

CONSTITUTION, BYLAWS, and CONTINUING RESOLUTIONS

Advent Lutheran Church of Morgan Hill, California

Notation:

Constitution sections are numbered with two numbers in the form *Caa.bb*, where *aa* is the chapter number, and *bb* is the section number within the chapter. For example: **C1.02**.

If a constitution section number has an asterisk in front of it (e.g., ***C4.01**), then it is a required section by the Evangelical Lutheran Church in America, and cannot be changed by the congregation.

Bylaws appear immediately after the constitutional section to which they apply, and are numbered in the form *Caa.bb.cc*, where *aa.bb* is the constitutional chapter number and section number to which the bylaw applies, and *cc* is the bylaw number within that chapter and section. For example: **C9.12.01**.

Continuing Resolutions appear immediately after the constitutional section to which they apply (and after any bylaws that also pertain to that section). They are numbered in the form *Caa.bb.cyyyy*, where *aa.bb* is the constitutional chapter number and section number to which the continuing resolution applies, *c* is a letter designating the continuing resolution ("A" for the first resolution in that section, "B" for the second resolution in that section, and so on), and *yyyy* is the year the resolution was adopted. For example: **C12.01.A1998**.

*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 Advent Lutheran Church of Morgan Hill.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of Advent Lutheran Church of Morgan Hill is hereinafter designated as "this congregation".
- C1.11.** 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.** 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 groups and shall review their actions. (Such description shall be contained in continuing resolutions in the section on the Congregation Council.)

***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—congregation, 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 require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
- j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

***C5.04.** This congregation annually 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 Sierra Pacific 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 Sierra Pacific 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 this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.

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

Bylaws:

C8.02.01. An unbaptized adult who has received instruction and has given evidence of 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 baptism, become a confirmed member of the congregation.

C8.02.02. This congregation practices covenant membership. Voting members shall be all those members who satisfy the conditions in C8.02.c., and have indicated their active status through a positive declaration of covenant membership.

C8.02.03. Members who do not fulfill the intent of the covenant membership as described in C8.02.c. shall be declared inactive and retained on a responsibility list as ones who are in special need of the congregation's prayer and concern.

***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.

Bylaws:

- C8.04.01.** This congregation invites all baptized members who have been properly instructed to participate regularly in Holy Communion.
- C8.04.02.** Baptized persons who do not yet commune, and unbaptized persons are encouraged to approach the communion table to receive a blessing.
- C8.04.03.** Non-members, having been informed of the belief of this congregation, make their own individual determination to participate in Holy Communion.
- C8.04.04.** It shall be made known to prospective participants that the belief of this congregation is: "Participation in the Lord's Supper is the reception of the body and blood of our Lord Jesus Christ given with bread and wine, instituted by Christ himself for us to eat and drink."

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action by the Congregation Council; or
- e. removal from the roll due to inactivity as defined in the bylaws.

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

Bylaws:

- C8.05.01.** Members desiring to change their membership to another congregation shall, upon request, receive a Letter of Transfer.
- C8.05.02.** Discipline shall be exercised by the Congregation Council in accordance with procedures recommended by the Evangelical Lutheran Church in America.

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.

Bylaws:

- 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. A Call to a member of the clergy to be an Associate pastor shall be issued only with the concurrence of

the pastor of the congregation.

C9.01.02. The call shall normally be for an indefinite time. A Call issued to an Associate pastor may be for a definite time.

***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 Sierra Pacific 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, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation; or
 - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council, or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
 - c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
 - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in *C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - e. If, in the course of proceedings described in *C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.

- f. If, following the appointment of the committee described in *C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

Bylaw:

C9.05.01. Upon receiving a Call to another ministry, the pastor shall:

- a. first consult the Congregation President, or if desirable, the congregation, before reaching a decision, and then:
- b. announce the decision as quickly as possible, normally within three weeks, or;
- c. notify the Bishop of the decision.

When a Call has been accepted, the pastor shall terminate the present ministry as soon as feasible, normally within a month.

- *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 the 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.

Bylaws:

C9.12.01. The records of the congregation shall be and remain the property of the congregation. The pastor(s) shall be responsible for the maintenance of the records, except as otherwise provided herein. Upon the termination of the pastor's service to the congregation, the records shall be brought up to date prior to departure. The records shall consist of:

- a. The roster of baptized, confirmed and voting members.
- b. The ministerial acts performed by the pastor.
- c. The minutes and reports of the Synod and the Handbook of the Evangelical Lutheran Church in America.

C9.12.02. The pastor(s) shall report to the secretary of the Evangelical Lutheran Church in American such statistics as may be requested and shall annually report to the congregation a summary of ministerial acts.

C9.12.03. Should the congregation be dissolved, the official records of the congregation shall be deposited in the archives of the Evangelical Lutheran Church in American or its successor.

***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 the synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

Chapter 10. CONGREGATION MEETING

C10.01. The annual meeting of this congregation shall be held in the fourth quarter of each fiscal year, January 1 through December 31.

Bylaw:

C10.01.01. The order of business at the annual meeting shall be:

- a. Opening devotions.
- b. Approval of the minutes of the previous meeting.
- c. Election of Council members for the following fiscal year, i.e., officers and committee chairpersons.
- d. Election of delegates to parish and synod assemblies.
- e. Presentation of the proposed budget for the following fiscal year.
- f. Unfinished business.
- g. New business.
- h. Closing prayer.

C10.02. A special Congregation Meeting may be called by the pastor(s), a minimum of three members of the Congregation Council, or the president of this congregation, and shall be called at the written request of 15 voting members or 5 percent of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.

Bylaws:

C10.02.01. A special congregation meeting shall be called in January of each year for consideration and approval of the budget, and presentation of the annual report.

C10.02.02. The order of business of the budget meeting shall be:

- a. Opening devotions.
- b. Approval of the minutes of the previous meeting.
- c. Presentation of the written reports of the pastor(s), Congregation President, treasurer, financial secretary, committees, and others.
- d. Approval of the budget.
- e. Any additional scheduled business.
- f. Closing prayer.

C10.02.03. The written annual report shall be made available to the congregation one Sunday prior to the budget meeting.

C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail to all voting members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient. Electronic notice of meetings may be provided in addition to notice by regular mail.

C10.04. Ten percent of the voting members shall constitute a quorum.

Bylaw:

C10.04.01. The current rosters of voting, confirmed, and baptized members shall be available at each

meeting of the congregation.

- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions by the congregation shall be by majority vote (not a plurality) except as otherwise provided in this constitution.
- C10.07.** Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

Bylaw:

- C10.07.01.** Written ballots will be at the discretion of the chairperson or may be requested by a majority of members present.

Chapter 11. OFFICERS

- C11.01.** The officers of this congregation shall be: president, first vice-president, second vice president, secretary, treasurer, and financial secretary.
- 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.

Bylaw:

C11.01.01. Duties of Officers

- a. **The President:**
 - 1. Shall preside at all congregation meetings.
 - 2. Shall, to the best of his or her ability, enforce the Constitution and Bylaws of the congregation.
 - 3. Shall carry out the expressed will of the congregation as embodied in the resolutions passed in congregation meetings.
 - 4. All committees, auxiliaries, groups, etc., in the congregation shall be responsible to the President, who shall be welcome at any and all meetings of such groups, either in person or as represented by such person or persons as the President may appoint.
 - 5. Shall call and preside over the meetings of the Congregation Council.
 - 6. Shall endeavor to coordinate the functions, plans, and activities of this congregation in all its parts for the total furtherance of the work of Christ's Kingdom.
- b. **The First Vice President:**

1. In the absence of the President shall act for and in the stead of the President.
2. Shall be responsible for those committees as determined by the Congregation Council.
3. Shall be responsible for all special committees which might be appointed during the term.
4. Shall be welcome to any and all meetings of the committees to which responsibility is incurred.
5. Shall be available for whatever duties the President might assign as a representative of that office.

c. The **Second Vice President**:

1. In the absence of the President and First Vice President shall act for and in the stead of the President.
2. Shall be responsible for the remaining committees not assigned to the First Vice President.
3. Shall be responsible for all special task forces, auxiliaries, groups, etc. in the congregation.
4. Shall be welcomed to any and all meetings of the committees and groups to which responsibility is incurred.
5. Shall be available for whatever duties the President might assign as a representative of that office.

d. The **Secretary**:

1. Shall be present at all congregational meetings and at all meetings of the Congregation Council.
2. Shall enter the minutes of all meetings of said groups in a permanent record book over his or her signature.
3. Shall conduct all official correspondence of the congregation, and Congregation Council under the supervision of the President.
4. Shall perform all duties normally pertaining to the office and such additional duties as the Voting Membership may delegate.

e. The **Treasurer**:

1. Shall be responsible for accurate recording of congregational receipts, disbursements budgeted, and actual expenditures according to proper accounting procedures and, as deemed advisable, shall suggest improved methods for congregational consideration.
2. Shall present a written, duplicated financial report for the preceding year at the January budget congregation meeting, and a monthly report at the Congregation Council meetings.
3. Shall submit permanent financial records for an annual audit.
4. Shall be responsible for monthly remission of offerings for missions, church agencies, and for prompt payment of salaries and bills authorized by the congregation or the Congregation Council as duly constituted sources.

5. Shall be responsible for the flow of money from the treasury to the various committees in such a way that an adequate balance is retained for the payment of salaries and other regularly recurring expenses.
6. Shall be responsible for payment of bills, salaries, or other financial commitments of the congregation of any sort.
7. Shall have available for all committees a current record of their accrued disbursements and budget allotment.
8. Shall keep records for receipts, disbursements, and balances of designated gifts, offerings, and memorials. Shall ensure that adequate bank balances are maintained to cover the amounts held by the church in such designated funds.
9. Specific programs (for example, youth, building fund, women's group) may be established with their own financial accounts. Such programs may, with the approval of the Congregation Council, designate a person other than the Congregation Treasurer to perform the above-listed treasurer's duties for the accounts specific to the program. Such "program treasurers" are accountable to the Congregation Treasurer and to the Congregation Council. They shall perform all of the duties listed above that are applicable to their programs, except that they shall submit their reports to the Congregation Treasurer, who shall then include them with his/her reports to the Congregation Council and congregation. At the option of the Congregation Council, a program treasurer may be allowed to submit quarterly reports instead of monthly reports.

f. **The Financial Secretary:**

1. Shall be responsible for the accurate counting, recording, and depositing of all receipts for the congregation in the local financial institutions, except for specific congregation organizations as provided for in 8., below.
2. Shall be responsible for the recording of all contributions by members for whatever purpose and shall notify the Stewardship Committee and the pastor(s) concerning contributions by non-members.
3. Shall be responsible for the preparation and distribution of quarterly statements to members, showing their offerings to date.
4. Shall be responsible for furnishing the Treasurer with a record of all deposits.
5. Shall be responsible for requisitioning and distribution of offering envelopes.
6. Shall give a written, duplicated report for the preceding year at the January budget congregation meeting, and monthly reports at the Congregation Council meetings.
7. Shall be responsible for the accurate counting by two or more persons of all offerings received.
8. Specific programs (for example, youth, building fund, women's group) may be established with their own financial accounts. Such programs may, with the approval of the Congregation Council, designate a person other than the Congregation Financial Secretary to perform the above-listed financial secretary's duties for the accounts specific to the program. Such "program financial secretaries" are accountable to the Congregation Financial Secretary and to the Congregation Council. They shall perform all of the duties listed above that are applicable to their programs, except that they shall submit their reports to the Congregation Financial Secretary, who shall then include them

with his/her reports to the Congregation Council and congregation. At the option of the Congregation Council, a program financial secretary may be allowed to submit quarterly reports instead of monthly reports.

- C11.02.** The officers shall be elected by the congregation at its annual meeting and shall serve for two years. The congregation shall elect the officers in such a manner that approximately one-half are elected each year. The term shall begin on January 1 and end on December 31.
- C11.03.** No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12 CONGREGATION COUNCIL

- C12.01.** The membership of the Congregation Council shall consist of the pastor(s), officers of the congregation, and the chairpersons of the committees listed in bylaw C12.01.01. The voting membership of the Congregation Council shall be the officers of the congregation and the committee chairpersons listed in bylaw C12.01.01. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause.

Bylaw:

- C12.01.01.** This congregation shall have the following standing committees, whose chairpersons shall be members of the Congregation Council, and whose objectives are defined in the continuing resolutions:
- a. Faith Development
 - b. Worship and Music
 - c. Stewardship
 - d. Operations
 - e. Communications
 - f. Community Connections

Continuing Resolutions:

- C12.01.A2008.** There shall be a standing **Faith Development Committee**. The objectives of the **Faith Development Committee** are to:
- a. Develop and oversee the total education program of the congregation.
 - b. Determine the policies and select personnel for the various departments.
 - c. Provide the necessary means and facilities for the various departments.
 - d. Encourage and assist youth of the congregation to develop a program of fellowship, service to others, and spiritual growth.
 - e. Seek ways to involve the youth in the ongoing and special activities of the congregation as a whole.

C12.01.B2008.	There shall be a standing Worship and Music Committee . The objectives of the Worship and Music Committee are to:
	<ul style="list-style-type: none"> a. Plan and organize all activities concerning the settings and the music for all worship services. b. Provide for the training and utilization of lay persons within the worship setting. c. Develop and oversee an effective music program for the whole congregation. d. Recommend and review compensation and personnel for the music staff and program.
C12.01.C2008.	There shall be a standing Stewardship Committee . The objectives of the Stewardship Committee are to:
	<ul style="list-style-type: none"> a. Plan and coordinate the program for stewardship within the congregation. b. Maintain time and talent files for the congregation. c. Oversee the maintenance and implementation of the endowment trust fund known as Advent Lutheran Trusts.
C12.01.D2008.	There shall be a standing Operations Committee . The objectives of the Operations Committee are to:
	<ul style="list-style-type: none"> a. Assure the maintenance of all the church property and equipment. b. Facilitate the acquisition of equipment.
C12.01.E2008.	There shall be a standing Communications Committee . The objectives of the Communications Committee are to:
	<ul style="list-style-type: none"> a. Work for the enhancement of church publicity within the local communities. b. Oversee the maintenance and improvement of the congregation Internet Web site. c. Help keep historical records of the congregation. d. Foster communications within the congregation by helping other committees and groups within the church publicize their activities.
C12.01.F2008.	There shall be a standing Community Connections Committee . The objectives of the Community Connections Committee are to:
	<ul style="list-style-type: none"> a. Determine and make known congregational and community needs related to physical, emotional, social and spiritual problems. b. Maintain a list of congregational and community agency resources. c. Coordinate programs to match needs and resources within congregation and between congregation and community. d. Provide opportunities for members and friends in the congregation to get to know each other better through fellowship activities. e. Organize a planning committee that can work with the Congregation Council and standing committees to provide fellowship activities. The Community Connections Committee may chose to organize and carry out an activity on

- their own.
- f. Secure volunteers to organize and carry out each activity in conjunction with the sponsoring committee or group.
- g. Care for and maintain banquet supplies and kitchen inventory.
- h. Foster and promote a climate of evangelism (sharing the gospel) within and outside the congregation.
- i. Lead the congregation in going to all people with God's love and Jesus' saving grace.
- j. Identify and pray for visitors and inactive and prospective members of the congregation.
- k. Assimilate all new members to the congregation.

C12.02. The members of the Congregation Council except the pastor(s) shall be elected at the annual congregation meeting. Their term of office shall be for two years in such a manner that approximately one-half are elected each year, with the term of office beginning on January 1 and ending on December 31. No member shall be eligible to serve more than two consecutive terms in the same office. Newly elected Congregation Council members shall be installed at a service prior to the date they assume office.

C12.03. Should a member's place on the Congregation Council be declared vacant, or should a member of the Congregation Council resign from his or her elected position prior to completion of his or her term of office, the Congregation Council shall elect, by majority vote, a successor to serve in the vacated position 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.

- h. To emphasize partnership with the synod and churchwide units 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.

Bylaw:

C12.04.01. Additional Duties and Responsibilities of the Congregation Council:

- a. Review annually the salary of the pastor(s) and make adjustments from time to time within the limits of the budget approved by the congregation.
- b. Receive reports regularly from the treasurer to ascertain the expenditures are within the budget approved by the congregation. Any expenditures in excess of the total voted budget must be approved by the congregation.
- c. Prepare a budget to be presented at the annual congregation meeting, and to be approved at the January budget congregation meeting.
- d. Assure itself that the treasurer and others who have access to the funds of the congregation are adequately bonded.
- e. Appoint a Nominating Committee, according to the provisions described in C13.02.
- f. Appoint an Audit Committee, according to the provisions described in C13.03.
- g. Be responsible for the buildings and premises of the congregation.
- h. Exercise discipline in accordance with provisions of the constitution with procedures recommended by the Evangelical Lutheran Church in America.
- i. Have authority between meetings of the congregation to choose delegates to any group or meeting in which the congregation is entitled to representation.
- j. Oversee the standing committees listed in C12.01.01.
- k. Board of Trustees – In all legal matters, the President, two Vice-Presidents, Secretary, Treasurer, and Financial Secretary are, and shall act as, the trustees of the congregation.

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 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 the congregation.
- c. The Congregation Council may enter into contracts of up to \$5,000 per contract 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 not incur obligations of more than \$15,000 or 10%, whichever is greater, in excess of the anticipated receipts without approval by the congregation at a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program

Bylaw:

C12.05.01. The Congregation Council may delegate the authority for the day-to-day management of this congregation's property, business, and fiscal affairs to the Executive Committee. The responsibilities of the Executive Committee under this delegation of authority are specified in C13.01.01. This delegation may be revoked at any time by a majority vote of the Council.

- C12.06.** The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out.
- C12.07.** The Congregation Council shall provide for an annual review of the membership roster.
- C12.08.** The Congregation Council shall be responsible for the employment and supervision of staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at a

special congregation meeting as specified in the bylaws (see C10.02.01.).

- 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 by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor(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 or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

Chapter 13. CONGREGATION COMMITTEES

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

Bylaw:

- C13.01.01.** The Executive Committee may be given the authority for the day-to-day management of this congregation's property, business, and fiscal affairs by the Congregation Council. The Executive Committee is bound by the same constitutional provisions and bylaws that apply to the Congregation Council regarding the oversight of the congregation's property, business, and fiscal affairs. The following additional provisions apply specifically to the Executive Committee when operating on behalf of the entire Congregation Council:
- a. A quorum for the transaction of business shall consist of a majority of the members of the Executive Committee, 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 Executive Committee, following consultation with the synodical bishop.
 - b. Notice of each meeting of the Executive Committee shall be given to all members of the Committee.
 - c. All decisions made shall be recorded in the minutes of the Executive Committee meeting. A written copy of these minutes shall be made available to the entire Congregation Council at its next meeting after the Executive Committee meeting. Should the next Congregation Council meeting be on the same day as the Executive Committee meeting, an oral reading of the minutes shall be a sufficient report of the business transacted by the Executive Committee. A subsequent written report should then be available at the next Congregation Council meeting.

- d. Any member of the Congregation Council may call for discussion and reconsideration of any decision made by the Executive Committee at the next Congregation Council meeting that occurs after the Executive Committee meeting where the decision was made. In the absence of such a reconsideration, the business transacted by the Executive Committee will be considered tacitly approved by the Congregation Council.

C13.02. A **Nominating Committee** of three voting members of this congregation shall be appointed by the Congregation Council for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection.

Bylaw:

C13.02.01. On or before September 15, the Congregation Council shall appoint a nominating committee consisting of one member of the Congregation Council and two members from the congregation at large. The pastor(s) may serve as advisory members. The term of office of the members of the nominating committee shall be one year.

The nominating committee shall nominate one or more candidates for each office and for each committee chairperson to be filled and shall secure the consent of each candidate.

The Nominating Committee shall also nominate one or more candidates for each delegate position allotted to this congregation for parish and synod assemblies.

- a. The list of nominees shall be announced to the congregation in connection with the announcement of the regular November meeting.
- b. Additional nominations may be made from the floor.
- c. The Congregation Council shall fill vacancies on the nominating committee.

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

Bylaw:

C13.03.01. The duties and responsibilities of the Audit Committee shall be:

- a. Annually audit the fiscal records of the congregation.
- b. Examine and evaluate the existing insurance coverage of the church.
- c. Report its findings in writing at the annual congregation meeting.

C13.04. A **Mutual Ministry Committee** shall be nominated by the Council President and the pastor(s) and ratified by the Congregation Council.

Bylaws:

C13.04.01. The Mutual Ministry Committee:

- a. Shall be responsible for ministry and mission review and performance evaluations.
- b. Shall tend the relationships between the pastor(s) and the congregation.
- c. Shall make appropriate recommendations to the Congregation Council.

C13.05. A **Personnel Committee** (in the absence of a Personnel Committee, its duties shall be filled by the Executive Committee) shall be elected by the Congregation Council for a term of four years. Members shall be eligible for reelection.

Bylaw:

C13.05.01. The Personnel Committee:

- a. Shall assist and support the Congregation Council in its oversight and administrative responsibilities (C12.04.c).
- b. Shall assist and support the Congregation Council in its pastor and staff relationship responsibilities (C12.04.d).
- c. Shall make appropriate recommendations to the Congregation Council.
- d. Shall meet regularly, with meetings to be held at least quarterly.

C13.06. When a pastoral vacancy occurs, a **Call Committee** of five to seven voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly-called pastor.

C13.07. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C13.08. Duties of committees of this congregation shall be specified in the continuing resolutions.

Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION

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

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

Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION

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

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

If for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (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 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 a) evidence that injustice has been done or b) evidence of repentance and amendment.

***C15.06.** For disciplinary actions in this congregation, "due process" shall be observed as specified in 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

***C15.10.** 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.

***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 1 voting member or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.

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

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

***C17.03.** Any amendments to this constitution that result from the processes provided in *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the synod. The amendment

shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the Sierra Pacific Synod of 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 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 1 voting member of the congregation, the Congregation Council shall submit such notice and call such a meeting. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 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.

* Required Provision

**Ratification and Amendment Record
 Constitution, Bylaws, and Continuing Resolutions
 Advent Lutheran Church of
 Morgan Hill, California**

The actions listed below are in chronological order. Copies of the ratified constitution and each amendment are maintained in individual files. The current copy of the constitution incorporates the amendment(s) as appropriate.

Date	Action	Reference (files)
November 15, 1998	Constitution, Bylaws, and Continuing Resolutions Ratified by the congregation	1998_Constitution.doc 1998_Constitution.odt 1998_Constitution.pdf
January 18, 2009	Resolution to Amend the Constitution, Bylaws, and Continuing Resolutions Ratified by the congregation	2009_Resolution.doc 2009_Resolution.odt 2009_Resolution.pdf
April 11, 2011	Amendment of January 18, 2009 incorporated into the Constitution, Bylaws, and Continuing Resolutions	2009_Constitution.doc 2009_Constitution.odt 2009_Constitution.pdf
November, 6 2011	Resolution to Amend the Constitution to conform with the <i>Model Constitution for Congregations of the Evangelical Lutheran Church in America</i> Ratified by the the congregation	2011_Resolution.doc 2011_Resolution.odt 2011_Resolution.pdf 2011_Constitution.doc 2011_Constitution.odt 2011_Constitution.pdf
January, 22, 2012	Resolution to Amend the Constitution to conform with the 2011 <i>Model Constitution for Congregations of the Evangelical Lutheran Church in America</i> Ratified by the the congregation	2012_Resolution.doc 2012_Resolution.odt 2012_Resolution.pdf 2012_Constitution.doc 2012_Constitution.odt 2012_Constitution.pdf