

Constitution of
Trinity Lutheran Church
A member of the Evangelical
Lutheran Church of America
(December 2020)

Redline Draft

The following is an
INTRODUCTION TO THE CONSTITUTION
and not an official part of Trinity's Constitution

- The articles and provisions of the Constitution, and those Bylaws that pertain to the same subject, have been placed together. The articles (demonstrated below at #1), provisions (below at #2) and bylaws (below at #3) are identified in the following way:

1. **ARTICLE NUMBERS AND TITLES APPEAR IN CAPITAL LETTERS & BOLD TYPE. THE TITLE IS UNDERLINED. For example:**

Chapter 10.

CONGREGATION MEETING (ARTICLE NUMBER AND TITLE)

2. Sections of this constitution marked by an asterisk [*] are required by the ELCA when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner. These required constitutional provisions appear in lower case, regular type and are preceded by the letter “*C” and a number, followed by a period. For example:

*C17.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution. (Provision)

Those sections not marked by an asterisk are not required by the ELCA but appear in the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*. These provisions appear in lower case, regular type and are preceded by the letter “C” and a number, followed by a period. For example:

C10.04. A quorum shall be as stated in the bylaws. (Provision)

3. Bylaws appear in lower case and are preceded by the letter “C” and two sets of numbers, with each set followed by a period. For example:

C10.04.01. Fifty (50) voting members shall constitute a quorum. (Bylaw)

- Should Council develop Continuing Resolutions, the identification process in the Constitution would need to be changed to:

- **ARTICLES & TITLES BOLD CAPITALS, WITH TITLES UNDERLINED**
- **Constitutional Provisions: bold type, initial caps only**
- Bylaws: no bold; regular type, initial caps only
- *Continuing resolutions: italics*

**CONSTITUTION
of
TRINITY EVANGELICAL LUTHERAN CHURCH**

December 2020

***PREAMBLE**

In the name of the Father and the Son and of the Holy Spirit, Amen. We baptized members of the Trinity Lutheran church, 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.

Chapter 1.

NAME AND INCORPORATION

- C1.01.** The name of this congregation shall be Trinity Evangelical Lutheran Church.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the Trinity Evangelical Lutheran Church shall be known as Trinity Lutheran Church, and is hereinafter designated as "this congregation"
- C1.03.** This congregation shall be incorporated under the laws of the State of California.

Chapter 2.

CONFESSION OF FAITH

- *C2.01.** This congregation confesses the Triune God: Father, Son, and Holy Spirit.
- *C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the Salvation of all who believe.
 - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the old and new Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- *C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its

proclamation, faith, and life.

- *C2.04. This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- *C2.05. This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- *C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely the Apology of the Augsburg Confession, the Smalcald Articles and the treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07. This congregation confesses the Gospel, recorded in the Holy Scriptures 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. This church, 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, and standing with the poor and powerless, and committing itself to their needs.
- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

***C4.03.** To fulfill these purposes, this congregation shall:

- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
- b. Provide pastoral care and assist all members to participate in this ministry.
- c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
- d. Teach the Word of God.
- e. Witness to the reconciling Word of God in Christ, reaching out to all people.
- f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- g. Motivate its members to provide financial support for **this** congregation's ministry and the ministry of **the other expressions** of the Evangelical Lutheran Church in America.
- h. Foster and participate in interdependent relationships with other congregations, the synod, and 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 groups and shall review their actions. Such descriptions shall be contained in continuing resolutions of the Congregation Council

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

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(s) 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 the congregation's governing documents is recognized. All remaining authority is retained by this congregation. This 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 Congregation Council, establish boards and committees, and require them to carry out their duties in accordance with the constitution and bylaws; and
 - k. Terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- *C5.04. This congregation shall elect from among its voting members, laypersons to serve as voting members to the Southwest California 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 numbers of persons to be elected by this congregation and other qualifications shall be as prescribed in guidelines established by the Southwest California 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 Southwest California 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 **this** 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 or with the constitution of the synod.

***C6.04.** Affiliation with the Evangelical Lutheran Church in America **is** 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 **or in accordance with provision 9.23 of the constitution and bylaws of the Evangelical Lutheran Church in America.**
- d. **The Southwest California Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.**
- e. **This congregation follows the procedures outlined in *C6.05.**

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

- a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at **a two** legally called and conducted special meetings of this congregation by a two-thirds **vote** of the voting members present **at each meeting.** **The first 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 **this** 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 **this** congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the **first** meeting.

- b. **Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to voting members of this congregation.**
- c. **If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.**
- d. **If this congregation, after such consultation, is still considering termination of its relationship with this church, 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 second meeting shall be sent 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 this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the second meeting.**
- e. **Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.**
- f. **Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed to be an independent or non-Lutheran church, in which case *C07.04 shall apply.**
- 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 **this** congregation's first meeting as specified in paragraph a. above, fails to achieve the required two-thirds vote of voting members present at **this** 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 **the** meeting **at which the two-thirds vote was not achieved.**
- *C6.06.** If this congregation is considering 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 **taken.**
- *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 Southwest California 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 **or pursuant to 9.23 of the constitution and bylaws of the Evangelical Lutheran Church in America** title to property shall continue to reside in this congregation.
- *C7.03.** If the voting members of this congregation present at a legally called and conducted special meeting of this congregation to 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 Southwest California Synod.
- *C7.04.** If 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 process **established by the synod**, 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 the 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. **In neither case does title to this congregation's property transfer**

to the synod.

- *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 †S13.23. of the constitution of the Southwest California 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 roll of the 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 **this** congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. **They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.**
 - 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 congregations **of this church** 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 **this church**;
- 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
- 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
- 6) they shall not, within any two-calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

- C8.02.01.** a. Children, one or both of whose parents or guardians are members of this congregation shall, upon receiving Christ in Baptism, be received as baptized members of this congregation.
- b. Children neither of whose parents or guardians are members of this congregation shall, upon Christian Baptism duly recorded as a ministerial act performed under the auspices of this congregation, be received as baptized members of this congregation unless there is understanding that, for good reason, they will be enrolled as baptized members of another congregation, in which case notice of the Baptism shall be sent to the congregation in which the child is to be enrolled as a baptized member.
- c. Children baptized in other Christian congregations shall be received as baptized members of this congregation upon admission of one or both parents or guardians to membership, or by consent of one or both parents or guardians, or by action of the congregation Council.
- d. Unbaptized adults who have received instruction and have given evidence of having an adequate understanding and acceptance of the teachings of the Word of God as confessed by the Lutheran Church shall, upon confession of faith and Christian Baptism duly recorded as a ministerial act performed under the auspices of this congregation, be received as baptized and confirmed members of this congregation.

- C8.02.02.** a. Baptized adults from other Christian denominations who have received pastoral instruction and have given evidence of having adequate understanding and acceptance of the teachings of the Word of God as confessed by the Lutheran Church, shall be admitted to confirmed membership through the affirmation of their baptism.
- b. Children who are baptized members of the congregation shall be admitted to confirmed membership through participation in the rite of confirmation.

- c. Applicants for membership presenting Letters of Transfer showing them to be confirmed members in good standing in other Lutheran congregations shall be admitted to confirmed membership upon acceptance of their Letters of Transfer by the Congregation Council and the report of their names to the congregation.
 - d. Applicants for membership who present evidence of confirmation in a Lutheran Congregation but do not have letters of Transfer shall be admitted to confirmed membership when the Congregation Council has determined that they meet the standards of Christian faith and life indicated in the constitution and bylaws and when they have reaffirmed their faith before the congregation.
- *C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- *C8.04.** It shall be the privilege and duty of members of this congregation to:
- a. Make regular use of the Means of Grace, both Word and Sacraments;
 - b. Live a Christian life in accordance with the Word of God and the teachings of the Lutheran Church; and
 - c. Support the mission 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.
- C8.04.01.** Worthy participation in Holy communion requires sincere repentance, faith in Jesus Christ as Savior, and an earnest desire to amend one's sinful life, as well as acceptance of the scriptural teaching regarding the Real Presence of Christ with His Body and Blood in the Sacrament.
- C8.04.02.** Communion in record cards will be used to record participation in Holy Communion. The cards will provide a statement explaining our belief in the Real Presence of Christ in the Sacrament. When members of other congregations commune with us, a record shall be sent to their home congregation.
- *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 Chapter 20 of the constitution and bylaws of the Evangelical Lutheran Church in America.
 - 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.

- C8.05.01.** Continuance of membership is the responsibility of the individual and is contingent upon the member's participation in the overall mission and ministry of the church. If a confirmed member shows evidence of inactivity in attending worship services, partaking of Holy Communion, or financial support for a period of one year, the member shall be contacted and encouraged to return to the fellowship of the congregation. If such a member fails to resume activity within an additional period of one year, the member shall be presumed no longer to desire membership, shall

be ineligible to vote, and shall no longer be counted in the membership statistics of the congregation. However, the name and record shall be kept in the congregational files for a period of one year thereafter.

- C8.05.02.** As an indication of their intent to maintain active membership in the congregation, each confirmed member shall be encouraged to annually renew their commitment to the Lordship of Jesus Christ in their life. In this annual renewal, each member unites with the congregation in agreement to the following:

As a member of Trinity Lutheran Church, I believe through faith, that Jesus Christ died and arose for me. I further believe that, by grace, I have been called into a living, loving relationship with God through Jesus Christ. Recognizing these truths, I desire to respond with a covenant in which, with God's help, I sincerely and prayerfully intend to:

- a. Daily pray for the needs of the congregation.
- b. Regularly worship and commune together with the congregation.
- c. Participate in at least one church-sponsored study program or group activity.
- d. Pledge a proportion of my financial substance to support the ministries of this congregation in the community and in the Evangelical Lutheran Church in America.
- e. Live a Christian life in accord with God's Word.
- f. Assume a personal ministry for Christ as dictated by my individual talents.

Chapter 9.

ROSTERED MINISTER

- *C9.01.** Authority to call any pastor shall be by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- C9.01.01.** When the congregation has voted to call a pastor, it shall issue a Letter of Call to the pastor-elect in a form approved by the Evangelical Lutheran Church in America. It shall be signed by the chairperson and secretary of the meeting at which the call was voted, and shall be attested by the signature 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 **this** congregation by the synod bishop may be called as a pastor of this congregation.
- C9.02.01.** Clergy qualified according to *C9.02 of this constitution may occasionally perform pastoral functions in this congregation with the approval of the Congregation Council and the pastor(s), or in the case of a vacancy in the pastorate, with the approval of the congregation and the bishop of the synod.
- *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 available channels of effective communication;
 - 7) Witness to the Kingdom of God in the community, in the nation, and abroad; and
 - 8) shall 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 the congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline;
 - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the Southwest California Synod; and
 - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

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

C9.04.01. The Congregation Council determines the terms of the pastor's employment, such as salary, housing and automobile allowances, pension, medical and dental benefits, vacation, and continuing education.

***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 the pastor's death or, following consultation with the synod 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 this 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 **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 pastor under paragraph a.4) above or ineffective conduct of the pastoral office under paragraph a.3) above have come to the attention of the bishop of the synod,
 - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one lay person, 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 shall, investigate such conditions personally together with a committee of two rostered ministers and one lay person.
 - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above the bishop 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 **with disability status**. Upon removal of the disability and the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
 - d. In the case of alleged local difficulties which 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 of the synod together with the committee shall present their recommendations first to the pastor and then to **this** 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 **this** congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action shall 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, **this** 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. the

bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of this church's constitution and 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 this 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.
- *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, this 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 purposes 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 this congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
- *C9.12. The pastor(s) of this congregation:
 - a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this 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 their 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 this 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 call or approval of a request for change in roster status.

- *C9.15.** Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily under contract as pastor of this congregation under a contract between **this** congregation and the pastor in a form proposed by the synod bishop and approved by **this** congregation.
- *C9.21.** Authority to call a **deacon** shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.22.** Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod 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 **this church** 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 **the deacon's** death or, following consultation with the synod 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 **with disability status**. 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.** This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon 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.

***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. This congregation shall have at least one regular meeting per year. The regular meeting(s) of the congregation shall be held at the time(s) specified in the bylaws. Consistent with the laws of the State of California, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.

C10.01.01. The Congregation meetings will be held in January and in May.

- a. The agenda for the January meeting shall be the Congregation budget and financial reports and such other general business as may be necessary.
- b. The agenda for the May meeting shall be election of members of the Congregation Council and such other general business as may be necessary.

- C10.02.** A special Congregation Meeting may be called by the pastor(s), the Congregation Council, or the president of this congregation, and shall be called by the president of this congregation at upon the written request of 25 voting members. The president of the Congregation Council shall call a special meeting upon request of the synod 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 (2) 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.** 50 voting members shall constitute a quorum.
- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions by the this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.06.01.** In the following cases, voting shall be by written ballot:
- a. To elect the members of the Congregation Council;
 - b. To adopt or amend the articles of incorporation, constitution, or bylaws of the congregation;
 - c. To call a pastor or to request his or her resignation;
 - d. To sever membership in the Evangelical Lutheran Church in America; and
 - e. To dispose of, encumber, or purchase real property.
- C10.07.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.
- C10.08.** This congregation may hold meeting by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication. To the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 11.

OFFICERS

- C11.01.** The officers of this congregation shall be a president, vice president, and secretary and treasurer.
- All officers are elected by the Congregation Council. The president, vice-president, and secretary shall be elected from the membership of the congregation council. A treasurer and financial secretary are elected by the Congregation Council. Membership on the Congregation Council shall not be required to serve as treasurer or financial secretary.
- a. Duties of the officers shall be specified in the bylaws.
 - b. The officers shall be voting members of this congregation.
 - c. Officers of this congregation shall serve similar offices on the Congregation Council and shall be voting members of the Congregation Council.

- d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. [If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice by not vote at the meetings of the Congregation Council.

C11.01.01. Duties of the officers of the Congregation Council.

- a. The president shall prepare the agenda for and shall preside over meetings of the Congregation Council, the congregation, and of the chairperson's committee.
- b. The vice-president shall preside in the absence of the president, unless the meeting decides otherwise.
- c. The secretary shall:
 - 1) Record the minutes of the meetings of the Congregation Council and of the congregation,
 - 2) Maintain its archives, and shall conduct the official correspondence of the Congregation Council at the direction of the president. The Congregation Council may delegate the responsibility of recording the minutes to a non-voting recording secretary who is not a member of the Congregation Council. At the discretion of the Congregation Council, Congregation Council meetings may be electronically recorded for purposes of preparing the minutes.
- d. The treasurer serves as the financial officer of the congregation. He/she shall be bonded and:
 - 1) shall be the custodian of all funds of the congregation;
 - 2) is responsible for the payment of all bills, invoices and charges shall disburse all such funds in accordance with the decisions of the congregation or of the Congregation Council.
 - 3) perform or oversee all bookkeeping functions
 - 4) prepare the monthly (or quarterly) financial statements for the Congregation Council
 - 5) file all required Federal and State tax forms
 - 6) monitor the cash position of the congregation
 - 7) invest available funds as directed by the Congregational Council
 - 8) provide the congregation with any requested financial information
 - 9) assist in the preparation of the annual budget for the Congregation Council
 - 10) present a financial status report to the January congregation meeting and such other reports to the Congregation Council as may be required.
- e. The financial secretary shall be bonded and shall:
 - 1) Oversee the counting
 - 2) Oversee the depositing of all receipts
 - 3) Train individuals who are involved in the process of counting the offering
 - 4) Report to the treasurer the total weekly offerings including an accounting of amounts designated for special purposes

- 5) Oversee the recording of all contributions to the individual's contribution records
- 6) Report to the Congregation Council and congregation the status and/or trends of offering receipts
- 7) Keep a record of all pledges of the congregation; receive all contributions, and keep the accounts of all receipts.
- 8) Issue a quarterly statement to all members showing their record of contributions and additional statements when directed by the Congregation Council; and
- 9) Prepare a complete annual statement of collections and individual contributions.

C11.01.02. The treasurer and the financial secretary need not be voting members of the Congregation Council.

C11.02. The Congregation Council shall elect its officers and they shall be the officers of this congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the Congregation Council meeting at which they were elected. Congregation officers may succeed themselves.

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

Chapter 12.

CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the pastor(s) [the deacon(s)], [the officers of this congregation,] and not more than 13 members of the this congregation. Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member ceases to be a voting member of the congregation. Consistent with the laws of the state in which this congregation is incorporated, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

C12.01.01. A member absent from two regular meetings of the Congregation Council in a term year shall be notified by the secretary.

C12.02. The members of the Congregation Council except the pastor(s) [and deacon(s)] shall be elected by written ballot during a legally called meeting of the this congregation during the month of May. Their term of office shall be for three (3) years, with the term of office beginning in June and ending in May. They shall be elected in such a manner that after the first election, approximately one-third are elected each year. Newly elected Congregation Council members shall be installed at worship at a time appointed by the Congregational Council.

C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.

- C12.03.01.** The Congregation Council shall first offer the vacant position to persons who were candidates for Congregation Council at the last election, beginning with the person who received the highest number of votes. If these persons are unable or unwilling to serve, the Congregation Council may elect, by majority vote, a member of the Congregation to fill the vacancy. Individuals who have served less than one half of a regular term shall be eligible for nomination and possible election to a full term.
- C12.03.02.** One member of the Congregation Council shall be elected by the congregation from the list of high school age candidates submitted to the Nominating Committee by high school youth group to serve as its Council representative. If no more than one such candidate is nominated, the congregation shall elect that candidate as the high school representative. The high school youth group representative shall be elected to serve a term of one year.
- C12.03.03.** Parental permission shall be required for the youth member (if a minor) to participate in executive sessions that include highly sensitive subject matter.
- C12.03.04.** The youth member (if a minor) shall be excluded from voting on legally binding decisions made during executive sessions.
- 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 **support of** the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
 - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
 - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation and, as such, shall be responsible for maintaining and protecting its property and 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 California, 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 **this** congregation.
- c. The Congregation Council may enter into contracts of up to 5% of the annual budget for items not included in the budget.
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in **collaboration** 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 **mission support** monies to the synod treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

C12.06. The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out.

C12.07. The Congregation Council shall provide for an annual review of the membership roster.

C12.08. The Congregation Council shall be responsible for the appointment and supervision of the salaried lay workers of this congregation. **Nothing in this provision shall be deemed to affect this congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.**

C12.08.01. The Congregation Council shall be responsible for determining the number of full and/or part time staff positions that are necessary to maintain the operation of the congregation. Determination of compensation rests with the Congregation Council. Final approval of employees will be the responsibility of the Congregation Council and must be obtained before the position is offered to a prospective employee.

C12.08.02. The Congregation Council maintains, furnishes and equips the office(s) used by the pastor(s), and support staff employed by the congregation.

C12.09. **The Congregation Council shall submit comprehensive report(s) at the January and May congregation meetings.**

C12.09.01. The budget and comprehensive financial reports shall be submitted at the January congregation meeting. Reports from Staff, committees, and organizations within the congregation shall be submitted at the May meeting.

C12.11 **The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor(s) or the president, and shall be called 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(s) or interim pastor, except when the pastor(s) 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(s) 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 synod 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.

CONGREGATIONAL COMMITTEES

- C13.01.** The committees of this congregation shall be:
- a. Nominating
 - b. Audit
 - c. Endowment
 - d. Staffing
 - e. Mutual Ministry
 - f. Property Management
 - g. Preschool
 - h. Remembrance Garden
- C13.02.** A Nominating Committee shall consist of two voting members of this congregation. Two members shall be elected by the Congregational Council from its membership and two shall be elected at the May congregational meeting. The term of office shall be for two years.
- C13.02.01.** The committee shall nominate one or more candidates for each vacancy to serve on the Congregation Council and shall secure the consent of each candidate to serve if elected. One such candidate shall be nominated from the list of potential candidates submitted by the high school youth group. If no more than one potential candidate is submitted to the Nominating Committee for nomination that potential candidate shall be nominated.
- C13.02.02.** The candidates shall be made known to the congregation in conjunction with the announcements of the congregational meeting at which the election is to take place.
- C13.02.03.** In addition to the candidates submitted by the Nominating Committee, nominations may be made from the floor at the congregational meeting.
- C13.02.04.** A vacancy in the congregationally elected membership of the Nominating Committee shall be filled by a non-council member appointed by the Congregation Council.
- C13.02.05.** The senior pastor shall serve as convener and as an advisory member.
- C13.03.** An Audit Committee of three members of this congregation shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council.
- C13.03.01.** Term of office will be three (3) years, with one member elected each year.

Members shall be eligible for re-election.

C13.03.02. The Audit Committee shall examine all financial records of the congregation proper and other organizations within the congregation, and shall present its report to the congregation, in writing, annually.

C13.04. The Endowment committee shall encourage the planning and nurturing of special ministries, projects, and programs within the Christian community at large, the ELCA, and this congregation which are beyond the normal programs of Trinity Lutheran Church. It is not intended that the fund be used to subsidize those activities of the congregation which would normally be provided for in the budget process.

The Endowment Committee shall operate in accordance with the Resolution Establishing the Mission Endowment Fund of Trinity Lutheran Church, Ventura, California at a legally called meeting of the congregation in 1992.

C13.05 When a vacancy occurs in a position for which this congregation calls a rostered minister, a **Call Committee** of [six] voting members shall be elected by the Congregational Council. Term of office will terminate upon installation of the newly called rostered minister.

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

C13.06.01 The Staffing Committee shall include the president, vice-president, and three voting members of the congregation.

The three congregation members shall be nominated by the nominating committee and elected by the congregation in such a manner that after the first election, one member is elected each year.

Term of office for elected persons is three years. The president and vice-president serve concurrently with their offices. Elected persons may not succeed themselves.

The Staffing Committee shall:

- a. develop and revise staff job descriptions as necessary;
- b. evaluate and make recommendations relating to church staff;
- c. prepare letters of call which shall include job descriptions;
- d. prepare the staffing budget;
- e. assist the staff in working harmoniously and effectively with each other and the congregation;
- f. listen, confer, and communicate with the pastor(s) and staff on a regular basis.

C13.06.02 A Mutual Ministry Committee shall be appointed jointly by the president and the pastor. Term of office shall be two years, with three members to be appointed each successive year.

C13.06.03 The Property Management Committee, as appointed by the Congregational Council, shall advise the Council on the need for all property and building improvements owned by Trinity Lutheran Church. All such improvements exceeding \$1,000 shall be approved by Council and coordinated with the church office, Educational and Preschool ministries.

- a. Meet monthly to discuss its budget and planned building and property

improvements;

- b. Submit an annual recommended budget to Council, at least 30 days prior to each January congregational meeting.
- c. Maintain and update property schematics, blueprints and general property layout items, such as utilities, fire alarm systems and back-flow devices;
- d. Manage and plan the construction of major projects (i.e., building additions, renovations and restorations);
- e. Manage and plan the construction of minor projects (i.e., equipment replacement, building enhancements and maintenance projects)
- f. Review the payment of all utility and property tax assessments
- g. Oversee landscape maintenance and improvements
- h. Oversee building maintenance
- i. Establish and oversee congregational “work days”
- j. Provide for vehicle acquisition, licensing and maintenance;
- k. Oversee the acquisition and repair of office equipment, equipment leases and service contracts.

C13.06.04 The Trinity Lutheran Church Preschool Committee (Board) is responsible for the administrative oversight of the TLC Preschool. The Committee’s membership duties and responsibilities have been identified in a Council Resolution adopted on April 18, 2017. The Preschool Committee shall operate in accordance with the Resolution Establishing the TLC Preschool Committee at Trinity Lutheran Church, Ventura, California at a legally called meeting of the congregation in 2017.

C13.06.05 The Remembrance Garden Committee shall encourage the Congregational use of the designated site on TLC property. Further, it shall plan, operate, and manage its purpose in accordance with the Resolution establishing the Remembrance Garden of Trinity Lutheran Church at a legally called meeting of the Congregation in January 2016.

- a. Funding for the Remembrance Garden for its use is independent of the budget adopted by this congregation and will not be provided for in this congregation’s budget.
- b. The Remembrance Garden Committee is to provide an annual report at the meeting scheduled in May.

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

C13.08. The [senior] pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation.

C13.12. The leadership teams of this congregation may be, but are not limited to: (See 4-04)

- a. Worship & Creative Arts
- b. Education & Youth
- c. Administration
- d. Spiritual Development
- e. Social Activities

Chapter 14.

ORGANIZATIONS WITHIN THIS 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 *May* meeting, shall approve their policies, guide their activities, and receive reports concerning their membership, work, and finances.
- C14.01.01.** These organizations include but are not limited to Women of the Evangelical Lutheran Church in America (W/ELCA) and TLC Pre-School.
- C14.02.** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after approval has been given by the Congregation Council.
- C14.02.01.** Ceremonies of lodges or other such organization shall not be permitted on the church premises.

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 this congregation, or willful and repeated harassment or defamation of member(s) of this 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(s) in the presence of two or three witnesses, c) written referral of the matter by the Congregational 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(s) is/are 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 this 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 actions 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 this congregation or;
 - d. termination of membership in this congregation and exclusion from the church property and from all congregational 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 **this** 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 between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the**

Council deems necessary. The Synod Council's 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 to this constitution may be proposed by at least 25 voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council at least 60 days before formal consideration by this congregation at its regular or special meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal with their 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:
- be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting;
 - be ratified without change at the next regular meeting of this congregation held pursuant to C10.01 by a two-thirds vote of those voting members present and voting; and
 - have the effective date included in the resolution and noted in the constitution.
- *C16.03.** Any amendments to this constitution that result from processes provided in *C16.01. and *C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this 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 this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this 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 this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this 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 of those voting members present and voting.
- *C17.03. Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C17.04. Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 18.

CONTINUING RESOLUTIONS

- *C18.01. This 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 this congregation or a two-thirds of all voting members of the Congregation Council.
- *C18.03. Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

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.

CONTINUING RESOLUTIONS

- CR.1. MISSION ENDOWMENT FUND (See § C13.04.) The Endowment Committee shall operate in accordance with the Resolution Establishing the Mission Endowment Fund of Trinity Lutheran Church, Ventura, California at a legally called meeting of the congregation in 1992.*
- CR.2. PROPERTY MANAGEMENT COMMITTEE (See § C13.08.) By way of a Continuing Resolution (and approval by Motion), Council established the Property Management Committee at its meeting of May 18, 2008. The Resolution was approved at its First Reading by the congregation in May 2008 and approved at its Second Reading in January 2009.*
- CR.3. REMEMBRANCE GARDEN COMMITTEE (See § C13.10.) The Remembrance Garden Committee shall operate in accordance with the Resolution establishing this committee as a standing committee of Trinity Lutheran Church, Ventura, CA, at a legally called meeting of the congregation in 2014.*
- CR 4. PRESCHOOL COMMITTEE (See § C13.09.) The Preschool Committee shall operate in accordance with the Resolution establishing this committee as a standing committee of Trinity Lutheran Church, Ventura, CA, at a legally called meeting of the Congregation Council in 2017.*

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