

**Constitution Updates, Muhlenberg Lutheran Church**  
**General Background to Consider**  
**October 2023**

We have a Constitution, Bylaws, and Continuing Resolutions. They have different functions and different levels of difficulty to implement a change.

Functions:

- Constitution: The least flexible. Should reflect a generational view of the church
- Bylaws: relate to specific practices and details of each congregation's organization, operation, and life (as do continuing resolutions) but should be seen in a five- or ten-year frame.
- Continuing Resolutions: The most flexible; intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation.

Changing them:

- Constitution: Can be amended by a two-meeting process: approved by a majority at meeting #1 and ratified without change at meeting #2 by two-thirds majority
- Bylaws: Currently, can be amended at a single meeting by a majority; ELCA recommends changing this to can be amended at a single meeting with a two-thirds majority.
- Continuing Resolutions: Can be enacted or amended by majority vote at a meeting of the congregation OR a two-thirds vote of Congregation Council

The November meeting will include a vote on amendments to the Constitution and to align the Bylaws with ELCA recommendations. In January, we can confirm the amendments to the Constitution through a second vote. No votes on Continuing Resolutions are needed at this time.

We will be moving the Bylaws to the constitutional provisions in which they apply, per the ELCA Model Constitution's guide. The move will not be reflected in the clean copy of the Constitution, though the new placement is noted by each individual bylaw. Once the second vote to approve amendments is complete, the final version will reflect the inclusion of bylaws at their appropriate spot.

## Proposed Revisions to the Constitution

### ELCA required changes

- Preamble: Replace “church of Christ” with “Church of Christ”
- C3.02: Add “This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.” (Addition requires re-numbering all subsequent sub-sections of C3)
- C3.03: Change: “This church” to “The Evangelical Lutheran Church in America”
- C3.04: Add: “This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God’s mission in the world.” (Addition requires re-numbering all subsequent sub-sections of C3)
- C4.04: Add: “Such descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.”
- C4.05: Replace: “This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.” with “This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.”
- C5.03: Lowercase all leading letters of each numbered section
- C5.03: Add to c: “a minister of Word and Service”
- C5.03: Add to d: “a minister of Word and Service” and delete “associates in ministry, deaconesses, and diaconal ministers” and replace “applicable policy” with “constitution”
- C6.03: In c, replace “the clergy roster” with “the roster of Ministers of Word and Service”
- C6.03: In d, replace “associates in ministry, deaconesses, and diaconal ministers” with “ministers of Word and Service”
- C6.04: In c, add “or in accordance with provision 9.23 of the constitution and bylaws of the Evangelical Lutheran Church in America.”
- C6.04 Add d “The Virginia Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to +S13.24 of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.” (Addition requires re-numbering subsequent sub-sections of C6.04)
- C6.05: In a, modify “a” to “two” and “Such” to “The first such” and “he or she is a voting member” to “the bishop and/or bishop’s designees are voting members” and “the” to “this” and “the bishop and the bishop’s designees, if any” to “they” and add “first”

- C6.05: In b, modify “The” to “Within 10 days after the resolution has been voted upon at the first meeting, the” and “mail a copy” to “send copies” and add “and certification” and modify “the” to “this” and delete “This notice shall be submitted within 10 days after the resolution has been adopted.”
- C6.05: In c, add “If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting” and lowercase “the” (at original start of sentence) and modify “the” to “this” and replace “synod of the notice” with “bishop of the attestation and certification”
- C6.05: In d, modify “still seeks to terminate” to “is still considering termination” and add “with the church” and “second” and modify “mailed” to “sent” and modify “he or she is a voting member” to “the bishop and/or bishop’s designees are voting members” and “the” to “this” and “the bishop and the bishop’s designees, if any” to “they” and add “second”
- C6.05: Replace f with “Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case \*C7.04. shall apply.”
- C6.05: Replace g with “This congregation shall abide by these covenants by and among the three expressions of this church:
  - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
  - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synod approval before terminating their membership in this church.
  - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- C6.05: Delete h and i (requires re-numbering subsequent sub-section of C6.05)
- C6.05: In new h, replace “another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation” with “or” and modify “that second” with “the” and add “at which the two-thirds vote was not achieved.”
- C6.06: Replace “effected” with “taken.”
- C7.02: Add: “or pursuant to 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America,”
- C7.03: Delete “a two-thirds majority of” and add “, provided the process for termination of relationship in \*C6.05. has been followed.”

- C7.04: Delete “a two-thirds majority of” and modify “established synodical process” to “process established by the synod” and add “In neither case does title to this congregation’s property transfer to the synod.”
- Add “C7.05: Notwithstanding the provisions of \*C7.02. and \*C7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
  - a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the Virginia Synod—reconvey and transfer all right, title, and interest in the property to the synod.”
  
- C8.02.d: Delete “or persons who wish to retain a relationship with this congregation while being members of other congregations”
- C8.02.d: Modify “They” to “These individuals” and “eligibility for elected offices or membership on the Congregation Council of this congregation.” to “other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.”
  
- Chapter 9 title changed from “The Pastor” to “The Rostered Minister”
- C9.02: Modify “clergy roster” to “roster of Ministers of Word and Sacrament” and add “a candidate for the roster of Ministers of Word and Sacrament” and modify “synodical” to “synod”
- C9.03: In a, modify “ordained minister” to “minister of Word and Sacrament” and lowercase all lead words for subcategories and add “seek out and encourage qualified persons to prepare for the ministry of the Gospel; impart knowledge of this church and its wider ministry through available channels of effective communication; witness to the Kingdom of God in the community, in the nation, and abroad;” and modify “calling for justice and proclaiming God’s love for the world.” to “advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.”
- C9.03 In b, modify “ordained minister” to “pastor” and lowercase all lead words for subcategories and modify in #2 “Supervise” to “relate to” and add “#4” and add “endeavor to increase the support given by the congregation to the work of the churchwide organization and of the ELCA; and encourage adherence to covenantal relationship with this church as expressed in the Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.”

- C9.03 Delete all of 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) and of the Virginia Synod of the ELCA.
- C9.05: Add “The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:”
- C9.05: In a, add “the pastor’s” and modify “synodical” to “synod” and add “any of”
- C9.05: In a and 4, modify “Physical disability or mental incapacity of the pastor;” to “Inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;”
- C9.05: In a and 6, modify “roster of ordained ministers” to “roster of Ministers of Word and Sacrament”
- C9.05: In b, delete “physical” and “mental”
- C9.05: In b and 1, modify “in his or her” to “, who has”
- C9.07: Replace “ordained” with “rostered”
- C9.08: Delete “related to the Evangelical Lutheran Church in America”
- C9.11: Modify “the” to “this” and include punctuation changes to align with model constitution
- Added C9.21 through C9.31
- C15.02: Modify “three lay persons and two clergy” with “three laypersons and two rostered ministers”
- C15.11: Modify to read: “When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president [vice president] of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop’s consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee’s efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council’s decision shall be final.”
- C17.02 Modify “majority” to “two-thirds”

- C18.03 Add “Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.”

### **ELCA recommended changes**

- C1.02 Modify “this congregation” to “congregation of Muhlenberg Evangelical Lutheran Church”
- C5.03 In e, switch 17 and 16 to reflect re-alignment of Amendments to Constitution as section 16 and amendments to bylaws as Ch. 17
- C5.05: Add: “This congregation shall have a mission endowment fund that will operate as specified in this congregation’s continuing resolutions. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.”
- C8.02 Add e to reflect seasonal members as a membership category:
 

“**Seasonal** members are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:

  - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
  - 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
  - 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;
  - 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
  - 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
  - 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.”

- C9.15 Add “Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contact between this congregation and the pastor in a form proposed by the synod bishop and approved by the this congregation.”
- C10.02 Modify “synodical” to “synod”
- C10.08 Add “This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.”
- C12.02 Change “prior to the date they assume office” to “at a time appointed by council.”
- C12.04 In d, change “pastor” to “rostered minister”
- C12.04 Add “j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.”
- C12.05 In e modify “synodical treasurer” to “synod”
- C12.08 Modify “appointment and supervision of the salaried lay workers of this congregation” to “employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect this congregation’s responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.”
- C12.11 Modify “a” to “at”
- C12.12 Modify “pastor(s)” to “senior pastor” and “”person(s)” to “senior pastor or interim pastor” and add “Chronic or repeated absence of the [senior] pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synod bishop.”
- C12.13 Add: “...as long as there is an opportunity for simultaneous aural communication or its equivalent.”
- C3.01 Delete “They may act with the authority of the Congregation Council during the interim between Council meetings”
- Add “C13.08. The senior pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of this congregation, except the Nominating Committee.”
- Our previous Chapter 16 and Chapter 17 will switch to align with the model constitution. All numbering has been switched accordingly.

### **Council-recommend content changes**

- C10.04 Change: “Fifty voting members shall constitute a quorum.” to “Ten percent of voting members, or 50 members, whichever is fewer, shall constitute a quorum.”
  - Council recommends this update to allow quorums to reflect the size of the congregation at the time of the meeting.
- C12.05 In c and d, replace “\$5,000 annually” with “\$15,000 annually”
  - Council recommends this update to reflect inflation in costs. This line allows the Council to respond quickly to emergency expenses, but prevents the congregation from going into significant debt without the full congregation’s approval.

### **Proposed Revisions to the Bylaws**

- Grammatical consistency of “bylaws” rather than “by-laws” was applied throughout to conform to ELCA standards. Other grammar to be consistent with ELCA standards has been applied.
- All Items in Bylaws have transitioned to reflect the Constitutional coding connected to that subject. They will be placed in the Constitution, under their specific code, per ELCA standards. Bylaws cannot be organized in a separate section or in a separate document.
- Add “C4.05.01. The mission of Muhlenberg Lutheran Church is to equip all people to live out Christ’s love. The vision of Muhlenberg Lutheran Church is to be a Wellspring of God’s Grace in Jesus Christ. We strive to be Open Authentic Relational Serving”

### **Revisions to the Continuing Resolutions**

- Pages 37, 38, and 39 from the current Constitution will be removed from the Constitution. Continuing Resolutions are required to be codified in a similar fashion and will be composed (and voted on) by each new Congregational Council at their first meeting.