

# CONSTITUTION

## BETHANY LUTHERAN CHURCH EVANGELICAL LUTHERAN CHURCH IN AMERICA

CRYSTAL LAKE, ILLINOIS

ADOPTED/RATIFIED: January 26, 2014

### \*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 Bethany Lutheran Church.

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

**C1.11.** This congregation shall be incorporated under the laws of the State of Illinois.

### 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 entering in all its fullness in the person and work of Jesus Christ.

c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

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

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

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

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

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

### **Chapter 3.**

#### **NATURE OF THE CHURCH**

**\*C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.

**\*C3.02.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

**\*C3.03.** The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions---congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

### **Chapter 4.**

#### **STATEMENT OF PURPOSE**

**\*C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.

**\*C4.02.** To participate in God's mission, this congregation as a part of the Church shall:

- a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
- b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
- c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
- d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
- f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

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

- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
- b. Provide pastoral care and assist all members to participate in this ministry.

- c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
- d. Teach the Word of God.
- e. Witness to the reconciling Word of God in Christ, reaching out to all people.
- f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
- h. Foster and participate in interdependent relationships with other congregations, the synod, and the church wide organization of the Evangelical Lutheran Church in America.
- i. Foster and participate in ecumenical relationships consistent with church wide policy.

**\*C4.04.** This congregation shall develop an organizational structure to be described in the continuing resolutions. 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 a mission statement which will provide specific direction for its programs.

**C4.05.01** Bethany Lutheran Church Mission Statement: "We reflect Christ in message and actions."

**\*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 partnership, co-ventures, agencies, or other legal relationships recognized in civil law.

## **Chapter 5.**

### **POWERS OF THE CONGREGATION**

**\*C5.01.** The powers of this congregation are those necessary to fulfill its purpose.

**\*C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.

**\*C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:

- a. call a pastor as provided in chapter 9;
- b. terminate the call of a pastor as provided in chapter 9;
- c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
- d. adopt amendments to the constitution, as provided in Chapter 17, amendments to the bylaws, as specified in Chapter 16, and continuing resolutions, as provided in Chapter 18.
- e. approve the annual budget;
- f. acquire real and personal property by gift, devise, purchase, or other lawful means;

- g. hold title to and use its property for any and all activities consistent with its purpose;
- h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- i. elect its Congregation Council, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
- j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

**\*C5.04.** This congregation shall choose from among its voting members lay persons 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 Northern Illinois Synod of the Evangelical Lutheran Church in America.

**C5.05.** This congregation shall have a mission endowment fund which will operate as specified in this congregation's bylaws. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

**C5.05.01** There is hereby established the Bethany Lutheran Church Endowment Fund (The Fund). The Fund shall be supervised, managed, invested, and administered by an Endowment Fund Board of Trustees (The Board). It shall be the function of The Board to receive and to hold in safekeeping all assets of The Fund, to make all authorized disbursements from The Fund, to keep records of all receipts and disbursements by and from The Fund and generally to administer The Fund. The Fund shall hold all endowments, which are not restricted or designated as to use by their terms. The Board may accept Endowment Gifts that have conditions and designated uses that are consistent with these By Laws and shall maintain separate fund accounts for such Gifts.

The Board may, in its sole discretion, reject any Endowment Gift, as it deems appropriate or advisable in the best interests of The Fund, and may reject Endowment Gifts, which are designated by the donor to be used for a specific purpose(s) that are not consistent with these Bylaws. The Board shall not accept any Endowment Gift which by its terms expressly prohibits administration by The Board. The disposition of any gifts rejected by the Board shall be determined by the Congregational Council.

Endowment Gifts received and accepted by The Board, which are not restricted or designated as to use shall be invested and used as part of the permanent Fund. The Fund shall be a permanent Fund, and all principal and principal additions shall be held for the growth of capital and production of income. The Fund shall not be liable for the general debts, liabilities, and obligations of the Congregation.

The purpose of The Fund shall be to extend and enhance the mission of Bethany Lutheran Church beyond and apart from the program, ministries and work of the Congregation, which are normally supported through regular offerings and pledges. No income generated by The Fund shall be used for the annual operating budget of the Congregation.

The Board shall annually determine the net income of The Fund. Net Income shall mean the amount available for distribution in any year, equal to 5% of the average of the market value of The Fund at the end of each of the immediately preceding three years, except for the first two years. At the discretion of The Board, all, part, or none of the Net Income from The Fund may be distributed as deemed appropriate for the new ministries of Bethany Lutheran Church. Net Income that is not distributed in any year shall be available for distribution in subsequent years for new ministries, and also for expansion and enhancement of existing ministries, subject to the limitations set forth in the preceding paragraph.

The Net Income attributable to Endowments designated for other purposes shall be disbursed, distributed, or allocated by The Board in a manner consistent with the purpose, terms, and conditions as designated for the use of such endowments.

Distributions may be made for specific requests submitted to The Board by members of The Board, by members of the Congregation, or by organizations outside the Congregation, or The Board may initiate its own independent programs or activities for such benevolence and outreach purposes.

a. The Board shall consist of five Trustees, none of whom are currently serving council members. The term of each member shall be five years. No elected trustee shall serve more than two consecutive five-year terms. The Senior Pastor shall be an Advisory Trustee (non-voting) of The Board. The Nominating Committee of the Congregation shall nominate for The Board and report at the Annual Congregational Meeting in the same manner as for other Council members. In the

event of a vacancy on The Board, the Congregational Council shall appoint a Trustee to fill the vacancy until the next Annual Meeting of the Congregation, at which time the Congregation shall elect a Trustee to fulfill the term of the vacancy.

b. The Board shall meet at least quarterly, or more frequently, as deemed by The Board to be in the best interest of The Fund.

c. A quorum shall consist of three Trustees. When only three Trustees are present, a unanimous vote shall be required to carry any motion or resolution.

d. The Board shall elect from its membership a Chairperson, Recording Secretary, and Financial Secretary. This election will occur annually at the Third Quarterly Meeting of The Board of Trustees. These elected officers will assume their positions following Bethany's Annual Congregational Meeting. The Chairperson or Trustee designated by the Chairperson shall preside at all Board meetings.

e. The Chairperson of The Board shall keep complete and accurate information of all meeting agendas & minutes, accounts, transactions, receipts, expense reports, applications for funding, approval for funding, financial transactions and pertinent communications. All of this information from The Board, beginning from its inception in 2002 should be maintained as reference for the Bethany Lutheran Church: Pastor, Endowment Board of Trustees, and Officers of the Church. All members of the Endowment Fund Board of Trustees upon being elected to The Board shall receive an Endowment Fund Binder with appropriate information from the outgoing member of the Board of Trustees. It shall be the Chairperson that ensures this transition. The Chairperson shall also be responsible for ensuring that the Constitution By-Laws regarding the Endowment Board of Trustees and the elected trustees be disseminated and communicated to The Board.

f. The Recording Secretary of The Board shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each Trustee of The board. Each Trustee shall keep a complete copy of the minutes to be delivered to his or her successor. The Recording Secretary shall also supply a copy of the minutes to the Congregational Council after approval of such by The Board.

g. The Financial Secretary of The Board shall keep complete and accurate accounts for The Fund. All disbursements from The Fund shall be made after receipt and approval of a bill, invoice, or other document describing the cost and the purchased item or service. Payment will be made with a check that requires two signatures. One signature shall be either the Board President or the Board Financial Secretary and the other signature shall be either the Congregation President or the Church Treasurer

h. The Board shall report at each Annual Meeting of the Congregation and render a full and complete audited account of the administration of the Fund during the preceding year.

i. The Board 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 to be in the best interests of The Fund.

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

k. All Assets are to be held in the name Bethany Lutheran Church of Crystal Lake, Illinois.

l. Recommendations to 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 and discretion they deem wise and prudent, are to be made and executed by The Board.

m. Investments, disbursements and administration of the Fund shall be audited as part of any audit or financial review of the funds and investments of Bethany Lutheran Church of Crystal Lake, Il.

## 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 Northern Illinois Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

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

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

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

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

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

**\*C6.05.** A congregation may terminate its relationship with this church by the following procedure:

- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of 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 meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted
- c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above

d. If this congregation, after 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 at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.

e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.

f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly

g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive synod council approval before terminating their membership in this church.

h. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synodical approval before terminating their membership in this church.

i. Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive synod council approval before terminating their membership in this church.

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

**\*C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate 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 Northern Illinois 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 Northern Illinois Synod.

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

## **Chapter 8.**

### **MEMBERSHIP**

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

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

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

b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.

c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.

d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

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

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

- a. make regular use of the means of grace, both Word and sacraments;
- b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
- c. support the work of this congregation, the synod, and the church wide 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 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.** Congregation Council may, following appropriate notification and counseling (if possible) of members who have not received the Sacrament of Holy Communion and made a contribution of record for a period of two (2) consecutive years, act to remove said persons from the roll of members. This procedure shall take place only when there is a pastor under call to serve this congregation or with the approval of the bishop of the synod. Such persons who have been removed from the roll of members shall remain persons for whom the church has a continuing pastoral concern.

## **Chapter 9.**

### **THE PASTOR**

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

**\*C9.02.** Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate from the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.

**\*C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

- a. Every ordained minister shall:
  - 1) preach the Word;
  - 2) administer the sacraments;
  - 3) conduct public worship;
  - 4) provide pastoral care; and
  - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world
- b. Each ordained minister with a congregational call shall, within the congregation:
  - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
  - 2) supervise all schools and organizations of this congregation;
  - 3) install regularly elected members of the Congregation Council; and
  - 4) with the council, administer discipline.
- c. Every pastor shall:
  - 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
  - 2) seek out and encourage qualified persons to prepare for the Ministry of the Gospel;
  - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and

4) endeavor to increase the support given by the congregation to the work of the church wide organization of the Evangelical Lutheran Church in America (ELCA) and of the Northern Illinois Synod of the ELCA.

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

**\*C9.05. a.** The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, shall be terminated only by death or, following consultation with the synodical bishop and for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
- 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than thirty 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 ordained ministers 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 as a result of discipline proceedings.

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 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 disabled 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 majority vote of the voting members present and 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 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 may 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.

**\*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.

**C9.09.01** All congregational calls to rostered leaders will be co-terminus with that of the senior pastor of this congregation.

**\*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 of years. 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.

## **Chapter 10.**

### **CONGREGATION MEETING**

**C10.01.** The annual meeting of this congregation shall be held at a time specified in the bylaws.

**C10.01.01.** The annual meeting shall be held on a Sunday in January. The exact date and time shall be determined and announced by the Congregational Council no later than the last day of the preceding November.

**C10.02.** A special Congregation Meeting may be called by the Congregation Council. A special congregation meeting shall be called at the written request of 35 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(s) 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 two consecutive Sundays and by mail or electronic means as permitted by state law, to voting members at least 10 days in advance of the date of the meeting.

**C10.04.** Fifty (50) voting members shall constitute a quorum.

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

**C10.06.** All actions by the congregation shall be by majority vote except as otherwise provided in this constitution.

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

## **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 continuing resolutions.

b. The officers shall be voting members of the congregation.

c. Officers of this congregation shall serve similar offices of the Congregation Council with the president and vice president being voting members of the Congregation Council.

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

**C11.03.** No officer shall hold more than one office at a time. The president, vice-president, and treasurer shall not be eligible to serve more than two consecutive terms in the same office.

**C11.03.01.** Positions of leadership may be held by any voting member of the congregation. Members may hold no more than two positions of leadership within the church council or organizations of the congregation simultaneously. Positions of leadership are defined as Congregational Council president, Congregational Council vice president and chairpersons of standing committees, organizations, and task forces. These positions may be held for successive terms unless otherwise stated in the constitution. Members holding a financial position may hold an additional position of leadership provided it is not in another financial position of the Congregation Council, organizations, or task forces. Standing financial positions include Treasurer, Assistant Treasurer, Financial Secretary, and Assistant Financial Secretary.

## **Chapter 12.**

### **CONGREGATION COUNCIL**

**C12.01.** The voting membership of the Congregation Council shall consist of the called pastor(s), and not more than 15 nor fewer than 10 members of the congregation. Any voting member, who has been a member of the congregation for a minimum of one year, may be elected subject only to the limitation on the length of continuous service permitted in that office. Two confirmed high school students may serve on the Congregation Council as non-voting youth representatives. 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 three successive regular meetings of the Congregation Council without notification of cause being given to the president or c) submits written letter of resignation to the president.

**C12.02.** The members of the Congregation Council except the pastor(s) and the youth representatives shall be elected by written ballot at the annual meeting to serve for 3 years or until their successors are elected. Such members shall not be eligible to serve more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at

which they are elected. Newly elected Congregation Council members shall be installed on the Sunday following their election.

**C12.03.** Should a member's place on the Congregation Council be declared vacant by the Congregation Council the Congregation Council shall appoint a successor until the next annual meeting at which time a representative shall be elected to serve the remainder of the vacated term.

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

a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.

b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.

c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.

d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, 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, harmony, 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 church wide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America

i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America

j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

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

a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Illinois, 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 for items not included in the budget, not to exceed the amount stated in a continuing resolution.

d. The Congregation Council shall prepare an annual budget derived from Finance Committee draft version for adoption by this congregation and shall supervise the expenditure of funds in accordance therewith following its adoption. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and church wide 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 excluding the Bethany Lutheran Church Endowment fund.

**C12.05.A15.** A minimum of 18% of the current year's receipts will be given as benevolence. This is to be calculated as 18% of Tithes and Offerings inclusive of Dedicated Funds intended for outreach, such as global mission, social action, and Sunday School benevolence.

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

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

**C12.08.** The Congregation Council shall be responsible for the employment and supervision of the salaried lay workers of this congregation.

**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 voting 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 voting members of the Congregation Council, including the pastor(s) or interim pastor, except when such pastor(s) requests or consents to be absent and has given prior approval to an agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

**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.** An **Executive Committee** consists of the president, vice-president, and treasurer, the pastor(s), and the immediate past Congregation Council president as an advisor to the Executive committee.

**C13.02.** A **Nominating Committee** of six voting members of this congregation, two of whom if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection.

**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 nor hold or have held any financial position for the previous year. Term of office shall be three years, with one member elected each year. Members shall be eligible for reelection.

**C13.04.** A **Mutual Ministry Committee** (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 pastor(s). Term of office shall be two years, two members to be appointed each successive year. Committee members will hold no other office in the congregation during their term.

**C13.05.** When a pastoral vacancy occurs, a **Call Committee** of at least six and no more than eight voting members shall be appointed by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.

**C13.06.** The standing committees of the congregation shall be **Christian Education, Stewardship, Finance, Evangelism, Neighborhood, Personnel, Property, Social Action Ministry, Global Mission, and Youth Ministry**. Each standing committee shall be represented by at least one Council member.

- C13.07.** Other congregational committees may be formed as the need arises, by decision of the Congregation Council.
- C13.08.** Duties of committees of this congregation shall be specified in the bylaws and/or continuing resolutions.
- C13.08.01.** The **Nominating Committee** shall create a slate of voting members to present to the congregation at the annual meeting. The slate shall consist of nominations for the Congregation Council, the audit committee, the endowment board, and the succeeding nominating committee.
- C13.08.02.** The **Audit Committee** shall provide for annual audits of the accounts of the treasurer, the financial secretary, and all accounts of the organizations within the congregation. The annual audit shall be prepared for Congregation Council approval within 90 days of the end of the preceding fiscal year. Audits will be submitted for congregational approval at the annual congregational meeting.
- C13.08.03.** The **Christian Education Committee**, in association with and under the direct guidance of the Pastor(s) and/or a designated professional leader, shall: Develop a total, comprehensive plan which offers educational opportunities for all members. Such a program must be constantly under development. The committee must look for a variety of settings, whether it be weekly classes, seminars, family groups, retreats, etc. Leaders for the various parts of the program must be recruited and trained. Study resources shall be selected consistent with the goals of the program. Coordinate / oversee all of the educational activities of the congregation such as Sunday church school, vacation church school, confirmation program, and may include other educational activities. The most important concern in coordination is the ministry to persons who are involved in various learning activities to enable them to grow as Christians in their faith and life through the learning experiences. Supervise the various educational schools and programs of the congregation with the exception of the pre-school. Committee meetings should be arranged in such a way that the basic concerns and needs of all leaders can be expressed and plans made for responding to those needs. All other committees(s) / groups requiring educational material / programs should coordinate with this committee. Encourage qualified members of the congregation to consider entering the ministry of the Gospel and other full-time church vocations.
- C13.08.04.** It shall be the function of the **Stewardship Committee** to evoke and promote the expression on Christian faith in daily living; to encourage the Christian use of resources and talents; to impart knowledge of the church's local, national, and worldwide ministries; and to lead all congregation members to higher levels of proportionate giving for the Lord's work. This committee shall also be responsible for an annual congregational stewardship appeal which leads to informed and grateful giving of time, talent, and treasure.
- C13.08.05.** The **Finance Committee** shall prepare a draft budget for the succeeding year, and shall submit such draft budget to the Congregation Council for its action and later presentation at the annual congregation meeting. The committee shall exercise oversight of all the financial affairs of the congregation to make sure that they 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. It shall, subject to the approval of the Congregation Council, be responsible for the congregation's investments. It shall provide all necessary information for annual audits of the accounts of the treasurer, the financial secretary, and all accounts of the organizations within the congregation. It shall develop and administer the financial operating procedures for all business of the church.
- C13.08.06.** The **Evangelism Committee**, in association with and under direct guidance of the Pastor(s), shall primarily be responsible for: welcoming current, new, and perspective members; communicating the ministries and opportunities available to our members in order to bring people together for fellowship and service in Christ; sharing hospitality through our Faithful Stewards ministry. The committee will present to the Congregation Council a plan for reaching all members of the Congregation and potential new members in the community. It shall be responsible for implementing and administering these plans.
- C13.08.07.** The **Neighborhood Committee** is a permanent endeavor to foster understanding, goodwill, good communication, and general neighborliness among Bethany and its neighbors. In the absence of a neighborhood committee, the duties shall be fulfilled by the pastors and congregation council.
- C13.08.08.** The **Personnel Committee** shall consist of 4-6 members as follows: The president of the Congregation Council, the senior pastor, the congregation treasurer, and one congregation member / chairperson. The other two members may be representatives of the Council, the committees, or the congregation. In addition, other

members may be invited as needed. The Personnel Committee shall annually assess the long-range staff needs of the congregation reporting such assessment to the Congregation Council. The senior pastor shall annually evaluate the salaried personnel and report a summary of such evaluations to the Personnel Committee. The committee shall, when it deems necessary, make recommendations to the Congregation Council regarding the addition, deletion, or consolidation of staff positions as well as hiring and dismissal of an employee. The annual review of the status of the paid staff members shall be conducted at the discretion of the committee so long as it is completed in time to be used in formulating the next year's budget. The annual evaluation of paid staff members shall include a confidential commendation for the next year's compensation and such recommendation shall be forwarded to the congregation council and the Finance Committee with communication of the proposed salary being given to the employee only after acceptance by the Congregation Council and inclusion in a congregation council approved proposed budget. The committee shall be available to all salaried personnel for consultation concerning their job.

**C13.08.09.** The **Property Committee** shall see to the proper maintenance and protection of all property of the congregation, and shall take care that the same is kept in good repair and is adequately insured. The committee will make an annual inventory of all church property, noting needs and anticipated cost to implement repairs. Special concern will be directed to major capital expenditures for the following year's budget.

**C13.08.10.** The purpose of the **Social Action Ministry Committee** shall be to extend Christian compassion and support to all those in need of aid in body or soul. It shall strive to enlist in these efforts as many as possible of the individual members and organizations of the congregation. This committee shall further have the duty to study social conditions, primarily in the local community, in order to bring the cleansing and healing light of Christian truth to bear upon critical problems through thoughtful Christian discussion of facts and issues. The committee shall continually identify areas of social concern within the community, the nation, and the world. It shall then develop programs to challenge the congregation to respond to these needs. It shall also make the congregation aware of the ongoing needs of the world community and efforts of the Evangelical Lutheran Church in America to these needs. This committee shall administer the 10% of benevolence funds allocated for local community concerns and report annually to the congregation of its use.

**C13.08.11.** The **Worship & Arts Committee**, in association with and under the direct guidance of the Pastor(s), shall assist the Congregation Council in seeing that the services of God's house are conducted regularly and in accordance with the liturgy of the Evangelical Lutheran Church in America. The committee shall continually plan and develop worship opportunities and / or experiences to meet the needs of the congregation. The committee shall be responsible for the choirs, altar guild, ushers, assisting ministers, plus any other duties as directed by the Congregation Council. It shall arrange for the care of paraments, vestments, and banners of the congregation. The committee shall provide appropriate music for use in worship after conferring with the pastor(s), the organist, and the choir directors. The committee shall consist of the pastor(s), the organist, the choir director(s), and other voting members of the congregation.

**C13.08.12.** The **Global Mission Committee** provides encouragement and support to honor God's "Great Commission" to go out into the world, to serve the Lord by serving others, and to share the Good News in both word and deed.

**C13.08.13.** The **Youth Ministry Committee** shall coordinate all activities that relate to youth which do not specifically fall under the jurisdiction of the Christian Education Committee. It shall support the current youth ministries and initiate programs to meet emerging needs. It shall be responsible for monitoring congregational life for possible youth involvement and assist youth to gain entry into the total life of the church. It shall encourage youth to take part in congregational decision making and to be involved members of the church, by serving on standing committees whenever possible.

**C13.08.14.** The **Memorial Committee** shall encourage, accept, and account for all memorial contributions excluding contributions made to the endowment fund. It shall be responsible for the ongoing memorial policy subject to the approval of the Congregation Council.

## 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(s) shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

**C14.01.01** An independently constituted preschool may exist as a ministry of the congregation with at least 2/3s of its governing board to be voting members of the congregation. A representative from the Congregational Council will be a non-voting member of the board.

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

## **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, 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 paragraph 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 members of 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 privileges of congregation membership until the pastor and the 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 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 a 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.**

#### **BYLAWS**

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

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

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

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

### **Chapter 17.**

#### **AMENDMENTS**

**\*C17.01.** Unless provision \*C17.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 5 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 its 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 meeting. Notification may take place by mail or electronic means, as permitted by state law.

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

- a. be approved at a legally called Congregation meeting according to this constitution by a majority vote of those present and voting;
- b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
- c. have the effective date included in the resolution[2] and noted in the constitution.

**\*C17.03.** Any amendments to this constitution that result from the processes provided in \*17.01. and \*17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the Northern Illinois Synod of the ELCA.

**\*17.04.** 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 request of voting members of the congregation, the Congregation Council shall submit such notice and shall call such a meeting. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 18.**

### **CONTINUING RESOLUTIONS**

**\*C18.01.** The Congregation 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 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.

### **Footnotes**

1. For use if the pastor is president of the congregation under two of the options in C11.02
2. Such an effective date must be stated in relation to the requirements of \*C17.03. to allow time for synodical review of the amendment.
3. All sections of this constitution marked by an asterisk [\*] are required by the ELCA.

# Continuing Resolutions

## Table of Contents

Benevolence	page i
Replacement Reserve	page i
Supervisor of Employees	page i
Duties of President	page i
Duties of Vice-President	page i
Duties of Secretary	page ii
Duties of Treasurer	page ii
Duties of Assistant Treasurer	page iii
Duties of Financial Secretary	page v
Duties of Assistant Financial Secretary	page vi
Duties of NCB--II Treasurer	page vii
Duties of Assistant NCB--II Treasurer	page vii
Financial Policy	page viii
Memorial Policy	page x
Rental Policy	page xi
Rental Fee Schedule	page xiv
Decorating Policy	page xv
Decoration Approval Form	page xvi