

# **CONSTITUTION and BY-LAWS FOR IMMANUEL LUTHERAN CHURCH 6/2010**

## Table of Contents

Preamble

Chapter 1 Name and Incorporation

Chapter 2 Confession of Faith

Chapter 3 Nature of the Church

Chapter 4 Statement of Purpose

Chapter 5 Powers of the Congregation

Chapter 6 Church Affiliation

Chapter 7 Property Ownership

Chapter 8 Membership

Chapter 9 The Pastors

Chapter 10 Congregation Meeting

Chapter 11 Officers

Chapter 12 Congregation Council

Chapter 13 Congregation Committees

Chapter 14 Organizations within the Congregation

Chapter 15 Discipline of Members and Adjudication

Chapter 16 By-laws

Chapter 17 Amendments

Chapter 18 Continuing Resolutions

Chapter 19 Indemnification

## **CONSTITUTION FOR IMMANUEL LUTHERAN CHURCH**

### **\*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 Immanuel Lutheran Church.

C1.02. For the purpose of this constitution and the accompanying bylaws, the congregation of Immanuel Lutheran Church is hereinafter designated as “this congregation.”

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

## **\*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 Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

### **\*Chapter 3. NATURE OF THE CHURCH**

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

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

## Chapter 4. STATEMENT OF PURPOSE

- \*C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- \*C4.02. To participate in God's mission, this congregation as a part of the Church shall:
- a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
  - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
  - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
  - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
  - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
  - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- \*C4.03. To fulfill these purposes, this congregation shall:
- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
  - b. Provide pastoral care and assist all members to participate in this ministry.
  - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
  - d. Teach the Word of God.
  - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
  - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
  - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
  - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
  - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- \*C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational groups and shall review their actions. Such descriptions shall be contained in continuing resolutions in the section of the Congregation Council.

\*C4.05. This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.

C4.05.01 MISSION STATEMENT & VALUES

1. BUILDING MATURE FOLLOWERS OF JESUS CHRIST WHO  
SEEK HIM, SERVE HIM, SHARE HIM.

- a. Secure in God's Word, by His Grace and to His Glory, we value:
- b. Worshipping God – Encountering the living God with diversity, excellence and humility.
- c. Following the Spirit – Opening ourselves to allow the Spirit to show us the way with creativity and innovation.
- d. Reaching Out- Inviting All People into a Deep, Personal Relationship with God. Everyone is Welcome!
- e. Building a Loving Community – Called together by Jesus Christ and united in our diversity, we live as one body.
- f. Stewarding Gifts – With a servant heart we recognize our God-given gifts, developing, nurturing, and sharing them generously with our neighbors at home and around the world.
- g. Leading Ministry through Lay People – Partners of Immanuel accept the responsibility and authority for Christ's ministry within the congregation and in their daily lives.
- h. Learning for Life – Following Christ in humility, our expectant hearts and minds are openly listening, acting on, and sharing His Word.

## **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. approves 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 officers and Congregation Council and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
- j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

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

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 operational budget of this congregation.

## **Chapter 6. CHURCH AFFILIATION**

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

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

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

- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the Synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the Synod.

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

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

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

- a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
- b. The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod shall consult with this congregation during a period of at least 90 days.
- d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.
- e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and Evangelical Lutheran Church of America shall be terminated.
- f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

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

## **Chapter 7. PROPERTY OWNERSHIP**

\*C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Western Iowa Synod of the Evangelical Lutheran Church in America.

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

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

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

## Chapter 8. MEMBERSHIP

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

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

- a. *Baptized* members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
- b. *Confirmed* members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
- c. *Voting* members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
- d. *Associate* members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

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

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

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

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action by the Congregation Council; or
- e. removal from the roll due to inactivity as defined in the bylaws. Such persons who have been removed from the roll of members shall remain persons for whom the church has a continuing pastoral concern.

C8.05.01 Inactivity is defined as:

- a. No attendance for 2 years; and
- b. No communion for 2 years; and
- c. No contribution for 2 years; and
- d. a visit by a pastor is required before removal from membership

## Chapter 9. THE PASTORS

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

C9.01.01. The Office of the Pastor at Immanuel Lutheran Church is best understood in the light of the mutual ministry. From the Constitution of the ELCA: "This church affirms the universal priesthood of all its baptized members. In its function and in its structure this church commits itself to the equipping and supporting of all its members for their ministries in the world and in this church. It is within this context of ministry that this church calls or appoints some of its baptized members for specific ministries in this church. Within the people of God and for the sake of the Gospel ministry entrusted to all believers, God has instituted the office of ministry of Word and Sacrament. To carry out this ministry, this church calls and ordains qualified persons.

C9.01.02. Upon the vacancy of the Pastoral Office, it shall be the duty of the President of the Congregation and the Congregation Council to see that the call process is carried out according to the Constitution and By-laws.

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

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

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

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

\*C9.05.

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

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
- 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
- 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
- 4) the physical or mental incapacity of the pastor;
- 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
- 6) the dissolution of the congregation; or
- 7) suspension of the congregation as a result of discipline proceedings.

b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall investigate such conditions personally in company with a committee of two ordained ministers and one layperson.

c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.

d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in \*C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

e. If, in the course of proceedings described in \*C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church of America and the constitution of this synod.

f. If, following the appointment of the committee described in \*C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through joint synodical and churchwide fund and with housing provided by the congregation(s).

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

\*C9.07. During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.

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

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

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

\*C9.12. The pastor of this congregation:

- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
- b. shall submit a summary of such statistics annually to the synod; and c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

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

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

C9.20. Ecumenical pastoral ministry.

C9.21. Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of the congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

## **Chapter 10. CONGREGATION MEETING**

C10.01. The annual meeting of this congregation shall be held at a date and time specified by the Congregation Council.

C10.01.01. The Annual Meeting of Immanuel Lutheran Church shall be held in the first 45 days of the new year. The meeting shall include, minimally, a budget for the upcoming fiscal year and any other business requiring congregational action.

C10.01.02. Immanuel Lutheran Church's Fiscal Year shall be established by the congregation.

C10.02. A special Congregation Meeting may be called by the president, a Pastor of the congregation, the Congregation Council, or shall be called by the president of the congregation upon the written request of twenty-five (25) voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.

C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and posted in the church at least ten (10) days in advance of the date of the meeting.

C10.04. Seventy-five (75) of the voting members shall constitute a quorum.

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

C10.05.A20. This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is opportunity for simultaneous aural communication.

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

10.06.A10. Council members shall be responsible to distribute, collect and count all ballots.

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

C10.07.01 Christian charity is that habit or power which disposes us to love God above all things, and to love ourselves and our neighbors for the sake of God.

C10.07.A10 In Romans 12, the Apostle Paul writes, "For by the grace given me I say to everyone of you: Do not think of yourself more highly than you ought, but rather think of yourself with sober judgment, in accordance with the measure of faith God has given you. Just as each of us has one body with many members...so in Christ we who are many form one body...Love must be sincere. Hate what is evil; love what is good. Be devoted to one another in brotherly love. Honor one another above yourselves." Christian charity is grace manifest in love as we hold on to one another in times of disagreement and debate.

## Chapter 11. OFFICERS

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

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of the congregation.
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.

C11.01.01. Duties of the President

- a. Provide leadership to the Congregation Council and Congregation in the fulfillment of Immanuel's mission and upholds and gives solid leadership to the mission and vision of Immanuel.
- b. Preside at or appoint another to preside at all meetings of the voting membership as well as all Congregation Council meetings.
- c. Enforce the Constitution, Bylaws and Continuing Resolutions and Policies of the Congregation. Help all Council members to know them, refer to them often, follow them, and educate others to do the same.
- d. Facilitate annual Council Covenant.
- e. Coordinate and plan all Congregation Council and Congregational meetings by providing an agenda in advance so optimal ministry happens at Immanuel.
- f. Coordinate and plan all Congregation Council retreats, and all training and equipping opportunities.
- g. Comfortably and openly claims faith as a Christian, trusting God as creator, Jesus as Redeemer, and the Holy Spirit as Sanctifier, empowering us to live and walk in the Christian faith.
- h. Has the authority in the absence of the Treasurer to sign all checks for salaries or other financial commitments above \$10,000.00, as appropriated by the annual budget or by the Congregational Council approval.
- i. Teach, lead, and share consistent with the teachings and practices of the Lutheran faith.
- j. Continue to nurture your own personal faith and growth toward maturity as a follower of Jesus Christ through worship, study and prayer.

#### C11.01.02. Duties of the Vice President

- a. Provides leadership to the Congregation Council and Congregation in the fulfillment of Immanuel's mission and upholds and gives solid leadership to the mission and vision of Immanuel Lutheran Church.
- b. Assists in enforcing the Constitution, Bylaws and policies of the Congregation.
- c. Preside at Congregation Council and Congregational meetings in the absence of the President.
- d. Directs review and/or revision of Immanuel Lutheran Church's Constitution, Bylaws and Policies in order to support current mission and vision of the Congregation.
- e. Acts as Congregational Council liaison and Team leader for the personnel Team, directing the team in areas such as policy development, job description creation and refinement, employment processes, or coaching for staff members.
- f. Comfortably, openly claims faith as a Christian, trusting God as Creator, Jesus as Redeemer, and the Holy Spirit as Sanctifier, empowering us to live and walk in the Christian faith.
- g. Teach, lead and share consistent with the teachings and practices of the Lutheran faith.
- h. Continue to nurture your own personal faith growth toward maturity as a follower of Jesus Christ through worship, study and prayer.

#### C11.01.03. Duties of the Secretary

- a. Provides leadership to the Congregation Council and Congregation in the fulfillment of Immanuel's mission, and upholds and gives solid leadership to the mission and vision of Immanuel Lutheran Church.
- b. Takes and records minutes of any special meetings called by Congregation Council or by the Congregation.
- c. Writes all official correspondence of the Council.
- d. Submits a written summary of meeting minutes to church office for the Messenger and, when available, the website.
- e. Ensures proper storage of typed minutes in church record book, which is made available at all meetings.
- f. Comfortably, openly claims faith as a Christian, trusting God as Creator, Jesus as Redeemer, and the Holy Spirit as Sanctifier, empowering us to live and walk in the Christian faith.
- g. Teach, lead and share consistent with the teachings and practices of the Lutheran faith.
- h. Continue to nurture your own personal faith growth toward maturity as a follower of Jesus Christ through worship, study, and prayer

C11.01.04. Duties of the Treasurer

- a. Provides leadership to the Congregation Council and Congregation in the fulfillment of Immanuel's mission, and upholds and gives solid leadership to the mission and vision of Immanuel Lutheran Church.
- b. Assists in enforcing the Constitution, Bylaws, Continuing Resolutions and Policies of the Congregation.

C11.01.A10. Separation of Financial Responsibilities:

1. Treasurer has oversight responsibility: report to Congregational Council, and be a member of the Congregation Council.
  2. Designated office staff records transactions and produce reports.
  3. Business Administrator has check writing authority.
- c. Provide direction for the Business Administrator to coordinate and facilitate an annual financial budget for presentation and approval by the Congregation Council and the Congregation.
  - d. Sign all checks for payment of bills, salaries, or other financial commitments as appropriated by the annual budget or by Congregation Council approval.
  - e. Reconcile bank account statements to Immanuel's ledger reports monthly.
  - f. Provide direction to Congregation Council regarding financial and asset management for Immanuel (i.e. insurance, cash management, etc.)
  - g. Act as Congregation Council liaison with Immanuel's Endowment Board.
  - h. Comfortably, openly claims faith as a Christian, trusting God as Creator, Jesus as Redeemer, and the Holy Spirit as Sanctifier, empowering us to live and walk in the Christian faith.
  - i. Teach, lead and share consistent with the teachings and practices of the Lutheran faith.
  - j. Continue to nurture you own personal faith growth toward maturity as a follower of Jesus Christ through worship, study, and prayer

C11.02. The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot

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

## Chapter 12. CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the officers of the congregation and eight elected congregational representatives. The lay congregational representatives shall be elected by the voting members of the congregation, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

C12.01.01. Advisory persons to the Congregation Council granted voice are:

- a. The immediate Past President may serve a one year term.
- b. The Pastor(s) and business administrator

C12.01.02. The Education and Discipleship Board

*It shall be the duty of the Discipleship Board to develop programs at Immanuel that will provide on-going learning and fellowship opportunities for all members*

1. The Education and Discipleship Board shall include at least two elected Council members, and one or more at large appointed by the Congregation Council upon recommendation of the Board. There shall be at least one staff member appointed by the Congregation Council.
2. Membership on the Education and Discipleship Board will be determined annually.
3. At the first meeting each year the Education and Discipleship Board shall elect from its membership a chair and a secretary. It shall be the responsibility of the chair to prepare an agenda and preside at the meeting. It shall be the responsibility of the secretary to record actions of the Board and submit this report to the Council.
4. It shall be the responsibility of the Education and Discipleship Board to support the total ministry of Immanuel Lutheran Church through its direction and assistance in the following areas of mission:
  - a. encourage and support the planning and presentation of opportunities for Christian growth for all ages at Immanuel through;
    1. pre-school children and parents
    2. elementary age children and parents
    3. vacation Bible school
    4. confirmation classes
    5. high school learning opportunities
    6. adult education opportunity
  - support a service and learning ministry for middle school and high school youth
  - encourage and guide adult small group learning

- b. encourage and support the small group educational opportunities that seek to address special needs:
  - 1) Bible Book of Faith
  - 2) Alpha
  - 3) WELCA Bible Study
  - 4) Men's Bible Study
  - 5) Bible Camps
  - 6) Spirituality experiences
  - 7) Church Library
  
- c. encourage, invite and involve members, non-members and visitors to become involved in the education ministry of this congregation:
  - recruit, support, guide and encourage
    - 1) Promiseland teachers
    - 2) Confirmation mentors and small group leaders
    - 3) Youth ministry sponsors and chaperones
    - 4) VBS teachers
    - 5) Stepping Stones
    - 6) Special speakers
    - 7) Mission fairs
  - seek new opportunities and ways to improve existing educational ministries
  
- d. cooperate with the Board of Trustees, the Board of Parish Life, and the Board of Mission and Outreach in support of the total ministry of Immanuel Lutheran Congregation. (Specific inter-Board relationships shall be described in the Continuing Resolutions.)
  
- 5.) organize, appoint, and support such committees as needed to fulfill the discipleship ministry of Immanuel Lutheran Church.
  
- 6.) prepare a budget to support the needs of all individuals and groups contributing to the quality of discipleship at Immanuel.

C12.01.03. The Mission and Outreach Ministry Board

*It shall be the responsibility of the Outreach Ministry Board to support the total ministry of Immanuel Lutheran Church in its welcome to outsiders and its service to missions beyond our membership.*

1. The Mission & Outreach Ministry Board shall include two elected Council members, and one or more members at large appointed by the Council upon recommendation of the Board. There shall be at least one staff member appointed by the Council.
2. Membership on the Mission & Outreach Ministry Board will be determined annually.
3. At the first meeting each year the Mission & Outreach Ministry Board shall elect from its membership a chair and a secretary. It shall be the responsibility of the chair to prepare an agenda and preside at the meeting. It shall be the responsibility of the secretary to record actions of the Board and submit this report to the Council.
4. It shall be the responsibility of the Mission & Outreach Ministry Board to support the total ministry of Immanuel Lutheran Church through its direction and assistance in the following areas of mission:
  - a. encourage and support the planning and presentation of opportunities for service and mission at Immanuel through;
    1. stewardship education
    2. mission offerings
    3. service opportunities
    4. spiritual growth opportunities
  - b. encourage and support the service groups that seek to address special needs:
    1. the Damascus Road Ministry
    2. World Hunger
    3. American Lutheran Church of Berlin
    4. Eagle Pass
    5. Bible Camps
    6. Waldorf College
    7. Waldorf Vocation
    8. Waldorf Lutheran Leaders
    9. Staff Support Committee
    10. Intercessory Prayer Group
    11. Prayer Shawl Ministry
    12. Shut-in Ministry
  - c. encourage, invite and involve members, non-members and visitors to become involved in the mission of this congregation:
    1. provide information about mission opportunities
    2. Messenger
    3. Worship announcements
    4. News media
    5. Special speakers
    6. Mission fairs
    7. seek new opportunities and ways to improve existing programs
    8. recruit new participants to current groups and/or create new groups

- d. Education and Discipleship in support of the total ministry of Immanuel Lutheran Congregation. (Specific inter-Board relationships shall be described in the Continuing Resolutions.)
- 5. organize, appoint, and support such committees as needed to fulfill the parish life ministry of Immanuel Lutheran Church.
- 6. prepare a budget to support the needs of all individuals and groups contributing to the quality of parish life at Immanuel.

#### **C12.01.04. The Board of Trustees**

*It shall be the responsibility of the Board of Trustees to support the total ministry of Immanuel Lutheran Church through its care for the financial and property assets of this congregation.*

1. The Board of Trustees shall include the Treasurer of the congregation, two elected Council members, and one or more members at large appointed by the Council upon recommendation of the Board. There shall be at least one staff member appointed by the Council.
2. Membership on the Board of Trustees will be determined annually.
3. At the first meeting each year the Board of Trustees shall elect from its membership a chair and a secretary. It shall be the responsibility of the chair to prepare an agenda and preside at the meeting. It shall be the responsibility of the secretary to record actions of the Board and submit this report to the Council.
4. It shall be the responsibility of the Board of Trustees to support the total ministry of Immanuel Lutheran Church through its direction and assistance in the following areas of mission:
  - a. encourage and support the maintenance and improvement of the physical and financial resources in support of the total mission of Immanuel through;
    1. support for the fiscal needs of this congregation by
    2. preparing a draft budget for the total mission of this congregation and present it to Council & Congregation approval
    3. support the Business Manager and the Boards in management of budgeted funds
    4. educating the congregation regarding the financial needs of their ministry through this congregation
    5. conduct capital fund drives as directed by the Council and the Congregation
  - b. support and assist the staff through a Personnel Committee which shall:
    1. maintain and annually review all job descriptions
    2. maintain and update the employee policy manual
    3. review all salaries and make recommendations to the Budget Committee for adjustments
    4. support and advise the Council in hiring of new employees and provide for their training
    5. advise and mediate issues related to employee performance relative to job descriptions

- c. advise and encourage the Endowment Committee in the fulfillment of their charter
    - 1. advise the Council regarding appointment of new members to the Endowment Committee
    - 2. provide new members with training in their role
    - 3. receive reports from the Endowment Committee at least annually
    - 4. Receive applications for Endowment Grants and, in consultation with the Endowment Committee, forward recommendations for grant awards to the Council.
    - 5. review and, if needed, make recommendations for revision of the Endowment Charter. (Changes would require Council endorsement and Congregation approval.)
  - d. cooperate with the Board of Discipleship, the Board of Parish Life, and the Board of Outreach and Mission in support of the total ministry of Immanuel Lutheran Congregation. (Specific inter-Board relationships shall be described in the Continuing Resolutions.)
- 5. organize, appoint, and support such committees as needed to fulfill the financial and property ministry of Immanuel Lutheran Church.
  - 6. prepare a budget to support the needs of all individuals and groups contributing to the quality of the financial and property ministry at Immanuel.

C12.01.05. Board of Parish Life

*It shall be the mission of the Board of Parish Life to oversee all aspects of the congregation's worship and life.*

1. The Board of Parish Life shall include, two elected Council members, and one or more members at large appointed by the Council upon recommendation of the Board. There shall be at least one staff member appointed by the Council.
2. Membership on the Board of Parish Life will be determined annually.
3. At the first meeting each year the Board of Parish Life shall elect from its membership a chair and a secretary. It shall be the responsibility of the chair to prepare an agenda and preside at the meeting. It shall be the responsibility of the secretary to record actions of the Board and submit this report to the Council.
4. It shall be the responsibility of the Board of Parish Life to support the total ministry of Immanuel Lutheran Church through its direction and assistance in the following areas of mission:
  - a. encourage and support the planning and presentation of worship services at Immanuel through;
    1. pastors
    2. worship managers
    3. musical accompanists
    4. choir directors
    5. special musical presentations
  - b. encourage and support those who attend to the needs of the worship experience:
    1. ushers and greeters
    2. altar guild and communion preparers
    3. scripture readers
    4. communion assistants
    5. acolytes
    6. sound and video managers
  - c. encourage the creativity and improvement of the worship experience of this congregation through:
    1. support to continuing education for worship leaders
    2. encouragement for worship forms that seek to be faithful to the Lutheran theology and relevant to the people
    3. recruiting of new participants
  - d. Create opportunities for Congregational members to be strengthened in fellowship through small group initiatives and fellowship events.
  - e. Encourage, support, and oversee the ministry of hospitality at Immanuel coordinating receptions for new members, volunteer appreciation, special meals and events and being responsible for the seasonal décor of the building creating a welcoming atmosphere for all.
  - f. Encourage, support and oversee the ministry of hospitality at Immanuel.
  - g. cooperate with the Board of Trustees, The Discipleship Board and the Board of Outreach and Mission in support of the total ministry of Immanuel Lutheran Congregation. (Specific inter-Board relationships shall be described in the Continuing Resolutions.)

5. Organize, appoint, and support such committees as needed to fulfill the parish life ministry of Immanuel Lutheran Church.
6. Prepare a budget to support the needs of all individuals and groups contributing to the quality of parish life at Immanuel.

C12.02. The members of the Congregation Council shall be elected at a legally called term of office shall be specified in the bylaws. meeting of the congregation which shall be set by the Congregation Council. . Their

C12.02.01. Officers of the Congregation Council shall be elected by the congregation on the same ballot as the election of new Congregation Council member at the congregational meeting. Officers elected shall be: President, Vice President, Secretary and Treasurer and shall take effect at the beginning of the fiscal year. If the President is not continuing the office, he/she may be asked to remain in a Past President role for the Congregation Council for one year.

C12.02.02. The newly elected Congregation Council members shall be installed at the annual meeting. The Council officers shall assume their duties upon installation and preside at the first meeting of the Congregation council following the annual meeting. The term of office for all Congregation Council members, shall be one year, terminating at the annual meeting following one year of service. All elected Congregation Council members will be encouraged to serve for three consecutive years, with an annual covenant. Individuals so called may serve for more than three consecutive years but shall not serve more than six years on the Congregation Council. An officer may serve in the same capacity for three consecutive years at which time he/she must step down from the office.

C12.02.03. Orientation for Congregation Council members will begin with the annual Council/Staff Planning Retreat. Newly elected members of the Congregation Council shall be in attendance with voice but no vote at Congregation Council meetings until the Council is installed.

C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting. Individuals who have served less than one-half of a regular term shall be eligible for nomination and possible election to a full term.

C12.04. No member shall be eligible to serve as an officer of the Congregation Council if such person is an immediate family member of another Congregation Council member or of a staff person of this congregation.

C12.04.01. An immediate family member is your spouse, child, parent or parent-in-law.

C12.05. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witnessing, welcoming, serving, and reaching out to share their gifts and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and ensure that the fulfillment of their calling, appointment, or employment is annually evaluated.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
- i. To recommend and encourage qualified persons to make use of program resources produced and approved by The Evangelical Lutheran Church in America.
- j. To seek and encourage qualified persons for the ministry of the Gospel.

C12.06. The Congregation Council shall be responsible for the financial and asset management of this congregation.

- a. The Congregation Council shall be the Board of Directors and shall be responsible for maintaining and protecting its assets and the management of its business and fiscal affairs. The Congregation Council shall be responsible for this congregation's investments, through the Endowment Committee, and its total insurance program. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Iowa, except as otherwise provided herein.
- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council shall oversee the preparation of an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption. The budget shall include this congregation's share in support of the wider ministry being carried on in membership with the synod and church wide organization.
- d. The Congregation Council may approve or disapprove all expenditures up to \$5,000 or 1% of the annual budget, whichever is greater, that have not been previously budgeted.

e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted ethically and efficiently, including the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.

C12.07. The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out and updated, amended, or altered as needed.

C12.08. The Congregation Council shall ratify the appointment of and ensure the proper supervision of the salaried lay workers of this congregation.

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

C12.11. A quorum of the transaction of business shall consist of a majority of the members of the Congregation Council. Congregation Council meetings will include at least one (1) officer, the pastor(s) or interim pastor(s) except when the pastor(s) or interim pastor(s) request or consent to being absent and have given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor(s) or interim pastor(s) who has refused to approve the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

C12.12. The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president and shall be called by the president at the request of at least one half of its members. Notice of each special meeting shall be given to all who are entitled to be present

C12.12.01. A quorum for all regular and special meetings shall be not less than one-half of the full membership of the Council, provided that at least one (1) of those persons present is an officer.

## **Chapter 13. CONGREGATION COMMITTEES**

C13.01. The officers of this congregation and the Senior Pastor shall constitute the Executive Committee.

C13.02. Nominating and Appointments Committee of four voting members of this congregation shall be appointed by the Congregation Council and consult with a pastor.

C13.02.01 The Congregation Council will, each year, determine the number of positions on Council that will become vacant at the end of the current term.

C13.02.02. The Nominating Committee shall receive, from the Congregation Council, job descriptions for the positions needing to be filled. Any member of the congregation may submit to the nominating committee names of possible candidates for service in any of the congregational positions. The committee shall attempt to nominate two candidates for each of the elected council positions.

C13.02.03. Eligible candidates may not be members who are called professional or paid staff members of the congregation, or their immediate family as defined by the constitution. The slate of candidates will be submitted by the Nominating Committee to the Congregation Council.

C13.05. When a senior pastor vacancy occurs, a Call Committee of eight voting members shall be elected by a simple majority by the congregation at a special meeting called for that purpose. Other pastoral vacancies would include the senior pastor on the committee. Terms of office of committee members will terminate upon installation of the newly installed pastor.

C13.06. A call for an associate pastor, assistant pastor, a pastor with a specified ministry focus, or a rostered lay minister will be issued with concurrence of the Senior Pastor and the Congregation Council in consultation with the Bishop's office, and conducted in a similar manner as written for a pastoral call. In this case, either the Congregation Council or a specially determined selection committee may serve as the Call Committee.

C13.07. The Congregation Council may create additional congregational committees or task teams as the needs arise.

C13.08. Duties of congregation committees and task teams shall be specified in the Continuing Resolutions.

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

C14.01. All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to the congregation oversight and direction. The Congregation Council reserves the right to request reports concerning their membership, policies, activities and finances. All officers of such organizations shall be members of this congregation.

C14.02. Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council. The leadership of such organizations shall be adequately represented by members of this congregation.

## Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION

\*C15.01. Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Congregation Council. If, for any reason, the pastor is unable to administer the admonitions required by a. or b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.

\*C15.02. The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. A member charged with the offense shall appear before the Congregation Council after having received a written citation, at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.

\*C15.03. Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:

- a. censure before the council or congregation;
- b. suspension from membership for a definite period of time; or
- c. exclusion from membership in this congregation.

Disciplinary actions b. and c. shall be delivered to the member in writing.

\*C15.04. The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.

\*C15.05. Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.

\*C15.06. For disciplinary actions in this congregation, “due process” shall be observed as specified in 20.41.04. In the *Constitution, Bylaws and Continuing Resolution of the Evangelical Lutheran Church In America*.

\*C15.07. No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.

\*C15.10. Adjudication

\*C15.11. When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## **Chapter 16. BY-LAWS**

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

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

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

\*C16.04. Approved changes to the by-laws shall be sent by the secretary of this congregation to the Synod.

## Chapter 17. AMENDMENTS

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

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

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

\*C17.03. Any amendments to this constitution that result from the processes provided in \*C17.01. and \*C17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and by-laws of the Evangelical Lutheran Church in America or the constitution of the Western Iowa Synod of the ELCA.

\*C17.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations –as most recently* amended by the Churchwide Assembly--by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments at least 30 days prior to the meeting. Upon the request of 25 voting members of the congregation, the Congregational Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 18. CONTINUING RESOLUTIONS**

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

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

## **Chapter 19. INDEMNIFICATION**

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