regarding the inurnment of cremains.*
- 4) *They will also manage an account and budget for the operation of the Columbarium.*
- 5) *The funds in the Columbarium account will be maintained by the Treasurer of this congregation.*
- 6) *The committee will report annually to the Congregation Council.*

**C13.07.** Duties of boards and committees of this congregation shall be specified in the bylaws.

**C13.07.01. – Elected Permanent Board Members**

- 1) *Each permanent board will have three members elected by the congregation. Each elected member will have a staggered three-year term.*
- 2) *Each board will elect a chairperson from its elected members. The chairperson will serve on the Congregation Council.*
- 3) *Elected members can nominate/appoint other congregation members, as needed, to conduct the board's duties.*
- 4) *These appointed members will serve for one year after confirmation by a majority vote of the Congregation Council. Appointed members may have their annual terms renewed indefinitely.*

**C13.07.02. – Electing Board Members**

- 1) *The members of the board shall be elected at the spring Congregation Meeting. Their term of office shall begin on the first Sunday following their election.*
- 2) *No member shall be eligible to serve more than two full three-year terms, consecutively.*
- 3) *Newly elected board members shall be installed the Sunday after their election.*

**C13.07.03.** *A member's place on a board of this congregation shall be declared vacant if the member:*

- 1) *ceases to be a voting member of this congregation or*
- 2) *is absent from two regular meetings per year of the respective board without cause.*

**C13.07.04.** *Should a member's place on a board be declared vacant, the board shall elect, by majority vote, and with the approval of the Congregation Council, a successor to serve until the next annual election meeting.*

**C13.07.05.** *All Board chairpersons are responsible to:*

- 1) *Prepare an annual budget for their board's function.*
- 2) *Prepare a Congregation Council Monthly Report.*
- 3) *Prepare reports for the fall and spring Congregation Meetings.*

**C13.07.06. – Duties of the Board of Christian Discipleship – Members shall be responsible to:**

- 1) *Foster a Spirit of hospitality throughout the congregation.*
- 2) *Welcome and reach out to visitors.*

- 3) *Nurture and accompany visitors through the new member process who express an interest to join.*
- 4) *Create experiences that will deepen each member's faith and vocational identity.*

**C13.07.07. – Duties of the Board of Christian Education – Members shall be responsible to:**

- 1) *Provide spiritual growth and education opportunities for all people at Evergreen Lutheran Church.*
- 2) *Set and review goals and objectives for year-round education, including Sunday School and Day Camp programs.*
- 3) *Ensure excellence by training capable volunteers for all educational programs.*
- 4) *Support and advise the Library Committee.*
- 5) *Work with staff and Board of Personnel to select a Christian Education Director as needed*

**C13.07.08. – Duties of the Board of Christian Outreach – Members shall be responsible to:**

- 1) *Provide leadership for outreach and mission projects.*
- 2) *Develop ways in which every member can serve and aid the congregation and community.*
- 3) *Lead and direct outreach community crisis response for the congregation.*

**C13.07.09. – Duties of the Board of Finance – Members shall be responsible to:**

- 1) *Review the monthly financial statements.*

2) Write, review and approve all financial policies and procedures.

3) Review the quarterly bank and brokerage statements to ensure that all funds are performing as expected.

4) Provide accurate semi-annual contribution statements to the congregation.

**C13.07.10. – Duties of the Board of Lay Ministry – Members shall be responsible to:**

- 1) Assist the Pastor(s) in all matters pertaining to the congregation's spiritual wellness.
- 2) Provide counsel to the Pastor(s).
- 3) Ensure that worship services are conducted efficiently.
- 4) Encourage open communication between the congregation, the Pastor(s) and the Congregation Council.

**C13.07.11. – Duties of the Board of Personnel – Members shall be responsible to:**

- 1) Serve the Pastor(s) in leading the staff of this congregation.
- 2) Provide compensation and benefit analysis and recommendations.
- 3) Offer advice and counsel on resolving staff/personnel issues.
- 4) Provide evaluation forms and other tools to lead and develop the staff.

**C13.07.12. – Duties of the Board of Property Management – Members shall be responsible to:**

- 1) *Maintain church property and buildings.*
- 2) *Contract for necessary maintenance, repairs and supplies.*
- 3) *Prepare facilities for special events, work days and use for the congregation's ministries.*
- 4) *Provide adequate support for the maintenance and custodial staffs.*
- 5) *Identify capital projects in support of ministries and congregational life.*

**C13.07.13. – Duties of the Board of Stewardship – Members shall be responsible to:**

- 1) *Promote and encourage generous congregational giving of time, talent and treasure in support of its ministries.*
- 2) *Coordinate the use of members' time and talent information with the Board of Christian Discipleship.*

**C13.11.06. Duties of the Board of Stewardship and Finance**

a. The Treasurer of the Congregation shall be the chairperson of this board. (Ref. paragraphs C11.05 and C16.05b for responsibilities)

b. Through a Financial Secretary, receive, record and deposit in the congregation's designated depository, all money received from whatever source derived. Prepare statements and contribution letters to members and non-members respectively, satisfying all tax reporting requirements.

c. Primary responsibility for stewardship. This includes: 1) sponsor stewardship programs, 2) inform people of the grace of proportionate giving to God's work in our community of faith and the world, and 3) promote every aspect of the congregation's stewardship.

d. Coordination and direction for all fund raising efforts. This not only includes congregation-wide programs but mission trips, retreats, congregational outings, day camp, etc.

e. All on-going and new Capital Campaigns needed for building projects and special programs.

f. Coordination of the Annual Ministry Support Campaign with Pastor(s), staff and each individual ministry of the congregation.

g. Develop and oversee the procedures for contribution accounting and reporting for regular and special services and any special deposits. Interview and select primary counter and a sufficient number of substitutes. Assist in training, especially for specific reporting requirements.

h. Assist Audit Committee in the annual audit of church records.

i. On-going programs for endowment funds and administration of any current funds. Sponsor endowment fund organizations to inform congregation of the benefits of these funds.

j. When deemed necessary, will appoint a Business Manager with the advice and consent of the Board of Personnel. The duties and wages, if this person is to be paid for his/her services, shall be defined and regulated by the Board of Stewardship and Finance, reviewed and coordinated with the Board of Personnel and approved by the Congregation Council. Supervision of the Business Manager will be the responsibility of the Board of Stewardship and Finance in consultation with the Pastor(s).

**C13.07.14. – Duties of the Board of Worship and Music – Members shall be responsible to:**

- 1) Assist in developing, supporting and coordinating with the Pastor(s), boards and task forces in the areas of Worship, Music, Liturgical Art, Sound and Altar Guild.

**C13.07.15. – Duties of the Board of Youth and Family Ministry – Members shall be responsible to:**



- 1) *Provide a safe and accepting environment for youth and families to develop and grow in Christian faith through hearing the Word, serving the community and fellowship with others.*
- 2) *Assist the Youth Minister in organizing and facilitating youth and family activities.*
- 3) *Support and coordinate with the Pastor(s), boards and task forces to advance this congregation's mission.*

**C13.08.** The pastor of this congregation shall be an *ex-officio* member of all committees and boards of the congregation. The president of this congregation shall be an *ex-officio* 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.

#### **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 laypersons 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 \*C16.04. 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 10% 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<sup>2</sup> and noted in the constitution.

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<sup>2</sup> *Such an effective date must be stated in relation to the requirements of \*C16.03. to allow time for synodical review of the amendment.*

- \*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. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 17.**

### **BYLAWS**

- \*C17.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- \*C17.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority 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 the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.

- \*C17.04. Approved changes to the bylaws shall be sent by 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.

#### **Chapter 20.**

##### **PARISH AUTHORIZATION**

- \*C20.01. This congregation may unite in partnership with one or more other congregations recognized by the synod named in \*C6.01. to form a parish. Except as provided in \*C20.02. and \*C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the

parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.

- \*C20.02.** One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synodical bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- \*C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synodical bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- \*C20.04.** Any one of the congregations of the parish may terminate their relationship with the pastor as provided in †S14.18.d. of the synodical constitution of the synod named in \*C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- \*C20.05.** Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in †S14.43.d. of the synodical constitution of the synod named in \*C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.

**\*C20.06.** Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.

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