

**Constitution and Bylaws
Muhlenberg Lutheran Church
Harrisonburg, Virginia**

Ratified by Congregation at Congregational Meeting January 31, 2016

Table of Contents

	<u>Page</u>
Preamble	1
Chapter 1 Name	1
Chapter 2 Confession of Faith	1
Chapter 3 Nature of the Church	2
Chapter 4 Statement of Purpose	2
Chapter 5 Powers of the Congregation	4
Chapter 6 Church Affiliation	5
Chapter 7 Property Ownership	8
Chapter 8 Membership	9
Chapter 9 The Pastor	11
Chapter 10 Congregation Meeting	14
Chapter 11 Officers	15
Chapter 12 Congregation Council	15
Chapter 13 Congregational Committees	18
Chapter 14 Organizations within the Congregation	18
Chapter 15 Discipline of Members	19
Chapter 16 Bylaws	21
Chapter 17 Amendments	21
Chapter 18 Continuing Resolutions	22
Chapter 19 Indemnification	22

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

- C1.01. The name of this congregation shall be Muhlenberg Evangelical Lutheran Church, Harrisonburg, Virginia.
- C1.02 For the purpose of this constitution and the accompanying bylaws, the Muhlenberg congregation is hereinafter designated as "this congregation."

Chapter 2. CONFESSION OF FAITH

- *C2.01. This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- *C2.02. This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- *C2.03 This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- *C2.04. This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.

- *C2.05. This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- *C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07. This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God’s mission in the world.

Chapter 3.
NATURE OF THE CHURCH

- *C3.01. All power in the church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02. 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. This church, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- *C3.03. The name Evangelical Lutheran Church in America (ELCA or “this church”) as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

Chapter 4.
STATEMENT OF PURPOSE

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

- *C4.02. To participate in God's mission, this congregation as a part of the Church shall:
- a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the spirit gives.

- *C4.03. To fulfill these purposes, this congregation shall:
- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.

- f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
- h. Foster and participate in interdependent relationships with other congregations, the synod, and the Evangelical Lutheran Church in America.
- i. Foster and participate in ecumenical relationships consistent with church wide policy.

*C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational groups and shall review their actions.

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

*C4.06. References herein to the nature of the relationship between the three expressions of this church – congregations, synods, and the churchwide organization – as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 5.

POWERS OF THE CONGREGATION

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

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

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

- a. Call a pastor as provided in Chapter 9;

- b. Terminate the call of a pastor as provided in Chapter 9;
- c. Call or terminate the call of associates in ministry deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
- d. Adopt amendments to the constitution as provided in Chapter 17, amendments to the Bylaws, as specified in Chapter 16, and continuing resolutions as provided in Chapter 18.
- e. Approve the annual budget;
- f. Acquire real and personal property by gift, devise, purchase, or other lawful means;
- g. Hold title to and use its property for any and all activities consistent with its purpose;
- h. Sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- i. Elect its Congregation Council and require the members of the council to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions;
- 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 the Virginia Synod of the Evangelical Lutheran Church in America.

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 Virginia Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

- *C6.02. This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- *C6.03. This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community.
 - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
 - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited to ordained ministers of the Evangelical Lutheran Church in America or to contracting for pastoral services with an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
 - d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
 - e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America or with the constitution of the synod.
- *C6.04. Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
- a. This congregation takes action to dissolve.
 - b. This congregation ceases to exist.
 - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
 - d. This congregation follows the procedures outlined in C6.05.

- *C6.05. A congregation may terminate its relationship with this church by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
 - b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
 - c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
 - d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
 - e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
 - f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly.
 - g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05 shall be required to receive Synod Council approval before terminating their membership in this church.

- h. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05, to receive synodical approval before terminating their membership in this church.
- i. Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05, to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- j. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of *C6.05 and may begin no sooner than six months after that second meeting.

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

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

Chapter 7

PROPERTY OWNERSHIP

*C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Virginia 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 Virginia Synod.

- *C7.04. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in *C6.05, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.
- C7.06. The property of the congregation shall be held in trust by four trustees elected by the congregation and appointed by the court according to the laws of the Commonwealth of Virginia.
- C7.07. Trustees shall serve for a term of five years, without limit as to number of terms. However, the office shall be declared vacant upon the death, resignation, or failure to continue as a voting member on the part of the person serving as trustee. The trustees shall abide by the decisions of the congregation.
- C7.08. When there is a vacancy in the office of trustee, the congregation shall elect a person who is a voting member and who is of legal age and the officers shall recommend to the court that the person so elected be appointed trustee.

Chapter 8

MEMBERSHIP

- *C8.01. Members of this congregation shall be those baptized persons on the roll of the 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 churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

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

- a. Death;
- b. Resignation
- c. Transfer or release
- d. Disciplinary action in accordance with ELCA constitutional provision 20.40 and the accompanying bylaws; or
- e. Removal from the roll due to inactivity as defined in the bylaws. Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

Chapter 9.

THE PASTOR

- *C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.02. Only a member of the clergy roster of the Evangelical Lutheran Church in America or who has been recommended for it 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 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) and of the Virginia Synod of the ELCA.
- *C9.04. The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call which shall be attested by the bishop of the synod.
- *C9.05. a. The call of a congregation, when accepted by a pastor, shall constitute a

continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:

- 1) Mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) Resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 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;
 - 4) Physical disability or mental incapacity of the pastor;
 - 5) Suspension of the pastor through discipline for more than three months;
 - 6) Resignation or removal of the pastor from the roster of ordained ministers of this church;
 - 7) Termination of the relationship between this church and the congregation;
 - 8) Dissolution of the congregation or the termination of a parish arrangement; or
 - 9) Suspension of the congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) The bishop in his or her sole discretion may investigate such conditions personally together with a committee of two ordained ministers and one layperson, or
 - 2) When such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if

appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting 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.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

- *C9.06. At a time of pastoral vacancy, an interim pastor may be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- *C9.07. During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- *C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation 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 C9.05a. and call a pastor for a specific term of years. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term the bishop or a designated representative of the bishop, shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of C9.05.a
- *C9.12. The pastor of this congregation:

- a. Shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - b. Shall submit a summary of such statistics annually to the synod; and
 - c. Shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- *C9.13. The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- *C9.14 The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

Chapter 10

CONGREGATION MEETING

- C10.01. The annual meeting of this congregation shall be held at a time specified in the bylaws.
- C10.02. A special congregation meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president upon the written request of one-tenth of the voting members. The president of the Congregational Council shall call a special meeting upon request of the synodical bishop. 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 by mail or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.
- C10.04. Fifty voting members shall constitute a quorum.
- C10.05. Voting by proxy or by absentee ballot shall not be permitted.

- C10.06. All actions by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution.
- C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

Chapter 11. OFFICERS

- C11.01. The officers of this congregation shall be a president, vice-president, secretary, and treasurer.
- a. Duties of the officers shall be specified in the 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.
- C11.02. The officers shall be elected by the Congregation Council by written ballot and shall serve for one year except for treasurer whose term shall be three years. The terms shall begin on January 1 and end on December 31.
- C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12 CONGREGATION COUNCIL

- C12.01. The voting membership of the Congregation Council shall consist of the pastor(s) and not more than 20 members of the congregation. Any voting member of the congregation may be elected, 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.
- C12.02. The members of the Congregation Council, except the pastor(s) shall be elected at a legally called meeting of the congregation during the month of November. Their term of office shall be for 3 years, with the term of office beginning on January 1 and ending on December 31. Newly elected Congregation Council members shall be installed at worship prior to the date they assume office.

- C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council may elect a successor until the next annual meeting.
- C12.04. The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:
- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
 - b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
 - c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
 - d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.
 - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
 - f. To promote a congregational climate of peace 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 units of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
 - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
- C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the administrative board of this congregation, and as such shall be responsible for maintaining and

protecting its property and the management of its business and fiscal affairs.

- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council may enter into contracts and authorize expenditures of up to \$5,000 for items not included in the budget. Exceptions can be made when funds are received for designated purposes.
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations more than \$5,000 in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and the church wide organization.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

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

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

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

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

C12.11. The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of a least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.

C12.12. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor(s) or interim pastor,

except when such person(s) requests or consents to be absent and has given prior approval to an agenda for a particular regular or special meeting, which shall be the only business of the meeting.

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

Chapter 13

CONGREGATION COMMITTEES

- C13.01. The officers of this congregation and the pastor(s) shall constitute the **Executive Committee**. They may act with the authority of the Congregation Council during the interim between Council meetings.
- C13.02. A **Nominating Committee** of six voting members of this congregation, at least two of whom shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election.
- C13.03. When a pastoral vacancy occurs, a **Call Committee** of six voting members shall be appointed by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.
- C13.04. Other congregational committees may be formed as the need arises, by decision of the Congregation Council.
- C13.05. Duties of committees of this congregation shall be specified in the bylaws or 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 its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.
- C14.02. Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after

authorization has been given by the Congregation Council and as may be specified in continuing resolutions.

Chapter 15.

DISCIPLINE OF MEMBERS AND ADJUDICATION

- *C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.
- *C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two clergy). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- *C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to

decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

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

***C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:

- a. suspension from the privileges of congregation membership for a designated period of time;
- b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
- c. termination of membership in the congregation; or
- d. termination of membership in the congregation and exclusion from the church property and from all congregation activities.

***C15.06.** The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s) and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.

***C15.07.** No member of the congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.

***C15.10. Adjudication**

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

resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16

BYLAWS

- *C16.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution
- *C16.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- *C16.03. Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17

AMENDMENTS

- *C17.01. Unless provision *C17.04 is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least one tenth of the 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 a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C17.02. An amendment to this constitution, proposed under *C17.01, shall:
 - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;

- b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
- c. have the effective date included in the resolution 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 synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.

*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 of the Evangelical Lutheran Church in America as most recently amended by the Churchwide Assembly. Such amendments may be approved by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of (10%) voting members of the congregation, the Congregation 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 a two-thirds vote of all voting members of the Congregation Council.

Chapter 19

INDEMNIFICATION

*C19.01 Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a

Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration or investigative proceeding.

THIS ENDS THE CONSTITUTION

BYLAWS

SECTION I MISSION STATEMENT

*The mission of Muhlenberg Lutheran Church is to be a
Wellspring of God's Grace in Jesus Christ
Open Authentic Relational Serving*

SECTION II CONGREGATIONAL MEETINGS

- Item 1.** The annual congregational meeting shall be held in January on a date selected by the Congregation Council.
- Item 2.** At the annual meeting, reports shall be submitted by the pastor(s), the congregational officers, the congregational committees, and any other organization or agencies as the Congregation Council may direct. The reports should include all financial and statistical data which are necessary for the official parochial report. The report of the secretary of the Congregation Council shall include a summary of actions of council and actions of the congregation taken in the year.
- Item 3.** A regular meeting of the congregation shall be held in November on a date selected by the Congregation Council for the purpose of electing council members, considering the congregational budget, and transacting any other business desired by the Congregation Council.
- Item 4.** The Congregation Council shall review and give approval to the minutes of congregational meetings at a subsequent regular council meeting.

SECTION III ELECTIONS

- Item 1.** By the October meeting of the Congregation Council, the Nominating Committee shall present a slate of nominees for election to the Congregation Council. The Nomination Committee shall attempt to place in nomination at least two candidates for each position to be filled. These nominations shall be reported to the congregation at least two weeks prior to the November congregational meeting.

- Item 2.** Congregation Council members will be elected by a majority vote. If the required number of Congregation Council members is not elected on the first ballot, the following procedure will be used on succeeding ballots to complete the election process. For each position to be filled, two nominees with the highest number of votes in the preceding ballot will be identified and placed on the next ballot upon which a vote is taken.
- Item 3.** Following the annual elections, the newly elected Congregation Council members shall attend the December council meeting.
- Item 4.** A slate of laypersons to serve as voting members to the Virginia Synod Assembly will be presented to the congregation by the Congregation Council at a meeting of the congregation prior to the Assembly. Should an elected member be unable to serve, Congregation Council or Executive Committee may appoint another layperson to fill that position

SECTION IV CONGREGATIONAL OFFICERS

- Item 1.** At its organizational meeting, the Congregation Council shall elect from its lay membership a president, a vice-president, and a secretary, who will serve both the council and the congregation in their several capacities and together with the pastor(s) and treasurer serve as the executive committee.
- Item 2.** All officers shall be voting members of the congregation. If any of them ceases to be such that office shall at once be declared vacant by the council, which shall fill the vacancy for the unexpired term.
- Item 3.** The president shall preside at meetings of the congregation and the Congregation Council. In event of the president's inability to serve, the vice-president shall preside.
- Item 4.** The secretary shall insure that accurate minutes of all meetings of the congregation and of the council are kept in a volume provided by the congregation, which shall be preserved permanently in its archives.
- Item 5.** The financial secretary shall be elected by the Congregation Council to serve a three-year term and shall receive and keep record of all income from contributing members and other sources
- Item 6.** The treasurer shall maintain financial records for the congregation and shall receive from the financial secretary all records of receipts and deposits and disburse them on proper orders, making monthly remittance of benevolence to the treasurer of the synod.

- Item 7.** The treasurer shall make written reports of financial transactions monthly to the Congregation Council and to the congregation at its annual meeting. All financial officers shall give corporate surety in amounts determined by the Congregation Council, for which the premium shall be paid by the congregation. Fidelity coverage provided by the Evangelical Lutheran Church in America shall be deemed a fulfillment of this requirement.

SECTION V FINANCE

- Item 1.** The fiscal year of the congregation and its organizations shall be the calendar year.
- Item 2.** Any special fund-raising project carried out in the name of the congregation or in the name of any organization of the congregation shall adhere to the current fundraising policy previously approved by the Congregation Council.
- Item 3.** Each congregational committee shall submit to the finance committee by a mutually agreed upon date a schedule of its anticipated expenditures for the following year.
- Item 4.** The Congregational Council shall be responsible for having an audit of all financial records conducted annually.

SECTION VI ORGANIZATIONAL STRUCTURE

- Item 1** **The congregational meeting** is the highest authority within the congregation and makes decisions as defined in this constitution and by-laws.
- Item 2** **The Congregation Council** acts on behalf of the congregation as needed between meetings in accordance with the authority defined in this constitution and by-laws.
- Item 3** **The Executive Committee** of the Congregation Council acts on behalf of the Council as needed between meetings in accordance with the authority defined in this constitution and by-laws.
- Item 4** **The Pastor(s)**, acting on behalf of the Congregation Council, have authority over all church staff and may share and delegate supervisory responsibility at their discretion. The pastor(s) also serve as the primary authorities in spiritual, scriptural and confessional matters in accordance with their Call, the ELCA and VA Synod and the authority defined in this constitution and by-laws.

SECTION VII
Congregational Committees and Task Forces

- Item 1** At its first meeting in each congregational year, the Congregation Council shall appoint standing committees and such other committees and task groups as needed to provide responsible and dynamic ministry and mission in harmony with the congregation's mission. Each standing committee shall be composed of one or more members of the council and, in addition, other voting members of the congregation. Although appointed by and responsible to the Congregation Council, these committees shall be recognized as representative of the interests of, and performing essential services for, the congregation as a whole. The pastor(s) shall have voice and vote in all committees and task groups.
- Item 2** Except as stipulated in the following paragraphs, the duties of all committees and task groups shall be assigned by the Congregation Council in their Continuing Resolutions, along with such instructions as in its judgment are in the best interests of the congregation. All action of committees shall be subject to review by the Congregation Council.

THIS ENDS THE BY-LAWS

This is an example of what could be included in the Continuing Resolutions for Committees

Standing Committees:

Christian Formation

To create and oversee programs, activities and groups to foster Christian formation for all ages.

Congregational Care

To create and oversee programs, activities and groups to offer care and support to members.

Endowment

To create and oversee programs, activities and education to promote, expand and manage the Mission Endowment Fund of this congregation. (See Endowment Policy for committee member responsibilities, terms and appointment.)

Evangelism (Welcome)

To create and oversee programs, activities and education to reach out to the unchurched, welcome all visitors and integrate new members into the life of our congregation.

Fellowship

To create and oversee programs, activities and groups to help members and friends develop meaningful relationships and enjoyment through our congregation.

Finance

To create and oversee programs and systems to safely and effectively monitor and manage the finances of the congregation, making recommendations to the Congregation for an annual spending plan, policies and practices as needed.

Lutheran Campus Ministry

To create and oversee programs, activities and education in accordance with the ELCA Campus Ministry to foster an active and effective ministry with college students in the greater Harrisonburg area.

Mutual Ministry

To create and oversee education and communication to facilitate a healthy and confidential context in which the pastor(s) and committee members can share concerns and celebrations about ministry. Six members will serve in addition to the pastor(s). Two members will be selected by the pastor(s) from a list of nominees put forth by the Congregation Council each year for a 3yr term.

Property

To create and oversee activities and education to effectively and efficiently maintain and manage the property of the congregation, including support of the sexton(s) and oversight of remodeling and construction projects.

Safeguarding

To create and oversee policies, programs and education to protect the most vulnerable in our midst, especially children, youth and vulnerable adults. (See *Safeguarding God's People* policy for full details of the full range of responsibilities.)

Second Home Board

To create and oversee the ministry of Second Home, a before and after school program of the congregation. (See Second Home policies and Board manual for full details of responsibilities.)

Social Ministry

To create and oversee programs, education, activities and fund-raising for all local and global mission supported through our congregation.

Stewardship (Returning Thanks)

To create and oversee programs, education and activities to encourage and empower members and friends to give “with joy and thanksgiving” of the time, talent and treasure God has first given to them in support of the ministry and mission of this congregation.

Worship & Music

To create and oversee programs, education and activities (including all choirs, worship leaders and servants, etc) to maintain excellent worship and music offered to the glory of God through this congregation and to the wider community.

Youth

To create and oversee programs, education and activities to maintain excellent ministry and mission for and with middle and high school youth in this congregation and the wider community.

Be it resolved that on this date Nov 20, 2017, the Church Council of Muhlenberg Lutheran Church in Harrisonburg, Virginia, hereby has determined that funds received through bequests as not-designated for a specific purpose be divided as appropriate to the following proclamation:

Whereas the Council believes it is in the best interest of the Congregation, the endowment of Muhlenberg Lutheran should continue to grow;

Whereas the Council believes it is in the best interest of the Congregation, there should be a portion of funding designated to property maintenance, repair, and replacement;

Whereas the Council believes it is in the best interest of the Congregation to care for the Greater Church Community, a portion of funding should be designated to local and global mission support;

Whereas the Council believes it is in the best interest of the Congregation and the Greater Church, and whereas the Church supports tithing, a portion of funding should be designated as benevolence.

Therefore be it resolved the Church Council of Muhlenberg Lutheran Church hereby creates a policy that shall be adhered to here forth stipulating the following:


The Church Council of Muhlenberg Lutheran Church is committed to the designation of fifty percent (50%) of all non-designated proceeds from bequests to support the growth of the endowment at the Church.

The Church Council of Muhlenberg Lutheran Church is committed to the designation of twenty percent (20%) of all non-designated proceeds from bequests to support the growth of a property fund.

The Church Council of Muhlenberg Lutheran Church is committed to the designation of twenty percent (20%) of all non-designated proceeds from bequests to support Local and Global Missions.

The Church Council of Muhlenberg Lutheran Church is committed to the designation of ten percent (10%) of all non-designated proceeds from bequests to support benevolence of the Evangelical Lutheran Church of America.

This resolution is signed this day.....


COUNCIL PRESIDENT