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

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PREAMBLE

17 We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit
18 through the Gospel, desiring to unite together to preach the Word, administer the sacraments,
19 and carry out God's mission do hereby adopt this constitution and solemnly pledge ourselves to
20 be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

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Chapter 1. NAME AND INCORPORATION

27 C 1.01 The name of this congregation shall be Holy Cross Evangelical Lutheran Church.

28 C 1.02 For the purpose of this constitution and the accompanying bylaws, the congregation of
29 Holy Cross Evangelical Lutheran Church is hereinafter designated as "this congregation."

30 C 1.11 This congregation shall be incorporated under the laws of the State of Nebraska.

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Chapter 2. CONFESSION OF FAITH

37 *C2.01 This congregation confesses the Triune God, Father, Son and Holy Spirit.

38 *C2.02 This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the
39 power of God for the salvation of all who believe.

40 a. Jesus Christ is the Word of God incarnate, through whom everything was made and
41 through whose life, death, and resurrection God fashions a new creation.

42 b. The proclamation of God's message to us as both Law and Gospel is the Word of
43 God, revealing judgment and mercy through word and deed, beginning with the Word
44 in creation, continuing in the history of Israel, and centering in all its fullness in the
45 person and work of Jesus Christ.

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

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

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

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

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

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

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Chapter 3. NATURE OF THE CHURCH

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

73 *C3.02 The Church exists both as an inclusive fellowship and as local congregations gathered for
74 worship and Christian service. Congregations find their fulfillment in the universal
75 community of the Church, and the universal Church exists in and through congregations.

54 The Evangelical Lutheran Church in America, therefore, derives its character and powers
55 both from the sanction and representation of its congregations and from its inherent
56 nature as an expression of the broader fellowship of the faithful. In length, it acknowledges
57 itself to be in the historic continuity of the communion of saints; in breadth, it expresses
58 the fellowship of believers and congregations in our day.
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60 Chapter 4. STATEMENT OF PURPOSE

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

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

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

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

- 84 a. Provide services of worship at which the Word of God is preached and the sacraments
85 are administered.
- 86 b. Provide pastoral care and assist all members to participate in this ministry.
- 87 c. Challenge, equip, and support all members in carrying out their calling in their daily
88 lives and in their congregation.
- 89 d. Teach the Word of God.
- 90 e. Witness to the reconciling Word of God in Christ, reaching out to all people.
- 91 f. Respond to human need, work for justice and peace, care for the sick and the
92 suffering, and participate responsibly in society.
- 93 g. Motivate its members to provide financial support for the congregation's ministry and
94 the ministry of other parts of the Evangelical Lutheran Church in America.
- 95 h. Foster and participate in interdependent relationships with other congregations, the
96 synod, and the church-wide organization of the Evangelical Lutheran Church in
97 America.
- 98 i. Foster and participate in ecumenical relationships consistent with church-wide policy.

99 *C4.04 This congregation shall develop an organizational structure to be described in the bylaws.
100 The Congregation Council shall prepare descriptions of the responsibilities of each
101 committee, task force, or other organizational group and shall review their actions. Such
102 descriptions shall be contained in continuing resolutions in the section on the
103 Congregation Council.

104 *C4.05 This congregation shall, from time to time, adopt a mission statement, which will provide
105 specific direction for its programs.
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ARTICLE I
MISSION STATEMENT

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

Chapter 5. POWERS OF THE CONGREGATION

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

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

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

- a. call a pastor as provided in Chapter 9;
- b. terminate the call of a pastor as provided in Chapter 9;
- c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
- d. adopt amendments to the constitution, as provided in Chapter 17, and amendments to the bylaws, as specified in Chapter 16;
- e. approve the annual budget;
- f. acquire real and personal property by gift, devise, purchase, or other lawful means;
- g. hold title to and use its property for any and all activities consistent with its purpose;
- h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- i. elect its Congregation Council and require the members of the council to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
- j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

*C5.04 This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by this synod.

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

ARTICLE II
MISSION ENDOWMENT FUND

Section 1. Board Members, Officers and Duties

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

- 160 shall elect a member to fulfill the remaining term of the vacancy. That member shall
161 then be eligible for two additional three-year terms.
- 162 b. The endowment fund board shall meet at least once during the calendar year, but shall
163 meet more frequently if necessary to best fulfill the purposes of the endowment.
- 164 c. A quorum shall consist of four voting members. The affirmative vote of at least 60
165 percent of voting members present shall be required to carry any motion or resolution.
- 166 d. The endowment fund board shall elect from its membership a chairperson, a recording
167 secretary, and a financial secretary, each to serve a term of one year. No member may
168 serve in the same capacity for more than two consecutive one-year terms.
- 169 e. The chairperson, or member designated by the chairperson, shall preside at all board
170 meetings.
- 171 f. The recording secretary shall record and maintain complete and accurate minutes of all
172 meetings, and provide a copy within 30 days of the meeting to each member of the
173 board. Each board member shall keep a complete set of the minutes, and deliver a
174 complete set to his or her successor. The recording secretary shall also supply a copy
175 of the minutes to the Congregation Council.
- 176 g. The financial secretary shall work with this congregation's treasurer to administer and
177 account for the Mission Endowment Fund in accordance with Section 2b. The financial
178 secretary shall provide the board a report at each meeting and present an annual report
179 at the annual Congregation meeting. Such reports must account for all contributions,
180 income, expenditures, investments and distributions since the previous report.
- 181 h. The chairperson and financial secretary shall have check-signing authority on behalf of
182 the endowment. Either one may sign a check on behalf of the endowment for an
183 amount up to but not exceeding \$2,500. A check exceeding \$2,500 must be signed by
184 both the chairperson and financial secretary.
- 185 i. The endowment fund board may request that other members of this congregation, or
186 persons outside the congregation as necessary, serve as advisors on specific issues.
- 187 j. The Congregation Council or the endowment fund board may, in its discretion and at
188 the expense of the endowment, retain the services of professional advisors on
189 investments, audits, or legal matters as it deems to be in the best interest of the
190 endowment.
- 191 k. All decisions to accept, reject, hold, sell, exchange, rent, lease, transfer, convert,
192 invest, reinvest, and in all other respects manage and control the assets of the
193 endowment fund, are to be made by the board.
- 194 l. Endowment fund board members shall at all times conduct themselves honestly, with
195 the purposes of the endowment fund foremost in their concerns. Members shall avoid
196 even the appearance of impropriety. No member shall engage in self-dealing or a
197 transaction with the endowment in which the member has direct or indirect financial
198 interest or a conflict of interest.
- 199 m. No member of the endowment fund board may be held liable for losses which may be
200 suffered in the management of assets by the board, except to the extent such losses
201 were caused by bad faith, improper dealing, a conflict of interest, or in the instance of
202 gross negligence.

203 Section 2. Fund Administration

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

213 *Section 3. Mission of the Endowment Fund*

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

218 *Section 4. Investments and Distributions*

219 *a. Endowment fund assets shall be invested in a manner which, in the discretion of the*
220 *board, best furthers the mission of the endowment fund.*

221 *b. There shall be no distribution of endowment assets unless the market value of the*
222 *assets exceeds \$40,000. As long as the market value of endowment assets exceeds*
223 *\$40,000, distributions not to exceed 5% annually of the total assets of the endowment*
224 *shall be made to best accomplish the following purposes:*

225 *1) A minimum of 10 percent of the total annual distribution shall be designated for*
226 *missions of the Evangelical Lutheran Church in America in the United States or*
227 *abroad. This may include, but is not limited to, grants to the ELCA for new mission*
228 *development, professional leadership, educational ministries, world missions,*
229 *ecumenism, evangelism, social ministries, and capital financing.*

230 *2) A minimum of 10 percent of the total annual distribution shall be designated for*
231 *missions of this congregation in and around Omaha, Nebraska, or in other places*
232 *where there is need. This may include, but is not limited to, support of food banks,*
233 *shelters, education, or housing, working independently or in cooperation with*
234 *various social service agencies and institutions.*

235 *3) A minimum of 10 percent of the total annual distribution shall be designated for*
236 *scholarships or grants to members of this congregation. These shall be for the*
237 *purpose of attending college, technical, seminary or graduate schools; church-*
238 *related retreats or camping; special conferences or training; or for such other*
239 *educational purposes which enable members of this congregation to grow in*
240 *Christian faith and in service to God's people.*

241 *4) The remainder of the total annual distribution may then be designated for other*
242 *causes. These other causes might include additional support in one of the above*
243 *areas, purposes designated in paragraph c below, or for other causes and*
244 *programs that, at the discretion of the board, are consistent with the purposes of*
245 *the endowment.*

246 *c. Distributions may not be designated for the operational expenses of Holy Cross*
247 *Evangelical Lutheran Church. Once the minimum distributions set forth in Section 4b*
248 *above have been satisfied, the board may make distributions for new program*
249 *development, debt reduction, building programs, capital expenditures, or similar*
250 *purposes of this congregation. Funds may not be so designated unless this*
251 *congregation contributes in kind by providing not less than 20 percent of the total funds*
252 *designated, while the endowment fund may provide not more than 80 percent, with the*
253 *exact ratio within this range to be determined by the endowment fund board.*

254 *d. Causes and programs for support and consideration may be recommended to the*
255 *board by the Congregation Council or by individual members of this congregation.*

256 *Section 5. Extraordinary Distribution*

257 *a. Should the financial security of Holy Cross Evangelical Lutheran Church be gravely*
258 *threatened, its very existence placed at risk, and the last viable financial recourse is the*
259 *use of endowment fund assets, the congregation may authorize an extraordinary*
260 *distribution of endowment assets for the daily operations of Holy Cross Evangelical*
261 *Lutheran Church. The endowment board may make an extraordinary distribution of*
262 *endowment assets for this purpose only following approval of the congregation at two*
263 *Congregation Meetings, at least 30 days apart. At least 14 days' written notice to the*
264 *congregation must be given prior to each meeting. Notice shall include the purpose of*
265 *the meeting and proposed distribution. A quorum must be present at both meetings.*

266 *Each meeting must include a specific presentation and discussion of the purpose of the*
267 *proposed extraordinary distribution of assets. Approval of an extraordinary distribution*
268 *of assets requires the affirmative vote of two-thirds of those present and voting at both*
269 *meetings.*

- 270 b. *Upon the dissolution of Holy Cross Evangelical Lutheran Church, or upon merger with*
271 *another congregation, the disposition or transfer of endowment assets shall be at the*
272 *discretion of the Congregation Council. The council shall act in conformity with the*
273 *approved congregation constitution, and in consultation with the bishop of the synod to*
274 *which the congregation belongs at such time.*

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

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279 **ARTICLE III**
280 **MEMORIAL AND SPECIAL GIFTS FUND (C5.06)**

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

- 282 a. *The Memorial and Special Gifts Fund shall be governed by a board of six members of*
283 *this congregation. At each annual Congregation Meeting, this congregation shall elect*
284 *the necessary number of members for terms of three years to replace those members*
285 *whose terms are expiring. A member may be re-elected to serve on the board, but no*
286 *person shall serve more than two consecutive three-year terms on the board. Any*
287 *person who has served two consecutive three-year terms is eligible for election only*
288 *after a one-year or more absence from the board. A pastor and one or more members*
289 *of the Congregation Council may serve as advisory but non-voting members of the*
290 *board. No person may be a member of the Mission Endowment Fund board and the*
291 *Memorial and Special Gifts board at the same time. In the event of a vacancy on the*
292 *board, the Congregation Council shall appoint a member to fill the vacancy until the*
293 *next annual Congregation Meeting, at which time this congregation shall elect a*
294 *member to fulfill the remaining term of the vacancy. That member shall then be eligible*
295 *for two additional three-year terms.*
- 296 b. *The board shall meet at least once every three months.*
- 297 c. *A quorum shall consist of four voting members. The affirmative vote of at least 60*
298 *percent of voting members present shall be required to carry any motion or resolution.*
- 299 d. *The board shall elect from its membership a chairperson, and a secretary, each to*
300 *serve a term of one year. No member may serve in the same capacity for more than*
301 *two consecutive one-year terms. The chairperson, or member designated by the*
302 *chairperson, shall preside at all board meetings.*
- 303 e. *The secretary shall record and maintain complete and accurate minutes of all*
304 *meetings, and provide a copy within 30 days of the meeting to each member of the*
305 *board. Each board member shall keep a complete set of the minutes to be delivered to*
306 *his or her successor. The secretary shall also supply a copy of the minutes to the*
307 *Congregation Council.*
- 308 f. *The chairperson shall work with this congregation's treasurer in maintaining and*
309 *coordinating a complete and accurate accounting of all assets managed by the fund.*
310 *The chairperson shall direct this congregation's treasurer to distribute money from the*
311 *fund as directed by the board. The congregation's treasurer shall present an annual*
312 *report to the Congregation annual meeting. The annual report must account for all*
313 *contributions, income, expenditures, and uses of the income and/or principal from the*
314 *fund during the previous year.*
- 315 g. *Board members shall at all times conduct themselves honestly, with the purposes of*
316 *the fund foremost in their concerns. Members shall avoid even the appearance of*
317 *impropriety. No member shall engage in self-dealing or a transaction with the fund in*
318 *which the member has direct or indirect financial interest or a conflict of interest.*

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

323 **Section 2. Fund Administration**

324 a. *The assets of the fund shall be maintained and accounted for separately in a dedicated*
325 *fund on the general ledger.*

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

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

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

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

334 f. *No disbursements will be made from the fund without prior approval of the board.*
335

336 **Chapter 6. CHURCH AFFILIATION**

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

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

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

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

346 b. This congregation pledges its financial support and participation in the life and mission
347 of the Evangelical Lutheran Church in America.

348 c. This congregation agrees to call pastoral leadership from the clergy roster of the
349 Evangelical Lutheran Church in America in accordance with its call procedures except
350 in special circumstances and with the approval of the bishop of the synod.

351 d. This congregation agrees to consider associates in ministry, deaconesses, and
352 diaconal ministers for call to other staff positions in the congregation according to the
353 procedures of the Evangelical Lutheran Church in America.

354 e. This congregation agrees to file this constitution and any subsequent changes to this
355 constitution with the synod for review to ascertain that all of its provisions are in
356 agreement with the constitution and bylaws of the Evangelical Lutheran Church in
357 America and with the constitution of the synod.

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

359 a. This congregation takes action to dissolve.

360 b. This congregation ceases to exist.

361 c. This congregation is removed from membership in the Evangelical Lutheran Church in
362 America according to the procedures for discipline of the Evangelical Lutheran Church
363 in America.

364 d. This congregation follows the procedures outlined in *C6.05.

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

367 a. A resolution indicating the desire of this congregation to terminate its relationship must
368 be adopted at a legally called and conducted special meeting of this congregation by a
369 two-thirds majority of the voting members present.

370 b. The secretary of this congregation shall submit a copy of the resolution to the
371 synodical bishop and shall mail a copy of the resolution to voting members of this

- 372 congregation. This notice shall be submitted within 10 days after the resolution has
373 been adopted.
- 374 c. The bishop of the synod shall consult with this congregation during a period of at least
375 90 days.
- 376 d. If this congregation, after consultation, still desires to terminate its relationship, such
377 action may be taken at a legally called and conducted special meeting by a two-thirds
378 majority of the voting members present, at which meeting the bishop of the synod or
379 an authorized representative shall be present. Notice of the meeting shall be mailed to
380 all voting members at least 10 days in advance of the meeting.
- 381 e. A certified copy of the resolution to terminate its relationship shall be sent to the
382 synodical bishop, at which time the relationship between this congregation and the
383 Evangelical Lutheran Church in America shall be terminated.
- 384 f. Notice of termination shall be forwarded by the synodical bishop to the secretary of
385 this church and published in the periodical of this church.
- 386 g. Since this congregation was a member of the Lutheran Church in America, it shall be
387 required, in addition to the foregoing provisions in *C6.05, to receive synodical
388 approval before terminating its membership in the Evangelical Lutheran Church in
389 America.

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

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

398
399 Chapter 7. PROPERTY OWNERSHIP

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

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

405 *C7.03 If a two-thirds majority of the voting members of this congregation present at a legally
406 called and conducted special meeting of this congregation vote to transfer to another
407 Lutheran church body, title to property shall continue to reside in this congregation. Before
408 this congregation takes action to transfer to another Lutheran church body, it shall consult
409 with representatives of the Nebraska Synod.

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

419
420 Chapter 8. MEMBERSHIP

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

- 425 *C8.02 Members shall be classified as follows:
426 a. Baptized members are those persons who have been received by the Sacrament of
427 Holy Baptism in this congregation, or, having been previously baptized in the name of
428 the Triune God, have been received by certificate of transfer from other Lutheran
429 congregations or by affirmation of faith.
430 b. Confirmed members are baptized persons who have been confirmed in this
431 congregation, those who have been received by adult baptism or by transfer as
432 confirmed members from other Lutheran congregations, or baptized persons received
433 by affirmation of faith.
434 c. Voting members are confirmed members. Such confirmed members, during the
435 current or preceding calendar year, shall have communed in this congregation and
436 shall have made a contribution of record to this congregation. Members of this
437 congregation who have satisfied these basic standards shall have the privilege of
438 voice and vote at every regular and special meeting of the congregation.
439 d. Associate members are persons holding membership in other Christian congregations
440 who wish to retain such membership but desire to participate in the life and mission of
441 this congregation, or persons who wish to retain a relationship with this congregation
442 while being members of other congregations. They have all the privileges and duties
443 of membership except voting rights and eligibility for elected offices or membership on
444 the Congregation Council of this congregation.
445 *C8.03 All applications for confirmed membership shall be submitted to and shall require the
446 approval of the Congregation Council.
447 *C8.04 It shall be the privilege and duty of members of this congregation to:
448 a. make regular use of the means of grace, both Word and sacraments;
449 b. live a Christian life in accordance with the Word of God and the teachings of the
450 Lutheran church; and
451 c. support the work of this congregation, the synod, and the churchwide organization of
452 the Evangelical Lutheran Church in America through contributions of their time,
453 abilities, and financial support as biblical stewards.
454 *C8.05 Membership in this congregation shall be terminated by any of the following:
455 a. death;
456 b. resignation;
457 c. transfer or release;
458 d. disciplinary action by the Congregation Council; or
459 e. removal from the roll due to inactivity as defined in the bylaws. Such persons who
460 have been removed from the roll of members shall remain persons for whom the
461 church has a continuing pastoral concern.
462

463 **ARTICLE IV**
464 **MEMBERSHIP (*C8.05e)**

465 *Members who have not partaken in Holy Communion, have not made a financial contribution of*
466 *record, and have not shown interest in participating in the worship and life of this congregation for*
467 *a period of two consecutive calendar years, shall be considered to have removed themselves*
468 *from the membership roll of this congregation. The Congregation Council shall confirm this action*
469 *only after attempts at contact and counsel have been made. Pastoral discretion in implementation*
470 *of this bylaw shall be exercised with respect to members who are students, military personnel,*
471 *living in institutions, or home bound, and other persons as deemed necessary. Those who*
472 *remove themselves from membership in this congregation in this manner may be reinstated upon*
473 *application and approval by the Congregation Council.*
474

475 Chapter 9. THE PASTOR

- 476 *C9.01 Authority to call a pastor shall be in this congregation by at least a two-thirds majority
477 ballot vote of members present and voting at a meeting legally called for that purpose.

- 478 Before a call is issued, the officers, or a committee elected by the Congregation Council to
479 recommend the call, shall seek the advice and help of the bishop of the synod.
- 480 *C9.02 Only a member of the clergy roster of the Evangelical Lutheran Church in America or a
481 candidate for the roster of ordained ministers who has been recommended for the
482 congregation by the synodical bishop may be called as a pastor of this congregation.
- 483 *C9.03 Consistent with the faith and practice of the Evangelical Lutheran Church in America,
484 a. Every ordained minister shall:
- 485 1) preach the Word;
 - 486 2) administer the sacraments;
 - 487 3) conduct public worship;
 - 488 4) provide pastoral care; and
 - 489 5) speak publicly to the world in solidarity with the poor and oppressed, calling for
490 justice and proclaiming God's love for the world.
- 491 b. Each ordained minister with a congregational call shall, within the congregation:
- 492 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the
493 dead;
 - 494 2) supervise all schools and organizations of this congregation;
 - 495 3) install regularly elected members of the Congregation Council; and
 - 496 4) with the council, administer discipline.
- 497 c. Every pastor shall:
- 498 1) strive to extend the Kingdom of God in the community, in the nation, and
499 abroad;
 - 500 2) seek out and encourage qualified persons to prepare for the ministry of the
501 Gospel;
 - 502 3) impart knowledge of this church and its wider ministry through distribution of its
503 periodicals and other publications; and
 - 504 4) endeavor to increase the support given by the congregation to the work of the
505 churchwide organization of the Evangelical Lutheran Church in America
506 (ELCA) and of the Nebraska Synod of the ELCA.
- 507 *C9.04 The specific duties of the pastor, compensation, and other matters pertaining to the
508 service of the pastor shall be included in a letter of call, which shall be attested by the
509 bishop of the synod.
- 510 *C9.05
- 511 a. The call of a congregation, when accepted by a pastor, shall constitute a continuing
512 mutual relationship and commitment, which, except in the case of the death of the
513 pastor, shall be terminated only following consultation with the synodical bishop and
514 for the following reasons:
- 515 1) mutual agreement to terminate the call or the completion of a call for a specific
516 term;
 - 517 2) resignation of the pastor, which shall become effective, unless otherwise
518 agreed, 30 days after the date on which it was submitted;
 - 519 3) inability to conduct the pastoral office effectively in the congregation in view of
520 local conditions, without reflection on the competence or the moral and spiritual
521 character of the pastor;
 - 522 4) the physical or mental incapacity of the pastor;
 - 523 5) disqualification of the pastor through discipline on grounds of doctrine,
524 morality, or continued neglect of duty;
 - 525 6) the dissolution of the congregation or the termination of a parish arrangement;
526 or
 - 527 7) suspension of the congregation as a result of discipline proceedings.
- 528 b. When allegations of physical or mental incapacity of the pastor or ineffective conduct
529 of the pastoral office have come to the attention of the bishop of the synod, the bishop
530 in his or her sole discretion may, or when such allegations have been brought to the

- 531 synod's attention by an official recital of allegations by the Congregation Council or by
532 a petition signed by at least one-third of the voting members of the congregation, the
533 bishop shall, investigate such conditions personally in company with a committee of
534 two ordained ministers and one layperson.
- 535 c. In case of alleged physical or mental incapacity, competent medical testimony shall be
536 obtained. When such disability is evident, the bishop of the synod with the advice of
537 the committee shall declare the pastorate vacant. Upon the restoration of a disabled
538 pastor to health, the bishop of the synod shall take steps to enable the pastor to
539 resume the ministry, either in the congregation last served or in another field of labor.
- 540 d. In the case of alleged local difficulties that imperil the effective functioning of the
541 congregation, all concerned persons shall be heard, after which the bishop of the
542 synod together with the committee described in *C9.05.b. shall decide on the course
543 of action to be recommended to the pastor and the congregation. If they agree to carry
544 out such recommendations, no further action shall be taken by the synod. If either
545 party fails to assent, the congregation may dismiss the pastor by a two-thirds majority
546 vote of the voting members present at a regularly called meeting after consultation
547 with the bishop.
- 548 e. If, in the course of proceedings described in *C9.05.d., the committee concludes that
549 there may be grounds for disciplinary action, the committee shall make
550 recommendations concerning disciplinary action to the synodical bishop who may
551 bring charges, in accordance with the provisions of the constitution and bylaws of the
552 Evangelical Lutheran Church in America and the constitution of this synod.
- 553 f. If, following the appointment of the committee described in *C9.05.b. or d., it should
554 become apparent that the pastoral office cannot be conducted effectively in the
555 congregation(s) being served by the ordained minister due to local conditions, the
556 bishop of the synod may temporarily suspend the pastor from service in the
557 congregation(s) without prejudice and with pay provided through a joint synodical and
558 churchwide fund and with housing provided by the congregation(s).
- 559 *C9.06 At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the
560 synod with the consent of this congregation or the Congregation Council.
- 561 *C9.07 During the period of service, an interim pastor shall have the rights and duties in the
562 congregation of a regularly called pastor and may delegate the same in part to a supply
563 pastor with the consent of the bishop of the synod and this congregation or Congregation
564 Council. The interim pastor and any ordained pastor providing assistance shall refrain
565 from exerting influence in the selection of a pastor.
- 566 *C9.08 This congregation shall make satisfactory settlement of all financial obligations to a former
567 pastor before calling a successor. A pastor shall make satisfactory settlement of all
568 financial obligations to this congregation before beginning service in a call to another
569 congregation or employment in another ministry setting related to the Evangelical
570 Lutheran Church in America.
- 571 *C9.09 When a pastor is called to serve in company with another pastor or pastors, the privileges
572 and responsibilities of each pastor shall be specified in documents to accompany the call
573 and to be drafted in consultation involving the pastors, the Congregation Council, and the
574 bishop of the synod. As occasion requires, the documents may be revised through a
575 similar consultation.
- 576 *C9.11 With the approval of the bishop of the synod, the congregation may depart from *C9.05.a
577 and call a pastor for a specific term. Details of such calls shall be in writing, setting forth
578 the purpose and conditions involved. Prior to the completion of a term, the bishop or a
579 designated representative of the bishop shall meet with the pastor and representatives of
580 the congregation for a review of the call. Such a call may also be terminated before its
581 expiration in accordance with the provisions of *C9.05.a.
- 582 *C9.12 The pastor of this congregation:
- 583 a. shall keep accurate parochial records of all baptisms, confirmations, marriages,

- 584 burials, communicants, members received, members dismissed, or members
585 excluded from the congregation.
586 b. shall submit a summary of such statistics annually to the synod; and
587 c. shall become a member of this congregation upon receipt and acceptance of the letter
588 of call. In a parish of multiple congregations, the pastor shall hold membership in one
589 of the congregations.

590
591 **ARTICLE V**
592 **CLERGY AND STAFF**

593 *Section 1. The pastors.*

- 594 a. *The senior pastor shall be responsible for the day-to-day operations of this*
595 *congregation and shall be accountable to the Congregation Council.*
596 b. *The senior pastor shall make recommendations for hiring of office staff, lay*
597 *professionals, and the calling of associate or assistant pastors.*
598 c. *Associate and assistant pastor(s) shall be accountable to the senior pastor.*
599 1). *The senior pastor will provide for formal evaluation of the associate and assistant*
600 *pastor(s) annually.*
601 2) *Recommendations and suggestions regarding performance and/or salary*
602 *considerations will be submitted to the Congregation Council for final appraisal and*
603 *action.*
604 d. *The call of the associate and assistant pastor(s) will be automatically terminated if the*
605 *senior pastor leaves his or her position for any reason.*
606 1) *Appropriate severance salary and time will be afforded after consultation with the*
607 *synod bishop.*

608 *Section 2. (Below under C12.08)*

- 609
610 *C9.13 *The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least*
611 *90 days prior to each regular meeting of the Synod Assembly.*
612 *C9.14 *The parochial records of this congregation shall be maintained by the pastor and shall*
613 *remain the property of the congregation. The secretary of this congregation shall attest in*
614 *writing to the bishop of the synod that such records have been placed in his or her hands*
615 *in good order by a departing pastor before the installation of that pastor in another field of*
616 *labor or the granting by the synod of retired status to the pastor.*

617
618 **Chapter 10. CONGREGATION MEETING**

619 C10.01 *The annual Congregation Meeting shall be held at a time specified in the bylaws.*

620
621 **ARTICLE VI**
622 **CONGREGATION MEETING**

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

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

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

632
633 C10.02 *A special Congregation Meeting may be called by the pastor, the Congregation Council,*
634 *or the president of this congregation, and shall be called by the president of the*
635 *congregation upon the written request of one-tenth of the voting members. The call for*
636 *each special Congregation Meeting shall specify the purpose for which it is to be held*

637 and no other business shall be transacted.
638 C10.03 Notice of Congregation Meetings shall be given at the services of worship on the
639 preceding two consecutive Sundays and by mail to all voting members at least 10 days in
640 advance of the date of the meeting. The posting of such notice in the regular mail, with
641 the regular postage affixed or paid, sent to the last known address of such members
642 shall be sufficient.

643
644 **ARTICLE VI**
645 **CONGREGATION MEETING**

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

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

650
651 C10.04 One-tenth of all voting members shall constitute a quorum.

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

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

656 C10.07 Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all
657 Congregation Meetings.

658
659 **Chapter 11. OFFICERS**

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

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

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

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

669
670 **ARTICLE VII**
671 **DUTIES OF OFFICERS AND COUNCIL APPOINTEES**

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

674 *Section 2. The vice president shall assist the president and shall preside in the event of the*
675 *president's inability to serve.*

676 *Section 3. The secretary shall keep accurate minutes of all meetings of this congregation and the*
677 *Congregation Council that shall be preserved permanently in the archives of this congregation.*

678 *Section 4. The treasurer shall keep the financial records of this congregation and shall receive all*
679 *funds from the financial secretary, distributing them on proper orders and make monthly*
680 *remittance of benevolence receipts to the synod treasurer.*

681 *Section 5. The financial secretary shall receive and keep record of all income from contributing*
682 *members and other sources.*

683 *Section 6. The treasurer and financial secretary shall make written reports of all financial*
684 *transactions to the Congregation Council monthly and to this congregation at the annual*
685 *Congregation Meeting along with the most recent audit report. All financial officers and*
686 *appointees shall be bonded in amounts determined by the Congregation Council for which the*
687 *premium shall be paid by this congregation.*

688
689 C11.02 The president and vice president shall be elected by written ballot at the first regularly

690 scheduled meeting of the Congregation Council following the annual Congregation
691 Meeting, and shall serve for one year, until their place on the council is declared vacant,
692 or until their successors are elected. Should the office of either president or vice
693 president be declared vacant by the Congregation Council, the Congregation Council
694 shall elect an eligible replacement by written ballot at the first regularly scheduled
695 meeting of the Congregation Council. A replacement officer shall serve the remainder of
696 the term vacated. The secretary, treasurer, and financial secretary shall serve until
697 resignation or removal from office, at which time the office shall be declared vacant and
698 the Congregation Council shall appoint an eligible successor.

699 C11.03 No officer shall hold more than one office at a time. The president and vice president
700 shall not serve more than two full consecutive terms in the same office. The secretary,
701 treasurer, and financial secretary shall serve until the office is declared vacant.
702

703 Chapter 12. CONGREGATION COUNCIL

704 C12.01 The voting membership of the Congregation Council shall consist of the pastor(s) and 12
705 members of the congregation. Any voting member of the congregation may be elected,
706 subject only to the limitation on the length of continuous service permitted in that office. A
707 member's place on the Congregation Council shall be declared vacant if the member:

- 708 a. ceases to be a voting member of this congregation or
- 709 b. is absent from four successive regular meetings of the Congregation Council without
710 cause or
- 711 c. is hired as a paid member of the staff.

712 C12.02 The members of the Congregation Council, except the pastor(s), shall be elected by
713 written ballot at the annual Congregation Meeting. Their term of office shall be for three
714 years, with the term of office beginning at the next regularly scheduled meeting of the
715 Congregation Council following the annual Congregation Meeting at which they are
716 elected, and ending at the first regularly scheduled meeting of the Congregation Council
717 following the annual Congregation Meeting at which their successors are elected. Such
718 members shall be eligible to serve no more than two full terms consecutively, exclusive
719 of partial terms served. Newly elected Congregation Council members shall be installed
720 at worship within one month of being elected.

721 C12.03 Should a member's place on the Congregation Council be declared vacant, the
722 Congregation Council shall appoint, by majority vote, a successor until the next annual
723 Congregation Meeting. If the three-year term in which the vacancy has occurred does not
724 come up for election at the next annual Congregation Meeting, the congregation shall
725 elect an eligible member of the congregation, consistent with C12.01, to serve the
726 remainder of the term. That member shall then be eligible for two additional three-year
727 terms consistent with C12.02.

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

- 732 a. lead this congregation in stating its mission, to do long-range planning, to set goals
733 and priorities, and to evaluate its activities in light of its mission and goals.
- 734 b. seek to involve all members of this congregation in worship, learning, witness,
735 service, and support.
- 736 c. oversee and provide for the administration of this congregation to enable it to fulfill its
737 functions and perform its mission.
- 738 d. maintain supportive relationships with the pastor(s) and staff and help them annually
739 to evaluate the fulfillment of their calling or employment.
- 740 e. be examples individually and corporately of the style of life and ministry expected of
741 baptized persons.
- 742 f. promote a congregational climate of peace and goodwill, and, as differences and

- 743 conflicts arise, to endeavor to foster mutual understanding.
744 g. arrange for pastoral service during the sickness or absence of the pastor.
745 h. emphasize partnership with the synod and church-wide organization of the
746 Evangelical Lutheran Church in America as well as cooperation with other
747 congregations, both Lutheran and non-Lutheran, subject to established policies of
748 the synod and the Evangelical Lutheran Church in America.
749 i. recommend and encourage the use of program resources produced or approved by
750 the Evangelical Lutheran Church in America.
751 j. seek out and encourage qualified persons to prepare for the ministry of the Gospel.
752 C12.05 The Congregation Council shall be responsible for the financial and property matters of
753 this congregation.
754 a. The Congregation Council shall be the board of directors of this congregation, and
755 as such shall be responsible for maintaining and protecting its property and the
756 management of its business and fiscal affairs. It shall have the powers and be
757 subject to the obligations that pertain to such boards under the laws of the State of
758 Nebraska, except as otherwise provided herein.
759 b. The Congregation Council shall not have the authority to buy, sell, or encumber real
760 property unless specifically authorized to do so at a Congregation Meeting.
761 c. The Congregation Council may enter into contracts for items not included in the
762 budget for a fiscal year so long as the total of those contracts does not exceed 5%
763 of the annual budget for said fiscal year.
764 d. The Congregation Council shall prepare an annual budget for adoption by this
765 congregation, shall supervise the expenditure of funds in accordance therewith
766 following its adoption, and may incur obligations of more than 5% of the annual
767 budget in excess of the anticipated receipts only after approval by a Congregation
768 Meeting. The budget shall include this congregation's full indicated share in support
769 of the wider ministry being carried on in partnership with the synod and church-wide
770 organization.

771
772 **ARTICLE VIII**
773 **CHURCH BUDGET YEAR**

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

- 775
776 e. The Congregation Council shall ascertain that the financial affairs of this
777 congregation are being conducted efficiently, giving particular attention to the
778 prompt payment of all obligations and to the regular forwarding of benevolence
779 monies to the synodical treasurer.
780 f. The Congregation Council shall be responsible for this congregation's investments
781 and its insurance program.
782 C12.06 The Congregation Council shall see that the provisions of this constitution, its bylaws, and
783 the continuing resolutions are carried out.
784 C12.07 The Congregation Council shall provide for an annual review of the membership roster.
785 C12.08 The Congregation Council shall be responsible for the employment of, and provide for the
786 supervision of the employees of this congregation.

787
788 **ARTICLE V**
789 **CLERGY AND STAFF**

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

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

- 792 a. *Full-time program staff members shall have voice, but no vote, in Congregation Council*
793 *meetings.*
794 b. *All program and support staff shall be accountable to the senior pastor.*

- 795 1) *The senior pastor will provide for formal evaluation of the program and support*
796 *staff annually.*
797 2) *Recommendations and suggestions regarding performance and salary*
798 *considerations will be submitted to the Congregation Council for final appraisal and*
799 *action.*
800

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

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

808 C12.12 A quorum for the transaction of business shall consist of a majority of the members of the
809 Congregation Council, including the pastor(s) or interim pastor, except when the
810 pastor(s) or interim pastor requests or consents to be absent and has given prior
811 approval to the agenda for a particular regular or special meeting, which shall be the only
812 business considered at that meeting. Chronic or repeated absence of the pastor(s) or
813 interim pastor who has refused approval of the agenda of a subsequent regular or
814 special meeting shall not preclude action by the Congregation Council, following
815 consultation with the synodical bishop.
816

817 Chapter 13. CONGREGATION COMMITTEES

818 C13.01 The Executive Committee shall be made up of the pastor(s), Congregation Council
819 president, vice president, and two other voting members of the council as elected by the
820 council at the first regularly scheduled meeting following the annual congregation
821 meeting.
822

823 **ARTICLE IX**
824 **CONGREGATION COMMITTEES**

825 *Section 1. Duties of the Executive Committee*

- 826 *a. Set the agenda for Congregation Council meetings.*
827 *b. Determine if a Congregation Council member's absences are deemed to be "without*
828 *cause" as specified in C12.01.*
829 *c. Resolve matters that require action before a Congregation Council meeting can be*
830 *called.*
831 *d. Act on behalf of the Congregation Council when so empowered.*
832 *e. Submit accurate minutes to the Congregation Council for review and ratification of*
833 *actions taken.*
834 *f. Evaluate annually the senior pastor; evaluation shall be conducted by the lay members*
835 *of this committee.*

836 *(Sections 2-6 below)*
837

838 C13.02A Nominating Committee shall be appointed by the Congregation Council.
839

840 **ARTICLE IX**
841 **CONGREGATION COMMITTEES**

842 *(Section 1. above)*

843 *Section 2. Nominating Committee.*

- 844 *a. The Nominating Committee shall consist of four voting members of this congregation*
845 *appointed by the Congregation Council at its October meeting. First priority for*
846 *membership on this committee shall be Congregation Council members whose terms*

847 will expire and who are not seeking, or are ineligible for, another term, and then
848 additional members.

849 *b. Duties of the Nominating Committee*

- 850 1) *elect its own chairperson and secretary.*
851 2) *prepare lists of candidates from among voting members of this congregation to be*
852 *voted on at the annual Congregation Meeting for the following positions: the*
853 *Congregation Council; the Mission Endowment Fund Board; the Memorial and*
854 *Special Gifts Fund Board; and lay voting members to the Nebraska Synod*
855 *Assembly.*
856 3) *submit information regarding all nominees to the Congregation Council by its*
857 *regularly scheduled December meeting. (C10.03)*

858 *(Section 3-6 below.)*

859
860 C13.03An Audit Committee of no fewer than three voting members shall be appointed by the
861 Congregation Council. Audit Committee members shall not be members of the
862 Congregation Council or of the Finance Committee.

863
864 **ARTICLE IX**
865 **CONGREGATION COMMITTEES**

866 *(Section 1-2. above)*

867 *Section 3. Audit Committee*

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

869 *b. Duties of the Audit Committee:*

- 870 1) *elect its own chairperson and secretary.*
871 2) *audit the fiscal records of this congregation each year.*
872 3) *report findings in writing to the Congregation Council upon completion and then to*
873 *this congregation at the annual Congregation Meeting.*

874 *(Section 4-6 below.)*

875
876 C13.04A Staff/Congregation Relations Ministry Committee shall be appointed jointly by the
877 Congregation Council president and the called pastors.

878
879 **ARTICLE IX**
880 **CONGREGATION COMMITTEES**

881 *(Section 1-3. above)*

882 *Section 4. Duties of the Staff/Congregation Relations Ministry Committee*

883 *The committee shall be the primary liaison among pastor(s), congregation, staff and the*
884 *Congregation Council. The committee shall work to resolve problems in a confidential manner,*
885 *recognize special events, and serve as a sounding board for issues that cannot be resolved*
886 *otherwise.*

887 *(Section 5-6 below.)*

888
889 C13.05When a pastoral vacancy occurs, a Call Committee of six voting members shall be elected
890 by the Congregation Council. Term of office will terminate upon installation of the
891 newly called pastor.

892
893 **ARTICLE IX**
894 **CONGREGATION COMMITTEES**

895 *(Section 1-4. above)*

896 *Section 5. Duties of the Call Committee*

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

898 *(Section 6. below)*

899

900 C13.06 Other committees of this congregation may be formed, as the need arises, by decision of
901 the Congregation Council.
902

903 **ARTICLE IX**
904 **CONGREGATION COMMITTEES**

905 (Section 1-5. above)

906 **Section 6. Ministry Committees**

- 907 a. *Ministry Committees will be established by the Congregation Council as needed to*
908 *carry out the Mission/Vision statement of this congregation.*
909 b. *Each committee shall be composed of six to ten members, including one*
910 *representative from the Congregation Council. In addition, each committee shall have*
911 *an assigned staff liaison.*
912 c. *The pastor(s) shall have voice and vote in all committees.*
913 d. *Committee members shall be approved by the Congregation Council and will serve a*
914 *term of three years. Any individual may be reappointed for one additional three-year*
915 *term.*
916 e. *Each committee selects a chair and vice chair. Neither the council representative nor*
917 *the staff liaison shall serve as chair. The chair normally serves for one year, and the*
918 *vice chair then assumes the chair; another committee member is selected as vice chair.*
919 f. *Duties of committee chairs include:*
920 1) *preside at committee meetings*
921 2) *appoint a recording secretary to keep minutes of meetings and prepare a written*
922 *report for the next Congregation Council meeting.*
923 3) *determine responsibility for the next meeting's devotions*
924 4) *help organize and maintain committee work*
925 5) *assign duties*
926 6) *prepare agenda*
927 7) *send notification of meetings to committee and staff members*
928 8) *monitor assigned responsibilities*
929 g. *Committee names and their duties and responsibilities are specified in the Continuing*
930 *Resolutions.*

931
932 C13.07 Duties of committees of this congregation shall be specified in the continuing resolutions.

933 C13.08 Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all
934 committees of this congregation.
935

936 **Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION**

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

943 C14.02 Special interest groups, other than those of the official organizations of the Evangelical
944 Lutheran Church in America, may be organized only after authorization has been given
945 by the Congregation Council and specified in a continuing resolution.
946

947 **Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION**

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

- 953 a. private admonition by the pastor,
954 b. admonition by the pastor in the presence of two or three witnesses, and
955 c. citation to appear before the Congregation Council. If for any reason, the pastor is
956 unable to administer the admonitions required by a. and b. hereof, the president (if not
957 the pastor) or vice president shall administer such admonitions.
- 958 *C15.02 The process for discipline of a member of the congregation shall be governed as
959 prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing
960 Resolutions of the Evangelical Lutheran Church in America. If discipline against a
961 member proceeds beyond counseling and admonition by the pastor, charges against
962 the accused member(s) that are specific and in writing shall be prepared by member(s)
963 of the congregation who shall sign the charges as the accuser(s). The written charges
964 shall be filed with the pastor, who shall advise the Congregation Council of the need to
965 issue a written citation to the accused and the accusers that specifies the time and place
966 of the hearing before the Congregation Council. The written charges shall accompany
967 the written citation to the accused. The written citation that specifies the time and place
968 of the hearing before the Congregation Council and requests the presence of a member
969 charged with the offense shall be sent at least ten days prior to the meeting. If the
970 member charged with the offense fails to appear at the scheduled hearing, the
971 Congregation Council may proceed with the hearing and may pass judgment in the
972 member's absence.
- 973 *C15.03 Members of the Congregation Council who participate in the preparation of the written
974 charges or who present evidence or testimony in the hearing before the Congregation
975 Council are disqualified from voting upon the question of the guilt of the accused
976 member. Should the allegations be sustained by a two-thirds majority vote of the
977 members of the Congregation Council who are not disqualified but who are present and
978 voting, and renewed admonition prove ineffectual, the council shall impose one of the
979 following disciplinary actions:
980 a. censure before the council or congregation;
981 b. suspension from membership for a definite period of time; or
982 c. exclusion from membership in this congregation. Disciplinary actions b. and c. shall
983 be delivered to the member in writing.
- 984 *C15.04 The member against whom disciplinary action has been taken by the Congregation
985 Council shall have the right to appeal the decision to the Synod Council. Such right may
986 not be abridged and the decision of the Synod Council shall be final.
- 987 *C15.05 Disciplinary actions may be reconsidered and revoked by the Congregation Council
988 upon receipt of
989 a. evidence that injustice has been done or
990 b. evidence of repentance and amendment.
- 991 *C15.06 For disciplinary actions in this congregation, "due process" shall be observed as
992 specified in 20.41.04. in the Constitution, Bylaws, and Continuing Resolutions of the
993 Evangelical Lutheran Church in America.
- 994 *C15.07 No member of a congregation shall be subject to discipline for offenses that the
995 Congregation Council has previously heard and decided, unless so ordered by the
996 Synod Council after an appeal.
- 997 *C15.10 Adjudication
- 998 *C15.11 When there is disagreement among factions within this congregation on a substantive
999 issue that cannot be resolved by the parties, members of this congregation shall have
1000 access to the synodical bishop for consultation after informing the chair of the
1001 Congregation Council of their intent. If the consultation fails to resolve the issue(s), the
1002 Consultation Committee of the synod shall consider the matter. If the Consultation
1003 Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to
1004 the Synod Council, whose decision shall be final.
1005

1006 Chapter 16. BYLAWS

1007 *C16.01 This congregation may adopt bylaws. No bylaw may conflict with this constitution.

1008

1009

1010

**ARTICLE X
PARLIAMENTARY AUTHORITY**

1011 *These bylaws shall be in accordance with the Constitution and Articles of Incorporation of Holy*
1012 *Cross Evangelical Lutheran Church, Omaha, Nebraska.*

1013

1014 *C16.02 Bylaws may be adopted or amended at any legally called meeting of this congregation
1015 with a quorum present by a majority vote of those voting members present and voting.

1016 *C16.03 Changes to the bylaws may be proposed by any voting member, provided, however,
1017 that such additions or amendments be submitted in writing to the Congregation
1018 Council at least 60 days before a regular or special Congregation Meeting called for
1019 that purpose and that the Congregation Council notify the congregation's members by
1020 mail of the proposal with the council's recommendations at least 30 days in advance of
1021 the Congregation Meeting.

1022 *C16.04 Approved changes to the bylaws shall be sent by the secretary of this congregation to
1023 the synod.

1024

1025 Chapter 17. AMENDMENTS

1026 *C17.01 Unless provision *C17.04 is applicable, those sections of this constitution that are not
1027 required, in accord with the Model Constitution for Congregations of the Evangelical
1028 Lutheran Church in America, may be amended in the following manner. Amendments
1029 to this constitution may be proposed by at least 5 voting members or by the
1030 Congregation Council. Proposals must be filed in writing with the Congregation
1031 Council 60 days before formal consideration by this congregation at its regular or
1032 special Congregation Meeting called for that purpose. The Congregation Council shall
1033 notify the congregation's members by mail of the proposal with the council's
1034 recommendations at least 30 days in advance of the meeting.

1035 *C17.02 An amendment to this constitution, proposed under *C17.01 shall:

- 1036 a. be approved at a legally called Congregation Meeting according to this constitution
1037 by a majority vote of those present and voting;
1038 b. be ratified without change at the next annual meeting by a two-thirds majority vote
1039 of those present and voting; and
1040 c. have the effective date included in the resolution noted in the constitution. Such an
1041 effective date must be stated in relation to the requirements of *C17.03. to allow
1042 time for synodical review of the amendment.

1043 *C17.03 Any amendments to this constitution that result from the processes provided in
1044 *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the
1045 synod. The amendment shall become effective within 120 days from the date of the
1046 receipt of the notice by the synod unless the synod informs this congregation that the
1047 amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran
1048 Church in America or the constitution of the Nebraska Synod of the ELCA.

1049 *C17.04 This constitution may be amended to bring any section into conformity with a section
1050 or sections, either required or not required, of the Model Constitution for
1051 Congregations of the Evangelical Lutheran Church in America – as most recently
1052 amended by the Churchwide Assembly – by a simple majority vote of those voting
1053 members present and voting at any legally called meeting of the congregation without
1054 presentation at a prior meeting of the congregation provided that the Congregation
1055 Council has submitted by mail notice to the congregation of such an amendment or
1056 amendments, together with the council's recommendations, at least 30 days prior to
1057 the meeting. Upon the request of five (5) voting members of the congregation, the
1058 Congregation Council shall submit such notice. Following the adoption of an

1059 amendment, the secretary of the congregation shall submit a copy thereof to the
1060 synod. Such provisions shall become effective immediately following a vote of
1061 approval.
1062

1063 Chapter 18. CONTINUING RESOLUTIONS

1064 *C18.01 The congregation in a legally called meeting or the Congregation Council may enact
1065 continuing resolutions. Such continuing resolutions may not conflict with the
1066 constitution or bylaws of this congregation

1067 *C18.02 Continuing resolutions shall be enacted or amended by a majority vote of a meeting of
1068 the congregation or a two-thirds vote of all voting members of the Congregation
1069 Council.
1070

1071 Chapter 19. INDEMNIFICATION

1072 *C19.01 Consistent with the provisions of the laws under which this congregation is
1073 incorporated, this congregation may adopt provisions providing indemnification for
1074 each person who, by reason of the fact that such person is or was a Congregation
1075 Council member, officer, employee, agent, or other member of any committee of this
1076 congregation, was or is threatened to be made a party to any threatened, pending, or
1077 completed civil, criminal, administrative, arbitration, or investigative proceeding.
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1080
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1083 Constitution ratified at the Annual Congregational Meeting, Sunday, January 31, 2010.

1084 *Bylaws approved at the Annual Congregational Meeting, Sunday, January 31, 2010.*

1085
1086 MODEL CONSTITUTION FOR CONGREGATIONS OF THE EVANGELICAL LUTHERAN
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