

HOLY CROSS EVANGELICAL LUTHERAN CHURCH  
CONSTITUTION AND BYLAWS

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**CONSTITUTION AND BYLAWS  
HOLY CROSS EVANGELICAL LUTHERAN CHURCH  
OMAHA, NEBRASKA**

**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 Holy Cross Evangelical Lutheran Church.

C1.02 For the purpose of this constitution and the accompanying bylaws, the congregation of Holy Cross Evangelical Lutheran Church 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 Formula of Concord, as further valid interpretations of the faith of the Church.

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

**Chapter 3. NATURE OF THE CHURCH**

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

\*C3.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.

- 53 \*C3.03 The Church exists both as an inclusive fellowship and as local congregations gathered for  
54 worship and Christian service. Congregations find their fulfillment in the universal  
55 community of the Church, and the universal Church exists in and through congregations.  
56 The Evangelical Lutheran Church in America, therefore, derives its character and powers  
57 both from the sanction and representation of its congregations and from its inherent  
58 nature as an expression of the broader fellowship of the faithful. In length, it acknowledges  
59 itself to be in the historic continuity of the communion of saints; in breadth, it expresses  
60 the fellowship of believers and congregations in our day.
- 61 C3.04. This church, inspired and led by the Holy Spirit, participates in the Lutheran World  
62 Federation as a global communion of churches, engaging in faithful witness to the gospel  
63 of Jesus Christ and in service for the sake of God’s mission in the world.
- 64 \*C3.05. The name Evangelical Lutheran Church in America (ELCA or “this church”) as used  
65 herein refers in general references to this whole church, including its three expressions—  
66 congregations, synods, and the churchwide organization. The name Evangelical Lutheran  
67 Church in America is also the name of the corporation of the churchwide organization to  
68 which specific references may be made herein.

69

70 **Chapter 4. STATEMENT OF PURPOSE**

- 71 \*C4.01 The Church is a people created by God in Christ, empowered by the Holy Spirit, called  
72 and sent to bear witness to God's creative, redeeming, and sanctifying activity in the  
73 world.
- 74 \*C4.02 To participate in God's mission, this congregation, as a part of the Church, shall:
- 75 a. Worship God in proclamation of the Word and administration of the sacraments and  
76 through lives of prayer, praise, thanksgiving, witness, and service.
- 77 b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith  
78 alone, according to the apostolic witness in the Holy Scripture, preserving and  
79 transmitting the Gospel faithfully to future generations.
- 80 c. Carry out Christ's Great Commission by reaching out to all people to bring them to  
81 faith in Christ and by doing all ministry with a global awareness consistent with the  
82 understanding of God as Creator, Redeemer, and Sanctifier of all.
- 83 d. Serve in response to God's love to meet human needs, caring for the sick and the  
84 aged, advocating dignity and justice for all people, working for peace and  
85 reconciliation among the nations, and standing with the poor and powerless, and  
86 committing itself to their needs.
- 87 e. Nurture its members in the Word of God so as to grow in faith and hope and love, to  
88 see daily life as the primary setting for the exercise of their Christian calling, and to  
89 use the gifts of the Spirit for their life together and for their calling in the world.
- 90 f. Manifest the unity given to the people of God by living together in the love of Christ  
91 and by joining with other Christians in prayer and action to express and preserve the  
92 unity which the Spirit gives.
- 93 \*C4.03 To fulfill these purposes, this congregation shall:
- 94 a. Provide services of worship at which the Word of God is preached and the sacraments  
95 are administered.
- 96 b. Provide pastoral care and assist all members to participate in this ministry.
- 97 c. Challenge, equip, and support all members in carrying out their calling in their daily  
98 lives and in their congregation.
- 99 d. Teach the Word of God.
- 100 e. Witness to the reconciling Word of God in Christ, reaching out to all people.
- 101 f. Respond to human need, work for justice and peace, care for the sick and the  
102 suffering, and participate responsibly in society.
- 103 g. Motivate its members to provide financial support for the congregation's ministry and  
104 the ministry of other parts of the Evangelical Lutheran Church in America.

- 105 h. Foster and participate in interdependent relationships with other congregations, the  
106 synod, and the church-wide organization of the Evangelical Lutheran Church in  
107 America.
- 108 i. Foster and participate in ecumenical relationships consistent with church-wide policy.
- 109 \*C4.04 This congregation shall develop an organizational structure to be described in the bylaws.  
110 The Congregation Council shall prepare descriptions of the responsibilities of each  
111 committee, task force, or other organizational group and shall review their actions. [Such  
112 descriptions shall be contained in continuing resolutions in the section on the  
113 Congregation Committees.]
- 114 \*C4.05 This congregation shall, from time to time, adopt a mission statement, which will provide  
115 specific direction for its programs.
- 116 \*C4.06. References herein to the nature of the relationship between the three expressions of this  
117 church—congregations, synods, and the churchwide organization—as being  
118 interdependent or as being in a partnership relationship describe the mutual responsibility  
119 of these expressions in God’s mission and the fulfillment of the purposes of this church as  
120 described in this chapter, and do not imply or describe the creation of partnerships, co-  
121 ventures, agencies, or other legal relationships recognized in civil law.  
122

123 **ARTICLE I**  
124 **MISSION STATEMENT**

125 *The mission of Holy Cross Evangelical Lutheran Church is:*  
126 *United by Christ, we reflect God’s love through joyful service to all people.*  
127

128 **Chapter 5. POWERS OF THE CONGREGATION**

- 129 \*C5.01 The powers of this congregation are those necessary to fulfill its purpose.
- 130 \*C5.02 The powers of this congregation are vested in the Congregation Meeting called and  
131 conducted as provided in this constitution and bylaws.
- 132 \*C5.03 Only such authority as is delegated to the Congregation Council or other organizational  
133 units in this congregation’s governing documents is recognized. All remaining authority is  
134 retained by the congregation. The congregation is authorized to:
- 135 a. call a pastor as provided in Chapter 9;
- 136 b. terminate the call of a pastor as provided in Chapter 9;
- 137 c. call a minister of Word and Service;
- 138 d. terminate the call of a minister of Word and Service in conformity with the constitution  
139 of the Evangelical Lutheran Church in America;
- 140 e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the  
141 bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter  
142 18;
- 143 f. approve the annual budget;
- 144 g. acquire real and personal property by gift, devise, purchase, or other lawful means;
- 145 h. hold title to and use its property for any and all activities consistent with its purpose;
- 146 i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful  
147 means;
- 148 j. elect its Congregation Council and require the members of the council to carry out  
149 their duties in accordance with the constitution, bylaws, and continuing resolutions;  
150 and
- 151 k. terminate its relationship with the Evangelical Lutheran Church in America as provided  
152 in Chapter 6.
- 153 \*C5.04 This congregation shall choose from among its voting members laypersons to serve as  
154 voting members of the Synod Assembly as well as persons to represent it at meetings of  
155 any conference, cluster, coalition, or other area subdivision of which it is a member. The  
156 number of persons to be elected by the congregation and other qualifications shall be as

157 prescribed in guidelines established by this synod.

158 C5.05 This congregation shall have a mission endowment fund that will operate as specified in  
159 this congregation's bylaws. The purpose of the mission endowment fund is to provide for  
160 mission work beyond the operations budget of this congregation.

161  
162 **ARTICLE II**  
163 **MISSION ENDOWMENT FUND**

164 *Section 1. Board Members, Officers and Duties*

- 165 a. *The Mission Endowment Fund shall be governed by a board of six members of this*  
166 *congregation. At each annual Congregation Meeting, this congregation shall elect the*  
167 *necessary number of members for terms of three years to replace those members*  
168 *whose terms are expiring. A member may be re-elected to serve on the endowment*  
169 *fund board, but no person shall serve more than two consecutive three-year terms on*  
170 *the board. Any person who has served two consecutive three-year terms on the board*  
171 *is eligible for election only after a one-year or more absence from the board. A pastor*  
172 *and one or more members of the Congregation Council may serve as advisory but non-*  
173 *voting members of the board. No person may be a member of the Mission Endowment*  
174 *Fund board and the Memorial and Special Gifts Board at the same time. In the event of*  
175 *a vacancy on the board, the Congregation Council shall appoint a member to fill the*  
176 *vacancy until the next annual Congregation Meeting, at which time this congregation*  
177 *shall elect a member to fulfill the remaining term of the vacancy. That member shall*  
178 *then be eligible for two additional three-year terms.*
- 179 b. *The endowment fund board shall meet at least once during the calendar year, but shall*  
180 *meet more frequently if necessary to best fulfill the purposes of the endowment.*
- 181 c. *A quorum shall consist of four voting members. The affirmative vote of at least 60*  
182 *percent of voting members present shall be required to carry any motion or resolution.*
- 183 d. *The endowment fund board shall elect from its membership a chairperson, a recording*  
184 *secretary, and a financial secretary, each to serve a term of one year. No member may*  
185 *serve in the same capacity for more than two consecutive one-year terms.*
- 186 e. *The chairperson, or member designated by the chairperson, shall preside at all board*  
187 *meetings.*
- 188 f. *The recording secretary shall record and maintain complete and accurate minutes of all*  
189 *meetings, and provide a copy within 30 days of the meeting to each member of the*  
190 *board. Each board member shall keep a complete set of the minutes, and deliver a*  
191 *complete set to his or her successor. The recording secretary shall also supply a copy*  
192 *of the minutes to the Congregation Council.*
- 193 g. *The financial secretary shall work with this congregation's treasurer to administer and*  
194 *account for the Mission Endowment Fund in accordance with Section 2b. The financial*  
195 *secretary shall provide the board a report at each meeting and present an annual report*  
196 *at the annual Congregation meeting. Such reports must account for all contributions,*  
197 *income, expenditures, investments and distributions since the previous report.*
- 198 h. *The chairperson and financial secretary shall have check-signing authority on behalf of*  
199 *the endowment. Either one may sign a check on behalf of the endowment for an*  
200 *amount up to but not exceeding \$2,500. A check exceeding \$2,500 must be signed by*  
201 *both the chairperson and financial secretary.*
- 202 i. *The endowment fund board may request that other members of this congregation, or*  
203 *persons outside the congregation as necessary, serve as advisors on specific issues.*
- 204 j. *The Congregation Council or the endowment fund board may, in its discretion and at*  
205 *the expense of the endowment, retain the services of professional advisors on*  
206 *investments, audits, or legal matters as it deems to be in the best interest of the*  
207 *endowment.*

- 208 k. All decisions to accept, reject, hold, sell, exchange, rent, lease, transfer, convert,  
209 invest, reinvest, and in all other respects manage and control the assets of the  
210 endowment fund, are to be made by the board.
- 211 l. Endowment fund board members shall at all times conduct themselves honestly, with  
212 the purposes of the endowment fund foremost in their concerns. Members shall avoid  
213 even the appearance of impropriety. No member shall engage in self-dealing or a  
214 transaction with the endowment in which the member has direct or indirect financial  
215 interest or a conflict of interest.
- 216 m. No member of the endowment fund board may be held liable for losses which may be  
217 suffered in the management of assets by the board, except to the extent such losses  
218 were caused by bad faith, improper dealing, a conflict of interest, or in the instance of  
219 gross negligence.

220 *Section 2. Fund Administration*

- 221 a. The fiscal year of the endowment fund shall correspond to the fiscal year of this  
222 congregation. The books of the endowment fund shall be audited annually by a certified  
223 public accountant or other appropriate person or persons who are not members of the  
224 board. The most recent report of the auditor(s) shall be available at the annual  
225 Congregation Meeting.
- 226 b. The assets of the endowment fund are to be held in the name of "Holy Cross  
227 Evangelical Lutheran Church Mission Endowment Fund." The assets and accounts of  
228 the endowment fund shall be maintained and accounted for separately from all other  
229 operating funds and assets of this congregation, unless otherwise provided below.

230 *Section 3. Mission of the Endowment Fund*

231 This congregation has established the endowment fund to perpetuate and further both  
232 the long-term work of the church at large and the outward mission of Holy Cross  
233 Evangelical Lutheran Church. The endowment fund shall receive, invest and be the  
234 steward of assets and shall make regular distributions of assets, as provided in Section  
235 4, below.

236 *Section 4. Investments and Distributions*

- 237 a. Endowment fund assets shall be invested in a manner which, in the discretion of the  
238 board, best furthers the mission of the endowment fund.
- 239 b. There shall be no distribution of endowment assets unless the market value of the  
240 assets exceeds \$40,000. As long as the market value of endowment assets exceeds  
241 \$40,000, distributions not to exceed 5% annually of the total assets of the endowment  
242 shall be made to best accomplish the following purposes:
- 243 1) A minimum of 10 percent of the total annual distribution shall be designated for  
244 missions of the Evangelical Lutheran Church in America in the United States or  
245 abroad. This may include, but is not limited to, grants to the ELCA for new mission  
246 development, professional leadership, educational ministries, world missions,  
247 ecumenism, evangelism, social ministries, and capital financing.
  - 248 2) A minimum of 10 percent of the total annual distribution shall be designated for  
249 missions of this congregation in and around Omaha, Nebraska, or in other places  
250 where there is need. This may include, but is not limited to, support of food banks,  
251 shelters, education, or housing, working independently or in cooperation with  
252 various social service agencies and institutions.
  - 253 3) A minimum of 10 percent of the total annual distribution shall be designated for  
254 scholarships or grants to members of this congregation. These shall be for the  
255 purpose of attending college, technical, seminary or graduate schools; church-  
256 related retreats or camping; special conferences or training; or for such other  
257 educational purposes which enable members of this congregation to grow in  
258 Christian faith and in service to God's people.

- 259 4) *The remainder of the total annual distribution may then be designated for other*  
260 *causes. These other causes might include additional support in one of the above*  
261 *areas, purposes designated in paragraph c below, or for other causes and*  
262 *programs that, at the discretion of the board, are consistent with the purposes of*  
263 *the endowment.*
- 264 c. *Distributions may not be designated for the operational expenses of Holy Cross*  
265 *Evangelical Lutheran Church. Once the minimum distributions set forth in Section 4b*  
266 *above have been satisfied, the board may make distributions for new program*  
267 *development, debt reduction, building programs, capital expenditures, or similar*  
268 *purposes of this congregation. Funds may not be so designated unless this*  
269 *congregation contributes in kind by providing not less than 20 percent of the total funds*  
270 *designated, while the endowment fund may provide not more than 80 percent, with the*  
271 *exact ratio within this range to be determined by the endowment fund board.*
- 272 d. *Causes and programs for support and consideration may be recommended to the*  
273 *board by the Congregation Council or by individual members of this congregation.*

274 **Section 5. Extraordinary Distribution**

- 275 a. *Should the financial security of Holy Cross Evangelical Lutheran Church be gravely*  
276 *threatened, its very existence placed at risk, and the last viable financial recourse is the*  
277 *use of endowment fund assets, the congregation may authorize an extraordinary*  
278 *distribution of endowment assets for the daily operations of Holy Cross Evangelical*  
279 *Lutheran Church. The endowment board may make an extraordinary distribution of*  
280 *endowment assets for this purpose only following approval of the congregation at two*  
281 *Congregation Meetings, at least 30 days apart. At least 14 days' written notice to the*  
282 *congregation must be given prior to each meeting. Notice shall include the purpose of*  
283 *the meeting and proposed distribution. A quorum must be present at both meetings.*  
284 *Each meeting must include a specific presentation and discussion of the purpose of the*  
285 *proposed extraordinary distribution of assets. Approval of an extraordinary distribution*  
286 *of assets requires the affirmative vote of two-thirds of those present and voting at both*  
287 *meetings.*
- 288 b. *Upon the dissolution of Holy Cross Evangelical Lutheran Church, or upon merger with*  
289 *another congregation, the disposition or transfer of endowment assets shall be at the*  
290 *discretion of the Congregation Council. The council shall act in conformity with the*  
291 *approved congregation constitution, and in consultation with the bishop of the synod to*  
292 *which the congregation belongs at such time.*

293 C5.06 This congregation shall have a memorial and special gifts fund that will operate as  
294 specified in this congregation's bylaws.  
295

296 **ARTICLE III**

297 **MEMORIAL AND SPECIAL GIFTS FUND (C5.06)**

298 **Section 1. Board Members, Officers and Duties**

- 299 a. *The Memorial and Special Gifts Fund shall be governed by a board of six members of*  
300 *this congregation. At each annual Congregation Meeting, this congregation shall elect*  
301 *the necessary number of members for terms of three years to replace those members*  
302 *whose terms are expiring. A member may be re-elected to serve on the board, but no*  
303 *person shall serve more than two consecutive three-year terms on the board. Any*  
304 *person who has served two consecutive three-year terms is eligible for election only*  
305 *after a one-year or more absence from the board. A pastor and one or more members*  
306 *of the Congregation Council may serve as advisory but non-voting members of the*  
307 *board. No person may be a member of the Mission Endowment Fund board and the*  
308 *Memorial and Special Gifts board at the same time. In the event of a vacancy on the*  
309 *board, the Congregation Council shall appoint a member to fill the vacancy until the*  
310 *next annual Congregation Meeting, at which time this congregation shall elect a*

311 member to fulfill the remaining term of the vacancy. That member shall then be eligible  
312 for two additional three-year terms.

313 b. The board shall meet at least once every three months.

314 c. A quorum shall consist of four voting members. The affirmative vote of at least 60  
315 percent of voting members present shall be required to carry any motion or resolution.

316 d. The board shall elect from its membership a chairperson, and a secretary, each to  
317 serve a term of one year. No member may serve in the same capacity for more than  
318 two consecutive one-year terms. The chairperson, or member designated by the  
319 chairperson, shall preside at all board meetings.

320 e. The secretary shall record and maintain complete and accurate minutes of all  
321 meetings, and provide a copy within 30 days of the meeting to each member of the  
322 board. Each board member shall keep a complete set of the minutes to be delivered to  
323 his or her successor. The secretary shall also supply a copy of the minutes to the  
324 Congregation Council.

325 f. The chairperson shall work with this congregation's treasurer in maintaining and  
326 coordinating a complete and accurate accounting of all assets managed by the fund.  
327 The chairperson shall direct this congregation's treasurer to distribute money from the  
328 fund as directed by the board. The congregation's treasurer shall present an annual  
329 report to the Congregation annual meeting. The annual report must account for all  
330 contributions, income, expenditures, and uses of the income and/or principal from the  
331 fund during the previous year.

332 g. Board members shall at all times conduct themselves honestly, with the purposes of  
333 the fund foremost in their concerns. Members shall avoid even the appearance of  
334 impropriety. No member shall engage in self-dealing or a transaction with the fund in  
335 which the member has direct or indirect financial interest or a conflict of interest.

336 h. No member of the committee may be held liable for losses which may be suffered in  
337 the management of assets by the committee or Congregation Council, except to the  
338 extent such losses were caused by bad faith, improper dealing, a conflict of interest, or  
339 in the instance of gross negligence.

#### 340 Section 2. Fund Administration

341 a. The assets of the fund shall be maintained and accounted for separately in a dedicated  
342 fund on the general ledger.

343 b. The congregation's treasurer will keep a record of all gifts. All memorials and gifts will  
344 be acknowledged by the pastoral staff.

345 c. As memorial funds are disbursed, the chairperson shall ensure that they are listed in  
346 the publicly displayed Memorial Book.

347 d. All gifts will become the property of this congregation. Requests made for specific gifts  
348 to be used for a particular project or purpose will be honored as they fit into this  
349 congregation's needs as determined by the board.

350 e. All disbursements from this fund will be dedicated once a year on All Saints Sunday.

351 f. No disbursements will be made from the fund without prior approval of the board.

### 352 Chapter 6. CHURCH AFFILIATION

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

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

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

361 a. This congregation agrees to be responsible for its life as a Christian community.  
362

- 363 b. This congregation pledges its financial support and participation in the life and mission  
364 of the Evangelical Lutheran Church in America.
- 365 c. This congregation agrees to call pastoral leadership from the roster of ministers of  
366 Word and Sacrament of the Evangelical Lutheran Church in America in accordance  
367 with its call procedures except in special circumstances and with the approval of the  
368 bishop of the synod. These special circumstances are limited either to calling a  
369 candidate approved for the roster of ministers of Word and Sacrament of the  
370 Evangelical Lutheran Church in America or to contracting for pastoral services with  
371 minister of Word and Sacrament of a church body with which the Evangelical Lutheran  
372 Church in America officially has established a relationship of full communion.
- 373 d. This congregation agrees to consider ministers of the Word and Service for call to  
374 other staff positions in the congregation according to the procedures of the  
375 Evangelical Lutheran Church in America.
- 376 e. This congregation agrees to file this constitution and any subsequent changes to this  
377 constitution with the synod for review to ascertain that all of its provisions are in  
378 agreement with the constitution and bylaws of the Evangelical Lutheran Church in  
379 America and with the constitution of the synod.
- 380 \*C6.04 Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
- 381 a. This congregation takes action to dissolve.
- 382 b. This congregation ceases to exist.
- 383 c. This congregation is removed from membership in the Evangelical Lutheran Church in  
384 America according to the procedures for discipline of the Evangelical Lutheran Church  
385 in America.
- 386 d. This congregation follows the procedures outlined in \*C6.05.
- 387 \*C6.05 This congregation may terminate its relationship with the Evangelical Lutheran Church in  
388 America by the following procedure:
- 389 a. A resolution indicating the intent to terminate its relationship must be adopted at a  
390 legally called and conducted special meeting of the congregation by a two-thirds vote  
391 of the voting members present. Such meeting may be held no sooner than 30 days  
392 after written notice of the meeting is received by the bishop of the synod, during which  
393 time the congregation shall consult with the bishop and the bishop's designees, if any.  
394 The times and manner of the consultation shall be determined by the bishop in  
395 consultation with the congregation council. Unless he or she is a voting member of the  
396 congregation, the bishop and the bishop's designees, if any, shall have voice but not  
397 vote at the meeting.
- 398 b. The secretary of the congregation shall submit a copy of the resolution to the bishop,  
399 attesting that the special meeting was legally called and conducted and certifying the  
400 outcome of the vote, and shall mail a copy of the resolution to voting members of the  
401 congregation. This notice shall be submitted within 10 days after the resolution has  
402 been adopted.
- 403 c. The bishop of the synod and the congregation shall continue in consultation, as  
404 specified in paragraph a. above, during a period of at least 90 days after receipt by the  
405 synod of the notice as specified in paragraph b. above.
- 406 d. If the congregation, after such consultation, still seeks to terminate its relationship,  
407 such action may be taken at a legally called and conducted special meeting by a two-  
408 thirds vote of the voting members present. Notice of the meeting shall be mailed to all  
409 voting members and to the bishop at least 10 days in advance of the meeting. Unless  
410 he or she is voting member of the congregation, the bishop and the bishop's  
411 designees, if any, shall have voice but not vote at the meeting.
- 412 e. A copy of the resolution, attesting that the special meeting was legally called and  
413 conducted and certifying the outcome of the vote, shall be sent to the bishop within 10  
414 days after the resolution has been adopted, at which time the relationship between the

415 congregation and this church shall be terminated subject to paragraphs g., h., and i.  
416 below. Unless this notification to the bishop also certifies that the congregation has  
417 voted by a two-thirds vote to affiliate with another Lutheran denomination, the  
418 congregation will be conclusively presumed to be an independent or non-Lutheran  
419 church.

420 f. Notice of termination shall be forwarded by the bishop to the secretary of the ELCA,  
421 who shall report the termination to the Churchwide Assembly.

422 g. This congregation shall abide by these covenants by and among the three  
423 expressions of this church:

424 1) Congregations seeking to terminate their relationship with this church which fail or  
425 refuse to comply with each of the foregoing provisions in \*C6.05., shall be required  
426 to receive Synod Council approval before terminating their membership in this  
427 church.

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

431 3) Congregations established by the Evangelical Lutheran Church in America shall  
432 be required, in addition to complying with the foregoing provisions in \*C6.05, to  
433 satisfy all financial obligations to this church and receive Synod Council approval  
434 before terminating their membership in this church.

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

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

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

451

## 452 **Chapter 7. PROPERTY OWNERSHIP**

453 \*C7.01 If this congregation ceases to exist, title to indisposed property shall pass to the Nebraska  
454 Synod of the Evangelical Lutheran Church in America.

455 \*C7.02 If this congregation is removed from membership in the Evangelical Lutheran Church in  
456 America according to its procedure for discipline, title to property shall continue to reside  
457 in this congregation.

458 \*C7.03 If two-thirds of the voting members of this congregation present at a legally called and  
459 conducted special meeting of this congregation vote to transfer to another Lutheran  
460 church body, title to property shall continue to reside in this congregation, provided the  
461 process for termination of relationship in \*C6.05. has been followed. Before this  
462 congregation takes action to transfer to another Lutheran church body, it shall consult with  
463 representatives of the Nebraska Synod.

464 \*C7.04 If two-thirds of the voting members of this congregation present at a legally called and  
465 conducted special meeting of this congregation vote to become independent or relate to a  
466 non-Lutheran church body and have followed the process for termination of relationship in

467 \*C6.05, title to property of this congregation shall continue to reside in this congregation  
468 only with the consent of the Synod Council. The Synod Council, after consultation with this  
469 congregation by the established synodical process, may give approval to the request to  
470 become independent or to relate to a non-Lutheran church body, in which case title shall  
471 remain with the majority of this congregation. If the Synod Council fails to give such  
472 approval, title shall remain with those members who desire to continue as a congregation  
473 of the Evangelical Lutheran Church in America.  
474

## 475 **Chapter 8. MEMBERSHIP**

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

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

- 481 a. Baptized members are those persons who have been received by the Sacrament of  
482 Holy Baptism in this congregation, or, having been previously baptized in the name of  
483 the Triune God, have been received by certificate of transfer from other Lutheran  
484 congregations or by affirmation of faith.
- 485 b. Confirmed members are baptized persons who have been confirmed in this  
486 congregation, those who have been received by adult baptism or by transfer as  
487 confirmed members from other Lutheran congregations, or baptized persons received  
488 by affirmation of faith.
- 489 c. Voting members are confirmed members. Such confirmed members, during the  
490 current or preceding calendar year, shall have communed in this congregation and  
491 shall have made a contribution of record to this congregation. Members of this  
492 congregation who have satisfied these basic standards shall have the privilege of  
493 voice and vote at every regular and special meeting of the congregation as well as the  
494 other rights and privileges ascribed to voting members by the provisions of this  
495 constitution and its bylaws.
- 496 d. Associate members are persons holding membership in other [ELCA] [Lutheran]  
497 Christian congregations who wish to retain such membership but desire to participate  
498 in the life and mission of this congregation. These individuals have all the privileges  
499 and duties of membership except voting rights. Or other rights and privileges ascribed  
500 to voting members by the provisions of this constitution and its bylaws.
- 501 e. Seasonal members are voting members of other ELCA congregations who wish to  
502 retain such membership but desire to participate in the life and mission of this  
503 congregation, including exercising limited voting rights in this congregation. The  
504 Congregation Council may grant seasonal membership to such persons provided that  
505 this congregation is a member of a synod where the Synod Council has approved  
506 seasonal member voting on its territory. Such seasonal members shall have all the  
507 privileges and duties of voting members except that:
  - 508 1) they shall not be eligible for elected office in, or for membership on the  
509 Congregation Council or on a call committee of, this congregation;
  - 510 2) they shall not have the right to vote on any matter concerning or affecting the call  
511 or termination of call of any minister of this congregation;
  - 512 3) they shall not have the right to vote on any matter concerning or affecting the  
513 affiliation of this congregation with the ELCA;
  - 514 4) they shall not be eligible to serve as voting members from this congregation of  
515 the Synod Assembly or the Churchwide Assembly;
  - 516 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or  
517 by absentee ballot; and
  - 518 6) they shall not, within any two calendar month period, exercise voting rights in this

519 congregation and in the congregation where they remain voting members.

520  
521 \*C8.03 All applications for confirmed membership shall be submitted to and shall require the  
522 approval of the Congregation Council.

523  
524 \*C8.04 It shall be the privilege and duty of members of this congregation to:  
525 a. make regular use of the means of grace, both Word and sacraments;  
526 b. live a Christian life in accordance with the Word of God and the teachings of the  
527 Lutheran church; and  
528 c. support the work of this congregation, the synod, and the churchwide organization of  
529 the Evangelical Lutheran Church in America through contributions of their time,  
530 abilities, and financial support as biblical stewards.

531 \*C8.05 Membership in this congregation shall be terminated by any of the following:  
532 a. death;  
533 b. resignation;  
534 c. transfer or release;  
535 d. disciplinary action in accordance with ELCA constitutional provision 20.41. and the  
536 accompanying bylaws or  
537 e. removal from the roll due to inactivity in accordance with the provisions of this  
538 constitution and its bylaws. Such persons who have been removed from the roll of  
539 members shall remain persons for whom the church has a continuing pastoral  
540 concern.

541  
542 **ARTICLE IV**  
543 **MEMBERSHIP (\*C8.05e)**

544 *Members who have not partaken in Holy Communion, have not made a financial contribution of*  
545 *record, and have not shown interest in participating in the worship and life of this congregation for*  
546 *a period of two consecutive calendar years, shall be considered to have removed themselves*  
547 *from the membership roll of this congregation. The Congregation Council shall confirm this action*  
548 *only after attempts at contact and counsel have been made. Pastoral discretion in implementation*  
549 *of this bylaw shall be exercised with respect to members who are students, military personnel,*  
550 *living in institutions, or home bound, and other persons as deemed necessary. Those who*  
551 *remove themselves from membership in this congregation in this manner may be reinstated upon*  
552 *application and approval by the Congregation Council.*

553  
554 **Chapter 9. ROSTERED MINISTER**

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

559 \*C9.02 Only a member of the roster of ministers of Word and Sacrament of the Evangelical  
560 Lutheran Church in America or a candidate for the roster of ministers of Word and  
561 Sacrament who has been recommended for the congregation by the synodical bishop  
562 may be called as a pastor of this congregation.

563 \*C9.03 Consistent with the faith and practice of the Evangelical Lutheran Church in America,  
564 a. Every minister of Word and Sacrament shall:  
565 1) preach the Word;  
566 2) administer the sacraments;  
567 3) conduct public worship;  
568 4) provide pastoral care;  
569 5) seek out and encourage qualified persons to prepare for the ministry of the  
570 Gospel;

- 571                   6) impart knowledge of this church and its wider ministry through distribution of its  
572                   communications and publications;
- 573                   7) witness to the Kingdom of God in the community, in the nation and abroad;  
574                   and
- 575                   8) speak publicly to the world in solidarity with the poor and oppressed, calling for  
576                   justice and proclaiming God's love for the world.
- 577           b. Each pastor with a congregational call shall, within the congregation:
- 578                   1) offer instruction, confirm, marry, visit the sick and distressed, and bury the  
579                   dead;
- 580                   2) relate to all schools and organizations of this congregation;
- 581                   3) install regularly elected members of the Congregation Council;
- 582                   4) with the council, administer discipline; and
- 583                   5) endeavor to increase the support given by the congregation to the work of the  
584                   ELCA churchwide organization and of the Nebraska Synod of the ELCA.
- 585 \*C9.04 The specific duties of the pastor, compensation, and other matters pertaining to the  
586           service of the pastor shall be included in a letter of call, which shall be attested by the  
587           bishop of the synod.
- 588 \*C9.05 The provisions for termination of the mutual relationship between a minister of Word and  
589           Sacrament and this congregation shall be as follows:
- 590           a. The call of this congregation, when accepted by a pastor, shall constitute a continuing  
591           mutual relationship and commitment, which, shall be terminated only by death or  
592           following consultation with the synodical bishop for the following reasons:
- 593                   1) mutual agreement to terminate the call or the completion of a call for a specific  
594                   term;
- 595                   2) resignation of the pastor, which shall become effective, unless otherwise  
596                   agreed, no later than 30 days after the date on which it was submitted;
- 597                   3) inability to conduct the pastoral office effectively in the congregation in view of  
598                   local conditions;
- 599                   4) physical disability or mental incapacity of the pastor;
- 600                   5) suspension of the pastor through discipline for more than three months;
- 601                   6) resignation or removal of the pastor from the roster of ministers of Word and  
602                   Sacrament of this church;
- 603                   7) termination of the relationship between this church and the congregation;
- 604                   8) dissolution of the congregation or the termination of a parish arrangement; or
- 605                   9) suspension of the congregation through discipline for more than six months.
- 606                   10) the dissolution of the congregation or the termination of a parish arrangement;  
607                   or
- 608                   11) suspension of the congregation as a result of discipline proceedings.
- 609           b. When allegations of physical disability or mental incapacity of the pastor under  
610           paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph  
611           a.3) above, have come to the attention of the bishop of the synod,
- 612                   1) the bishop in his or her sole discretion may, investigate such conditions  
613                   personally together with a committee of two rostered ministers and one  
614                   layperson, or
- 615                   2) when such allegations have been brought to the synod's attention by an official  
616                   recital of allegations by the congregation council or by a petition signed by at  
617                   least one-third of the voting members of the congregation, the bishop personally  
618                   shall investigate such conditions together with a committee of two rostered  
619                   ministers and one layperson.
- 620           c. In case of alleged physical disability or mental incapacity under paragraph a.4) above,  
621           the bishop's committee shall obtain and document competent medical opinion  
622           concerning the pastor's condition. When a disability or incapacity is evident to the

623 committee, the bishop of this synod may declare the pastorate vacant . When the  
624 pastorate is declared vacant, the Synod Council shall list the pastor on the roster of  
625 ministers of Word and Sacrament as disabled. Upon removal of the disability and the  
626 restoration of the pastor to health, the bishop shall take steps to enable the pastor to  
627 resume the ministry, either in the congregation last served or in another appropriate  
628 call.

629 d. In the case of alleged local difficulties that imperil the effective functioning of the  
630 congregation under paragraph a.3) above, the bishop's committee shall endeavor to  
631 hear from all concerned persons, after which the bishop together with the committee  
632 shall present their recommendations first to the pastor and then to the congregation.  
633 The recommendations of the bishop's committee must address whether the pastor's  
634 call should come to an end and, if so, may suggest appropriate severance  
635 arrangements. The committee may also propose other actions that should be  
636 undertaken by the congregation and by the pastor, if appropriate. If the pastor and  
637 congregation agree to carry out such recommendations, no further action need be  
638 taken by the synod.

639 e. If either party fails to assent to the recommendations of the bishop's committee  
640 concerning the pastor's call, the congregation may dismiss the pastor only at a legally  
641 called meeting after consultation with the bishop, either (a) by a two-thirds vote of the  
642 voting members present and voting where the bishop and the committee did not  
643 recommend termination of the call, or (b) by a majority vote of the voting members  
644 present and voting where the bishop and the committee recommended termination of  
645 the call.

646 f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the  
647 bishop's committee concludes that there may be grounds for discipline, the committee  
648 shall make recommendations concerning disciplinary action in accordance with the  
649 provisions of this church's constitution, bylaws, and continuing resolutions.

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

652 \*C9.07 During the period of service, an interim pastor shall have the rights and duties in the  
653 congregation of a regularly called pastor and may delegate the same in part to a supply  
654 pastor with the consent of the bishop of the synod and this congregation or Congregation  
655 Council. The interim pastor and any rostered minister providing assistance shall refrain  
656 from exerting influence in the selection of a pastor. Unless previously agreed upon by the  
657 Synod Council, an interim pastor is not available for a regular call to the congregation  
658 served.

659 \*C9.08 This congregation shall make satisfactory settlement of all financial obligations to a former  
660 pastor before calling a successor. A pastor shall make satisfactory settlement of all  
661 financial obligations to this congregation before beginning service in a call to another  
662 congregation or employment in another ministry setting related to the Evangelical  
663 Lutheran Church in America.

664 \*C9.09 When a pastor is called to serve in company with another pastor or pastors, the privileges  
665 and responsibilities of each pastor shall be specified in documents to accompany the call  
666 and to be drafted in consultation involving the pastors, the Congregation Council, and the  
667 bishop of the synod. As occasion requires, the documents may be revised through a  
668 similar consultation.

669 \*C9.11 With the approval of the bishop of the synod, the congregation may depart from \*C9.05.a  
670 and call a pastor for a specific term. Details of such calls shall be in writing, setting forth  
671 the purpose and conditions involved. Prior to the completion of a term, the bishop or a  
672 designated representative of the bishop shall meet with the pastor and representatives of  
673 the congregation for a review of the call. Such a call may also be terminated before its  
674 expiration in accordance with the provisions of \*C9.05.a.

- 675 \*C9.12 The pastor of this congregation:  
676 a. shall keep accurate parochial records of all baptisms, confirmations, marriages,  
677 burials, communicants, members received, members dismissed, or members  
678 excluded from the congregation.  
679 b. shall submit a summary of such statistics annually to the synod; and  
680 c. shall become a member of this congregation upon receipt and acceptance of the letter  
681 of call. In a parish of multiple congregations, the pastor shall hold membership in one  
682 of the congregations.

683  
684 **ARTICLE V**  
685 **CLERGY AND STAFF**

686 *Section 1. The pastors.*

- 687 a. *The senior pastor shall be responsible for the day-to-day operations of this*  
688 *congregation and shall be accountable to the Congregation Council.*  
689 b. *The senior pastor shall make recommendations for hiring of office staff, lay*  
690 *professionals, and the calling of associate or assistant pastors.*  
691 c. *Associate and assistant pastor(s) shall be accountable to the senior pastor.*  
692 1). *The senior pastor will provide for formal evaluation of the associate and assistant*  
693 *pastor(s) annually.*  
694 2) *Recommendations and suggestions regarding performance and/or salary*  
695 *considerations will be submitted to the Congregation Council for final appraisal and*  
696 *action.*  
697 d. *The call of the associate and assistant pastor(s) will be automatically terminated if the*  
698 *senior pastor leaves his or her position for any reason.*  
699 1) *Appropriate severance salary and time will be afforded after consultation with the*  
700 *synod bishop.*

701 *Section 2. (Below under C12.08)*  
702

703 \*C9.13 The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least  
704 90 days prior to each regular meeting of the Synod Assembly.

705 \*C9.14 The parochial records of this congregation shall be maintained by the pastor and shall  
706 remain the property of the congregation. The secretary of this congregation shall attest in  
707 writing to the bishop of the synod that such records have been placed in his or her hands  
708 in good order by a departing pastor before the installation of that pastor in another field of  
709 labor or the granting by the synod of retired status to the pastor.

710 **C9.15.** Under special circumstances, subject to the approval of the synodical bishop and the  
711 concurrence of this congregation, an ~~ordained~~ minister of Word and Sacrament of a  
712 church body with which the Evangelical Lutheran Church in America officially has  
713 established a relationship of full communion may serve temporarily as pastor of this  
714 congregation under a contract between the congregation and the ~~ordained minister~~ pastor  
715 in a form proposed by the synodical bishop and approved by the congregation.

716 \***C9.21.** Authority to call a minister of Word and Service shall be in this congregation by at least a  
717 two-thirds vote of voting members present and voting at a meeting legally called for that  
718 purpose. Before a call is issued, the officers, or a committee elected by [this  
719 congregation][the Congregation Council] to recommend the call, shall seek the advice and  
720 help of the bishop of the synod.

721 \***C9.22.** Only a member of the roster of ministers of Word and Service of the Evangelical  
722 Lutheran Church in America or a candidate for the roster of ministers of Word and Service  
723 who has been recommended for this congregation by the synodical bishop may be called  
724 as a deacon of this congregation.

725 \***C9.23.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,  
726 every minister of Word and Service shall:

- 727 a. Be rooted in the Word of God, for proclamation and service;  
728 b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service  
729 on the frontiers of the Church's outreach, giving particular attention to the suffering  
730 places in God's world;  
731 c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice  
732 and proclaiming God's love for the world, witnessing to the realm of God in the  
733 community, the nation, and abroad;  
734 d. Equip the baptized for ministry in God's world that affirms the gifts of all people;  
735 e. Encourage mutual relationships that invite participation and accompaniment of others  
736 in God's mission;  
737 f. Practice stewardship that respects God's gift of time, talents, and resources;  
738 g. Be grounded in a gathered community for ongoing diaconal formation;  
739 h. Share knowledge of the ELCA and its wider ministry of the gospel, and advocate for  
740 the work of all expressions of this church; and  
741 i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- 742 \*C9.24. The specific duties of the deacon, compensation, and other matters pertaining to the  
743 service of the deacon shall be included in a letter of call, which shall be attested by the  
744 bishop of the synod.
- 745 \*C9.25. The provisions for termination of the mutual relationship between a minister of Word and  
746 Service and a congregation shall be as follows:
- 747 a. The call of a congregation, when accepted by a deacon, shall constitute a  
748 continuing mutual relationship and commitment, which shall be terminated only by  
749 death or, following consultation with the synodical bishop, for the following  
750 reasons:
- 751 1) mutual agreement to terminate the call or the completion of a call for a specific  
752 term;
  - 753 2) resignation of the deacon, which shall become effective, unless otherwise  
754 agreed, no later than 30 days after the date on which it was submitted;
  - 755 3) inability to conduct the ministry of Word and Service effectively in this  
756 congregation in view of local conditions;
  - 757 4) physical disability or mental incapacity of the deacon;
  - 758 5) suspension of the deacon through discipline for more than three months;
  - 759 6) resignation or removal of the deacon from the roster of ministers of Word and  
760 Service of this church;
  - 761 7) termination of the relationship between this church and this congregation;
  - 762 8) dissolution of this congregation or the termination of a parish arrangement; or
  - 763 9) suspension of this congregation through discipline for more than six months.
- 764 b. When allegations of physical disability or mental incapacity of the deacon under  
765 paragraph a.4) above, or ineffective conduct of the office of minister of Word and  
766 Service under paragraph a.3) above, have come to the attention of the bishop of  
767 this synod,
- 768 1) the bishop in his or her sole discretion may investigate such conditions  
769 personally together with a committee of two rostered ministers and one  
770 layperson, or
  - 771 2) when such allegations have been brought to the synod's attention by an official  
772 recital of allegations by the Congregation Council or by a petition signed by at  
773 least one-third of the voting members of this congregation, the bishop  
774 personally shall investigate such conditions together with a committee of two  
775 rostered ministers and one layperson.
- 776 c. In case of alleged physical disability or mental incapacity under paragraph a.4)  
777 above, the bishop's committee shall obtain and document competent medical  
778 opinion concerning the deacon's condition. When a disability or incapacity is

- 779 evident to the committee, the bishop of this synod may declare the office vacant  
 780 and the deacon shall be listed on the roster of ministers of Word and Service as  
 781 disabled. Upon removal of the disability and the restoration of the deacon to  
 782 health, the bishop shall take steps to enable the deacon to resume the ministry,  
 783 either in the congregation last served or in another appropriate call.
- 784 d. In the case of alleged local difficulties that imperil the effective functioning of this  
 785 congregation under paragraph a.3) above, the bishop's committee shall endeavor  
 786 to hear from all concerned persons, after which the bishop together with the  
 787 committee shall present their recommendations first to the deacon and then to this  
 788 congregation. The recommendations of the bishop's committee must address  
 789 whether the deacon's call should come to an end and, if so, may suggest  
 790 appropriate severance arrangements. The committee may also propose other  
 791 actions that should be undertaken by this congregation and by the deacon, if  
 792 appropriate. If the deacon and congregation agree to carry out such  
 793 recommendations, no further action need be taken by the synod.
  - 794 e. If either party fails to assent to the recommendations of the bishop's committee  
 795 concerning the deacon's call, this congregation may dismiss the deacon only at a  
 796 legally called meeting after consultation with the bishop, either (a) by a two-thirds  
 797 majority vote of the voting members present and voting where the bishop and the  
 798 committee did not recommend termination of the call, or (b) by a simple majority  
 799 vote of the voting members present and voting where the bishop and the  
 800 committee recommended termination of the call.
  - 801 f. If, in the course of proceedings described in paragraph c. or paragraph d. above,  
 802 the bishop's committee concludes that there may be grounds for discipline, the  
 803 committee shall make recommendations concerning disciplinary action in  
 804 accordance with the provisions of this church's constitution, bylaws, and continuing  
 805 resolutions.
- 806 **\*C9.26.** The deacon shall make satisfactory settlement of all financial obligations to a former  
 807 congregation before:
- 808 a. installation in another field of labor, or
  - 809 b. the issuance of a certificate of dismissal or transfer.
- 810 **\*C9.27.** When a deacon is called to serve in company with another rostered minister or other  
 811 rostered ministers, the privileges and responsibilities of each rostered minister shall be  
 812 specified in documents to accompany the call and to be drafted in consultation  
 813 involving the rostered ministers, the Congregation Council, and the bishop of the  
 814 synod. As occasion requires, the documents may be revised through a similar  
 815 consultation.
- 816 **\*C9.28.** With the approval of the bishop of the synod, this congregation may depart from  
 817 \*C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing  
 818 setting forth the purpose and conditions involved. Prior to the completion of a term, the  
 819 bishop or a designated representative of the bishop shall meet with the deacon and  
 820 representatives of this congregation for a review of the call. Such a call may also be  
 821 terminated before its expiration in accordance with the provisions of \*C9.25.a.
- 822 **\*C9.29.** The deacon shall become a member of this congregation upon receipt and  
 823 acceptance of the letter of call. In a parish of multiple congregations, the deacon shall  
 824 hold membership in one of the congregations.
- 825 **\*C9.31.** The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at  
 826 least 90 days prior to each regular meeting of the Synod Assembly.

827  
 828 **Chapter 10. CONGREGATION MEETING**

829 C10.01 The annual Congregation Meeting shall be held at a time specified in the bylaws.  
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**ARTICLE VI**  
**CONGREGATION MEETING**

*Section 1. The annual Congregation Meeting shall be called for a Sunday in January at a time specified by the Congregation Council. This meeting shall include election of Congregation Council members, election of Mission Endowment Fund board members, election of Memorial and Special Gifts Fund board members, election of lay voting members to the Nebraska Synod Assembly, adoption of the annual budget, acceptance of written reports from each committee and organization, presentation of resolutions, and any other business properly coming before this meeting.*

*Section 2. (Below under C10.03)*

*Section 3. All meetings shall open with appropriate devotions.*

C10.02 A special Congregation Meeting may be called by the [senior] 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 one-tenth 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 Congregation Meeting shall specify the purpose for which it is to be held and no other business shall be transacted.

C10.03 Notice of Congregation Meetings 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.

**ARTICLE VI**  
**CONGREGATION MEETING**

*Section 1 & 3. (Above under C10.01)*

*Section 2. The mailed notice of annual Congregation Meetings shall include names of candidates put forth by the nominating committee for elections and where to view a copy of the proposed budget.*

C10.04 One-tenth of the 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 this 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 Congregation Meetings.

**Chapter 11. OFFICERS**

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

a. Duties of the officers shall be specified in the bylaws.

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

c. The president and vice president shall be elected from the membership of the Congregation Council. The secretary, treasurer, and financial secretary shall be appointed by the Congregation Council from the voting membership of the congregation at-large and they shall have voice but not vote at all Congregation Council meetings.

**ARTICLE VII**  
**DUTIES OF OFFICERS AND COUNCIL APPOINTEES**

*Section 1. The president shall preside at all meetings of this congregation and the Congregation Council.*

883 *Section 2. The vice president shall assist the president and shall preside in the event of the*  
 884 *president's inability to serve.*  
 885 *Section 3. The secretary shall keep accurate minutes of all meetings of this congregation and the*  
 886 *Congregation Council that shall be preserved permanently in the archives of this congregation.*  
 887 *Section 4. The treasurer shall keep the financial records of this congregation and shall receive all*  
 888 *funds from the financial secretary, distributing them on proper orders and make monthly*  
 889 *remittance of benevolence receipts to the synod treasurer.*  
 890 *Section 5. The financial secretary shall receive and keep record of all income from contributing*  
 891 *members and other sources.*  
 892 *Section 6. The treasurer and financial secretary shall make written reports of all financial*  
 893 *transactions to the Congregation Council monthly and to this congregation at the annual*  
 894 *Congregation Meeting along with the most recent audit report. All financial officers and*  
 895 *appointees shall be bonded in amounts determined by the Congregation Council for which the*  
 896 *premium shall be paid by this congregation.*

898 C11.02 The president and vice president shall be elected by written ballot at the first regularly  
 899 scheduled meeting of the Congregation Council following the annual Congregation  
 900 Meeting, and shall serve for one year, until their place on the council is declared vacant,  
 901 or until their successors are elected. Should the office of either president or vice  
 902 president be declared vacant by the Congregation Council, the Congregation Council  
 903 shall elect an eligible replacement by written ballot at the first regularly scheduled  
 904 meeting of the Congregation Council. A replacement officer shall serve the remainder of  
 905 the term vacated. The secretary, treasurer, and financial secretary shall serve until  
 906 resignation or removal from office, at which time the office shall be declared vacant and  
 907 the Congregation Council shall appoint an eligible successor.  
 908 C11.03 No officer shall hold more than one office at a time. The president and vice president  
 909 shall not serve more than two full consecutive terms in the same office. The secretary,  
 910 treasurer, and financial secretary shall serve until the office is declared vacant.

912 **Chapter 12. CONGREGATION COUNCIL**

913 C12.01 The voting membership of the Congregation Council shall consist of the pastor(s) and 12  
 914 members of the congregation. Any voting member of the congregation may be elected,  
 915 subject only to the limitation on the length of continuous service permitted in that office. A  
 916 member's place on the Congregation Council shall be declared vacant if the member:  
 917 a. ceases to be a voting member of this congregation or  
 918 b. is absent from four successive regular meetings of the Congregation Council without  
 919 cause orc. is hired as a paid member of the staff.  
 920 C12.02 The members of the Congregation Council, except the pastor(s), shall be elected by  
 921 written ballot at the annual Congregation Meeting. Their term of office shall be for three  
 922 years, with the term of office beginning at the next regularly scheduled meeting of the  
 923 Congregation Council following the annual Congregation Meeting at which they are  
 924 elected, and ending at the first regularly scheduled meeting of the Congregation Council  
 925 following the annual Congregation Meeting at which their successors are elected. Such  
 926 members shall be eligible to serve no more than two full terms consecutively, exclusive  
 927 of partial terms served. Newly elected Congregation Council members shall be installed  
 928 at worship within one month of being elected.  
 929 C12.03 Should a member's place on the Congregation Council be declared vacant, the  
 930 Congregation Council shall appoint, by majority vote, a successor until the next annual  
 931 Congregation Meeting. If the three-year term in which the vacancy has occurred does not  
 932 come up for election at the next annual Congregation Meeting, the congregation shall  
 933 elect an eligible member of the congregation, consistent with C12.01, to serve the  
 934 remainder of the term. That member shall then be eligible for two additional three-year

935 terms consistent with C12.02.  
936 C12.04 The Congregation Council shall have general oversight of the life and activities of this  
937 congregation, and in particular its worship life, to the end that everything be done in  
938 accordance with the Word of God and the faith and practice of the Evangelical Lutheran  
939 Church in America. The duties of the Congregation Council shall include the following:  
940 a. lead this congregation in stating its mission, to do long-range planning, to set goals  
941 and priorities, and to evaluate its activities in light of its mission and goals.  
942 b. seek to involve all members of this congregation in worship, learning, witness,  
943 service, and support.  
944 c. oversee and provide for the administration of this congregation to enable it to fulfill its  
945 functions and perform its mission.  
946 d. To maintain supportive relationships with the rostered minister(s) and staff and help  
947 them annually to evaluate the fulfillment of their calling or employment.  
948 e. be examples individually and corporately of the style of life and ministry expected of  
949 baptized persons.  
950 f. promote a congregational climate of peace and goodwill, and, as differences and  
951 conflicts arise, to endeavor to foster mutual understanding.  
952 g. arrange for pastoral service during the sickness or absence of the pastor.  
953 h. emphasize partnership with the synod and church-wide organization of the  
954 Evangelical Lutheran Church in America as well as cooperation with other  
955 congregations, both Lutheran and non-Lutheran, subject to established policies of  
956 the synod and the Evangelical Lutheran Church in America.  
957 i. recommend and encourage the use of program resources produced or approved by  
958 the Evangelical Lutheran Church in America.  
959 j. seek out and encourage qualified persons to prepare for the ministry of the Gospel.

960 C12.05 The Congregation Council shall be responsible for the financial and property matters of  
961 this congregation.  
962 a. The Congregation Council shall be the board of directors of this congregation, and  
963 as such shall be responsible for maintaining and protecting its property and the  
964 management of its business and fiscal affairs. It shall have the powers and be  
965 subject to the obligations that pertain to such boards under the laws of the State of  
966 Nebraska, except as otherwise provided herein.  
967 b. The Congregation Council shall not have the authority to buy, sell, or encumber real  
968 property unless specifically authorized to do so at a Congregation Meeting.  
969 c. The Congregation Council may enter into contracts for items not included in the  
970 budget for a fiscal year so long as the total of those contracts does not exceed 5%  
971 of the annual budget for said fiscal year.  
972 d. The Congregation Council shall prepare an annual budget for adoption by this  
973 congregation, shall supervise the expenditure of funds in accordance therewith  
974 following its adoption, and may incur obligations of more than 5% of the annual  
975 budget in excess of the anticipated receipts only after approval by a Congregation  
976 Meeting. The budget shall include this congregation's full indicated share in support  
977 of the wider ministry being carried on in partnership with the synod and church-wide  
978 organization.  
979

980 **ARTICLE VIII**  
981 **CHURCH BUDGET YEAR**

982 *The budget year shall correspond to the calendar year.*

983  
984 e. The Congregation Council shall ascertain that the financial affairs of this  
985 congregation are being conducted efficiently, giving particular attention to the  
986 prompt payment of all obligations and to the regular forwarding of benevolence

- 987 monies to the synodical treasurer.  
988 f. The Congregation Council shall be responsible for this congregation's investments  
989 and its insurance program.  
990 C12.06 The Congregation Council shall see that the provisions of this constitution, its bylaws, and  
991 the continuing resolutions are carried out.  
992 C12.07 The Congregation Council shall provide for an annual review of the membership roster.  
993 C12.08 The Congregation Council shall be responsible for the employment and supervision of the  
994 staff of this congregation. Nothing in this provision shall be deemed to affect the  
995 congregation's responsibility for the call, terms of call, or termination of call of any  
996 employees who are on a roster of this church.  
997

998 **ARTICLE V**  
999 **CLERGY AND STAFF**

1000 *Section 1. (Above under C9.12)*

1001 *Section 2. Program and support staff shall be provided in accordance with need.*

1002 *a. Full-time program staff members shall have voice, but no vote, in Congregation Council*  
1003 *meetings.*

1004 *b. All program and support staff shall be accountable to the senior pastor.*

1005 *1) The senior pastor will provide for formal evaluation of the program and support*  
1006 *staff annually.*

1007 *2) Recommendations and suggestions regarding performance and salary*  
1008 *considerations will be submitted to the Congregation Council for final appraisal and*  
1009 *action.*

1010  
1011 C12.09 The Congregation Council shall submit a comprehensive report to this congregation at  
1012 the annual Congregation Meeting.

1013 C12.11 The Congregation Council shall normally meet once a month. Special meetings may be  
1014 called by the pastor or the president, and shall be called by the president at the request  
1015 of at least one-half of its members. Notice of each special meeting shall be given to all  
1016 who are entitled to be present (all Council members, officers and staff with either voice or  
1017 vote).

1018 C12.12 A quorum for the transaction of business shall consist of a majority of the members of the  
1019 Congregation Council, including the [senior] pastor or interim pastor, except when the  
1020 [senior] pastor or interim pastor requests or consents to be absent and has given prior  
1021 approval to the agenda for a particular regular or special meeting, which shall be the only  
1022 business considered at that meeting. Chronic or repeated absence of the [senior] pastor  
1023 or interim pastor who has refused approval of the agenda of a subsequent regular or  
1024 special meeting shall not preclude action by the Congregation Council, following  
1025 consultation with the synodical bishop.

1026 C12.13. The Congregation Council and its committees may hold meetings by remote  
1027 communication, including electronically and by telephone conference, and, to the extent  
1028 permitted by state law, notice of all meetings may be provided electronically.  
1029

1030 **Chapter 13. CONGREGATION COMMITTEES**

1031 C13.01 The Executive Committee shall be made up of the pastor(s), Congregation Council  
1032 president, vice president, and two other voting members of the council as elected by the  
1033 council at the first regularly scheduled meeting following the annual congregation  
1034 meeting.  
1035

1036 **ARTICLE IX**  
1037 **CONGREGATION COMMITTEES**

1038 *Section 1. Duties of the Executive Committee*

- 1039 a. *Set the agenda for Congregation Council meetings.*
- 1040 b. *Determine if a Congregation Council member's absences are deemed to be "without*
- 1041 *cause" as specified in C12.01.*
- 1042 c. *Resolve matters that require action before a Congregation Council meeting can be*
- 1043 *called.*
- 1044 d. *Act on behalf of the Congregation Council when so empowered.*
- 1045 e. *Submit accurate minutes to the Congregation Council for review and ratification of*
- 1046 *actions taken.*
- 1047 f. *Evaluate annually the senior pastor; evaluation shall be conducted by the lay members*
- 1048 *of this committee. (Sections 2-6 below)*

1049  
1050 C13.02A Nominating Committee shall be appointed by the Congregation Council.

1051  
1052 **ARTICLE IX**  
1053 **CONGREGATION COMMITTEES**

1054 *(Section 1. above)*

1055 *Section 2. Nominating Committee.*

1056 a. *The Nominating Committee shall consist of four voting members of this congregation*

1057 *appointed by the Congregation Council at its October meeting. First priority for*

1058 *membership on this committee shall be Congregation Council members whose terms*

1059 *will expire and who are not seeking, or are ineligible for, another term, and then*

1060 *additional members.*

1061 b. *Duties of the Nominating Committee*

1062 1) *elect its own chairperson and secretary.*

1063 2) *prepare lists of candidates from among voting members of this congregation to be*

1064 *voted on at the annual Congregation Meeting for the following positions: the*

1065 *Congregation Council; the Mission Endowment Fund Board; the Memorial and*

1066 *Special Gifts Fund Board; and lay voting members to the Nebraska Synod*

1067 *Assembly.*

1068 3) *submit information regarding all nominees to the Congregation Council by its*

1069 *regularly scheduled December meeting. (C10.03)*

1070 *(Section 3-6 below.)*

1071  
1072 C13.03An Audit Committee of no fewer than three voting members shall be appointed by the

1073 Congregation Council. Audit Committee members shall not be members of the

1074 Congregation Council or of the Finance Committee.

1075  
1076 **ARTICLE IX**  
1077 **CONGREGATION COMMITTEES**

1078 *(Section 1-2. above)*

1079 *Section 3. Audit Committee*

1080 a. *The Congregation Council shall appoint an Audit Committee at its October meeting.*

1081 b. *Duties of the Audit Committee:*

1082 1) *elect its own chairperson and secretary.*

1083 2) *audit the fiscal records of this congregation each year.*

1084 3) *report findings in writing to the Congregation Council upon completion and then to*

1085 *this congregation at the annual Congregation Meeting.*

1086 *(Section 4-6 below.)*

1087  
1088 **C13.04. A-Mutual Ministry Committee(s)** (in the absence of a mutual ministry committee, the

1089 duties shall be fulfilled by the executive committee) shall be appointed jointly by the

1090 president [vice president<sup>1</sup>] and the ~~pastor~~ rostered minister. Term of office shall be two  
1091 years, with three members to be appointed each successive year.  
1092 C13.05 When a pastoral vacancy occurs, a Call Committee of six voting members shall be elected  
1093 by the Congregation Council. Term of office will terminate upon installation of the  
1094 newly called pastor.

1096 **ARTICLE IX**  
1097 **CONGREGATION COMMITTEES**

1098 *(Section 1-4. above)*

1099 *Section 5. Duties of the Call Committee*

1100 *The Call Committee shall act in accordance with the call procedures of the Nebraska Synod.*

1101 *(Section 6. below)*

1102  
1103 C13.06 Other committees of this congregation may be formed, as the need arises, by decision of  
1104 the Congregation Council.

1106 **ARTICLE IX**  
1107 **CONGREGATION COMMITTEES**

1108 *(Section 1-5. above)*

1109 *Section 6. Ministry Committees*

1110 *a. Ministry Committees will be established by the Congregation Council as needed to*  
1111 *carry out the Mission/Vision statement of this congregation.*

1112 *b. Each committee shall be composed of six to ten members, including one*  
1113 *representative from the Congregation Council. In addition, each committee shall have*  
1114 *an assigned staff liaison.*

1115 *c. The pastor(s) shall have voice and vote in all committees.*

1116 *d. Committee members shall be approved by the Congregation Council and will serve a*  
1117 *term of three years. Any individual may be reappointed for one additional three-year*  
1118 *term.*

1119 *e. Each committee selects a chair and vice chair. Neither the council representative nor*  
1120 *the staff liaison shall serve as chair. The chair normally serves for one year, and the*  
1121 *vice chair then assumes the chair; another committee member is selected as vice chair.*

1122 *f. Duties of committee chairs include:*

1123 *1) preside at committee meetings*

1124 *2) appoint a recording secretary to keep minutes of meetings and prepare a written*  
1125 *report for the next Congregation Council meeting.*

1126 *3) determine responsibility for the next meeting's devotions*

1127 *4) help organize and maintain committee work*

1128 *5) assign duties*

1129 *6) prepare agenda*

1130 *7) send notification of meetings to committee and staff members*

1131 *8) monitor assigned responsibilities*

1132 *g. Committee names and their duties and responsibilities are specified in the Continuing*  
1133 *Resolutions.*

1134  
1135 C13.07 Duties of committees of this congregation shall be specified in the continuing resolutions.

1136 C13.08 Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all  
1137 committees of this congregation.

1138  
1139 **Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION**

1140 C14.01 All organizations within this congregation shall exist to aid it in ministering to the members  
1141 of this congregation and to all persons who can be reached with the Gospel of Christ. As

1142 outgrowths and expressions of this congregation's life, the organizations are subject to its  
1143 oversight and direction. This congregation at its meeting shall approve their policies,  
1144 guide their activities, and receive reports concerning their membership, work, and  
1145 finances.

1146 C14.02 Special interest groups, other than those of the official organizations of the Evangelical  
1147 Lutheran Church in America, may be organized only after authorization has been given  
1148 by the Congregation Council and specified in a continuing resolution.

1149

## 1150 **Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION**

1151 \*C15.01. Persistent and public denial of the Christian faith, willful or criminal conduct grossly  
1152 unbecoming a member of the Church of Christ, continual and intentional interference  
1153 with the ministry of the congregation, or willful and repeated harassment or defamation  
1154 of member(s) of the congregation is sufficient cause for discipline of a member. Prior to  
1155 disciplinary action, reconciliation and repentance will be attempted following Matthew  
1156 18:15–17, proceeding through these successive steps, as necessary:

- 1157 a) private counsel and admonition by the pastor,
- 1158 b) censure and admonition by the pastor in the presence of two or three witnesses,
- 1159 c) written referral of the matter by the Congregation Council to the vice president of the  
1160 synod, who will refer it to a consultation panel drawn from the Consultation Committee  
1161 of the synod, and
- 1162 d) written referral of the matter by the consultation panel to the Committee on Discipline of  
1163 the synod. If, for any reason, the pastor is unable to administer the admonitions required  
1164 by paragraphs a. and b. hereof, those steps may be performed by another pastor  
1165 chosen by the Executive Committee of the Congregation Council.

1166 \*C15.02. The process for discipline of a member of the congregation shall be governed as  
1167 prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing  
1168 Resolutions of the Evangelical Lutheran Church in America. If the counseling, censure,  
1169 and admonitions pursuant to C15.01 do not result in repentance and amendment of life,  
1170 charges against the accused member(s) that are specific and in writing may be  
1171 prepared by the Congregation Council, signed, and submitted to the vice president of  
1172 the synod. The vice president shall select from the synod's Consultation Committee a  
1173 panel of five members (three lay persons and two ministers of Word and Sacrament). A  
1174 copy of the written charges shall be provided to the consultation panel and the accused  
1175 member(s). The consultation panel, after requesting a written reply to the charges from  
1176 the accused member(s), shall consider the matter and seek a resolution by means of  
1177 investigation, consultation, mediation, or whatever other means may seem appropriate.  
1178 The panel's efforts to reach a mutually agreeable resolution shall continue for no more  
1179 than 45 days after the matter is submitted to it.

1180 \*C15.03. If the consultation panel fails to resolve the matter, that panel shall refer the case in  
1181 writing, including the written charges and the accused member's reply, to the Committee  
1182 on Discipline of the synod for a hearing. A copy of the panel's written referral shall be  
1183 delivered to the vice president of the synod, the Congregation Council, and the accused  
1184 member(s) at the same time it is sent to the Committee on Discipline of the synod. The  
1185 Executive Committee of the Synod Council shall then select six members from the  
1186 Committee on Discipline to decide the case, and shall appoint a member of the Synod  
1187 Council to preside as nonvoting chair. Those six members plus the nonvoting chair  
1188 comprise the discipline hearing panel for deciding the case. The Congregation Council  
1189 and the accused member(s) are the parties to the case.

1190 \*C15.04. The discipline hearing panel shall commence and conduct the disciplinary hearing in  
1191 accordance with the provisions governing discipline of congregation members  
1192 prescribed in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical  
1193 Lutheran Church in America.

- 1194 \*C15.05. By the vote of at least two-thirds of the members of the discipline hearing panel who are  
 1195 present and voting, one of the following disciplinary sanctions can be imposed:  
 1196 a. suspension from the privileges of congregation membership for a designated period of  
 1197 time;  
 1198 b. suspension from the privileges of congregation membership until the pastor and  
 1199 Congregation Council receive evidence, satisfactory to them, of repentance and  
 1200 amendment of life;  
 1201 c. termination of membership in the congregation; or  
 1202 d. termination of membership in the congregation and exclusion from the church property  
 1203 and from all congregation activities.
- 1204 \*C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of  
 1205 the synod, the accused member(s), and the Congregation Council as required by the  
 1206 Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in  
 1207 America. The decision of the discipline hearing panel shall be implemented by the  
 1208 Congregation Council and recorded in the minutes of the next council meeting.
- 1209 \*C15.07. No member of the congregation shall be subject to discipline a second time for offenses  
 1210 that a discipline hearing panel has heard previously and decided pursuant to this  
 1211 chapter.
- 1212 \*C15.10 Adjudication
- 1213 \*C15.11 When there is disagreement among factions within this congregation on a substantive  
 1214 issue that cannot be resolved by the parties, members of this congregation shall have  
 1215 access to the synodical bishop for consultation after informing the chair of the  
 1216 Congregation Council of their intent. If the consultation fails to resolve the issue(s), the  
 1217 Consultation Committee of the synod shall consider the matter. If the Consultation  
 1218 Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to  
 1219 the Synod Council, whose decision shall be final.
- 1220
- 1221 **Chapter 16. AMENDMENTS**
- 1222 \*C16.01 Unless provision \*C16.04 is applicable, those sections of this constitution that are not  
 1223 required, in accord with the Model Constitution for Congregations of the Evangelical  
 1224 Lutheran Church in America, may be amended in the following manner. Amendments  
 1225 to this constitution may be proposed by at least 5 voting members or by the  
 1226 Congregation Council. Proposals must be filed in writing with the Congregation  
 1227 Council 60 days before formal consideration by this congregation at its regular or  
 1228 special Congregation Meeting called for that purpose. The Congregation Council shall  
 1229 notify the congregation's members of the proposal with the council's recommendations  
 1230 at least 30 days in advance of the meeting. Notification may take place by mail or  
 1231 electronic means, as permitted by state law.
- 1232 \*C16.02 An amendment to this constitution, proposed under \*C16.01 shall:  
 1233 a. be approved at a legally called Congregation Meeting according to this constitution  
 1234 by a majority vote of those voting members present and voting;  
 1235 b. be ratified without change at the next annual meeting by a two-thirds vote of those  
 1236 voting members present and voting; and  
 1237 c. have the effective date included in the resolution noted in the constitution. Such an  
 1238 effective date must be stated in relation to the requirements of \*C17.03. to allow  
 1239 time for synodical review of the amendment.
- 1240 \*C16.03 Any amendments to this constitution that result from the processes provided in  
 1241 \*C17.01. and \*C17.02. shall be sent by the secretary of this congregation to the  
 1242 synod. The synod shall notify the congregation of its decision to approve or  
 1243 disapprove the proposed changes; the changes shall go into effect upon notification  
 1244 that the synod has approved them.
- 1245 \*C16.04 This constitution may be amended to bring any section into conformity with a section

1246 or sections, either required or not required, of the Model Constitution for  
1247 Congregations of the Evangelical Lutheran Church in America – as most recently  
1248 amended by the Churchwide Assembly. Such amendments may be approved by a  
1249 majority vote of those voting members present and voting at any legally called meeting  
1250 of the congregation without presentation at a prior meeting of the congregation  
1251 provided that the Congregation Council has submitted by mail or electronic means, as  
1252 permitted by state law, notice to the congregation of such an amendment or  
1253 amendments, together with the council's recommendations, at least 30 days prior to  
1254 the meeting. Upon the request of at least two (2) voting members of the congregation,  
1255 the Congregation Council shall submit such notice. Following the adoption of an  
1256 amendment, the secretary of the congregation shall submit a copy thereof to the  
1257 synod. Such provisions shall become effective immediately following a vote of  
1258 approval.

1259  
1260 **Chapter 17. BYLAWS**

1261 \*C17.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.  
1262

1263 **ARTICLE X**  
1264 **PARLIAMENTARY AUTHORITY**

1265 *These bylaws shall be in accordance with the Constitution and Articles of Incorporation of Holy*  
1266 *Cross Evangelical Lutheran Church, Omaha, Nebraska.*  
1267

1268 \*C17.02. Bylaws may be adopted or amended at any legally called meeting of this congregation  
1269 with a quorum present by a ~~majority~~ two-thirds vote of those voting members present  
1270 and voting.

1271 \*C17.03. Changes to the bylaws may be proposed by any voting member, provided that such  
1272 additions or amendments be submitted in writing to the Congregation Council at least  
1273 60 days before a regular or special Congregation Meeting called for that purpose. The  
1274 Congregation Council shall notify this congregation's members of the proposal with  
1275 the council's recommendations at least 30 days in advance of the Congregation  
1276 Meeting. Notification may take place by mail or electronic means, as permitted by  
1277 state law.

1278 \*C17.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to  
1279 the synod.  
1280

1281 **Chapter 18. CONTINUING RESOLUTIONS**

1282 \*C18.01 The congregation in a legally called meeting or the Congregation Council may enact  
1283 continuing resolutions. Such continuing resolutions may not conflict with the  
1284 constitution or bylaws of this congregation

1285 \*C18.02 Continuing resolutions shall be enacted or amended by a majority vote of a meeting of  
1286 the congregation or a two-thirds vote of all voting members of the Congregation  
1287 Council.  
1288

1289 **Chapter 19. INDEMNIFICATION**

1290 \*C19.01 Consistent with the provisions of the laws under which this congregation is  
1291 incorporated, this congregation may adopt provisions providing indemnification for  
1292 each person who, by reason of the fact that such person is or was a Congregation  
1293 Council member, officer, employee, agent, or other member of any committee of this  
1294 congregation, was or is threatened to be made a party to any threatened, pending, or  
1295 completed civil, criminal, administrative, arbitration, or investigative proceeding.

1296 **Chapter 20. PARISH AUTHORIZATION**

1297 [*\* Required provisions when congregation is part of a parish*]

- 1298 C20.01. This congregation may unite in partnership with one or more other congregations  
1299 recognized by the synod named in \*C6.01. to form a parish. Except as provided in  
1300 \*C20.02. and \*C20.03., a written agreement, developed in consultation with the synod  
1301 and approved by the voting members of each congregation participating in the parish,  
1302 shall specify the powers and responsibilities that have been delegated to the Parish  
1303 Council. The Parish Agreement shall identify which congregation of the parish issues  
1304 calls on behalf of the member congregations or shall establish a process for identifying  
1305 which congregation issues calls on behalf of the member congregations.
- 1306 \*C20.02. One congregation of a parish shall issue a call on behalf of the member congregations  
1307 to a minister of Word and Sacrament or a candidate for the roster of ministers of Word  
1308 and Sacrament who has been recommended by the synodical bishop to serve the  
1309 congregations of the parish. Such a call shall be approved prior to issuance by a two-  
1310 thirds vote at a congregational meeting of each congregation forming the parish. If  
1311 any congregation of the parish should fail to approve the call, the other congregations  
1312 of the parish shall have the right to terminate the parish agreement.
- 1313 \*C20.03. One congregation of a parish may issue a call on behalf of the member congregations  
1314 to a minister of Word and Service or a candidate for the roster of ministers of Word  
1315 and Service who has been recommended by the synodical bishop to serve the  
1316 congregations of the parish. Such a call shall be approved prior to issuance by a two-  
1317 thirds vote at a congregational meeting of each congregation forming the parish. If  
1318 any congregation of the parish should fail to approve the call, the other congregations  
1319 of the parish shall have the right to terminate the parish agreement.
- 1320 \*C20.04. Any one of the congregations of the parish may terminate their relationship with the  
1321 pastor as provided in †S14.18.d. of the synodical constitution of the synod named in  
1322 \*C6.01. In such case, the other congregation(s) of the same parish shall have the  
1323 right to terminate the parish agreement.
- 1324 \*C20.05. Any one of the congregations of the parish may terminate their relationship with a  
1325 minister of Word and Service as provided in †S14.43.d. of the synodical constitution of  
1326 the synod named in \*C6.01. In such case, the other congregation(s) of the same  
1327 parish shall have the right to terminate the parish agreement.
- 1328 \*C20.06. Whenever a parish agreement is terminated, the call of any rostered minister serving  
1329 that parish is terminated. Should any congregation that was formerly part of the parish  
1330 agreement desire to issue a new call to that rostered minister, it may do so in  
1331 accordance with the call process of this church.

1332  
1333 Constitution updated at the Annual Congregational Meeting, Sunday, January 28, 2018

1334 Constitution updated at the Annual Congregational Meeting, Sunday, January 26, 2014.

1335 Constitution ratified at the Annual Congregational Meeting, Sunday, January 31, 2010.

1336 *Bylaws approved at the Annual Congregational Meeting, Sunday, January 31, 2010.*

1337  
1338 MODEL CONSTITUTION FOR CONGREGATIONS OF THE EVANGELICAL LUTHERAN  
1339 CHURCH IN AMERICA © 2013 by the Evangelical Lutheran Church in America.