

**CONSTITUTION FOR  
LORD OF LOVE LUTHERAN CHURCH A CONGREGATION OF THE NEBRASKA SYNOD  
EVANGELICAL LUTHERAN CHURCH IN AMERICA**

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**Codification Explanation**

A numerical codification indicates (a) Chapter, (b) constitutional provision, and (c) bylaws.

- a. Major sections are designated as chapters and are sequentially assigned numerically.
- b. Constitutional provisions are codified with two sets of numbers: the chapter number and a two-digit provision number. The provision numbers are not sequentially assigned.
- c. Bylaw provisions are codified with three sets of numbers: the chapter number, related constitution provision number, and a two-digit bylaw provision number. The bylaw provision numbers are not sequentially assigned. Bylaws are also italicized.

Sections marked by an asterisk [\*] are provisions required by the ELCA.

**\*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 LORD OF LOVE LUTHERAN CHURCH.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of LORD OF LOVE LUTHERAN CHURCH is hereinafter designated as "this congregation."
- C1.03.** This congregation shall be incorporated under the laws of the State of NEBRASKA.

## **Chapter 2.**

### **CONFESION OF FAITH**

- \***C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- \***C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
  - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
  - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- \***C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- \***C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- \***C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- \***C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- \***C2.07.** This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

## **Chapter 3.**

### **NATURE OF THE CHURCH**

- \***C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- \***C3.02.** This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.
- \***C3.03.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- \***C3.04.** This church, inspired and led by the Holy Spirit, participates in the Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in

service for the sake of God's mission in the world.

- \*C3.05. The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein

## **Chapter 4.**

### **STATEMENT OF PURPOSE**

- \*C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- \*C4.02. To participate in God's mission, this congregation as a part of the Church shall:
- a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
  - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
  - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministries 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.

*C4.03.00   Holy Communion*

- C4.03.01   Participation in Holy Communion shall be open to all baptized who confess faith in Jesus Christ as Savior, desire to amend their sinful lives, and accept the scriptures teaching regarding the Real Presence of Christ with His Body and Blood in the sacrament.*

- \*C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The

Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational groups and shall review their actions. Such descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.

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

## **Chapter 5.**

### **POWERS OF THE CONGREGATION**

- \*C5.01. The powers of this congregation are those necessary to fulfill its purpose.
- \*C5.02. The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- \*C5.03. Only such authority as is delegated to the Congregation Council or other organizational units in this congregation’s governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
  - a. call a pastor as provided in Chapter 9;
  - b. terminate the call of a pastor as provided in Chapter 9;
  - c. call a minister of Word and Service
  - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;
  - e. adopt amendments to the constitution, as provided in Chapter 16, amendments and bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;
  - f. approve the annual budget;
  - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - h. hold title to and use its property for any and all activities consistent with its purpose;
  - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful purpose;
  - j. elect its officers, Congregation Council, boards, and committees, and require the members of the council to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
  - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

**C5.03.00 Parish Records**

*The records of the congregation shall be and remain the property of the congregation.*

**C5.03.01** *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 in the congregation, the pastor shall have brought the records up to date prior to said pastor's departure.*

**C5.03.02** *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 Nebraska Synod and the Handbook of the Evangelical Lutheran Church of America.*
- d. The minutes of the meetings of the congregation and the Congregation Council, for which the secretary of the congregation shall be responsible*
- e. The financial records of the congregation for which the treasurer of the congregation shall be responsible.*

- C5.03.04 *The pastor shall report to the Nebraska Synod of the Evangelical Lutheran Church of America such statistics as may be requested and shall annually report to the congregation a summary of the ministerial acts.*
- C5.03.05 *Should the congregation be dissolved, the official records of the congregation shall be deposited in the archives of the Evangelical Lutheran Church of America or its successor.*
- \*C5.04. This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Nebraska Synod of the Evangelical Lutheran Church in America.
- C5.05. In order to provide for faithful management of all the gifts God has given to us – time, talents, the created world, and money – this congregation shall establish and provide for the administration of special money funds.
- C5.05.00 *Major Improvement Fund*
- C5.05.01 *The Major Improvement Fund is established to provide funds for unexpected, unbudgeted building and grounds repairs or for capital improvements to the building and grounds. This fund is established to receive designated gifts from congregation members to meet capital improvement needs of the Congregation. Assets from this fund are not to be used to defray normal operating expenses.*
- C5.05.02 *The Congregation Council is responsible for managing this fund. Management of the fund includes:*
- a. *Providing the congregation with an annual accounting of all fund expenditures.*
  - b. *Annual planning of major improvement projects and expenditures. Appropriate projects include, but are not limited to, purchase, repair, or replacement of equipment, furnishings, building and grounds components of significant cost. General maintenance costs are to be included in the annual general fund budget.*
  - c. *Annual presentation of a budget for the Major Improvement Fund for Congregation approval.*
  - d. *Maintenance of an adequate balance within the fund to meet emergency expenditures. An emergency is any condition that adversely affects or is detrimental to the operation of the church facility.*
  - e. *Approval of all fund expenditures based on the limits established through these by-laws.*
  - f. *Evaluating fund balances and expenditures using a fund index. The fund index shall be the current year's budgeted general fund expenditures, rounded to the nearest \$10,000, as approved by the Congregation at an annual meeting.*
- C5.05.03 *The Major Improvement Fund shall not exceed a balance of \$75,000. Any monies in excess of this amount shall be used to prepay long-term debts of the Congregation. In the absence of any long-term debts, excess monies shall be directed to the general fund.*
- C5.05.04 *A minimum fund balance equal to 3% of the fund index shall exist to ensure the ability to address emergency expenditures. Non-emergency spending from the Major Improvement Fund shall not take the fund below the minimum fund balance.*
- C5.05.05 *A Major Improvement Plan and Budget for the Major Improvement Fund will be submitted for Congregational approval annually. Expenditures for each approved project cannot exceed forecasted costs by more than 10% without additional Congregation approval.*
- C5.05.06 *Contracts for any major project to involve Major Improvement Funds shall be reviewed and recommended by the Ministry of Resources and presented to the Ministry of Vision and Coordination. The Ministry of Vision and Coordination shall assess the approval requirements for the proposed expenditure and act accordingly to obtain approval from the Congregation Council or Congregation.*
- C5.05.07 *The Congregation Council has the authority to spend up to 4% of the fund index for each*

- emergency situation without Congregation approval.*
- C5.05.08 *The Congregation Council has the authority to spend up to 1% of the fund index annually for unbudgeted Major Improvement Fund expenditures without Congregation approval.*
- C5.05.10 *Endowment Fund*
- C5.05.11 *The Endowment Fund is established to encourage, receive, and administer gifts to the congregation made in the form of bequests in wills, charitable remainder and other trusts, charitable gift annuities, assignment of life insurance, and transfer of property including, but not limited to, cash, stocks, bonds, real estate, and personal property in accordance to established gift receiving policies.*
- C5.05.12 *The Endowment Fund is established to enhance the mission outreach of Lord of Love Lutheran Church apart from the general operation of the Congregation. No portion of the Fund shall be used for the annual operating budget of Lord of Love.*
- C5.05.13 *An Endowment Fund Committee shall be established to act as custodian of the fund. The Endowment Fund Committee shall consist of five (5) voting members of Lord of Love Lutheran Church. A Pastor and the President of the Congregation Council, or the President's designate, shall be advisory members of the Committee. Each member of the Committee shall be elected or appointed to two (2) year terms. No member shall serve more than two (2) consecutive two (2) year terms. After a lapse of one (1) year, former Committee members may be reelected. Three (3) members of the Committee shall be elected by the Congregation and two (2) members appointed by the Congregation Council. The Congregation shall elect and the Council appoint the necessary members for two (2) year terms at a regularly scheduled meeting of the Congregation. Nominations for this committee shall be presented at the congregational meeting in the same manner as for other officers and committees. In the event of a vacancy on the committee, the Congregational Council shall appoint a voting member of the congregation to fill the vacancy until the next regular congregation meeting with elections.*
- C5.05.14 *The Committee shall meet at least quarterly, or more frequently as deemed necessary in the interest of the Fund.*
- C5.05.15 *A quorum shall consist of three (3) voting members. A majority present and voting shall carry any motion or resolution.*
- C5.05.16 *The Committee shall elect from its membership a person to chair the Committee, a financial secretary and a recording secretary.*
  - a. *The Committee Chair, or a chair designated replacement, shall preside at all meetings of the Committee.*
  - b. *The recording secretary shall maintain complete and accurate minutes of the Committee meetings and supply a copy thereof to each Committee Member. Each member shall keep a complete copy of minutes to be delivered to his or her successor. The secretary shall also supply a copy of the minutes to the Congregation Council.*
  - c. *The financial secretary shall assist the treasurer of the congregation in maintaining complete and accurate books of accounts for the Congregation and shall sign checks other documents on behalf of the Congregation in furtherance of the purposes of the Fund. The books shall be audited annually by a certified public accountant or other appropriate person who is not a member of the Committee.*
- C5.05.17 *The Committee shall report on a quarterly basis to the Congregation Council, through the Ministry of Resources, at regularly called meetings of the congregation, and, if requested, at special meetings of the congregation. A full and complete audited account of the administration of the fund shall be prepared annually.*
- C5.05.18 *The Committee may request other members of the Congregation to serve as advisory members and; at the expense of the fund income, may provide for such professional counseling on investments or legal matters as it deems in the best interest of the fund.*
- C5.05.19 *Members of the Committee shall not be liable for any losses which may be incurred upon the investments of the assets of the Fund except to the extent such losses shall have been caused by bad*

*faith or gross negligence. No member shall be personally liable as long as he or she acts in good faith and with ordinary prudence. Such member shall be liable only for his or her own willful misconduct or omission and shall not be liable for the acts or omissions of any other member. No member shall engage in any self-dealing or transactions with the Fund in which the member has direct or indirect financial interest and shall at all times refrain from any conduct in which his or her personal interest would conflict with the interest of the Fund.*

- C5.05.20 All assets are to be held in the name of Lord of Love Lutheran Church Endowment Fund.
- C5.05.21 Decisions to accept, hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects to manage, and control the assets of the fund; including stocks, bonds, debentures, mortgages, notes, or other securities, as In their judgment they deem wise and prudent, are to be made by the Committee subject to the usual standard of prudence required of trustees of similar funds.
- C5.05.22 Gifts and bequests to the fund; including all income earned thereon, shall accumulate until a principal amount of Fifty Thousand Dollars (\$50,000) is achieved.
- C5.05.23 Monies from the fund shall be distributed annually and at any other times deemed necessary by the committee in accordance with the following mission statement:
- The Lord of Love has called us through his Son, Jesus Christ, into His family. As fellow members of this diverse family, within the Body of Christ, we: Celebrate, proclaim, and teach the Gospel
  - Support one another in our struggles to understand and do God's will; Nurture each other through prayer, acceptance, and forgiveness; and
  - Act out our faith and love by sharing our gifts and reaching out to our world.
- C5.05.24 The Committee shall develop procedures to solicit, evaluate, and approve proposals for grant awards from the fund.
- C5.05.25 The Committee shall report to the congregation the amount of monies available and distributed for grants. This reporting shall be through the annual report of the congregation.
- C5.05.26 If the Fund Balance is less than \$50,000 on September 30 no grants may be awarded for the next 12 months.
- C5.05.27 The amount of funds that may be distributed will be calculated as a percentage of the Fund Balance as of September 30 of each year and apply for the next 12 months.
- C5.05.28 The calculation of the percentage of the fund to be distributed will be determined as follows:
- The standard percentage shall be from 3% to 5% of the fund's balance as of September 30 of the current year.
  - The actual distribution percentage used must limit the amount to be distributed to the difference between the September 30 balance and \$50,000.
  - The amount to be distributed must not bring the fund balance as of September 30 below \$50,000.
  - The committee will use their best judgment in determining the actual distribution percentage for each year. Factors to be considered include current needs, current economic conditions and past fund earnings history.
  - A committee recommended distribution percentage greater than 5% must be approved by the Church Council.
  - The Committee will insure that there are sufficient funds in the cash account to cover awarded grant distributions.
- C5.05.29 In the event that Lord of Love Lutheran Church ceases to exist either merger or dissolution, disposition or transfer of the Fund shall be in conformity with constitution provision for that other property of the congregation. Consultation with the Evangelical Lutheran Church in America may be desirable to satisfy obligations for specific gifts to the Fund.
- C5.05.30 Dedicated Funds

C5.05.31 *The Congregation Council is authorized to direct the treasurer to establish accounts as necessary within the checking and/or savings accounts of the church to be used to fund a committee, organization, or special project of the church, or to support a specialized ministry or mission of the congregation.*

C5.05.40 *Receipt of Special Gifts*

C5.05.41 *The Congregation Council is authorized to establish and administer policies related to the receipt of undesignated and special gifts and how accepted gifts may be distributed to various funds, including but not limited to the Endowment Fund, Memorial Fund, Major Improvement Fund, General Fund, and other Special Funds established to support the ministries and special projects of the congregation.*

## **Chapter 6.**

### **CHURCH AFFILIATION**

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

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

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

- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the roster of ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of ministers of the Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a minister of the Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
- d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

\*C6.04. Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:

- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
- d. This congregation follows the procedures outlined in C6.05.

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

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

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

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

## **Chapter 7. PROPERTY OWNERSHIP**

- \*C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the NEBRASKA Synod of the Evangelical Lutheran Church in America.
- \*C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- \*C7.03. If two-thirds of the voting members of this congregation present at a regularly called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the NEBRASKA Synod.
- \*C7.04. If two-thirds of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in \*C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.
- C7.05. Notwithstanding the provisions of \*C7.02. and \*C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
  - a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the NEBRASKA Synod— reconvey and transfer all right, title, and interest in the property to the synod.

## **Chapter 8.**

### **MEMBERSHIP**

- \*C8.01. Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- \*C8.02. Members shall be classified as follows:
  - a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
  - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
  - d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
  - e. **Seasonal** members are voting members of other ELCA congregations who wish to retain such

membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:

- 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
- 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
- 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with the ELCA;
- 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
- 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
- 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

#### *C8.02.00 Baptized Members*

- C8.02.01 *A child, one or both of whose parents or guardians are members of the congregation, shall, upon receiving Baptism, become a baptized member.*
- C8.02.02 *A child, neither of whose parents or guardians is a member of the congregation, shall, upon receiving Baptism, become a baptized member of the congregation, unless for good reason the child is to be a baptized member of another congregation, in which case the child's membership shall be transferred to that congregation.*
- C8.02.03 *A child baptized in another congregation shall be received as a baptized member in the congregation when a transfer has been received.*
- C8.02.04 *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 baptized member of the congregation.*
- C8.02.05 *When one or both parents of baptized children are received into the membership of the congregation, such children should be received as baptized members with the consent of the member parent or parents.*
- C8.02.06 *Where a baptized child is an orphan or a ward of someone and these people move into the area served by this congregation, the child may be received as a baptized member when it is commended to the care of this congregation by the congregation which baptized the child.*
- C8.02.07 *When the parents of a baptized child are not themselves members of the Lutheran Church but move into the area served by this congregation and desire to have their child put within the pastoral care of this congregation, the child may be received as a baptized member.*
- C8.02.10 *Confirmed Members*
- C8.02.11 *Baptized adults, previously members of a Lutheran congregation, who have received instruction in the teachings of the Word of God as confessed by the Lutheran Church, upon recommendation of the Pastor, shall be admitted to confirmed membership through the Affirmation of Baptism.*
- C8.02.12 *A baptized member of the congregation shall become a confirmed member through the Affirmation of Baptism.*
- C8.02.13 *An applicant for membership who presents a letter of transfer which certifies that the applicant is a confirmed member in good standing of a Lutheran congregation shall become a confirmed member of the congregation upon approval by the Congregation Council. The acceptance of the applicant shall be reported to the congregation.*
- C8.02.14 *An applicant for membership who presents evidence of membership in a Lutheran congregation but does not have a Letter of Transfer shall be admitted to confirmed membership when the Congregation Council has determined that the applicant meets the standards of Christian faith and*

*life indicated in the constitution and by-laws and when the applicant has reaffirmed their faith before the congregation.*

**C8.02.20 Voting Members**

*The roster of voting members shall be available at all officially called meetings of the congregation.*

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

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

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

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action in accordance with ELCA constitutional provision 20.41 and the accompanying bylaws; or
- e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.

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

**C8.05.00 Discontinuance of Membership**

*C8.05.01 The congregation shall, in the event that a member moves from the community it serves, encourage the member to request a transfer to a Lutheran congregation which can serve the member effectively. Should the member fail to request a transfer, a Lutheran congregation in the community of the member's residence may be notified.*

*C8.05.02 A confirmed member desiring to change their membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.*

*C8.05.03 A confirmed member who, for a period of one year, does not appear to desire to participate in the life and worship of the congregation shall be visited by the pastor and the congregation's representative and encouraged by them to active membership, if, during the second year, the confirmed member does not actively participate, the member's name shall be removed from the active membership roster of the congregation.*

*C8.05.04 A child, neither of whose parents or guardians is a member of the congregation, may be removed from the roster of baptized members if the child fails to participate in the life and worship of the congregation, but be retained on a responsibility list as one who is in special need of the congregation's prayer and concern.*

**C8.05.10 Responsibility List**

*C8.05.11 The names of members removed from the active membership roster of the congregation shall be retained on a responsibility list of those who are in special need of the congregation's prayers and concern.*

*C8.05.12 Persons will be retained on this list indefinitely.*

*C8.05.13 Persons named on this list do not have voting rights at any congregational meeting and cannot be elected or appointed to positions on the Congregation Council.*

*C8.05.14 Persons named on this list are free to participate in all other facets of the congregational life.*

*C8.05.15 Persons will be removed from the responsibility list through requests to transfer, request to be reinstated to active membership, or upon the death of the individual.*

**Chapter 9.****ROSTERED MINISTER**

- \*C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting called for that purpose. Before a call is issued, the officers, or a committee elected by the congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.02. Only a member of the -roster of ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of ministers of Word and Sacrament who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- \*C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
  - a. Every minister of Word and Sacrament shall:
    - 1) preach the Word;
    - 2) administer the sacraments;
    - 3) conduct public worship;
    - 4) provide pastoral care;
    - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
    - 6) impart knowledge of this church and its wider ministry through distribution of its communications and publications;
    - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
    - 8) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
  - b. Each pastor with a congregational call shall, within the congregation:
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
    - 2) relate to all schools and organizations of this congregation;
    - 3) install regularly elected members of the Congregation Council;
    - 4) with the council, administer discipline; and
    - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of the Nebraska Synod of the ELCA.
- \*C9.04. The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.

**C9.04.00 Letter of Call**

*C9.04.01 A Call to a member of the clergy to a pastoral staff position shall be issued only with the concurrence of the current pastor of the congregation and in accordance with the provisions of this paragraph.*

*C9.04.02 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 of America.*

*C9.04.03 The Letter of Call shall be signed by the chairperson and the secretary of the meeting at which the Call was voted.*

*C9.04.04 The Call shall normally be for an indefinite time.*

\*C9.05. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:

- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
  - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
  - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;

- 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions;
  - 4) physical disability, or mental incapacity of the pastor;
  - 5) suspension of the pastor through discipline for more than three months;
  - 6) resignation or removal of the pastor from the roster of ministers of Word and Sacrament of this church;
  - 7) termination of the relationship between this church and the congregation;
  - 8) dissolution of the congregation; or the termination of a parish arrangement; or
  - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of the synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) When such allegations have been brought to the synod's attention by an official recital of allegations by the congregation council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity, under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of the synod may declare the pastorate. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament as disabled. Upon removal of the disability and restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, under paragraph a.3) above, the bishop's committee shall endeavor to hear from, - all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent, to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommend termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

C9.05.00 *Call to another ministry*

C9.05.01 *If a pastor receives a Call to another ministry, said pastor may consult the Congregation Council, or if the pastor desires, the congregation, before reaching a decision. The pastor shall announce his or her decision as quickly as possible, normally within three weeks.*

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

- \*C9.07. During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- \*C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- \*C9.09. When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.11. With the approval of the bishop of the synod, the congregation may depart from \*C9.05.a and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.
- \*C9.12. The pastor of this congregation:
- shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
  - shall submit a summary of such statistics annually to the synod; and
  - shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- \*C9.13. The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14. The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- C9.15 Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.
- \*C9.21. Authority to call a minister of Word and Service shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.22. Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synodical bishop may be called as a deacon of this congregation.
- \*C9.23. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- Be rooted in the Word of God, for proclamation and service;
  - Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
  - Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the

- nation, and abroad;
- d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
  - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
  - f. Practice stewardship that respects God's gift of time, talents, and resources;
  - g. Be grounded in a gathered community for ongoing diaconal formation;
  - h. Share knowledge of the ELCA and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
  - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- \*C9.24. The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.25. The provisions for termination of the mutual relationship between a minister of Word and Service and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
    - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
    - 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
    - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
    - 4) physical disability or mental incapacity of the deacon;
    - 5) suspension of the deacon through discipline for more than three months;
    - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
    - 7) termination of the relationship between this church and this congregation;
    - 8) dissolution of this congregation or the termination of a parish arrangement; or
    - 9) suspension of this congregation through discipline for more than six months.
  - b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
    - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
    - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
  - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service as disabled. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
  - d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
  - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- \*C9.26. The deacon shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another field of labor, or
  - b. the issuance of a certificate of dismissal or transfer.
- \*C9.27. When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.28. With the approval of the bishop of the synod, this congregation may depart from \*C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.25.a.
- \*C9.29. The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- \*C9.31. The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

## **Chapter 10.**

### **CONGREGATION MEETING**

C10.01. The regular meeting(s) of this congregation shall be held at a time specified in the bylaws.

*C10.01.00 Regular meetings*

*C10.01.01 Meetings of the congregation shall be held within the first 3 Sundays of each February and November.*

*C10.01.02 Reports for each meeting shall be submitted in writing to the pastor and President of the congregation not less than 14 days before the meeting.*

*C10.01.03 The general order of business at each meeting shall be similar to the following:*

- a. Opening devotions*
- b. Approval of the minutes from prior meetings*
- c. Reports of the pastor(s), the congregation council, the treasurer, committees and others.*
- d. Elections (if held at this meeting)*
- e. Old or unfinished business*
- f. New business*
- g. Closing prayer*

*C10.01.04 Business for the February meeting shall include:*

- a. Year-end financial report*
- b. Report of committee accomplishments*
- c. Pastor's parochial reports*
- d. Committee and Congregation member visioning activities*

- e. *Election of Synod Assembly Voting Members*
- C10.01.05 *Business for the November meeting shall include:*
  - a. *Proposal and approval of the budget for the following fiscal year*
  - b. *Year-to-date financial report*
  - c. *Election of officers and other members of the congregation council, members to standing and special committees*
  - d. *Committee reports on the vision for the year*
- C10.01.06 *The budget for the forthcoming fiscal year shall be submitted in writing to the congregation not less than 30 days prior to the meeting at which action will be taken.*
- C10.01.07 *In the following cases voting shall be by ballot:*
  - a. *Election of the Congregation Council*
  - b. *To adopt or amend the Articles of Incorporation, Constitution, By-laws of the Constitution*
  - c. *To call a pastor or request the resignation of a pastor*
  - d. *To sever membership in the Evangelical Lutheran Church of America*
  - e. *To dispose of, encumber, or purchase real property*
- C10.02. A special Congregation Meeting may be called by the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of 10 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.
- C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays.
- C10.04. Fifteen percent (15%) of the voting membership shall constitute a quorum.
- 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 except as otherwise provided in this constitution.
- C10.07. Meetings of the congregation shall be governed by parliamentary procedures as found in a current edition of parliamentary procedures.

## **Chapter 11. OFFICERS**

- C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.
  - a. Duties and terms of office 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.
- C11.01.00 *Eligibility and Duties of Officers*
- C11.01.01 *Only a voting member of the congregation who has attained the age of nineteen (19) shall be eligible to serve as an officer.*
- C11.01.02 *The president shall preside at the meetings of the Congregation Council and of the congregation.*
- C11.01.03 *The vice-president shall preside at the meetings of the Congregation Council of the congregation in the absence of the president.*
- C11.01.04 *The secretary shall keep the minutes of the Congregation Council and of the congregation and be caretaker of the archives of the congregation.*
- C11.01.05 *The treasurer shall receive and disburse the funds of the congregation in accordance with the decisions of the congregation or the Congregational Council.*
- C11.02. The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot. Their terms of office shall be specified in the by- laws.
- C11.02.00 *Terms of Office*
- C11.02.01 *The officers of the congregation shall be elected to an initial term of office of two years.*

- C11.02.02 The term of office may be extended with one (1) renewal.*  
*C11.02.03 A member cannot serve as an officer for more than four consecutive years.*  
*C11.02.04 The term of office shall begin on January 1 following the election.*

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

## **Chapter 12.**

### **CONGREGATION COUNCIL**

C12.01. The voting membership of the Congregation Council shall consist of the officers of the congregation and other members of the congregation as specified in the bylaws. The pastor(s) shall be ex-officio member(s) of the Congregation Council.

*C12.01.00 Membership on the Congregation Council*

*C12.01.01 Only a voting member of the congregation who has attained the age of nineteen (19) shall be eligible for membership on the Congregation Council.*

*C12.01.02 No household shall be represented on the Congregation Council by more than one member.*

C12.02. The members of the Congregation Council shall be elected by written ballot. Their terms of office shall be specified in the bylaws.

*C12.02.00 Terms of Office*

*C12.02.01 The members of the Congregation Council shall be elected to an initial term of office of two years.*

*C12.02.02 The term of office may be extended with annual renewals.*

*C12.02.03 A member cannot serve as a member of the Congregation Council for more than 5 consecutive years.*

*C12.02.04 The term of office shall begin on January 1 following the election.*

C12.03. 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 three successive regular meetings of the Congregation Council without cause or (c) tenders a resignation.

*C12.03.00 Council Vacancies*

*C12.03.01 If a vacancy occurs on the Congregation Council, the Congregation Council shall within 60 days appoint an eligible member of the congregation to fill the vacancy and complete the unexpired term. Should the unexpired term be one year or less, it shall not be considered in determining eligibility for succession.*

C12.04. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.

- h. To emphasize partnership with the synod and churchwide 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 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 Nebraska, except as otherwise provided herein.
  - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
  - c. The Congregation Council shall prepare an annual budget for adoption by this congregation and shall supervise the expenditure of funds in accordance therewith following its adoption. Sufficient documenting information should accompany the budget.
  - d. The Congregation Council may enter into contracts for items not included in the budget within limits as stated in the bylaws.
  - e. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
  - f. The Congregation Council shall annually review the compensation programs of the pastor(s) and make adjustments from time to time within the limits of the budget approved by the congregation.
  - g. The Congregation Council shall regularly receive reports from the treasurer to ascertain that expenditures are within the budget approved by the congregation.
  - h. The Congregation Council shall assure that the treasurer and others who have access to the funds of the congregation are adequately bonded.
  - i. The Congregation Council shall be responsible for the buildings and premises of the congregation so that their use is normally limited to the functions of the congregation. Should groups or individuals not associated with the congregation desire to use such property, application shall be made to the Congregation Council for its approval.

C12.05.00 *Special Ceremonies and Building Usage*

C12.05.01 *Ceremonies of lodges or other such organizations shall not be permitted as a part of any worship service*

C12.05.02 *The buildings of the congregation shall be open to all people to share in its worship, instruction, pastoral care, and fellowship.*

C12.05.10 *Restrictions of the Congregation Council*

C12.05.11 *The congregation-approved annual budget shall govern expenditures of the Congregation Council*

C12.05.12 *The Congregation Council must obtain congregational approval of all non-budgeted. expenditures in excess of \$5,000.*

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

C12.07. Shall annually review the entire roster of baptized, confirmed and voting members of the congregation.

C12.08. The Congregation Council shall secure necessary staff other than the pastor(s) and annually review and fix their salaries.

C12.08.00 *Financial Secretary.*

C12.08.01 *The financial secretary shall keep an accurate record of all receipts, individual pledges and*

*accounts of its members, and issue periodic reports and statements to the members of the Congregation Council or congregation as directed.*

- C12.09. The Congregation Council shall submit a comprehensive report to this congregation at regularly called meeting(s) of the congregation.
- C12.11. The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council.
- C12.13. The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

## **Chapter 13.**

### **CONGREGATION COMMITTEES**

- C13.01. The officers and committees of this congregation and their duties shall be specified in the bylaws.

#### *C13.01.00 Ministry of Vision and Coordination*

- C13.01.01 The officers of this congregation and the pastor(s) shall constitute the Ministry of Vision and Coordination.*
- C13.01.02 This committee shall provide leadership in forming a vision for the congregation, coordinate council and congregational activities, and monitor the financial aspects of the congregation.*

#### *C13.01.10 Ministries of the Congregation Council*

- C13.01.11 Ministry committees will be established to support the primary purpose and necessary operational functions of the congregation including, but not limited to these areas: Worship, Christian Education, Fellowship, Outreach, Missions, Stewardship, and Property Care.*
- C13.01.12 The number of committees that make up the Council structure may periodically be adjusted by the Council to best serve the ministry and administrative needs of the congregation.*
- C13.01.14 The membership of each ministry committee shall include two members of the Congregation Council, one of whom will sit as chairperson of the respective committee*
- C13.01.15 The duties of these committees shall be those regularly included in the work and activities which are necessary in the congregation. Reports shall be given to the Congregation Council by the representatives of their respective committees as requested by the council. Additional duties may be assigned from time to time to the respective committees by the Congregation Council.*

#### *C13.01.20 Nominating Committee*

- C13.01.21 The nominating committee shall be composed of five members.*
- C13.01.22 The Congregation Council shall elect two of its members to this committee.*
- C13.01.23 The congregation shall elect three members to this committee from nominations made from the floor at the regular meeting of the congregation which precedes the meeting where elections are held.*
- C13.01.24 A pastor shall serve as the convener and as an advisory member of the nominating committee.*
- C13.01.25 The members of the nominating committee shall serve for the year following their election. They shall nominate one or more candidates for each office to be filled and shall secure the consent of each candidate to serve if elected*
- C13.01.26 The candidates nominated by the committee shall be made known to the congregation prior to the special or regular meeting at which the election is to take place.*
- C13.01.27 In addition to the candidates submitted by the nominating committee, additional nominations may be made from the floor.*
- C13.01.28 A vacancy in the congregational elected membership of the nominating committee shall be filled by the Congregation Council.*

C13.01.30 *Auditing Committee*

C13.01.31 *An auditing committee composed of two members shall be appointed annually by the Congregation Council.*

C13.01.32 *The auditing committee shall audit the fiscal records of the congregation and report its findings in writing at the appropriate congregational meeting. Such audit shall include a statement regarding existing insurance coverage.*

C13.01.40 *Endowment Committee*

C13.01.41 *An Endowment Committee shall exist to monitor, control, and otherwise administer the monies contained within the Endowment Fund of Lord of Love Lutheran Church.*

C13.01.42 *See C5.05.20 for the organization, purpose, and responsibilities of this committee.*

C13.01.50 *Pastoral Call Committee*

C13.01.51 *A pastoral call committee shall be formed for the purpose recommending (a) candidate(s) to fill pastoral openings.*

C13.01.52 *The call committee shall consist of not less than 5 and not more than 9 voting members of the congregation.*

C13.01.53 *The congregation shall elect 5 members to the call committee at a regular or special meeting.*

C13.01.54 *The Congregation Council shall appoint additional members to the call committee as necessary to assure adequate representation of all aspects of the congregational membership.*

C13.01.55 *The term of office shall terminate upon the installation of the newly called pastor.*

## **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 through the Congregation Council.

C14.01.00 *Lord of Love Women of the ELCA.*

C14.01.01 *This congregation supports the ministry of Lord of Love Women of the ELCA as this organization serves to support and enhance the total ministry of the congregation.*

C14.01.02 *Lord of Love Women of the ELCA shall make periodic reports to the Congregation Council and to the regular meeting(s) of the congregation.*

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**

C.15.1 Discipline of Members

\*C15.01 Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15-17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the

admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

- \*C15.02. The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused members(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- \*C15.03. If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- \*C15.04. The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C15.05. By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
  - a. suspension from the privileges of congregation membership for a designated period of time;
  - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
  - c. termination of membership in the congregation; or
  - d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.
- \*C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- \*C15.07. No member of the congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- \*C15.10. **Adjudication**
- \*C15.11. When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## **Chapter 16. AMENDMENTS**

- \*C16.01. Unless provision \*C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 10 percent voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- \*C16.02. An amendment to this constitution, proposed under \*C16.01, shall:
  - a. be approved at a properly called meeting according to this constitution by a majority vote of those voting members present and voting;
  - b. be ratified without change at the next regularly called meeting by a two-thirds vote of those voting members present and voting; and
  - c. have the effective date included in the resolution and noted in the constitution.
- \*C16.03. Any amendments to this constitution that result from the processes provided in \*C16.01. and \*C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- \*C16.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of the congregation, the Congregation Council shall submit such notice and call such a meeting. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 17**

### **BYLAWS**

- \*C17.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- \*C17.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a ~~majority~~ two thirds vote of those voting members present and voting.
- \*C17.03. Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- \*C17.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

## **Chapter 18.**

### **CONTINUING RESOLUTIONS**

- \*C18.01. The Congregation Council may enact continuing resolutions which describe the function of the various committees or organizations of this congregation.
- \*C18.02. Continuing resolutions shall be enacted or amended by 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**

Not applicable