

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA
Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.
First Approval Special Meeting 12/12/93
Final Approval Annual Meeting 1/23/94
Effective 1/1/95
Amended Annual Meeting 1/19/98
Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

Red = passages that we need to add a number.

CONSTITUTION OF ST. MARK'S LUTHERAN CHURCH

1600 Union Avenue
Fairfield, CA 94533

PREAMBLE

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

Chapter 1.

NAME AND INCORPORATION

C1.01. The name of this congregation shall be St. Mark's Lutheran Church of Fairfield, California.

C1.02. For the purpose of this constitution and the accompanying bylaws, the St. Mark's Lutheran Church congregation is hereinafter designated as "this congregation."

C1.11. This congregation shall be incorporated as a nonprofit corporation under the laws of the State of California.

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

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

and through whose life, death, and resurrection God fashions a new creation.

- b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
- c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

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

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

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

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

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

Chapter 3.

NATURE OF THE CHURCH OF CHRIST

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

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

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

The Evangelical Lutheran Church in America (hereinafter designated as ELCA), therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

Chapter 4.

STATEMENT OF PURPOSE

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

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

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

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

express and preserve the unity which the Spirit gives.

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

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

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

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

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 Congregational Meeting called and

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

conducted as provided in this constitution and bylaws.

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

- a. Call a pastor as provided in Chapter 9;
- b. Terminate the call of a pastor as provided in Chapter 9;
- c. Appoint or terminate the appointment of associates in ministry in conformity with the applicable policy of the ELCA;
- d. Approve the annual budget;
- e. Acquire real and personal property by gift, devise, purchase, or other lawful means;
- f. Hold title to and use its property for any and all activities consistent with its purpose;
- g. Sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- h. Elect its officers, Church Council, other elected positions, boards, and committees, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions;
- i. Establish schools, auxiliaries, societies, and other organizations within the congregation; and
- j. Terminate its relationship with the ELCA as provided in Chapter 6.

Chapter 6.

CHURCH AFFILIATION

C6.01. This congregation shall be an interdependent part of the ELCA or its successor, and of the Sierra-Pacific Synod of the ELCA or its successor. This congregation is subject to the discipline of the ELCA.

C6.02. This congregation accepts the Confession of Faith and agrees to the Purposes of the

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

Evangelical Lutheran Church in America and shall act in accordance with them.

C6.03. This congregation acknowledges its relationship with the ELCA 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 ELCA.
- c. This congregation agrees to call pastoral leadership from the clergy roster of the ELCA in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
- d. This congregation may consider associates in ministry for appointment to other staff positions in the congregation according to the procedures of the ELCA.
- 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 ELCA and with the constitution of the synod.

C6.04. Affiliation with the ELCA may be terminated as follows:

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

C6.05. This congregation may terminate its relationship with the ELCA by the following procedure:

- a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
- b. The secretary of this congregation shall submit a copy of the resolution to

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This notice shall be submitted within 10 days after the resolution has been adopted.

- c. The bishop of the synod shall consult with this congregation during a period of at least 90 days, which shall commence a reasonable time after notice is submitted.
- d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be invited to be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.
- e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the ELCA shall be terminated.
- f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

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

Chapter 7.

PROPERTY OWNERSHIP

C7.01. If this congregation ceases to exist, title to un-disposed property shall pass to the Sierra-Pacific Synod of the ELCA or its successor.

C7.02. If this congregation is removed from membership in the ELCA according to its procedure for discipline, title to property shall continue to reside in this congregation.

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

C7.04. If a two-thirds majority of the voting members of this congregation present at a regularly

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

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

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, baptized persons over the age of confirmation received by affirmation of faith.
- c. Voting members are confirmed members. Such confirmed members, during the current or preceding calendar year shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
- d. Associate members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. They have all the privileges and duties of membership except voting rights and eligibility for

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

any elected position in this congregation.

C8.03. All applications for baptized or confirmed membership shall be submitted to and shall require the approval of the appropriate committee.

C8.04. This congregation shall abide by stated Sierra-Pacific Synod non-discriminatory policies concerning membership.

C8.05. 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, synod, and the Churchwide organization of the ELCA through contributions of time, abilities, and financial support as biblical stewards.

C8.06. Membership in this congregation shall be terminated by any of the following:

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action by the Church Council; or
- e. removal from the roll due to inactivity as defined in the bylaws.

Such persons who have been removed from the roll of members for the reasons stated in (d) or (e) shall remain persons for whom the church has a continuing pastoral concern.

Chapter 9.

THE PASTOR(S)

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

C9.02. Except as provided in C6.03.c, only a member of the clergy roster of the ELCA or a candidate for the roster of ordained ministers who has been recommended for the

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

congregation by the synodical bishop may be called as a pastor of this congregation.

C9.03. Consistent with the faith and practice of the ELCA,

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

C9.04. The specific duties of the pastor(s), compensation, and other matters pertaining to the service of the pastor(s) shall be included in a letter of call, to be signed by the president and secretary of the congregation, and attested by the bishop of the synod.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

C9.05.

- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation; or
 - 7) suspension of the congregation as a result of discipline proceedings.

- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the synod's attention by an official recital of allegations by the Church Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson who are not members of this congregation.

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

- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned parties shall be heard, after

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

11

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

which the bishop of the synod together with the committee described in C9.05.b shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor by a two-thirds majority vote of the voting members present and voting at a legally called meeting for that purpose, after consultation with the bishop.

- e. If, in the course of proceedings described in C9.05.d, the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the ELCA and the constitution of this synod.
- f. If, following the appointment of the committee described in C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in this congregation due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in this congregation without prejudice and with pay provided through a joint Churchwide/synod fund and with housing provided by the congregation, according to a time limit agreed upon by the synod and the Church Council.

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

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

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 with the pastors, the Church Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

12

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

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

C9.12. The pastor(s) shall be member(s) of this congregation.

C9.13. The pastor(s) shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, and shall submit a summary of such statistics annually to the synod. The records of the congregation shall be the property of the congregation and shall not be removed or used for commercial purposes.

C9.14. 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.

Chapter 10.

CONGREGATIONAL MEETING

C10.01. The annual meeting of this congregation shall be held at a time specified in the bylaws.

C10.02. A special Congregational Meeting may be called by the pastor, the Church Council, or the president of this congregation, and shall be called at the written request of 5% of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other announcements or business shall be made or 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 to all members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, sent to the last known address of such members, shall be sufficient.

C10.04. A quorum, as specified in the bylaws, must be present for any regular or special

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

13

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

meeting of the congregation.

- C10.05. All actions by the congregation shall be by majority vote except as otherwise provided in this constitution and bylaws.

Chapter 11. OFFICERS AND OTHER ELECTED POSITIONS

- C11.01. The officers of this congregation shall be a president, vice-president, secretary, and chairperson of the Finance Committee.
- a. Duties of the officers shall be specified in the bylaws.
 - b. The officers shall be voting members of the congregation 18 years of age or older.
 - c. Officers of this congregation shall serve similar offices of the Church Council.
- C11.02. The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot if there are two or more candidates for an office, and SHALL SERVE FOR ONE YEAR. Their terms shall begin at the close of the annual meeting at which they are elected.
- C11.03. No officer shall hold more than one elected position at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office. An unexpired term of less than one year shall not be considered a term of office.
- C11.04. Other elected positions in this congregation shall be a treasurer and financial secretary.
- a. Duties of the treasurer and financial secretary shall be specified in the bylaws.
 - b. The treasurer and financial secretary shall be voting members of the congregation.
 - c. The treasurer and financial secretary shall be elected by written ballot if there are two or more candidates for a position, and SHALL SERVE FOR TWO YEARS. Their terms shall begin at the close of the annual meeting at which they are elected.

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

14

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

- d. The treasurer and financial secretary shall hold no more than one elected position at a time. They shall be eligible to serve no more than two consecutive terms in the same position. An unexpired term of less than one year shall not be considered a term.

Chapter 12.

CHURCH COUNCIL

C12.01. The membership of the Church Council shall consist of the officers of the congregation, the pastor(s), and a number of members of the congregation who shall serve as liaisons to the standing committees, as specified in the bylaws.

Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office.

A member's place on the Church Council shall be declared vacant by the Church Council if the member a) ceases to be a voting member of this congregation or b) has three unexcused absences from regular meetings of the Church Council.

C12.02. Those members of the Church Council who also serve as officers of this congregation shall be elected and serve terms as provided in Chapter 11. The remaining members of the Church Council shall be elected by written ballot, if there are two or more candidates for an office, and SHALL SERVE FOR TWO YEARS. Such members shall hold no more than one elected position at a time. Their terms shall begin at the close of the annual meeting at which they are elected.

C12.03. Should a member's place on the Church Council become vacant, the Church Council shall elect, by majority vote, a successor who shall serve until the next annual meeting.

C12.04. The Church 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 ELCA. The duties of the Church 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

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

15

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

mission and goals.

- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling, appointment, or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor(s).
- h. To emphasize partnership with the synod and Churchwide units of the ELCA as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the ELCA.
- i. To recommend and encourage the use of program resources produced or approved by the ELCA.
- j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.

C12.05. The Church Council shall see that the provisions of this constitution, its bylaws, and its continuing resolutions are carried out.

C12.06. The Church Council shall provide for an annual review of the membership roster.

C12.07. The Church Council shall be responsible for the appointment and supervision of the salaried lay workers of this congregation.

C12.08. The Church Council shall submit a comprehensive report to this congregation at the annual meeting.

C12.09. The Church Council shall meet regularly as provided in the bylaws. Special meetings may be called by a pastor or the president, and shall be called at the

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

16

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

request of at least one-half of its voting members. Notice of each special meeting shall be given to all who are entitled to be present.

- C12.11. A quorum for the transaction of business shall consist of a majority of the voting members of the Church Council.

Chapter 13. CONGREGATIONAL COMMITTEES

- C13.01. The Executive Committee shall consist of the president, vice-president, secretary, chairperson of the Finance Committee, and the pastor(s).

The Executive Committee shall be the Board of Trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of 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.

- C13.02. A Nominating Committee of five voting members of this congregation, two of whom shall be outgoing members of the Church Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection.

- C13.03. An Audit Committee of three voting members shall be appointed by the president. Audit Committee members shall hold no other elected position in the congregation during their term. Term of office shall be one year.

- C13.04. A Staff Support Committee of at least three voting members shall be appointed by the president and the pastor(s). Term of office shall be two years, and no member shall serve more than two consecutive terms. Committee members shall hold no other elected position in the congregation during their term.

- C13.05. When a pastoral vacancy occurs, a Call Committee of five voting members shall be nominated by the Nominating Committee and elected by this congregation. Term of office shall terminate upon the completion of the call process. Officers, Church Council members, and those holding other elected positions are ineligible for election to the Call Committee.

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

17

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

- C13.06. A Conflict Resolution Committee shall be chaired by a voting member nominated by the Nominating Committee and elected by this congregation. The chairperson's term of office shall be two years. The chairperson shall select eleven additional voting members to serve on the committee, subject to approval of the Church Council. Committee members' term of office shall be one, two, or three years.
- C13.07. A Budget Committee.
- C13.08. A Visioning Committee.
- C13.09. Other congregational committees may be formed as the need arises, by decision of the Church Council.
- C13.10. Duties of congregational committees shall be specified in the bylaws and congregational handbook.

Chapter 14.
ORGANIZATIONS WITHIN THE CONGREGATION

- C14.01. All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.
- C14.02. Special interest groups, other than those of the official organizations of the ELCA, may be organized only after authorization has been given by the Church Council.

Chapter 15.
CONFLICT MANAGEMENT, DISCIPLINE OF MEMBERS AND ADJUDICATION

- C15.01. When there is disagreement among members of this congregation, members shall apply the following "Guidelines for Conflict Management."

Guidelines for conflict management, when you find yourself in conflict with another member:

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

- a. Be direct with your fellow member when addressing a conflict or problem.
- b. Actively listen to be sure that each understands the other.
- c. Seek resolution of the problem promptly and at the lowest level, with the goal of reaching a consensus.
- d. Use Matthew 18:15-17 as a guide when resolving the conflict: "If another member of the church sins against you, go and point out the fault when the two of you are alone. But if you are not listened to, take one or two others along with you, so that every word may be confirmed by the evidence of two or three witnesses. If the member refuses to listen even to them, tell it to the church; and if the offender refuses to listen even to the church, let such a one be to you as a Gentile and a tax collector."
- e. Thus, go and take the matter up with him/her, strictly between yourselves. If you cannot reach agreement, take one or two other members with you in a further attempt to resolve the conflict. If you still cannot reach agreement, advise the member with whom you are in conflict that the conflict will be referred to the congregation's Conflict Resolution Committee.
- f. Throughout the process, remember Matthew 18:21-22: "Then Peter came and said to Jesus, 'Lord, if another member of the church sins against me, how often should I forgive? As many as seven times?' Jesus said to him, 'Not seven times, but, I tell you, seventy-seven times.'"

Guidelines for assisting in conflict management:

At times, a member who is in conflict with another may seek your help or advice, or may try to have you support his/her side of the conflict. At these times, you should:

- a. Ask the member to go to the member or group with whom he/she has a conflict and address the problem directly.
- b. Offer to go with the member to assist in addressing the conflict, if he/she cannot address the conflict alone.

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

19

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

- c. Offer to address the issue to the member or group with whom there is a conflict on the member's behalf. Let the member know that you will identify him/her by name.
- d. Ask the member to write a letter to the other member or group, addressing the problem, if he/she will not accept your earlier advice.
- e. If none of the above recommendations are successful in getting the member to address the conflict directly with the other member or group, ask the member to reevaluate his/her position. Return to the member at a later time to see if the conflict still exists. If the member still perceives that a conflict exists, but continues to refuse to address that conflict directly, you may need to confront that member concerning his/her behavior in refusing to seek resolution. In doing this, use the guidelines for "When you find yourself in conflict with another member."

When that procedure fails to resolve the disagreement, members shall be referred to the Conflict Resolution Committee (cf. C13.06.01).

C15.02. Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation that has not been resolved pursuant to the provisions of C15.01 are sufficient cause for discipline of a member.

C15.03. A member charged with such offense shall appear before the Church Council having received a written notice, specifying the exact charges that have been made against the member, at least 10 days prior to the meeting.

C15.04. Should the allegations be sustained by a two-thirds majority vote of the members of the Church Council and renewed admonitions prove ineffectual, the Church Council shall impose one of the following disciplinary actions:

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

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

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

- C15.05. The member against whom disciplinary action has been taken by the Church Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- C15.06. Disciplinary actions may be reconsidered and revoked by the Church Council upon receipt of evidence that injustice has been done or evidence of repentance and amendment.
- C15.11. When there is disagreement among factions in this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the president of the Church Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16. BYLAWS

- C16.01. This congregation shall adopt bylaws. No bylaw may conflict with this constitution.
- C16.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds majority vote of those voting members present and voting, subject to the provisions of C8.02.c.
- C16.03. Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Church Council at least 60 days before a regular or special Congregation Meeting called for that purpose and the Church Council notify the members of the proposal with its recommendations at least 30 days in advance of the Congregation Meeting.
- C16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

21

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

Chapter 17. AMENDMENTS

- C17.01. Unless provision *C 17.04 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 five voting members or by the Church Council. Proposals must be filed in writing with the Church Council 60 days before formal consideration by this congregation at its regular or special meeting called for that purpose. The Church Council shall notify the members of the proposal with the Church Council's recommendations at least 30 days in advance of the meeting.
- C17.02. A proposed amendment to this constitution shall:
- a. be approved at a properly called meeting according to this constitution by a two-thirds majority vote of those present and voting;
 - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
 - c. have the effective date included in the resolution and noted in the constitution.
- C17.03. Any amendments to this constitution shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the ELCA or the constitution of the Sierra-Pacific Synod.
- C17.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*—as most recently amended by the Churchwide Assembly--by a simple majority vote of those voting members present and voting at any-meeting of the congregation, without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon request of (need to specify a number)

2007 Amendments to the Model Constitution for Congregations as approved by the 2007 Churchwide Assembly of the ELCA, Chicago, IL August 6-11, 2007; proposed for adoption at St. Mark's Lutheran Church, Jan. 13, 2008.

First Approval Special Meeting 12/12/93

Final Approval Annual Meeting 1/23/94

Effective 1/1/95

Amended Annual Meeting 1/19/98

22

Synod's Required Revisions--Approved at Annual Meeting January 9, 2000

voting members of the congregation, the Congregational Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 18.
RESOLUTIONS AND POLICIES

- C18.01. The Church Council may enact continuing resolutions and policies which:
- a. are related to the details of the administration of this congregation;
 - b. can be adopted or changed in the same way as any ordinary act of the Church Council; and
 - c. shall be included in the "Organization, Policy, and Procedure" manual maintained by the Secretary of the Church Council.
- C18.02. Continuing resolutions shall be enacted or amended by a majority vote of the congregation or a two-thirds vote of all voting members of the Congregation Council.