

CONSTITUTION

WITH EMBEDDED BYLAWS AND CONTINUING RESOLUTIONS

BETHEL LUTHERAN CHURCH

CUPERTINO, CALIFORNIA

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Constitution sections are numbered with two numbers in the form Ca.bb., where a. is the chapter number, and bb. is the section number within the chapter. For example: C1.02. or C10.01.

Sections of this constitution marked by an asterisk (*) are those that are required to be used by congregations in their constitutions by the ELCA without alteration or amendment of the text in any manner.

Bylaws of the congregation appear immediately after the section of the constitution to which they are related. Bylaws are numbered in the form **Ca.bb.cc.**, where **a.** is the chapter number, **bb.** is the section number, and **cc.** is the bylaw number within that section. For example: **C4.05.01.** is the first bylaw listed under Chapter 4, Section 5 of the constitution and **C4.05.02.** is the second.

Bylaws are indented under the Constitution provisions.

Continuing Resolutions of the congregation appear after the section of the Constitution and Bylaw, if any, to which they relate. Continuing Resolutions are numbered in the form **Ca.bb.cyy.**, where **a.bb.** is the chapter and section numbers of the Constitution to which it relates, **c** is the Continuing Resolution number (letter) within that section and **yy.** is the year the Resolution was adopted. For example: **C9.04.A03.** is the first Continuing Resolution listed under Chapter 9, Section 4 of the Constitution. Note also, that it follows bylaw number **C9.04.01.** but is not subordinate to its numbering.

Continuing Resolutions are indented further than the bylaws.

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***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 as a congregation 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 Bethel Lutheran Church.
- C1.02. For the purpose of this constitution and the accompanying bylaws, the Bethel Lutheran Church congregation is hereinafter designated as “this congregation”.
- C1.11. This congregation shall be incorporated under the laws of the State of California.

BYLAWS

- C1.11.01. Bethel Lutheran Church of Cupertino, California is, and shall continue to be, a corporate organization. The members of the congregation are the corporate members. The congregation calls a member or members of the clergy to provide pastoral care, elects officers to provide leadership and oversee its affairs, elects members of the Congregation Council to act as the Board of Directors, and provides for the hiring of staff to execute the activities needed to support its execution of its mission. The congregation retains all authority except that specifically delegated in this constitution and bylaws.
- C1.11.02. The fiscal year of the congregation shall be September 1 through August 31.

CONTINUING RESOLUTIONS

- C1.11.A10. Policies and general procedures governing the officers and congregational organizations shall be documented in the constitution, the bylaws and these continuing resolutions under the direction of the Member at Large of the Congregation Council as needed.
 - a. The expertise of the Executive Committee, the Congregation Council and the various ministries, committees and boards should be used to review proposed policies and procedures and assure integration with their own.
- C1.11.B03. A manual of staff policies and congregational policies requiring administrative support together with any needed supporting procedures to guide the members of the congregation and the staff through the administrative maze supporting the life of the congregation shall be initiated, prepared and maintained under the direction of the Parish Administrator.
 - a. The Parish Administrator is encouraged to utilize the expertise of members of the congregation to prepare and critique proposed staff policies and procedures supporting congregational or staff policies.
 - b. Proposed policies and procedures shall be submitted for review and comment to organizations of the congregation directly interested in a policy or directly affected by a procedure. Comments shall be resolved by the Parish Administrator or his/her designee.
 - c. Proposed staff policies and all administrative procedures shall be submitted to the Lead Pastor for approval.

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. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- *C3.03. 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.
- *C3.04. 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.

- *C3.05. 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, 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 this congregation’s ministry and the ministry of the other expressions 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.

BYLAWS

- C4.03.01. Christ's table is an open table. Therefore, participation in Holy Communion shall be open to all who believe in Jesus Christ as their Lord and Savior and who believe that He is truly present in the sacrament. All children are welcome to the table, and Holy Communion is recommended for all children. To equip families in the faith formation of their children, a Holy Communion class is offered regularly to families who wish to participate.
- C4.03.02. Record of participation in Holy Communion shall be entered into the records of the congregation.
- *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 group and shall review their actions. Such descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.
- *C4.05. This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.

BYLAWS

- C4.05.01. Our Mission is to PRAYERFULLY:
INVITE & WELCOME people into a relationship with God,
GROW & EQUIP one another as devoted followers of Jesus Christ, and
CARE FOR & SERVE others by the power of the Holy Spirit.
- C4.05.02. The congregation shall affirm the mission statement at its annual meeting. It shall be formally reviewed by the Congregation Council from time to time to ensure that it reflects the mission of the congregation in the context of current needs, trends and its understanding of ministry. The review process shall be as set forth in the continuing resolutions.
- *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 this congregation. This 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 a minister of Word and Service;
 - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;

- e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;
 - f. approve the annual budget;
 - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - h. hold title to and use its property for any and all activities consistent with its purpose;
 - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - j. elect its officers, Congregation Council and such members of boards and committees as specified herein and require them to carry out their duties in accordance with the constitution, bylaws and continuing resolutions; and
 - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- *C5.04. This congregation shall elect 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 this congregation and other qualifications shall be as prescribed in guidelines established by the Sierra Pacific Synod of the Evangelical Lutheran Church in America.
- C5.05. This congregation shall have an endowment trust fund that will operate as specified in the articles approved by this congregation. The purpose of the endowment trust fund is to provide for work beyond the operational budget of this congregation.

BYLAWS

C5.05.01. The Charter for the Endowment Trust Fund is delineated in Appendix A.

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 Sierra Pacific 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 roster of Ministers of Word and Sacrament 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 either to calling a candidate approved for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with 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.
 - d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in this 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 is 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 or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.
- d. The Sierra Pacific 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.
- e. 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 intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first 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 this 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 this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the first meeting.
- b. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this 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 send copies of the resolution and certification to voting members of this congregation.
- c. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.
- d. If this congregation, after such consultation, is still considering termination of its relationship with this church, 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 second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the second meeting.
- e. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.
- f. 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.

- g. 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.
- h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above, or fails to achieve the required two-thirds vote of voting members present at this 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 the meeting at which the two-thirds vote was not achieved.

*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 taken.

*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 Sierra Pacific 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 or pursuant to 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America, title to property shall continue to reside in this congregation.

*C7.03. If 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, provided the process for termination of relationship in *C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Sierra Pacific Synod.

*C7.04. If 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 process established by the synod, 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. In neither case does title to this congregation's property transfer to the synod.

*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 Sierra Pacific Synod— reconvey and transfer all right, title, and interest in the property to the synod.

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 this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.
- d. **Associate** members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
- e. **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.

BYLAWS

C8.02.01. Applicants for membership:

- a. Applicants for confirmed membership presenting Letters of Transfer showing them to be confirmed members in good standing in other Lutheran congregations shall be admitted to confirmed membership upon acceptance of their Letters of Transfer by the Congregation Council and the report of their names to the congregation.
- b. Applicants for membership who present evidence of confirmation in a Lutheran congregation but do not have Letters of Transfer shall be admitted to confirmed membership contingent upon determination that they meet the standards of Christian faith and life indicated in the constitution and bylaws and when they have reaffirmed their faith before the congregation.
- c. Adult applicants for membership who present evidence of Christian baptism shall be admitted to confirmed membership subject to the following:
 - 1) They evidence to the Lead Pastor adequate understanding and acceptance of the teachings of the Word of God as confessed by the Lutheran Church, and
 - 2) Participate, at the Lead Pastor's discretion, in a Rite of Confirmation or Affirmation of Faith before the congregation, and
 - 3) Are accepted for confirmed membership by the Congregation Council upon the recommendation of the Lead Pastor.
- d. Children with evidence of Christian baptism shall be received as baptized members of this congregation upon admission of one or both parents or guardians to membership, or by consent of one or both parents or guardians and acceptance by the Congregation Council.
- e. Applicants for membership without evidence of Christian baptism satisfactory to the Lead Pastor shall be received as members only through baptism in a Christian congregation.

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

BYLAWS

C8.03.01. Applicants for membership are expected to attend a New Members' Class prior to consideration by the Congregation Council of their request.

C8.03.02. Procedure for admission:

- a. The Lead Pastor shall identify to the Congregation Council applicants for membership since the last meeting of the Council. The Lead Pastor shall also provide his/her preliminary recommendation for admission and the rationale therefore.
- b. The Lead Pastor shall subsequently provide to the Congregation Council the names of those candidates for membership who have attended the New Member Class together with his/her final recommendation for admission.
- c. The Congregation Council shall act on the membership status of those persons identified pursuant to paragraph C8.03.02b. above in one of the following ways:
 - 1) Admit to confirmed membership those applicants having Letters of Transfer. Such admittance shall be effective upon publication of the names in the church bulletin.

- 2) Admit to confirmed membership those applicants not having Letters of Transfer who have presented evidence satisfactory to the Lead Pastor of confirmation in a Lutheran congregation. Such admittance shall be effective upon the applicants' reaffirmation of faith before the congregation.
 - 3) Admit to baptized membership those applicants with evidence of Christian baptism satisfactory to the Lead Pastor but who have not been confirmed in a Lutheran congregation. Such admittance shall be effective upon publication of the names in the church bulletin.
- d. The Congregation Council shall inform an applicant for membership in writing under the signature of the Council President of the action taken on that applicant's membership request.

*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 Chapter 20 of the constitution and bylaws of the Evangelical Lutheran Church in America; or
- e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.

Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

BYLAWS

C8.05.01. Change in membership status

- a. Members who move away shall be encouraged to transfer their membership. Confirmed members in good standing desiring to change their membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.
 - 1) Those who have transferred their membership who desire to retain a relationship with Bethel shall be designated an Associate Member upon recommendation of the Lead Pastor and approval of the Congregation Council.
- b. Members who are able to but do not attend church services and who have not contributed to the congregational treasury according to the congregation's records during the current or preceding year are subject to reclassification as inactive members. If so reclassified, they shall not be counted in the membership statistics of the congregation. However, their names and records shall be kept in the files for a period of two years thereafter. Such persons shall be encouraged to take part in the congregational life, or to transfer elsewhere, as appropriate. If they resume activity within this two-year period, they shall be restored to the active membership list. If not, they may be removed from the membership roll of the congregation.

- c. Children, neither of whose parents or guardians are active members of the congregation, shall be dropped from the baptized membership roll if they fail to participate in the Christian education program of the congregation.
- d. Members who have been excommunicated or dismissed or who have resigned, and members who have transferred to other Lutheran congregations, or who are definitely known to have become members of other congregations without transfer, have thereby terminated their membership in the congregation and have surrendered all membership rights.

C8.05.02. Procedure:

- a. In May of each year the Lead Pastor shall identify to the Congregation Council all terminated memberships as well as those members who have not attended service, communed or have a contribution of record during the current or preceding years. The Lead Pastor shall also recommend which, if any, of those members so named should not be reclassified as inactive members because of special circumstances.
- b. The Congregation Council shall act on the membership status of those persons identified pursuant to paragraph C8.05.02a. above in one of the following ways:
 - 1) Make no change in membership classification.
 - 2) Reclassify as an inactive member.
 - 3) Remove from the membership rolls those inactive members who have not resumed activity within the two-year period.
- c. The Congregation Council shall inform a member in writing under the signature of the Council President of any action taken that affects that member's membership status.

CHAPTER 9. ROSTERED MINISTER

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

BYLAWS

C9.01.01. When the congregation has voted to call a pastor, it shall issue a Letter of Call to the pastor-elect in a form approved by The Evangelical Lutheran Church in America. It shall be signed by the President of the Congregation and the Communications Officer of the Congregation and shall be attested by the signature of the Bishop of the Synod.

C9.01.02. Clergy qualified according to Chapter 9 of the constitution may occasionally perform pastoral functions in this congregation subject to the request of the Lead Pastor and the approval of the Congregation Council.

*C9.02. Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod 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 minister of Word and Sacrament shall:

- 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
 - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
 - 8) 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 pastor with a congregational call shall, within the congregation:
- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) relate to all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline;
 - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the Sierra Pacific Synod; and
 - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

*C9.04. 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.

BYLAWS

- C9.04.01. After six (6) years of service at Bethel, a full time pastor is eligible for an extended study leave of twelve (12) weeks. A request for such sabbatical shall be presented to the Congregation Council for approval at least six (6) months in advance.
- a. During an approved sabbatical, the congregation shall continue to be responsible for the pastor's total compensation and shall defray any cost of pulpit supply or other pastoral services.

CONTINUING RESOLUTIONS

- C9.04.A03. A request to the Congregation Council for approval of a period of extended study shall include the following:
- a. A summary of the studies to be pursued,
 - b. Recommendations for coverage of his/her pastoral duties during his/her absence,
 - c. The acknowledgement of the expectation of the congregation that the requester shall continue to serve as pastor/a pastor of Bethel Lutheran Church for at least one (1) year after return from the sabbatical.
- C9.04.B03. A sabbatical normally shall be taken in the seventh year of service. It may be delayed.

- a. If delayed, the study period will be extended by two weeks for each year of delay up to a maximum of sixteen (16) weeks. However, the next six years term will not begin until the sabbatical accrued is completed.

C9.04.C03. All costs of the study including the cost of tuition and books, travel and living expenses shall be the responsibility of the pastor.

- a. The pastor may request reimbursement for amounts expended for tuition and books up to any balance remaining for those line items in the budget at the end of the fiscal year.

C9.04.D03. The pastor may extend the leave by combining it with that year's normal vacation and/or continuing education leave.

C9.04.E03. The pastor shall submit to the Congregation Council within a month of his/her return from a sabbatical a synopsis of the experience.

C9.04.F08. Funding and leave for continuing education can be accumulated toward a sabbatical for a maximum period of three years.

*C9.05. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:

- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod 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 this 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 Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this 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 rostered 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 this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered 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.

When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon removal of the disability and 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 this 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 this 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 this 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, this congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds 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 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 discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

BYLAWS

C9.05.02. If a pastor receives a call to another congregation, the called pastor shall inform the Congregation Council prior to making an announcement to the congregation.

- *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 this 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 rostered minister 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.
- *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, this 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 this 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 this congregation;
- b. shall submit a summary of such statistics annually to the synod;
- 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.

BYLAWS

C9.12.01. Lead Pastor

- a. Is responsible for the supervision of full-time, part-time and temporary staff members and the coordination of the staff with the overall ministry and programs of the congregation.
- b. Serves as executive director/administrative officer of the Congregation Council.
- c. Is accountable to the congregation to carry out the terms of the constitution of Bethel Lutheran Church.
- d. Provides ongoing guidance and support to the Congregation Council, Executive Committee, and Ministry Groups.
- e. Prepares jointly with the President agendas for meetings of the Congregation Council, the congregation and the Executive Committee.

C9.12.02. Additional Pastor(s)

- a. Is (are) accountable to the Lead Pastor to carry out given assignments and duties.
- b. Is (are) accountable also to the congregation to carry out the terms of the constitution of Bethel Lutheran Church.

CONTINUING RESOLUTIONS

C9.12.A03. The Lead Pastor shall provide to the Congregation Council at its May meeting the membership record for review and acceptance. This record shall contain the names and class of membership of all active and inactive members as of the last review and show additions, removals and status changes. After acceptance, a current roster of active and inactive members including their class of membership shall be prepared as the official roster.

- *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 this 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 call or approval of a request for change in roster status.
- C9.15. 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 contract between this congregation and the pastor in a form proposed by the synod bishop and approved by this congregation.
- *C9.21. Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee

elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.

- *C9.22. Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.
- *C9.23. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
 - a. Be rooted in the Word of God, for proclamation and service;
 - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
 - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
 - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
 - f. Practice stewardship that respects God's gift of time, talents, and resources;
 - g. Be grounded in a gathered community for ongoing diaconal formation;
 - h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
 - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- *C9.24. The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.25. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
 - a. The call of this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod 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 deacon, 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 ministry of Word and Service effectively in this congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the deacon;
 - 5) suspension of the deacon through discipline for more than three months;
 - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.

- b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service 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 rostered 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 this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered 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 deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon 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 this 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 deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon'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 this congregation and by the deacon, if appropriate. If the deacon 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 deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds 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 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 discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

- *C9.26. This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon 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.
- *C9.27. When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.28. With the approval of the bishop of the synod, this congregation may depart from *C9.25.a. and call a deacon 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 deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.25.a.
- *C9.29. The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.

- *C9.31. The deacon(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.

CHAPTER 10. CONGREGATION MEETINGS

- C10.01. The annual Congregational Meeting and other regular meetings of this congregation shall be held at a time specified in the bylaws.

BYLAWS

- C10.01.01. The Annual Meeting of the congregation shall be held in two parts.

- a. Part I of the Annual Meeting shall be held in the winter. The order of business at that meeting shall include:
 - 1) Opening devotion.
 - 2) Affirmation of the Mission Statement.
 - 3) Approval of minutes of the last meeting.
 - 4) Reports of pastors, committees, the president and treasurer.
 - 5) Election of officers of the congregation, other members of the Congregation Council and other elected positions.
 - 6) Election of members of the Nominating Committee.
 - 7) Election of members of the Audit Committee.
 - 8) Election of Synod and Parish Assembly delegates.
 - 9) Old business.
 - 10) New business.
 - 11) Closing prayer.
- b. Part II of the Annual Meeting shall be held in the summer. The order of business shall include:
 - 1) Opening devotion.
 - 2) Approval of the minutes of the previous meeting.
 - 3) Reports of the Fiscal Officer
 - 4) Adoption of the budget.
 - 5) Old business.
 - 6) New business.
 - 7) Closing prayer.

- 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 of this congregation upon the written request of ten percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synod 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 members at least 10 days in advance of the date of the meeting.
- C10.04. Ten percent of the voting members shall constitute a quorum.
- C10.05. Voting by proxy or by absentee ballot shall not be permitted.
- C10.06. All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.
- C10.08. 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. To the extent permitted by state law, notice of all meetings may be provided electronically.

CHAPTER 11. OFFICERS

- C11.01. The officers of this congregation shall be a President, President Elect, Fiscal Officer and Communications Officer.
- C11.02. This congregation shall elect its officers at the annual congregational meeting in the manner and for the terms of office provided in the bylaws. They shall become the officers of this congregation at the time specified in the bylaws.
- a. Duties of the officers shall be those specified in the bylaws.
 - b. Any voting member of this congregation may be elected subject only to the length of service permitted in that office.
 - c. Officers of this congregation shall by virtue of that office be members of the Congregation Council. The President, President Elect, Fiscal Officer and Communications Officer of this congregation shall serve in the same such office of the Congregation Council.
- C11.03. No officer shall hold more than one office at a time
- C11.04. No officer shall be eligible to serve more than three consecutive full terms in the same office.

BYLAWS

- C11.04.01. The officers of the congregation (President Elect, Fiscal Officer, and Communications Officer) shall be elected by the congregation at its annual meeting from the candidates recommended by the Nominating Committee and any candidates nominated from the floor. Note that the President Elect assumes the role of President the following year.
- C11.04.02. Terms of office shall be two years except that the terms of the President and President Elect shall be one year.

CONTINUING RESOLUTIONS

- C11.04.A10 Terms and duties of the office of the officers of this congregation shall be further specified in the bylaws and continuing resolutions of this congregation. Position descriptions of each officer position will be developed, reviewed, and revised as needed annually by the congregation council.

C11.04.B10. The President

- a. Presides at all regular and special meetings of the congregation, the Congregation Council and the Executive Committee.
- b. Is responsible for implementation of the decisions of the congregation, the Congregation Council and the Executive Committee.
- c. Prepares jointly with the Lead Pastor agendas for meetings of the congregation, the Congregation Council and the Executive Committee.
- d. Is an ex officio member of all committees and other organizations of Bethel except the Audit and Mutual Ministry Committees.
- e. Pays the bills and other financial obligations of the congregation in the absence of the Fiscal Officer.
- f. Ensures that all meetings are conducted in a proper and orderly manner.
- g. Coordinates the work of the Congregation Council's committees and organizations and encourages chairpersons to prepare and distribute in a timely manner meeting minutes and to present reports and motions in written form.

C11.04.C10 The President Elect

- a. Fulfills the duties of the president in his/her absence.
- b. Assists President with issues and projects.
- c. Familiarizes self with Committee, Board and Ministry functions, processes and issues.
- d. Works with the Stewardship Committee to ensure it moves forward with its annual campaign.
- e. Generally will be responsible for the preparation of the notice of charges required in the process of discipline of a member (paragraph C15.02).

C11.04.D10. The Communications Officer (Secretary)

- a. Takes minutes, records attendance, and verifies quorums at Congregation Council and congregation meetings and ensures their timely preparation and distribution.
- b. Initiates and signs official correspondence as directed by the Congregation Council or the Executive Committee.
- c. Preserves minutes and other records in the congregation's archives.
- d. Ensures the congregation is kept informed on matters of interest.
- e. Acts as liaison to the outside community and as a resource person on public relations to staff and members.

C11.04.E10. The Fiscal Officer (Treasurer)

- a. Maintains custody of all funds of the congregation, local and synodical, and pays the bills and other financial obligations of the congregation in accordance with established policies and procedures.

- b. Presents an internally audited account of the financial status of the congregation to the Annual Congregational Meeting.
- c. Reports on a monthly basis to the Finance Committee
 - 1) Amounts received and disbursed from each of the various accounts.
 - 2) Balance on hand by account.
 - 3) Actuals expended versus budget by line item, subtotals and totals.
- d. Is an ex officio member of the Finance Committee.
- e. The Fiscal Officer (Treasurer) shall be bonded.

C.11.04.F10 The Assistant Treasurer

- a. A member of the church staff shall be appointed Assistant Treasurer by the Congregation Council.
- b. The Assistant Treasurer shall conduct the day-to-day operations of the office.
- c. The Assistant Treasurer shall be bonded.

CHAPTER 12. CONGREGATION COUNCIL

C12.01. The membership of the Congregation Council shall consist of the pastor(s), the four officers of this congregation (President, President Elect, Fiscal Officer and Communications Officer), and not less than five (5) nor more than nine (9) other voting members of this congregation. The number of members shall be set forth in the continuing resolutions.

CONTINUING RESOLUTIONS

- C. 12.01.A10 Membership shall consist of the ex officio members (i.e., pastors), the officers, and six (6) or seven (7) additional elected members, filling the positions of Ministry Liaison, Project Manager Advisor, Human Resources Advisor, two Members at Large, and one Youth and/or one Young Adult Member at Large. Duties of these positions include (but are not limited to):
- a. Ministry Liaison serves as a liaison between the Ministry Leads and Congregation Council. The Ministry Liaison facilitates bi-directional communication between and within the various ministries and Counsel.
 - b. Project Manager Advisor is responsible for assisting the Council in establishing special projects related to the functions and activities of the church, including leading the development of such projects.
 - c. Human Resources Advisor is responsible for advising the Pastors, Bethel church staff, and Council on issues related to Human Resources, including hiring, firing, layoffs, and providing evaluations.
 - d. Member at Large (Senior position) will review changes to the Model Constitution of the Evangelical Lutheran Church in America, making any requisite modifications to the constitution of Bethel Lutheran Church; will monitor adherence to the provisions of the constitution and evaluating the need for modifications as appropriate; will assist the pastors in planning the annual Leadership Retreat.

- e. Member at Large (Junior position) will assist the Ministry Lead and Adult Ministry Coordinator to ensure ministry positions are updated and appropriately disseminated (both in writing and via web site); will assist Communications Officer in monitoring web site for accuracy.
- f. Youth and/or Young Adult Member(s) at Large will serve as a direct liaison between Council and the youth/young adults of the congregation to ensure Bethel's youth/young adults are appropriately represented in the process of guiding the ministry of the congregation. The positions will work with the Ministry Liaison and other Ministry Leads to foster relationships between these ministries and interested youth/young adults and enhance their participation.

C12.02. This congregation shall elect the number of Congregation Council members needed to fill vacancies at the annual congregation meeting in the manner and for the terms of office provided in the bylaws or continuing resolutions. They shall become members of the Council at the time specified therein.

- a. Any voting member of the congregation may be elected subject only to the length of service permitted in that office.

CONTINUING RESOLUTIONS

- C12.02.A10. The elected members shall be so elected by the congregation at its winter annual meeting from candidates recommended by the Nominating Committee and from nominations made from the floor; however the member filling the Youth Member at Large position will be elected via the same process at the summer annual meeting).
- C12.02.B10. Terms of office of the Youth Member at Large shall be one year and this term may be renewed twice as long as the member will remain in high school through the following spring after election. Terms of office for the five (5) or six (6) additionally elected members shall be two (2) years; terms may be renewed not more than three times.
- C12.02.C10. Newly elected members shall be installed the Sunday after the winter congregational meeting; members whose terms continue shall also be reaffirmed on that Sunday.
- C12.02.D03. A member's place on the Congregation Council shall be declared vacant by the Congregation Council if a member:
 - a. Ceases to be a voting member of the congregation, or
 - b. Is absent from two (2) successive regular meetings without cause, or
 - c. Resigns, becomes incapacitated or is otherwise unavailable.
- C12.02.E08. Normally, the monthly meeting of the Congregation Council shall be held the third Tuesday of the month.
- C12.02.F03. The Communications Officer shall prepare a draft of the minutes of the meeting and deliver it (preferably by email) to the Parish Administrator in a timely manner for distribution to Congregation Council members and other interested parties prior to the next regularly scheduled meeting of the Congregation Council.

- a. The scheduled date for the next meeting shall be included.
- C12.02.G10. Newly elected and ex officio prospective members shall attend the next regular meeting after assuming their position. Outgoing members are responsible for orienting their replacement to their role on Congregation Council, the status of on-going projects, and issues under development.
- C12.02.H10. The Ministry Liaison of the Council shall ensure that the ministry committees and other organizations of the Council prepare and provide to the Council comprehensive reports of their work, accomplishments and challenges and plans for the coming year in a timely manner.
- C12.02.I10. The President of the Congregation Council with the help of the Communications Officer of the Council shall provide a comprehensive report of the work of the Council to the congregation at its annual meeting.
- a. Such report shall include Council membership , accomplishments and challenges and plans for the coming year.
 - b. The President shall, in the preparation of the report, draw upon the ministry/committee/board reports.
 - c. The reports of the ministry/committee/board chairs shall be included as attachments to the President’s reports.
- C12.03. No member shall be eligible to serve more than three consecutive full terms as an elected Congregation Council member, except for officers as specified in C11.04. Should a member’s place on the Congregational Council be declared vacant, the Congregational Council may or may not elect, by majority vote, 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 rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling 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 support of 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 the consideration of program resources produced or approved by the Evangelical Lutheran Church in America.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

BYLAWS

C12.04.01. The Congregation Council shall establish standing and ad hoc ministries, committees and boards reflecting the elements of the ministry of the congregation and major support needs. These ministries, committees and boards of the Congregation Council shall have the responsibility to establish and implement plans to realize the goals and objectives established by the Council. These ministries, committees and boards are responsible to the Council. They shall have the authority to prepare supporting goals, objectives and plans and to take the actions to carry out such plans to fulfill these goals and objectives. The Congregation Council shall have representation on each of the standing ministries, committees, and boards of the Council. The Congregation Council is responsible to the congregation and is overseen by the Executive Committee.

- C12.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation and, as such, shall be responsible for maintaining and protecting its property and managing its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of California, 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 this congregation.
 - c. The Congregation Council may enter into contracts for items not included in the budget if the total amount of all additional spending does not exceed ten (10) percent of the budget.
 - 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 of more than five (5) percent 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 collaboration with the synod and churchwide organization and other benevolent causes that further the mission of Bethel.
 - e. The Congregation Council shall ensure 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 mission support monies to the synod treasurer.
 - f. The Parish Administrator oversees this congregation's investments and its total insurance program; these actions are to be affirmed by Congregation Council.
 - g. The Congregation Council shall be responsible for the raising of funds for local and synodical budgets.
 - h. The Congregation Council shall be responsible to include in the budget presented to the congregation for approval the total of salaries/salary adjustments for called and lay staff.
 - i. The property of the congregation shall be primarily for the use of the congregation in its normal function as a Lutheran Church and shall not be used in any way contrary to the purposes of the congregation. One time use of any property can be granted by the majority of the Executive Committee but regular use must be approved by a two-thirds majority of the Congregation Council.
- C12.06. The Congregation Council shall ensure that the provisions of this constitution, 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 approve the appointment of the lay workers of this congregation and shall ensure their adequate supervision.

CONTINUING RESOLUTIONS

- C12.08.A03. Lay staff positions shall be authorized as part of the budget approval.
- C12.08.B03. The Parish Administrator shall take the lead in recruiting to fill lay staff positions consulting with the Lead Pastor, the Mutual Ministry Committee and the Congregation Council as appropriate.
- C12.08.C03. The hiring recommendation with compensation recommendation and details of timing/overlap shall be reviewed with the Fiscal Officer and the Lead Pastor and presented by the Lead Pastor to the Congregation Council for approval.
- C12.09. The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.10. The Congregation Council shall oversee the educational work of the congregation, including the Sunday school and such other agencies as the congregation may have or establish for the purpose of Christian education.
- 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 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. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the lead pastor or interim pastor, except when the lead pastor or interim pastor requests or consents to be absent.
- 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.

CONTINUING RESOLUTIONS

- C12.13.A21. The Congregation Council may make motions and vote on motions by electronic mail (or other suitable technology) in order to expedite church business. In no case should topics requiring confidentiality be discussed using unsecure electronic methods. The following rules shall guide committees when conducting business in this manner:
- a. All committee members shall be notified and given at least 48 hours to respond to any motion distributed electronically.
 - b. The presiding officer shall ensure adequate discussion takes place to resolve outstanding questions about the motion.
 - c. If necessary to establish a quorum of voters, non-responding members shall be contacted by other means. Otherwise, non-responders will be considered as abstaining from the vote.
 - d. If significant discussion takes place, the motion shall be re-stated before a final vote.
 - e. The motion and vote shall be entered into the committee's minutes and confirmed by approval of said minutes at the next meeting.

CHAPTER 13. CONGREGATIONAL COMMITTEES

- C13.01. An *Executive Committee* is established. It shall be a standing committee and its membership shall consist of the pastors and the officers of this congregation. The President of the congregation serves as chair of this committee. Others will be asked to attend when substantive issues related to their expertise arise. The Executive Committee shall coordinate and direct the entire ministry of the congregation. It shall review recommendations of the pastors, ministry teams, committees, and members as well as the synodical leaders. It shall make recommendations to the Congregation Council and appropriate organizations.
- C13.02. A *Nominating Committee* is established. It shall be a standing committee. The Nominating Committee shall provide to the President of the Congregation prior to the annual meeting a list of candidates who have been found to be qualified and are willing to serve in an elected or appointed position. It shall also serve in an advisory role in conjunction with the Ministry Facilitator to committee chairpersons and the Congregation Council in identifying persons whose interests and gifts match the needs of committees and boards.

BYLAWS

- C13.02.01. The Nominating Committee
- a. Its membership shall consist of three to five voting members of the congregation. Two of the members should be appointed by the Congregation Council and three members should be elected by the congregation at the winter annual meeting from nominations made from the floor. A pastor shall serve as convener and as an advisory member.
 - b. Members shall serve for a term of two years except that the outgoing chairperson shall serve a third year as a member of the committee only. That member shall retain his/her classification as an elected or appointed member.
 - c. No member shall serve more than three successive terms.
- C13.03. An *Audit Committee* is established. It shall be a standing committee. The Audit Committee shall perform an audit of the financial records of the congregation after the close of its fiscal year, including compliance with best-practice recommendations of the Evangelical Council for Financial Accountability. It will also review all insurance and bonds in force as well as an inventory of the property. The chair of the committee shall report the results to the Congregation Council.

BYLAWS

- C13.03.01. The Audit Committee
- a. Its membership shall consist of three voting members of this congregation elected at the Winter annual meeting. Members shall not hold any other office.
 - b. Members elected at the first annual meeting after adoption of these bylaws shall serve for staggered terms of up to three years. Subsequently, one member shall be elected each year for a term of three years.
 - c. Members shall not be eligible to serve more than two successive full terms.
- C13.04. A *Mutual Ministry Committee* may be established. It shall be a standing committee if established. The Mutual Ministry Committee shall serve as a confidant and as a support group to the pastors and staff of Bethel Lutheran Church.

BYLAWS

C13.04.01. The Mutual Ministry Committee

- a. Its membership shall consist of three to five members of this congregation appointed jointly by the President and the Lead Pastor.
- b. Initial members appointed after adoption of these bylaws shall serve for staggered terms of up to three years. Subsequently, members as needed shall be appointed each year for terms of three years.
- c. Members shall not be eligible to serve more than two successive full terms.

C13.05. When a vacancy occurs or is planned in a position for which this congregation calls a rostered minister, a *Call Committee* of no fewer than 5 voting members shall be established by the Congregation Council. It shall be an ad hoc committee. The Call Committee shall do all things necessary to identify and recommend candidates for call to minister to the congregation.

C13.06. Other congregational standing and ad hoc committees and boards may be formed as the need arises by decision of the congregation or Congregation Council. The purpose, membership selection, duties and terms of office shall be specified in the bylaws and/or the continuing resolutions of this congregation.

BYLAWS

C13.06.01. Standing and ad hoc ministries/committees and boards shall be established by the Congregation Council to serve as an extension of the Council in prosecuting and supporting the ministries of the church and its operational needs. Each is responsible to support the goals and plans of the Congregation Council and, in the larger sense, the mission and well being of the congregation in its defined functional area. Each shall develop its own goals and plans necessary to carry out its responsibilities.

C13.06.02. Congregation Council standing committees are established as follows:

a. Evangelism Ministry

This ministry seeks to stimulate and lead members of the congregation to proclaim the gospel by example and by building authentic relationships with unchurched people, living out our faith with them and with each other. It shall try to: bring new members into the fellowship of the church; restore to active membership those who have lapsed; deepen the spiritual life of the congregation and recruit, support, and equip members to bear witness to their faith as they live out their daily lives.

b. Discipleship Ministry

This ministry is primarily focused on learning, with prayer and action as enablers and outcomes of Christian study. The ministry promotes and assists where necessary with the Network Discovery classes, which help Bethel members identify where they best fit in the church's missions and activities. The Discipleship Ministry identifies and recruits teachers for Sunday morning adult education classes, which include Bible studies, topical studies, guest speakers and discussion groups. A number of activities are considered part of or closely related to this ministry, although many do not have formal ties to the ministry. These include retreats, study groups and men's and women's groups. The Discipleship Ministry periodically sponsors special prayer support efforts for Bethel and related individuals and groups. The ministry's goals include expansion of Sunday morning classes, increased organized prayer activities and support for the discipleship activities of small groups at Bethel.

c. Worship and Music Ministry

This ministry seeks to assure that worship services are conducted regularly and in accordance with the faith and practices of the Evangelical Lutheran Church in America. Further, that such services are enriching, meaningful and effectively supported by ancillaries, equipment and supplies. They shall also strive to involve as many members as possible as participants.

d. Community Life Ministry

This ministry seeks to build a healthy, loving and supportive congregation within the Body of Christ that is Bethel. It shall provide opportunities for the people of this congregation to come together to glorify God, celebrate His presence among us, nurture and minister to each other, and grow individually and together in faith and fellowship.

e. Children's Ministry

This ministry seeks to provide opportunities for children of all ages to grow in faith, participate in the study of God's Word and enable them to apply the teachings in their daily lives.

f. Mission Outreach Ministry

This ministry seeks to motivate, equip and support the members of the congregation to address the social, economic, emotional and spiritual needs of the poor and oppressed and to persons in need. It shall provide opportunities for study of social justice issues in the community and the world. It shall promote cooperation and support for Conference, Synod, churchwide and ecumenical agencies efforts to further social justice and advocacy.

g. Youth/Young Adult Ministry

This ministry seeks to create a nurturing environment for youth/young adults and their families through programs of education, spiritual growth, fellowship and service. It shall work for the involvement of young people in all aspects of congregational life.

h. Stewardship Ministry

This ministry seeks, through educational opportunities and other events, to promote growth in sharing systematically and proportionately all of God's gifts – time, talent and financial resources – in His service and for the benefit of mankind as an expression of thankfulness.

i. Finance Committee

This committee seeks to provide for the responsible management of all the financial assets of the congregation. It shall ensure the proper maintenance of the financial records of the congregation and the preparation of appropriate reports. It shall be responsible for preparation of the budget and shall review performance against budget. It shall develop alternatives to bring unfavorable variances under control and, in consultation with the Executive Committee, take the appropriate actions.

j. Buildings and Grounds Ministry

This committee seeks to provide for the proper maintenance, good repair and protection of all real and personal property of the congregation.

k. Long Range Planning Committee

This committee seeks to study the needs of the congregation as to its physical plant and facilities and develop long range plans for church programs, which would further support and enhance the mission of Bethel Lutheran Church.

l. Pastoral Support Committee

A Pastoral Support Committee may be established. The Pastoral Support Committee shall serve as a confidant and as a support group to the pastors of this congregation.

- C13.06.03. The Congregation Council's ministries/ committees and boards shall be governed by the policies, procedures and guidelines and their respective charters set forth in the continuing resolutions.

CONTINUING RESOLUTIONS

- C13.06.A10. The Ministry Liaison and Adult Ministry Coordinator will facilitate bidirectional communication between Ministries and Congregation Council.
- C13.06.B03. Committees shall strive to have no less than five members.
- C13.06.C10. Incumbent ministry team/committee/board chairpersons shall take the lead role in seeking candidates for actual as well as prospective vacancies in consultation with the members of the ministry team/committee/board, the Ministry Facilitator, the pastor(s), and the President of the Council. Ministry team/committee/board members shall be encouraged to commit to serve for three years. There shall be no limit placed upon consecutive terms; however Leads/chairs shall have a term limit of no more than two consecutive terms. (Lead/chairs may remain on the committee/ministry in a non-leadership role.)
- a. Appointments to a ministry team/committee/boards to be made by the Congregation Council shall normally be made in February from a candidate list provided by the incumbent ministry team/committee/board chair.
 - b. New members shall be recognized and installed the first Sunday after the annual meeting/ members whose terms continue shall also be reaffirmed on that Sunday. New members filling unplanned vacancies shall be recognized and installed the first Sunday subsequent to their appointment by the Congregation Council.
- C13.06.D10. Newly appointed members shall attend the next regularly scheduled meeting as observers. After such meeting, the new ministry team/committee/board shall meet and reorganize selecting a chair, a vice-chair and a secretary.
- a. Committees shall reorganize at any other time circumstances indicate reorganization is desirable.
- C13.06.E10. Ministry team/committee/board meetings shall be held as often as necessary to perform their duties, typically monthly.
- C13.06.F03. Chairpersons shall coordinate and consult as needed with other ministry teams/committees/boards and staff and shall prepare agendas, lead meetings, and follow up on ministry team/committee/board actions.
- a. The ex officio member of the ministry team/committee/board is primarily responsible to coordinate as needed with the Congregation Council and to represent the ministry team/committee/board at Council meetings. Ministry team/committee/board chairpersons, however, may attend Council meetings at any time.
- C13.06.G10. Each ministry team/committee/board secretary shall prepare a report of the meeting and deliver it to the Parish Administrator in a timely manner for distribution to Congregation Council and ministry team/committee/board members prior to their next regularly scheduled meetings.
- a. Items requiring Congregation Council approval or action (e.g., structural changes within the ministry; actions requiring financial approval) shall be

stated as motions in the report. The Ministry Liaison is to reaffirm with each ministry that items needing Congregation Council input are designated as such.

b. The scheduled date for the next meeting shall be included.

C13.06.H03. A member's place on the ministry team/committee/board shall be declared vacant by the Congregation Council on recommendation of the ministry team/committee/board chair if a member:

a. Ceases to be a member of the congregation, or

b. Is absent from two (2) successive regular meetings without cause, or

c. Resigns, becomes incapacitated or is otherwise unavailable, or

d. Fails to contribute to the work of the ministry team/committee.

C13.06.I03. Ministries/committees/boards are authorized to form sub-organizations to help carry out their responsibilities.

C13.06.J10. A charter (i.e., statement of purpose, team roles and responsibilities, term of service) shall be prepared for each organization (council, ministry team/committee/ board or sub organization), whether standing or ad hoc, detailing its purpose, responsibilities, authority and relationships and in the case of ad hoc organizations its dissolution date or event.

C13.06.K10. Such charters shall be reviewed and approved by the Congregation Council.

C13.06.L03. Approved charters shall be made a part of these continuing resolutions by reference in this section and attachment hereto.

C13.06.M03. Periodically an Organization Review Task Force shall be formed for the sole purpose of critically reviewing and evaluating the efficacy of the overall organization and the individual ministries, committees, and boards and their sub organizations in supporting the mission of the congregation. Particular attention shall be paid to the work of the sub organizations vis-à-vis their charters.

BYLAWS

C13.06.04. A group of from fifteen (15) to twenty five (25) voting members shall be designated Deacons of the Congregation. They shall be persons of spiritual maturity able to effectively assist the pastors in the worship service, in serving communion, visiting the shut-ins and helping others in prayer. They shall be directly under the oversight of the pastor(s).

a. Members to be designated deacons shall be selected by the Lead Pastor and approved by the Congregation Council.

CONTINUING RESOLUTIONS

C13.06.N03. Appointments to serve as a Deacon shall be for a term of three (3) years. Normally, members should not be appointed to more than two successive terms.

C13.07. Duties of committees and boards of this congregation shall be specified in the continuing resolutions.

CONTINUING RESOLUTIONS

C13.07.A03. Meetings shall be called by the chair as needed.

C13.07.B03. Each ministry team/committee/board secretary shall prepare a report of each meeting and deliver it (preferably by email) to the Parish Administrator in a timely manner for distribution to the Congregation Council and members of the subject organization prior to their next regularly scheduled meeting.

- a. Items requiring Congregation Council approval or action shall be stated as motions in the report.
- b. The planned or anticipated date for the next meeting shall be included in the report.

C13.07.C10. The chairperson of each committee, board and other organizations of the congregation shall prepare a comprehensive report for the last calendar year. This report shall be provided to the Parish Administrator two weeks prior to the Winter annual meeting for inclusion in the annual report to the congregation. Each report shall include a list of current members, the work and accomplishments of the last year, (including any challenges) and goals for the coming year.

C13.08. The lead pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation except the Audit, Mutual Ministry and Call Committees.

CHAPTER 14. ORGANIZATIONS WITHIN THIS 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 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 specified in a continuing resolution.

CHAPTER 15. DISCIPLINE OF MEMBERS

*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 this congregation, or willful and repeated harassment or defamation of member(s) of this 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 this 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 ministers of Word and Sacrament). 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 this congregation; or
 - d. termination of membership in this 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 this 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 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 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.

CHAPTER 16. AMENDMENTS

- *C16.01. Unless provision *C16.04 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 10 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 this 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.
- *C16.02. An amendment to this constitution, proposed under *C16.01, shall:
- a. be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting;
 - b. be ratified without change at the next regular meeting of this congregation held pursuant to C10.01. by a two-thirds vote of those voting members present and voting; and
 - c. have the effective date included in the resolution and, if passed, noted in the constitution. (Such an effective date must be stated in relation to the requirements of *C16.03. to allow time for synodical review of the amendment.)
- *C16.03. Any amendments to this constitution that result from the processes provided in *C16.01 and *C16.02 shall be sent by the secretary of this congregation to the synod. The synod shall notify this 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.
- *C16.04. 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 majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this 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 two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

CHAPTER 17. BYLAWS

- *C17.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C17.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds vote of those voting members present and voting.
- *C17.03. 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 this 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.
- *C17.04. Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.

CHAPTER 18. CONTINUING RESOLUTIONS

- *C18.01. This 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 this congregation or a two-thirds vote of all voting members of the Congregation Council.
- *C18.03. Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

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.
- * Required provision without alteration or amendment of the text in any manner.

APPENDIX A. Endowment Trust Fund

BETHEL LUTHERAN TRUST OF BETHEL LUTHERAN CHURCH OF CUPERTINO, CALIFORNIA

WHEREAS, Bethel Lutheran Church of Cupertino, California, a religious nonprofit corporation organized and existing under the laws of the State of California, desires to establish an endowment trust fund to be known as the Outreach and Education Fund for the purposes more particularly hereinafter set forth, with a view to encourage gifts or bequests to be managed and administered as a perpetual fund;

WHEREAS, said church is willing to authorize, establish, and perpetuate such Outreach and Education fund in accordance with the provisions set forth below;

WHEREAS, said church also wishes to establish a non-perpetual trust fund which shall be known and referred to as the "Memorial Fund".

NOW, THEREFORE, in consideration of gifts and bequests to be made by members and friends of Bethel Lutheran Church of Cupertino, California, and pursuant to approval and authorization duly given by appropriate corporate action of its membership, said church agrees and binds itself to the following terms and conditions:

ARTICLE 1

Definitions

- 1.1. "Church" shall mean Bethel Lutheran Church of Cupertino, California, or any successor thereof.
- 1.2. "Members" or "Membership" or "Congregation" shall mean the members of Bethel Lutheran Church of Cupertino, California.
- 1.3. "Fund" or "Trust Fund" shall mean any Trust Fund described herein. "Outreach and Education Fund" shall mean the perpetual fund established by Article 2 herein. "Memorial Fund" shall mean the non-perpetual fund established by Article 4 herein.
- 1.4. "Property" shall include but is not limited to money, securities, stocks, land, leases, royalties, partnership interest and other financial interests, assets and insurance policies or the proceeds thereof.
- 1.5. "Gifts" shall mean intervivos gifts and donations during the donor's lifetime.
- 1.6. "Bequests" shall mean donations received through the donor's will or other testamentary instrument.
- 1.7. "Church Purposes" means purposes in aid of programs and mission of the church, the purposes set forth in the church's Articles of Incorporation, Constitution, and those hereinafter enumerated.
- 1.8. "Endowment Trustees" shall mean the endowment trustees as board consisting of five members of the church, elected by the church membership, who are declared to be co-trustees and shall act as the

“Endowment Trustee” on behalf of the funds established or authorized by this instrument, including any subsequent amendments or modifications thereto.

ARTICLE 2

Perpetual Fund

2.1 There is hereby established as the Outreach and Education Fund, a perpetual fund, to be built from gifts and bequests, the principal of which shall be held in a trust in perpetuity, or as hereinafter expressly provided otherwise.

2.2 The Outreach and Education Fund is created and shall be operated exclusively for church purposes. No part of the income or property of this perpetual fund shall accrue for the benefit of, or be distributed to, any Trustee, any member, director or officer of the church or to any other private person, except as the Trustees are authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No part of the activities of the Trust Fund shall be the carrying on of propaganda or otherwise attempting to influence legislation, and it shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision herein, the Trust Fund shall not (a) carry on any activities not permitted to be carried on by an entity exempt from federal income tax under §501(c)(3) of the Internal Revenue Code (or any corresponding provision of any future Internal Revenue Code) or (b) do any act which would render contributions for purposes of the Trust Fund nondeductible under §170(c)(2) of the Internal Revenue Code (or any corresponding provision of any future Internal Revenue Code).

2.3 The church may receive gifts and bequests to be placed in the fund established herein from any other source in cash or in other property acceptable to the Endowment Trustees. All funds or property of whatever nature so received together with all income thereon shall be held, managed, administered, and distributed pursuant to the determination of the Endowment Trustees according to the terms and provisions herein. All funds and property of the Trust Fund shall be held and maintained separate and independent from the funds and property otherwise belonging to the church.

2.4 The church may accept gifts and bequests which are restricted as to their uses and purposes, and shall distribute the income and/or principal in accordance with the directions of the donor, provided such restrictions and directions are within the purposes and objectives referred to in this instrument. The Endowment Trustees or the church, in the absolute discretion of either, may reject or disclaim any gift or bequest. The Endowment Trustees may commingle the funds and property held in the Outreach and Education Fund, the Memorial Fund, and any other funds or property held in the Trust Fund, and administer such funds as a perpetual Trust Fund, so long as the Endowment Trustees keep accurate records reflecting the income and disbursements properly allocable to each fund. The Endowment Trustees, shall in no event be required to physically segregate the assets of the trust estate in order to conform to the directions of any individual donor, but may establish separate accounts in its accounting records.

2.5 Pursuant to a separate supplemental agreement conforming with the requirements of Internal Revenue Code §170(f), regarding contributions to charitable remainder trusts, as from time to time amended, the church may accept gifts or bequests subject to the directions of the donor to pay the income to or for the benefit of individuals, including the donor, for life or a term of years, and thereafter such gifts shall be held for the objectives and purposes set forth herein.

ARTICLE 3

Distributions for the Outreach and Education Fund

3.1 Income: The Endowment Trustees shall distribute income from the Outreach and Education Fund at such time and in such manner as they may determine, or as may be required by restrictions on such donations, only for the purposes of the church as set forth herein. Such uses and purposes shall be consistent with the Articles of Incorporation and the Constitution of the church and shall be “visionary” rather than maintaining or supplementing the general budget of the church. Distributions should be made with particular emphasis on extending the life and mission of the church, including but not limited to:

- a. Missions outreach, educational and charitable work of Bethel Lutheran Church of Cupertino, California, and its environs;
- b. Contributions to the programs of Evangelical Lutheran Church of America, with headquarters in Chicago, Illinois, or the Sierra Pacific Synod of the Evangelical Lutheran Church in America, or any successor in interest.

3.2 Undistributed Income. Any income not distributed within 12 months after the end of the calendar year in which it was earned shall be added to and become part of the principal of the Outreach and Education Fund.

3.3 Loans of Principal: The Endowment Trustees, by not less than four (4) affirmative votes, may authorize loans of principal to the local congregation on occasions of extreme financial need by the church. Such loans may be secured or unsecured, and may be at any rate of interest, including interest free, as determined by the Endowment Trustees. Extreme financial need shall be deemed to exist only when the continued existence of the church as a body will be threatened because of the lack of operating funds unless such principal is loaned. The existence of such extreme financial need shall be determined by the Endowment Trustees and shall require not less than four (4) affirmative votes. The Endowment Trustees may also, by not less than four (4) affirmative votes, recommend to the Congregation invasion of the fund principal. The Congregation’s authorizing action requires approval by two thirds (2/3) of a quorum.

ARTICLE 4

Memorial Fund

4.1 There is hereby established for administration by the Endowment Trustees a non-perpetual fund known as the “Memorial Fund”. The church may receive gifts or donations which are not to be included in the general fund of the church or the Outreach and Education Fund. The Memorial Fund shall be administered and distributed in the same manner and for similar purposes as the Outreach and Education Fund described herein, except that the Endowment Trustees, in their discretion, may distribute both principal and income from the Memorial Fund for the church purposes as described herein.

ARTICLE 5

Board of Endowment Trustees

5.1 Appointment of Endowment Trustees. There shall be five Endowment Trustees, all of whom shall be voting members of Bethel Lutheran Church of Cupertino, California, elected by the church membership for terms of three years. The church council shall submit annual nominations for position of Endowment Trustees for election by the church membership at the annual meeting. The terms of the initial Endowment Trustees elected shall be so fixed that one of them expires in the first year thereafter, two in the second year thereafter, and two in the third year thereafter. Subsequently, each year at the annual meeting of the church membership, the congregation shall elect Endowment Trustees to fill positions for which terms have expired. Vacancies in the office of Endowment Trustees, for whatever cause, shall be filled by appointment by the remaining Endowment Trustees until the next annual meeting of church membership, at which time the congregation shall elect a trustee to serve the remainder of any vacancy so long as there shall continue to be at least three Endowment Trustees in office. The Endowment Trustees shall not serve more than two consecutive full terms. A partial term of less than one year shall not be counted for this purpose. The pastors of the Church, and the President of the Church Council, shall be advisory non-voting members of the Board of Trustee.

5.2. Officers. The officers of the Endowment Trustees shall be President, Vice President, Secretary, and Treasurer. The Endowment Trustees shall elect their officers, and shall hold meetings from time to time as decided by them, but at least quarterly. Special meetings may be called on twenty-four (24) hours written or oral notice to the Endowment Trustees. Regular meetings shall require no notice other than recording of the resolution of the Endowment Trustees fixing the time of the regular meetings. Each trustee is charged with knowledge of the contents of the minutes book.

5.3 Voting and Resolutions: All actions of the Endowment Trustees shall be taken by resolution at a meeting. A quorum shall consist of three Endowment Trustees. When only three Endowment Trustees are present at a meeting, a unanimous vote shall be required to carry any motion or resolution. An instrument required to be executed by the Trust Fund shall be valid if executed in the name of the Trust Fund by a majority of the Endowment Trustees.

5.4 Minutes. The secretary shall maintain complete and accurate minutes of all meetings of the Endowment Trustees and shall supply a copy thereof to each member within ten (10) days after the meeting. The minutes of the trustee meetings can be reviewed by a member of the Congregation upon request of the President of the Church Council.

5.5. Trustee's Liability. No trustee shall be liable to any interested party for acts or omissions of that trustee, except those resulting from that trustee's willful misconduct or gross negligence. This standard shall also apply regarding a trustee's liability for the acts or omissions of any co-trustee, predecessor trustee, or agent employed by the Endowment Trustees.

5.6 Conflicts of Interest. No trustee shall have any pecuniary interest, nor receive or derive compensation or pecuniary gain or profit, either directly or indirectly from Trust Fund activities or property of funds on investments.

5.7. Procedure for Resignation. Any trustee may resign at any time, without giving a reason for the resignation, by giving written notice, at least 30 days before the time the resignation is to take effect, to the president or to any other two Endowment Trustees then acting.

5.8. Removal of Trustee. The church membership or the church council, by two-thirds vote of those present at a duly constituted meeting, may remove any trustee with or without cause by giving such trustee at least sixty (60) days written notice. Any vacancy in the office of trustee shall be filled according to the terms set forth in paragraph 5.1.

ARTICLE 6

Management Powers of Endowment Trustees

6.1. General Powers of Trustee. To carry out the purposes of the trusts created under this instrument, the trustee shall have all of the powers enumerated in this trust instrument and all powers now or hereafter conferred on Endowment Trustees under California law, subject to any limitations stated elsewhere in this trust instrument.

6.2. Trustee's Power to Invest Trust Property. The trustee shall have the power to invest in and acquire every kind of property, real, personal, or mixed, including but not limited to improved and unimproved real property, corporate and government obligations of every kind, stocks (both preferred and common), shares of mutual funds of any character, shares of investment companies, interest-bearing accounts, and foreign assets. The Board of Endowment Trustees shall invest and manage the trust fund as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the trust fund. In satisfying this standard, the Endowment Trustees' investment and management decisions respecting individual assets and courses of action must be evaluated not in isolation, but in the context of the trust portfolio as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the trust.

6.3. Life Insurance Powers. To carry out the purposes of the trusts created under this instrument, and subject to any limitations stated elsewhere in this instrument, the trustee shall, in addition to the other powers conferred on the trustee by law and by this instrument, have the power to do all of the following:

- (a) Purchase life insurance on the life of any person.
- (b) Exercise all incidents of ownership, options, benefits, rights, and privileges with respect to any life insurance policy that is part of the trust estate.
- (c) Pay premiums, assessments, or other charges on any life insurance policy that is part of the trust estate or that may designate the trust fund as beneficiary.
- (d) Borrow funds from the insurer in accordance with the terms of any life insurance policy that is part of the trust estate or that may designate the trust as beneficiary, for the purpose of paying any premiums, assessments, or other charges.
- (e) Otherwise do anything necessary or proper to keep any such policy a binding contract of insurance.
- (f) Collect any and all sums payable under any life insurance policy or employee benefit plan, and exercise any of the allowable options for the payment of any such sums. The trustee shall collect any disability payments under any life insurance policy that is part of the trust estate.

6.4. Custody of Life Insurance Policy. The trustee shall not be required to keep custody of any life insurance policy that is part of the trust estate or that designates the trust as beneficiary.

6.5 Power to Employ Agents. The Board of Endowment Trustees shall have the power to employ and discharge agents and employees, including but not limited to attorneys, accountants, investment and other advisors, custodians of assets, property managers, real estate agents and brokers, and appraisers, to advise and assist the Endowment Trustees in the management of the trust fund, and compensate them from the trust fund.

6.6 Delegation of Acts to Trustee. Notwithstanding any other provision of this instrument, the Board of Endowment Trustees may delegate to one or more Endowment Trustees routine acts of administration of the trust fund, and may establish accounts for the trust fund that will honor the signature of one, or fewer than all of the Endowment Trustees then serving.

6.5 Bond. At the discretion of the Board of Endowment Trustees, bond may be required in an amount determined by the Endowment Trustees for any trustee who has been delegated check signing authority. Premiums for such bond shall be an administrative expense of the trust fund.

6.6 Accounts. The Board of Endowment Trustees shall maintain complete and accurate books of accounts, and shall render an account of the trust fund at each annual meeting of the church membership for the preceding year. In addition, all Endowment Trustees shall endeavor to maintain a high degree of communication with the Church Council, other organizations within the church, and members of the congregations in order that needs be properly assessed and the total life and mission of the church be nurtured.

ARTICLE 7

Concluding Provisions

7.1 Amendment and Modification. The Trust Fund provided herein shall be irrevocable. The foregoing provisions may be amended or modified from time to time by the membership of the church by a two-thirds affirmative vote of those present at a duly constituted meeting, whenever necessary or advisable for the more convenient or efficient administration of the Trust Fund or to enable the Endowment Trustees to carry out the purpose of the Trust Fund more efficiently; but no such amendment or modification shall ever alter the intention that the Trust Fund be operated exclusively for religious or charitable or benevolent purposes, and in the manner which shall make the Trust Fund tax exempt and the donations tax deductible, to the extent allowed by the Internal Revenue Code and other applicable laws and regulations.

7.2 Termination. The property of the trust fund is irrevocably dedicated to purposes consistent with the Articles of Incorporation and the Constitution of the church, and no part of the net income or assets of this trust fund shall ever accrue to the benefit of any trustee, officer or member thereof or to the benefit of any private person. Upon the termination of the Trust Fund, its assets remaining after payment, or provision for payment, of all debts and liabilities of the trust fund or the church shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under IRC§501(c)(3).

IN WITNESS WHEREOF, the membership of the church has duly agreed to the foregoing through proper corporate approval by the congregation and has caused this instrument to be executed by its duly authorized officers.

Executed in Santa Clara County California, on _____, 1999.

BETHEL LUTHERAN CHURCH OF CUPERTINO, CALIFORNIA

By: _____
President

By: _____
Secretary