

# CONSTITUTION, BYLAWS AND CONTINUING RESOLUTIONS

**Messiah Lutheran Church  
Albuquerque, New Mexico**

Ratification of Amendments by Congregation

[TBD 2016](#)

Approval of Amendments by Synod

[TBD 2016](#)



**Evangelical Lutheran Church in America**  
God's work. Our hands.

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## INTRODUCTION

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This constitution is consistent with the requirements of the constitutional governing documents of the ELCA's churchwide organization and synods.

➤ **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 (neither additions nor deletions).

➤ **Codification explanation:** A numerical codification indicates (a) general subject, (b) constitutional provisions, (c) bylaws, and (d) continuing resolutions.

~~a. Major sectors are designated as chapters. The chapter designation becomes the first number in the codification sequence and is followed by a period.~~

~~b. 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 17 titled "Amendments." the chapter number and a two digit number preceding the second period in the codification.~~

~~c. 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." This 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 Chapter 17. Bylaw provisions are codified with three sets of numbers: the chapter number, the related constitutional provision number, and a two-digit number. Each congregation may develop its own bylaws and continuing resolutions, but no such bylaws or continuing resolutions may conflict with this constitution, the constitution and bylaws of the Evangelical Lutheran Church in America, and the constitution of the synod, as indicated in \*C6.03.e.~~

d. "Continuing resolutions" provide descriptions of operational patterns 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 "C13.07A13." 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. Unlike constitutional provisions and bylaws, continuing resolutions may be updated regularly by the Congregation Council without the necessity of calling a regular or special Congregation Meeting. Continuing resolutions are codified with three sets of numbers except that the third set is composed of a capital letter and a two digit year in which the resolution was adopted.

➤ **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 this document, “Church” with a capital letter refers to the one, holy, catholic, and apostolic Church. The words “church” or “this church” in lower case letters refer to the Evangelical Lutheran Church in America. The specific congregation may be identified, as provided in C1.02., as “this congregation.”

## MESSIAH LUTHERAN CHURCH ALBUQUERQUE, NEW MEXICO

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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 Messiah Lutheran Church.

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

~~**C1.11.**~~~~**C1.03.**~~ This congregation shall be incorporated under the laws of the State of New Mexico.

~~**C1.04.**~~ Messiah Lutheran Church's address is 11515 Lomas Blvd. NE, Albuquerque, NM 87112.

### Chapter 2. CONFESSION OF FAITH

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

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

- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
- b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
- c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

**\*C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.

**\*C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.

**\*C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.

**\*C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.

**\*C2.07.** This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

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\* Required provision

### **Chapter 3. NATURE OF THE CHURCH**

- \*C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- \*C3.02.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- \*C3.03.** 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 the congregation’s ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
  - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
  - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- \*C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The

Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions.

- \*C4.05. This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.
- \*C4.06. References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

## Chapter 5. POWERS OF THE CONGREGATION

- \*C5.01. The powers of this congregation are those necessary to fulfill its purpose.
- \*C5.02. The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- \*C5.03. Only such authority as is delegated to the Congregation Council or other organizational units in this congregation’s governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
  - a. call a pastor as provided in Chapter 9;
  - b. terminate the call of a pastor as provided in Chapter 9;
  - c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
  - d. adopt amendments to the constitution, as provided in Chapter 17, amendments to the bylaws, as specified in Chapter 16, and continuing resolutions, as provided in Chapter 18.
  - e. approve the annual budget;
  - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - g. hold title to and use its property for any and all activities consistent with its purpose;
  - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - i. elect its officers, and Congregation Council, and committees, and require them to carry out their duties in accordance with the constitution, and bylaws, and continuing resolutions; and
  - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- \*C5.04. This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Rocky Mountain Synod of the Evangelical Lutheran Church in America.

C5.05. This congregation may have a mission endowment fund that will operate as specified in this congregation’s [bylaws] [continuing resolutions]. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

**Comment [R1]:** note that this is not a required provision

## 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 clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of ordained ministers of the Evangelical Lutheran Church in America or to contracting for pastoral services with an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers 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.** A congregation may terminate its relationship with this church 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 paragraphs g., h., and i. 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 this church, who shall report the termination to the Churchwide Assembly.
- g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05., shall be required to receive Synod Council approval before terminating their membership in this church.
- h. Congregations which had been members of the Lutheran Church in America shall be



required, in addition to complying with the foregoing provisions in \*C6.05., to receive synodical approval before terminating their membership in this church.

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

| \*C6.06. If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate ~~program~~ 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 ~~program~~ 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 a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Rocky Mountain Synod.

\*C7.04. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in \*C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

## Chapter 8. MEMBERSHIP

\*C8.01. Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.

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

- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.

- b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
- c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
- d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

**\*C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.

**\*C8.04.** It shall be the privilege and duty of members of this congregation to:

- a. make regular use of the means of grace, both Word and sacraments;
- b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
- c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action in accordance with ELCA constitutional provision 20.40. and the accompanying bylaws; or by the Congregation Council; or
- e. removal from the roll due to inactivity as defined in the bylaws.

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

#### **C8.05.01** Discontinuance of Membership

- a. Members who move away shall be encouraged to transfer congregational membership and shall be provided with a letter of transfer. Any confirmed member in good standing desiring to change membership to another Lutheran Church shall, upon request, be entitled to a letter of transfer.
- b. Any confirmed member who in the judgment of the Congregation Council shows no interest in attending church services, or fails to partake of Holy Communion and fails to contribute to the congregational treasury according to the congregation's records, for a period of two (2) years, shall be presumed to no longer desire membership, and shall not be counted in the membership statistics of the congregation. However, their name and record shall be kept on file for a period of five (5) years thereafter. Such persons shall be encouraged to participate in the congregational life, or transfer elsewhere, as the situation may indicate to be advisable. If they resume activity within the five-year period, they shall be restored to the active membership list, if not, they shall be dismissed from the congregation and notified accordingly, where possible.
- c. Children, neither of whose parents or guardians are active members of the congregation, after having been invited to attend class for the age group, shall be placed on the inactive baptized membership roll if they fail to participate in the Christian education of the congregation
- d. Members, who have been suspended, dismissed, resigned, or who have transferred to other congregations, or who are definitely known to have become members of other congregations without transfer, shall thereby have lost membership in this congregation and all rights pertaining thereto.

## **Chapter 9. THE PASTOR**

- \*C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.02. Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- \*C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every ordained minister shall:
    - 1) preach the Word;
    - 2) administer the sacraments;
    - 3) conduct public worship;
    - 4) provide pastoral care; and
    - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
  - b. Each ordained minister with a congregational call shall, within the congregation:
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
    - 2) supervise all schools and organizations of this congregation;
    - 3) install regularly elected members of the Congregation Council; and
    - 4) with the council, administer discipline.
  - c. Every pastor shall:
    - 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
    - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
    - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
    - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the 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. a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which ~~shall be terminated only by death or, except in the case of the death of the pastor, shall be terminated only~~ following consultation with the synodical bishop, ~~and~~ for the following reasons:
- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
  - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 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; ~~without reflection on the competence or the moral and spiritual character of the pastor;~~
  - 4) the physical or mental incapacity of the pastor;
  - 5) ~~disqualification—suspension~~ of the pastor through discipline ~~on grounds of doctrine, morality, or continued neglect of duty for more than three months;~~
  - 6) resignation or removal of the pastor from the roster of ordained ministers of this church
  - 7) termination of the relationship between this church and the congregation;
  - 68) the dissolution of the congregation or the termination of a parish arrangement; or
  - 79) suspension of the congregation as a result of discipline proceedings 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 ordained ministers and one layperson, or
  - 2) ~~or~~ when such allegations have been brought to the synod's attention by an official

recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions personally in company together with a committee of two ordained 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. competent medical testimony shall be obtained. When such a disability or incapacity is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and the restoration of a disabled the pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation 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. all concerned persons shall be heard, after which the bishop of the synod together with the committee described in \*C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- ef. If, in the course of proceedings described in paragraph c. or paragraph d., above, \*C9.05.d., the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the this church's constitution, and bylaws, and continuing resolutions of the Evangelical Lutheran Church in America and the constitution of this synod.
- f. If, following the appointment of the committee described in \*C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

**\*C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.

**\*C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor. 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.
- C9.20. Ecumenical pastoral ministry**
- C9.21.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

## Chapter 10. CONGREGATION MEETING

- C10.01. This ~~The annual meeting of this congregation shall be held at a time specified in the bylaws. congregation shall have one (1) congregation meeting annually.~~
- C10.01.01 The congregation meeting shall normally be held in January. The business of this meeting will be to elect officers, elect Council members, approve the budget for the current year, and review and approve reports on the congregation's ministry during the previous year.
- 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 the congregation upon the written request of thirty percent (30%) 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. ~~The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient. Electronic notice of meetings may be provided in addition to notice by regular mail.~~
- C10.04. Twenty percent (20%) of 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~~president-elect, 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.

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

- a. establish the agenda for congregation and Congregation Council meetings.
- b. Preside at congregation and Congregation Council meetings.
- c. In the absence of the President, all duties and responsibilities are delegated to the vice-president
- d. With the advice and consent of the Congregation Council shall be responsible for conducting the business of the church, which will include authorizing the payment of bills, approving initiation of contracts, approving non-budgeted/extraordinary purchases, overseeing church correspondence, and other authorized duties.
- e. With the advice of the pastor(s), establish committees and is an ex-officio member thereof.
- f. Oversee disposition of all official church documents.
- g. ~~Be elected on even numbered years.~~Assume the position of President after serving one year as President-Elect.

~~g-h.~~ In the event that the prior year President-Elect is unwilling or unable to serve as President, a new President shall be added to the election ballot.

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

- a. Preside at all congregation and Congregation Council meetings in the absence of the President.
- b. In the event of death, resignation, or inability on the part of the President, the ~~Vice-President~~President-Elect shall become President.
- c. Be responsible for overseeing that the reports of the pastor(s), officers, boards or committees, and organizations within the church are submitted, and combining such documents into the annual report in time to be available to the congregation eight (8) days prior to the annual congregation meeting.
- d. Oversee that committee reports be available for distribution at least two days before Council Meetings
- e. Be elected ~~on odd numbered years.~~every year

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

- a. Keep the minutes of each congregation and Congregation Council meeting by recording the proceedings and provide a copy of the annual Congregation Meeting minutes for inclusion in the Annual Report.
- b. Take the roll and record those present, absent, or excused at the Congregation Council meeting.
- c. Publish a draft of the minutes of the previous meeting within ten (10) working days.
- d. Arrange for notification of members for meetings and conduct other correspondence as may be required.
- e. Ensure that current lists of officers, committees, and their members are available.
- f. In the absence of the President and Vice-President, call the meeting to order and preside until a Chair-pro-tem is elected, which is the first order of business.
- g. Be elected on odd numbered years.
- h. Send any amendments to the constitution and bylaws of Messiah Lutheran Church to the synod (\*C6.03.e., \*C16.04., \*C17.03., \*C17.04.).

i. At the end of elected term(s), train the successor Secretary

**C11.01.04.** The Treasurer shall:

- a. Have custody of the funds of the congregation, receive and pay out such funds as directed by the Congregation Council or the congregation, and create and maintain a ledger reflecting all moneys received and dispersed.
- b. Prepare and present monthly financial reports to the Congregation Council.

**Comment [R2]:** para g and para h are proposed changes for President/President Elect changes



- c. Reconcile income received and deposited with the Treasurer prior to the start of each Congregation Council Meeting. Any discrepancies in amounts or allocations shall be reported to council.

Reconcile income and expenses with Financial Secretary prior to each Congregation Council Meeting.

- d. Prepare and present quarterly financial reports to be printed in the monthly newsletter.
- e. Present an annual financial report to the Congregation Council prior to the Annual Congregation Meeting, make an oral presentation of the report at the annual meeting, and provide a copy of the report to be included in the Annual Report.
- f. Be responsible for the preparation of all tax documents for the year(s) in office.
- g. Be a member of the budget committee.
- h. Be elected on even numbered years.

e. h. At the end of elected term(s), train the successor Treasurer

**C11.02.** The President/President Elect Cycle is considered one term: one year served as President-Elect followed by one year served as President. The President-Elect is elected by written ballot every year. The officers Secretary and Treasurer shall be elected by written ballot and shall serve for two (2) years, or until their successors are elected, with half of the officers being elected in alternate years. Their terms shall begin at installation on the first Sunday in February.

**C11.03.** No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office. An outgoing President is eligible to repeat the President/President-Elect Cycle one time in succession.

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## Chapter 12. CONGREGATION COUNCIL

**C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the officers of the congregation, the Financial Secretary and not more than six (6) other elected members. Every effort will be made to include a youth and/or a young adult as a member of the Council. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member

- a. ceases to be a voting member of this congregation.
- b. is absent from four regular meetings of the Congregation Council within a given year, without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.
- c. is derelict in performing duties as prescribed in this document.

**C12.01.01.** The Financial Secretary is an elected position, but not an officer of the congregation, and shall:

- a. Maintain a record of all contributions and gifts.
- b. Send to all members a quarterly semi-annual statement of contributions and gifts. Additional statements shall be provided upon written request of individual members.
- c. Reconcile income received and deposited and expenses with the Treasurer prior to the start of each Congregation Council Meeting. Any discrepancies in amounts or allocations shall be reported to council.
- d. Give monthly reports to the Congregation Council as to contributions and gifts.
- e. Present an annual report to the Congregation Council prior to the Annual Congregation Meeting. Make an oral presentation of the report at the annual meeting and provide a copy of the report to be included in the Annual Report.
- f. Be responsible for the recruiting, training, scheduling, and overseeing of congregation members in the counting, recording and depositing of the weekly offerings.
- g. Ensure that at least two (2) members counter(s) are present for the counting, recording and depositing of the weekly offerings. Best practice is to schedule two people for counting and recording each week. to be present
- h. At the end of elected term(s), train the successor Treasurer

**Comment [R3]:** it has been suggested by a few that council positions be shared i.e. two people sharing one position to accommodate those who travel and otherwise couldn't commit. We need to discuss this in committee. Points to ponder:

Allow sharing arrangement between President and President-Elect?

Naming a primary and a backup so that both cannot have voice and vote in the same meeting.

Allow for teaming among at-large members to alleviate the absence without cause provision

Update 3/30: Committee chose not to implement a position-sharing provision..

**Comment [M4]:** Committee recommendations

**Comment [M5]:** Committee recommendations

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- C12.02.** The members of the Congregation Council, except the pastor(s) and those identified in C12.01.02 shall be elected by written ballot to serve two (2) years or until their successors are elected. The President/President Elect Cycle is considered one term; one year served as President-Elect followed by one year served as President. Such members shall be eligible to serve no more than two (2) successive full terms in that elected office. Their terms shall begin at installation on the first Sunday in February. For training purposes, the new Council members will meet jointly with the outgoing Council in the month of February.
- C12.02.A09.** An Incoming President may request the Outgoing President to attend Council meetings for up to four (4) months at his or her discretion. Unless otherwise elected to a new Council position, the Outgoing President will have voice, but no vote.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.
- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:
- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
  - b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
  - c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
  - d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
  - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
  - f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
  - g. To arrange for pastoral service during the sickness or absence of the pastor(s).
  - h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
  - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
  - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of New Mexico, except as otherwise provided herein.
  - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
  - c. The Congregation Council may enter into contracts of up to ten percent (10%) of the annual budget, for items not included in the budget.
  - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than ten percent (10%) in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
  - e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.

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f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

**C12.05.01.** No new financial obligation shall be incurred without prior approval of the Congregation Council.

**C12.06.** The Congregation Council shall see that the provisions of this constitution and 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 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. The Congregation Council may delegate supervisory duties to a paid staff member.

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

**C12.11.** The Congregation Council shall normally meet once a month, date and time to be established by the Council. Special meetings may be called by the pastor(s) 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.

**C12.11.01** Each regular and special Congregation Council meeting shall be open to all voting members of the congregation. A visiting member wishing to address the Council must advise the president or pastor(s) in writing five (5) days in advance of the meeting, and state the topic to be addressed. The presiding officer retains the right to restrict the time of comments by the visitor.

**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(s), except when the pastor(s) or interim pastor(s) 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(s) 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. This practice shall be limited to exceptional circumstances that demand immediate attention.

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### Chapter 13. CONGREGATION COMMITTEES

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

~~**C13.01.01.** They shall:~~

~~a. Review and approve tax documents as provided by the Treasurer.~~

~~b. Annually arrange and provide for outside audit of financial records.~~

**C13.02.** The president shall appoint a **Nominating Committee** of three (3) to six (6) voting members in September of each year. The committee shall seek and nominate individuals for the various offices and member positions on the Council. They will determine the number of At-Large member positions based on the ratio of 1 to 25 of the individuals on the rolls as of the first day of September of each year, up to a maximum of six (6) member positions. The pastor(s) shall be a member ex-officio, in an advisory capacity without voting privilege.

**C13.03.** The Congregation Council shall appoint an **Audit Committee** of two (2) voting members of the congregation. This committee (or other provision) shall see that an internal audit is done annually and that an external audit is done every two (2) years or when a Treasurer completes his or her term, whichever comes first. Term of office shall begin at the time of appointment and terminate at the time the audit report is presented to the Council, within a thirty (30) to sixty (60) day

Comment [M6]: Committee recommendation

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period.

**C13.04.** ~~A Mutual Ministry Committee. Duties shall be fulfilled by the executive committee. Committee is comprised of the Pastor and no less than three people. Committee is selected in close consultation with the Pastor. Duties TBD~~

Comment [M7]: Committee recommendation

**C13.05.** When a pastoral vacancy occurs, the Congregation Council shall appoint a **Call Committee** of seven (7) voting members. Term of office will begin at the time of appointment and will terminate at the installation of the newly called pastor.

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

**C13.07.** Duties of committees of this congregation shall be specified in the continuing resolutions which follow:

**C13.07.A09 Worship and Music Committee**

- a. This committee plans weekly worship services, as well as special services. The members include the Pastor(s), Director of Music, Committee Chair, Chair of the Altar Guild and any interested congregation member(s).
- b. Altar Guild meets as a separate group and reports to the Worship and Music Committee.

**C13.07.B09. Building and Grounds Committee**

- a. This committee oversees the physical property of the church, identifies property which needs repair or cleaning, and arranges for such repair or cleanup. The members include the Pastor(s), Committee Chair and any interested congregation member(s).
- b. This committee ensures that the church is opened prior to all services and closed when all participants have left the church, as well as seeing that the lights, sound system, and heating/air conditioners are adjusted prior to and following services.

**C13.07.C09. Stewardship Committee:** This committee oversees the financial response of the congregation. It shall annually give all church members an opportunity to make a commitment of their time, talent, and treasure for God's work through the congregation. The members include the Pastor(s), Committee Chair and any interested congregation member(s).

**C13.07.D09. Evangelism and Outreach Committee** This committee oversees the outreach efforts of the church in its mission of spreading the gospel of Jesus Christ to the community. The Committee members include the Pastor(s), the Committee Chairperson, and any interested congregation member(s).

**C13.07.E09 Education Committee** This committee oversees the operation of all Sunday school classes and Vacation Bible School, reviews and obtains the curriculum resources, recruits teachers and provides guidance to the various classes. The members include the Pastor(s), Committee Chair and any interested congregation member(s).

**C13.07.F11. Congregational Care Committee (CCC)**

- a. This committee oversees ministries of this congregation that relate to the care, support, and fellowship of our existing members. The Committee members include the Pastor(s), the Committee Chairperson, and any interested congregation members.
- b. This committee is responsible for the Prayer Blanket ministry, church social functions (e.g., Sunday fellowship, potlucks, funeral receptions, etc.), and other responsibilities relating to the care, support and fellowship of this congregation as needed. This committee may coordinate with any individual(s) or group(s) of this congregation for support and assistance.

**C13.07.G12. Memorial Committee**

- a. This committee records and oversees the disbursement of memorial gifts made to Messiah Lutheran Church on behalf of deceased members or friends of our congregation. The Committee members include the Pastor(s), the Committee Chairperson, and any interested congregation members.
- b. This committee will ensure that accurate records are kept by conferring with the Financial Secretary and Treasurer on at least a quarterly basis.

**C13.07.H09.** Each committee shall appoint a chairperson and the council shall assign a council representative. It is allowable for a single person to fill both roles. The committee chairperson is responsible to submit a report for each month that that committee is active, or to inform the council president when the committee is idle and has nothing to report. The council representative is responsible to present the report and coordinate communications

between the council and the committee.

**C13.07.01.** The Congregation Council will review guidelines developed by each committee

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

#### **Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION**

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

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

**C14.02.01.** The Messiah Lutheran Church Women is an organization of this congregation.

**C14.02.02.** (Reserved) Messiah Men in Mission.

**C14.02.03.** (Reserved) The Messiah Lutheran Church Youth.

**C14.02.A09.** (Reserved) The Ladies Evening Group

**C14.02.04.** Each organization formed and approved by the Congregation Council shall report activities and provide a written summary report to be included in the Annual Report.

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

~~private admonition by the pastor,~~

~~admonition by the pastor in the presence of two or three witnesses, and~~

~~citation to appear before the Congregation Council.~~

~~——— If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.~~

**\*C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two clergy). 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. discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. The written citation that specifies the time and place of the hearing before the Congregation Council and requests the presence of a member charged with the offense shall be sent at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.

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

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

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

~~\*C15.04. The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.~~

~~\*C15.05. Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of~~

~~evidence that injustice has been done or  
evidence of repentance and amendment.~~

\*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. For disciplinary actions in this congregation, “due process” shall be observed as specified in 20.41.04. in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.

**C15.07.** No member of a congregation shall be subject to discipline for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.~~the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.~~

**\*C15.10. Adjudication**

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

**Chapter 16. BYLAWS**

**\*C16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.

**\*C16.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.

**\*C16.03.** Changes to the bylaws may be proposed by any voting member provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation’s members by mail of the proposal with the council’s recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.

**\*C16.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

**Chapter 17. AMENDMENTS**

**\*C17.01.** Unless provision \*C17.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 30% of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation’s members by mail of the proposal together with the council’s recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

**\*C17.02.** An amendment to this constitution, proposed under \*C17.01., shall:

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

**\*C17.03.** Any amendments to this constitution that result from the processes provided in \*C17.01. and \*C17.02. shall be sent by the secretary of this congregation to the synod. The 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. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the Rocky Mountain Synod of

<sup>1</sup> Such an effective date must be stated in relation to the requirements of \*C17.03. to allow time for synodical review of the amendment.

~~the ELCA.~~

- \*C17.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*—as most recently amended by the Churchwide Assembly. Such amendments may be approved by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of 30% 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 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

~~[\* Required provisions when congregation is part of a parish]~~

~~\*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 a Parish Council.~~

~~\*C20.02. Whenever a letter of call is being recommended for extension to an ordained minister of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended to the congregation by the synodical bishop to serve the congregations of a parish, such letter of call shall be first approved by a two thirds vote at congregational meetings of each of the congregations forming the parish. If any congregation of the parish should fail to approve extending this call, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.~~

~~\*C20.03. Any one of the congregations of a parish may terminate the call of a pastor as provided in ¶S14.13.d. of the synodical constitution of the synod named in \*C6.01. In such case, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.~~

~~\*C20.04. Whenever a parish arrangement is terminated, the call of any rostered person serving that parish is terminated. Should any congregation that formerly was part of the parish arrangement desire to issue a new call to that rostered person, it may do so in accordance with the call process of this church.~~

Comment [R8]: Should we leave this in to such a partnership in the future? Committee recommends deleting.

Adopted

June 16, 1962

Ratification of amendments by congregation	May 24, 1999
Approval of amendments by synod	June 21, 1999
Ratification of amendments by congregation	December 9, 2001
Approval of amendments by synod	August 23, 2002 & January 22, 2003
Ratification of amendments by congregation	November 29, 2009
Approval of amendments by synod	February 20, 2010
Ratification of amendments by congregation	January 23, 2011
Ratification of amendments by congregation	January 29, 2012
Approval of amendments by synod	February 21, 2012