

**CONSTITUTION AND BYLAWS
FOR THE
FIRST LUTHERAN CHURCH
BLAIR, NEBRASKA
OF THE
EVANGELICAL LUTHERAN CHURCH IN AMERICA**



2023

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Key for the text of the document:

* Required provision. All ELCA Congregations share this.

Underlined Paragraph Code and *shadowed text* = Related Bylaw

Text in [] = a continuing resolution

CONSTITUTION AND BYLAWS
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FIRST LUTHERAN CHURCH
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EVANGELICAL LUTHERAN
CHURCH IN AMERICA

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 The First Lutheran Church of Blair, Nebraska.
- C1.02.** For the purpose of this constitution and bylaws, the congregation of The First Lutheran Church of Blair, Nebraska is hereinafter designated as "this congregation."
- C1.11.** This congregation shall be incorporated under the laws of the State of Nebraska.

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

* Required provision

Formula of Concord, as further valid interpretations of the faith of the Church.

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

Chapter 3.

NATURE OF THE CHURCH

- *C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- *C3.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- *C3.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.
- *C3.05. The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions – congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

Chapter 4.

STATEMENT OF PURPOSE

- *C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02. To participate in God's mission, this congregation as a part of the Church shall:
 - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed and committing itself to their needs.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- *C4.03. To fulfill these purposes, this congregation shall:
 - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.

- e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
 - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- *C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.]
- *C4.05. This congregation shall, from time to time, adopt and periodically review 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. ~~call or terminate the call of associates in ministry, deaconesses, and diaconal ministers~~ call a minister of Word and Service in conformity with the applicable policy-Constitution of the Evangelical Lutheran Church in America;
 - e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17 and continuing resolutions as provided in Chapter 18.
 - f. approve the annual budget;
 - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - h. hold title to and use its property for any and all activities consistent with its purpose;
 - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - j. elect its 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.
- *C5.04. 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. This congregation shall have a separate fund to be known as *THE CHRISTIAN GROWTH FUND* that will operate as specified in this congregation's bylaws. The purpose of the fund is to ~~enhance the benevolent mission of this congregation apart from~~ provide for mission work beyond the operational budget of the general operation of the congregation.

C5.05.01 *The Christian Growth Fund*

Whereas, Christian stewardship involves the faithful management of all the gifts God has given to mankind-time,

talents, the created world and money, including accumulated, inherited and appreciated resources; and

Whereas, Christians can give to the work of the church through bequests in wills, charitable remainder and other trusts, charitable gift annuities, assignment of property (cash, stocks, bonds, real estate); and

Whereas, it is the desire of First Lutheran Church, Blair, Nebraska (here after referred to as the congregation) to encourage, receive and administer these gifts in a manner consistent with the loyalty and devotion to their Lord expressed by the grantors and in accord with the policies of this congregation:

THEREFORE BE IT RESOLVED, this congregation, in congregational meeting assembled, approve for inclusion in the bylaws of the church and establish the following:

A.1 There shall be a separate fund to be known as THE CHRISTIAN GROWTH FUND of First Lutheran Church of Blair, Nebraska (hereafter referred to as THE FUND) into which bequests in wills, charitable remainder and other trusts, charitable gift annuities, assignment of life insurance, and transfers of property from the estates or trusts (cash, stocks, bonds, real estate) given to this congregation shall be placed, unless otherwise specified in writing by the original donor.

BE IT FURTHER RESOLVED, that

A.2 The purpose of THE FUND is to enhance the benevolent mission of this congregation apart from the general operation of the congregation; no portion of the income generated by THE FUND shall be used for the annual operating budget of this congregation, except where otherwise authorized in Section D or in the terms of the gift.

BE IT FURTHER RESOLVED, that

A.3 THE FUND Board of Directors shall be the custodians of THE FUND.

BE IT FURTHER RESOLVED, that the following Plan of Operation set forth the administration and management of THE FUND.

B.1 The BOARD shall consist of five directors, all of whom shall be voting members of this congregation. Except as herein limited, the term of each director shall be five (5) years. Upon adoption of this motion by this congregation, it shall elect five (5) directors to the BOARD; one for a term of five years; one for a term of four years; one for a term of three years; one for a term of two years, and one for a term of one year. Thereafter this congregation shall annually elect one director for a term of five years. No director shall serve more than one five-year term. After a lapse of one year, former BOARD directors may be re-elected. The senior pastor, the treasurer, and the president of the Congregation Council shall be advisory non-voting members of the BOARD. The senior pastor and the Vision Committee shall nominate for the BOARD. The BOARD shall report annually in the same manner as for other offices and committees. In the event of vacancy on the BOARD, the Congregation Council shall appoint a member to fill the vacancy until the next annual meeting of this congregation, at which time this congregation shall elect a member to fulfill the term of the vacancy. Any term less than 3 full years will not constitute a term of service.

B.2 The BOARD shall meet at least quarterly, or more frequently as deemed to be in the best interest of THE FUND.

B.3 A quorum shall consist of three directors. A majority present and voting shall carry any motion or resolution.

B.4 The BOARD shall elect from its membership a chairperson of the BOARD, and a recording secretary. The chairperson of the BOARD shall preside at all BOARD meetings.

B.5 The recording secretary shall maintain complete and accurate minutes of all meetings of the BOARD and supply a copy thereof to each director of the BOARD. Each director 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 president of the Congregation Council and senior pastor. The protocol copy of the minutes shall be kept in the church office.

B.6 This congregation's treasurer shall maintain complete and accurate books of accounts for THE FUND. He/she shall sign checks and all other necessary documents on behalf of this congregation in furtherance of the purposes of THE FUND upon authorization by the board. The books shall be audited annually by a certified public accountant or other appropriate person who is not a member of the BOARD.

B.7 The BOARD shall provide a written financial report on a quarterly basis to the Congregation Council and, annually, render a full and complete audited account of the administration of THE FUND during the preceding year. A special report may be requested by the Congregation President any time.

B.8 The BOARD may request other members of this 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 to be in the best interest of THE FUND.

- B.9 *The BOARD is directly responsible to and reports to this congregation. The BOARD is not a committee or, nor subordinate to, the Congregation Council. Congregational and council input will be through the advisory capacity of the senior pastor and/or council president.*
- B.10 *Directors of the BOARD 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 director shall be personally liable as long as he/she acts in good faith and with ordinary prudence. Each director shall be liable for his/her own willful misconduct or omissions, and shall not be liable for acts or omissions of any other director. No director shall engage in any self dealing or transactions with THE FUND in which the director has direct or indirect financial interest and shall at all times refrain from any conduct in which his/her personal interests would conflict with the interest of THE FUND.*
- B.11 *All assets are to be held in the name of the CHRISTIAN GROWTH FUND of First Lutheran Church of Blair, Nebraska. Title thereto is to be in this congregation.*
- B.12 *Recommendations to hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects to manage and control this assets of THE FUND, including stocks, bonds, debentures, mortgages, notes or other securities, as in their judgment and discretion they deem wise and prudent, are to be made by the BOARD.*

DISTRIBUTION OF INCOME

- C.1 *“The BOARD shall determine what is principal and income according to accepted accounting procedures.”*
 - C.1.A *All gifts and bequests to THE FUND shall have 10% of the principal amount initially allocated to and expended for benevolent causes. The remaining 90% of the principal amount shall be retained and only the income generated from the investment of the principal shall be expended, except in Section D.*
- C.2 *Except as provided in C4, income from THE FUND shall be distributed annually and such other times as deemed necessary and/or feasible to accomplish the following purposes:*
 - C.2.A *Minimum of 10% for major capital improvements, debt reduction, building program of this congregation, and major maintenance projects on this congregation’s properties on a matching basis*
 - C.2.B *Minimum of 10% for scholarships or grants to members of this congregation for purposes of attending college, seminary, nursing or medical school (preference to those attending Evangelical Lutheran Church in America affiliated institutions); for church related camping or leadership conferences; or such other training which enables members of this congregation to grow in Christian faith and service to God’s people.*
 - C.2.C *Minimum of 10% for outreach into the community including, but not limited to, grants to ELCA colleges, seminaries, social service agencies, institutions and agencies to which this congregation relates, and to special programs designed to those persons in our parish area who are in spiritual and/or economic need.*
 - C.2.D *Minimum of 10% for missions of ELCA at home and overseas, including, but not limited to grants to the ELCA for new mission development in North America, professional leadership, educational ministries, world missions and ecumenism, TV evangelism, and capital financing.*
 - C.2.E *The remainder up to 60% for any one or all of the above designated areas in any proportion as determined by the BOARD, or for causes and programs which at the discretion of the BOARD are consistent with THE FUND purpose of enhancing the benevolent mission of this congregation.*
- C.3 *Causes and programs for support and consideration shall be recommended to the BOARD by the Congregation Council through advisory capacity of the senior pastor and/or the council president, individual congregational members and/or Board of Directors.*
- C.4 *Disbursement of income from THE FUND need not occur annually in the event causes and programs have not been approved by the BOARD sufficient to utilize total income available, or if in the judgment of the BOARD total annual disbursement of income is not recommended.*

DISPOSITION OF PRINCIPAL

- D.1 *When, in the opinion of the BOARD, circumstances are so unusual and of such an emergency nature that the only recourse is to use THE FUND principal, the BOARD may, upon two-thirds vote, recommend such authorizing action to this Congregation.*
- D.2 *This congregation may authorize the use of up to ½ of the principal of THE FUND at any one time by an affirmative vote by 2/3 of those present and voting at two special congregational meetings at least 30 days apart after an initial congregational meeting at which the first vote is taken, which shall present only the proposal and information on the request by the BOARD for the disposition of principal.*
- D.3 *In the event the principal exceeds 10 times the total annual operating budget of this congregation, the excess shall be dispensed according to Section C.2.*
- D.4 *In the event this congregation ceases to exist either through merger or dissolution, disposition or transfer of THE FUND shall be based upon the recommendation of the BOARD in conformity with the approved congregational constitution and in consultation with the Bishop of the Synod to which this congregation belongs at such time. Consultation with the ELCA may be desirable for continuation of THE FUND obligations.*

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 ~~clergy~~ 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 ~~ordained ministers~~ **Ministers of Word and Sacrament** of the Evangelical Lutheran Church in America or to contracting for pastoral services with ~~an ordained minister~~ **a minister of Word and Sacrament** of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
 - d. This congregation agrees to consider ~~associates in ministry, deaconesses, and diaconal ministers~~ **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.~~ **The Nebraska Synod of the Evangelical Lutheran Church in America takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.**
 - e. This congregation follows the procedures outlined in *C6.05.
- *C6.05. 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~~ **by two** legally called and conducted special meetings of the congregation by a two-thirds vote of the voting members present **at each meeting**. **The first** such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time 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~~ **the bishop and the bishop's designees are**

voting members of the congregation, ~~the bishop and the bishop's designees, if any,~~ they shall have voice but not vote at the meeting.

- b. **Within 10 days after the resolution has been voted upon at the first meeting,** the secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. ~~This notice shall be submitted within 10 days after the resolution has been adopted.~~
- c. **If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting,** the bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
- d. If the congregation, after such consultation, ~~still seeks~~ **is still considering** to terminate termination of 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 **second** meeting shall be ~~mailed sent~~ 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 **second** meeting.
- e. **Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit** a copy of the resolution ~~shall be sent~~ to the bishop, attesting that the **second** special meeting was legally called and conducted and certifying the outcome of the vote, **and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting,** the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs **f. and g.** below. ~~Unless this notification to the bishop also certifies that the congregation has voted by two thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively to be an independent or non-Lutheran church.~~
- f. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case *C7.04. shall apply.
- g. **This congregation shall abide by these covenants by and among the three expressions of this church:**
 - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
 - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synod 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. ~~Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly. 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, or fails to achieve the required two-thirds vote of voting members present at this congregation's second meeting as specified in paragraph d. above, another special meeting attempt to consider termination of relationship with this church must follow all requirements of *C6.05. and may be called begin no sooner than six months after that first meeting at which the two-thirds vote was not achieved. 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 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 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 Nebraska 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. **In neither case does title to this congregation's property transfer to the synod.**
- C7.05. Notwithstanding the provisions of *C7.02. and *C7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America, this congregation accepts such restrictions and:**
 - a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
 - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the (insert name of 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. They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.**
 - d. **Associate** members are persons holding membership in other 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~~ **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. and eligibility for elected offices or membership on the Congregation Council of this congregation.**
 - e) **Seasonal members** are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
 - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a

call committee of, this congregation;

2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;

3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;

4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;

5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and

6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

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

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

a. make regular use of the means of grace, both Word and sacraments;

b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and

c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

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

a. death;

b. resignation;

c. transfer or release;

d. disciplinary action in accordance with ELCA constitutional provision 20.40. and the accompanying bylaws or

e. removal from the roll due to inactivity as defined in the bylaws.

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

C8.05.01 *Discontinuance of Membership*

1. *Members who move away shall be encouraged to transfer their membership. A confirmed member in good standing desiring to change his/her membership to another congregation shall, upon request, receive a Letter of Transfer.*

2. *A confirmed member who in the judgment of the Congregation Council shows no interest in attending church services and does not partake of Holy Communion, and who does not contribute to this congregation's records for a period of two years, shall be contacted upon by the Evangelism Committee of the Congregation Council to determine whether they wish to remain a member of First Lutheran Church. Upon a member's request, his/her membership will be discontinued.*

3. *Members who have joined other congregations have thereby terminated their membership in this congregation and have surrendered all membership rights.*

4. *Members who have no known address will be reviewed by the Evangelism Committee. If no new address is known, these members may be presented to the Congregation Council for removal of membership.*

Chapter 9.

THE PASTOR-ROSTERED MINISTER

***C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.

C9.01.01 *The Pastoral Call.*

a. *When this congregation has voted to call a pastor, it shall issue a Letter of Call to the pastor-elect, in a form approved by the Evangelical Lutheran Church in America. It shall be signed by the president and the secretary of the meeting at which the call was voted, and shall be attested by the signature of the Bishop of the Synod. Calls to clergy-persons to positions of assistance to the senior pastor and in accordance with the provisions of this paragraph.*

b. *The call shall normally be for an indefinite time.*

c. *If the pastor receives a call to another congregation, he/she may consult with this congregation or with the Congregation Council, before coming to a decision. He/she should attempt to reach a decision as quickly as*

possible, normally within three weeks. He/she shall thereupon notify this congregation and the Bishop of the Synod. When the call accepted, the pastor shall terminate his/her ministry and transfer to his/her new field of service as quickly as feasible, normally within one month.

- d. A desire for a change in pastorate by either congregation or pastor shall be brought to the attention of the Bishop of the Synod, who shall advise in the matter in accordance with this constitution and with the established procedures of The Evangelical Lutheran Church in America.
- e. Clergy-persons qualified according to C9.03 of this constitution may occasionally perform pastoral functions in this congregation with the approval of this congregation and its pastor, or in case of a vacancy in the pastorate, with the approval of the Congregation Council and the Bishop of the Synod.
- f. Should the senior pastor leave First Lutheran Church, the associate pastor may continue his/her position until the senior pastor's position has been filled, at which time he/she will submit his/her resignation and will terminate his/her relationship with this congregation within six months. First Lutheran Church recognizes The Evangelical Lutheran Church in America in its policy of not calling an associate pastor to the role of senior pastor in the same congregation. However, First Lutheran Church reserves the right to issue a Letter of Call for any pastoral position to any pastor in good standing on the clergy roster of The Evangelical Lutheran Church in America.

***C9.02.** Only a member of the ~~clergy~~ roster **Ministers of Word and Sacrament** of the Evangelical Lutheran Church in America or a candidate for the roster of ~~ordained~~ **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 ordained minister shall:

- 1) preach the Word;
- 2) administer the sacraments;
- 3) conduct public worship;
- 4) provide pastoral care; ~~and~~
 - 5) **seek out and encourage qualified persons to prepare for the ministry of the Gospel;**
 - 6) **impart knowledge of this church and its wider ministry through available channels of effective communication;**
 - 7) **witness to the Kingdom of God in the community, in the nation, and abroad; and**
 - 8) **speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations. 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~~ **relate to** all schools and organizations of this congregation;
- 3) install regularly elected members of the Congregation Council;
- 4) with the council, administer discipline.
 - 5) **endeavor to increase the support given by the congregation to the work of the churchwide organization and of the Nebraska Synod; and**
 - 6) **encourage adherence to covenantal relationship with this church as expressed in the Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.**

~~e. 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 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.

***C9.05.** **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 a 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) inability to conduct the pastoral office in view of 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 ordained ministers 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 ordained 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 ordained ministers and one layperson.
 - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of the synod may declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and restoration of the pastor to health, When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon resumption of the ability to conduct the office effectively 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 of the synod 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, this congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - 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 disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution bylaws, and continuing resolutions.
- *C9.06. At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- *C9.07. During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.

- *C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- *C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.11.** With the approval of the bishop of the synod, the congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
- *C9.12.** The pastor of this congregation:
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- *C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- *C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- C9.15.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, ~~an ordained minister~~ **a minister of Word and Sacrament** of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.
- *C9.21.** Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.22.** Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.
- *C9.23.** Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- a. Be rooted in the Word of God, for proclamation and service;
 - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - c. Speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;
 - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
 - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
 - f. Practice stewardship that respects God's gift of time, talents, and resources;
 - g. Be grounded in a gathered community for ongoing diaconal formation;
 - h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
 - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- *C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and 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 the deacon's death or, following consultation with the synod bishop, for any of 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) inability to conduct the office effectively in view of disability or 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 disability or 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, who has 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 disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

***C9.26.** This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.

***C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.

***C9.28.** With the approval of the bishop of the synod, this congregation may depart from *C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in

accordance with the provisions of *C9.25.a.

- *C9.29. The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- *C9.31. The deacon(s) shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

Chapter 10.

CONGREGATION MEETING

C10.01. This congregation shall have at least one regular meeting per year. The regular annual meeting of this congregation shall be held at a time specified in the bylaws. Consistent with the laws of the State of Nebraska, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.

C10.01.01 *The annual congregational meeting*

- a. The annual meeting of this congregation shall be held no later than the last Sunday in January.
- b. The current roster of voting shall be determined prior to each meeting.
- c. The order of business at the annual meeting shall be determined by the Congregation Council.

C10.01.01 *In the following cases voting shall be by written ballot:*

- a. To elect the members of the Congregation Council. If the total number of individuals nominated are equal to the number of Council positions available, the President may allow a motion to accept the nominees by acclamation in accordance with proper parliamentary procedure.
- b. To adopt or amend the articles of incorporation, constitution, or bylaws of this congregation
- c. To call a pastor or to request his resignation
- d. To remove a member from office in this congregation
- e. To sever membership in The Evangelical Lutheran Church in America
- f. To dispose of, encumber or purchase real property
- g. When requested by ten or more voting members present.

C10.02. A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of ten percent (10%) of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.

C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all [voting] members at least 10 days in advance of the date of the meeting.

C10.04. Ten percent (10%) of voting members shall constitute a quorum.

C10.05. Voting by proxy or by absentee ballot shall not be permitted.

C10.06. All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.

C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

C10.08. This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

C10.09. "Ex officio" as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

Chapter 11.

OFFICERS

C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of the congregation.
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from

the elected membership of the Congregation Council. If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.

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

- a. *The President shall preside over meetings of the Congregation Council and of this congregation unless the meeting decides otherwise.*
- b. *The Vice President shall preside in the absence of the president unless the meeting decides otherwise.*
- c. *The Secretary shall keep the minutes of the Council and of this congregation and shall preserve its archives.*
- d. *The Treasurer shall be an unelected office. The Treasurer shall be bonded and shall be custodian of all funds of this congregation and shall disburse all such funds in accordance with the decisions of this congregation, The Christian Growth Committee, or the Congregation Council. He/she shall present a financially reviewed report to the annual congregational meeting and such other reports to the Congregation Council as may be required.*

C11.02. The Congregation Council shall elect its officers and they shall be the officers of the congregation. The officers shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than three consecutive terms in the same office.

Chapter 12.

CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of *not less than nine or more than 21 members, at least one of whom shall be a youth and at least one of whom shall be a young adult, who shall be its Board of Trustees, elected for a term of three years, but elected in such a manner that after the first election one-third are elected each year. The pastor(s) shall be an ex officio, non-voting member of the Congregation Council.* Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

C12.01.01 *At least 10% of the Congregation council shall consist of youth being defined as voting members of the congregation as specified in C8.02.c who have not yet reached the age of eighteen by the time of election or appointment for service. Each of the youth shall serve a one-year term. The youth will serve as delegate(s) to the youth committee.*

C12.02. The members of the Congregation Council **except the pastor(s) [and deacon(s)]** shall be elected by written ballot to serve for three (3) years or until their successors are elected. Such members shall be eligible to serve no more than **one consecutive full** term. Their term shall begin at the close of the annual meeting at which they are elected. (See Bylaw C10.01.01 regarding procedures for written ballots).

C12.02.01 *No member of the Congregation Council shall succeed himself/herself in office. An unexpired term of less than one year shall not be considered a term of office.*

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

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

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the ~~pastor(s)~~ **rostered minister(s)** and staff and help them annually to evaluate the fulfillment of their calling or employment. *Personnel issues will be addressed in accordance with the First Lutheran Church Personnel Policy Handbook.*

- 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 pastoral staff.
- h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
- i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and 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 may enter into contracts of up to five percent (5%) for items not included in the budget.
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than five percent (5%) in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

C12.05.01 *The Congregation Council shall be empowered to secure such help as is needed to carry on the work of this congregation, such as organist, choir director, parish worker, pastor's secretary, office secretary, intern, custodian, etc., and determine their salaries.*

C12.05.02 *Adjustments in the salary of the pastors shall be the responsibility of the Congregation Council, subject to this congregation's approval of the budget.*

C12.05.03 *An attorney for this congregation may be retained by the Congregation Council (Board of Trustees) who shall serve at its direction.*

C12.05.04 *The financial review committee shall review all financial records of this congregation, and shall present its report to the annual meeting in writing. The financial review committee shall carefully examine all insurance policies to determine the amount and kind of insurance in force and include this report in its statement.*

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

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

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

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

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 ~~except when such person requests or consents to be absent and has given prior approval to an agenda of routine matters which shall be the only business of the meeting,~~ including the [senior] pastor or interim pastor, except when the [senior] pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the [senior] 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 synod bishop.

C12.13. The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 13.

CONGREGATION COMMITTEES

C13.01. A *Vision Committee* shall consist of the president, vice president, and secretary of the Congregational Council with the senior pastor serving as an advisor.

C13.01.01 *The Vision Committee shall:*

- a. *Recommend actions for the Congregation Council and congregation*
- b. *Serve as the budget committee*
- c. *Appoint the members of the other committees*
- d. *Review the agenda for the Congregation Council meetings*
- e. *Be responsible for implementing C12.04d of this constitution*

C13.02. A *Nominating Committee* of five voting members of this congregation shall be elected for a term of one year. Two shall be elected by the Congregation Council from its membership and three shall be elected by this congregation at the annual meeting. Members of the Nominating Committee are not eligible for consecutive re-election. *The senior pastor shall serve as an advisory member.*

C13.02.01 *Nominating Committee*

- a. *The committee shall nominate one or more candidates for each office to be filled and shall secure the consent of each candidate to serve if elected.*
- b. *The candidates of the nominating committee shall be made known to this congregation in conjunction with the announcements of the special or annual meeting at which the election is to take place.*
- c. *In addition to the candidates submitted by the nominating committee, additional nominations may be made from the floor*
- d. *A vacancy in the congregationally-elected membership of the nominating committee shall be filled by appointment of the Congregation Council.*

C13.03. An *Audit Committee* of three 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 three years, with one member elected each year. Members shall be eligible for re-election.

C13.04. *Mutual Ministry Committee(s)* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.

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

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

C13.06.01 *Each committee will, with approval of the Congregation Council, develop its membership, organizational structure and mission and will provide an annual report of its activities to the Congregation Council. Committees of the congregation may include, but are not limited to: Worship and Music, Property, Christian Education, Mission and Evangelism, Youth Ministry, Social Concerns, Gifts and Memorials, Stewardship, Financial Review, etc.*

C13.07. ~~The Congregation Council will annually review the duties and mission of each committee in accordance with~~ ***C4.04.** *Duties of committees of this congregation shall be specified in the bylaws.*

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

Chapter 14.

ORGANIZATIONS WITHIN THE CONGREGATION

C14.01. All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's

life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances, in accordance with its Bylaws.

C14.01.01 *All committees and organizations handling funds within this congregation shall submit accounts to the treasurer or the church office at least fifteen days prior to the annual meeting, and the treasurer shall include such accounts in his/her report to the meeting.*

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

Chapter 15.

DISCIPLINE OF MEMBERS AND ADJUDICATION

- *C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15-17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.
- *C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two clergy). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- *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. **The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if bishop's** the consultation fails to resolve the issue(s), **the bishop shall refer the matter to the** Consultation Committee of the synod **which shall undertake efforts to find an appropriate solution.** ~~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, **for adjudication by whatever process the Council deems necessary. The Synod Council's** decision shall be final.

Chapter 16.

AMENDMENTS

- *C16.01. Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 1% voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C16.02. An amendment to this constitution, proposed under *C16.01., shall:
 - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting; **and**
 - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting.
- *C16.03. Any amendments to this constitution that result from the processes provided in *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- *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 simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of *1% of the* voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 17.

BYLAWS

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

Chapter 18.

CONTINUING RESOLUTIONS

- *C18.01. The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- *C18.02. Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.
- *C18.03. Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

Chapter 19.

INDEMNIFICATION

- *C19.01. Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

Note: Article 20 of the ELCA Model Constitution for congregations concerning Parish Authorization does not apply to this congregation.

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