

# **CONSTITUTION AND BYLAWS**

**MARIN LUTHERAN CHURCH  
649 Meadowsweet Drive  
Corte Madera, California 94925**

Revised: January, 2002

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## **PREAMBLE TO THE CONSTITUTION**

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

### **Chapter 1.**

#### **NAME AND INCORPORATION**

C1.01. The name of this congregation shall be MARIN LUTHERAN CHURCH.

C1.02. For the purpose of this constitution and the accompanying bylaws, the MARIN LUTHERAN CHURCH congregation is hereinafter designated as "this congregation" or "the congregation."

C1.03. This congregation shall be incorporated under the laws of the State of California. The address of the corporation is 649 Meadowsweet Drive, Corte Madera, California with a mailing address of P. O. Box 187, Corte Madera, CA 94976-0187.

### **Chapter 2.**

#### **CONFESSION OF FAITH**

C2.01. This congregation confesses the Triune God: Father, Son, and Holy Spirit.

C2.02. This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.

a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.

b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.

c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

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

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

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

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

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

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

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

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

### **Chapter 4.** **STATEMENT OF PURPOSE**

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

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

- a. worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
- b. proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
- c. carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.

d. serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.

e. nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.

f. manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

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

a. provide services of worship at which the Word of God is preached and the sacraments are administered.

b. provide pastoral care and assist all members to participate in this ministry.

c. challenge, equip and support all members in carrying out their calling in their daily lives and in their congregation.

d. teach the Word of God.

e. witness to the reconciling Word of God in Christ, reaching out to all people.

f. respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.

g. motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.

h. foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.

i. foster and participate in ecumenical and interfaith relationships consistent with churchwide policy.

C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The bylaws shall contain descriptions of the responsibilities of each board, task force, or other organizational group.

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

C4.06. This corporation is not organized, nor shall it be operated, for pecuniary gain or profit, and it does not contemplate the distribution of gains, profits or dividends to the members thereof and is organized solely for nonprofit purposes. The property, assets, profits and net income of this corporation are irrevocably dedicated to charitable and religious purposes and no part of the profits or net income of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private shareholder or individual.

## **Chapter 5. POWERS OF THE CONGREGATION**

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

C5.02. The powers of this congregation are vested in the Congregational 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 the 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 Evangelical Lutheran Church in America.
- 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 as provided in Chapter 7.
- h. elect its officers, Congregation Council and board directors, and require them to carry out their duties in accordance with the constitution and bylaws, and the resolutions of the congregation.
- i. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

**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 clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
- d. This congregation agrees to consider associates in ministry for appointment to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

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

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

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

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

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 to such action. The approval of the Synod Council shall be received before any such action is effected.

## **Chapter 7.**

### **PROPERTY OWNERSHIP**

C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Sierra Pacific Synod of the Evangelical Lutheran Church in America or its successors.

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

C7.03. If a two-thirds majority of the voting members of this congregation present at a 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 church 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 called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with the 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 the congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

C7.05. Real property shall not be purchased, disposed of or encumbered in any manner except by resolution adopted by not less than a two-thirds majority ballot vote of the members present and voting at a legally called meeting of the congregation.

## **Chapter 8. MEMBERSHIP**

C8.01. Members of this congregation shall be those baptized persons on the roll of the congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws. The roster of baptized members shall be maintained by the pastor and copies shall be available to voting members of the congregation.

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 shall have communed and made a contribution of record during the current or preceding calendar year.
- 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 elected offices or membership on the Congregation Council of this congregation.

C8.03. All applications for confirmed membership shall be submitted to and shall require the approval of the pastor. The pastor shall promptly inform the Congregation Council of all applications and actions taken thereon.

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.
- 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 by the Congregation Council (see Chapter 14); or
- e. inactivity. A confirmed member is considered inactive when he or she has not partaken of Holy Communion or supported the Church with an offering during the current or preceding calendar year. A baptized member is considered inactive when he or she fails to participate in the worship and activities of the congregation. There shall be continuing pastoral concern for such persons who have been removed from the roll of members.

## **Chapter 9.**

### **THE PASTOR**

C9.01. Authority to call a pastor shall be vested in this congregation. The authority to call shall be exercised by not less than a two-thirds majority ballot vote of members present and voting at a meeting regularly called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.

C9.02. Only a member of the clergy roster of the Evangelical Lutheran Church in America or who has been recommended for the clergy roster by the synodical bishop may be called as a pastor of this congregation, except as provided in C6.03.c.

C9.03. a. Consistent with the faith and practice of the Evangelical Lutheran Church in America, the pastor shall;

- 1) preach the Word.
- 2) administer the sacraments.
- 3) conduct public worship.
- 4) provide pastoral care.
- 5) speak publicly in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.

b. The pastor shall, within the congregation:

- 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead.
- 2) supervise all schools and organizations of the congregation.
- 3) install regularly elected members of the Congregation Council.
- 4) visit members in their homes or places of employment; visit potential new members; and visit inactive members (as defined in C8.05.e), encouraging them to return to active membership.
- 5) with the council, administer discipline.

c. The 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.
- 3) endeavor to increase the support given by the congregation to the work of the Evangelical Lutheran Church in America churchwide organization and of this synod.

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

C9.05. a. The call of the congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term.
- 2) resignation of the pastor.
- 3) the physical or mental incapacity of the pastor.
- 4) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty.
- 5) the dissolution of the congregation.

b. In the case of alleged physical or mental incapacity of the pastor or ineffective conduct of the pastoral office, it shall be the responsibility of the bishop of the synod, when such difficulties are personally known or have been brought to the synod's attention by an official recital of allegations by the Congregation Council, or by a petition signed by at least one-third of the voting members of the congregation, to investigate such conditions personally in company with a committee of two ordained ministers and one layperson.

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

d. The foregoing procedure shall never be invoked when questions of doctrine, morality, or continued neglect of duty are involved, all such cases being treated as disciplinary matters.

C9.06. At a time of pastoral vacancy, an interim pastor may be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council. An interim pastor shall generally not be considered to be a candidate for call.

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

C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation.

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. A call to a member of the clergy for an additional pastor shall be issued only with the concurrence of the pastor.

C9.10. With the approval of the bishop of the synod, the congregation may depart from C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop, shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of C9.05.a.

C9.11. The pastor 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.

Upon installation, the pastor shall become a member of this congregation.

C9.12. 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 MEETINGS**

C10.01. The annual meeting of this congregation shall be held in January. An elections meeting shall be held in December. The semi-annual meeting shall be held each year at a date set by the Congregation Council.

C10.02. A special Congregational Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called at the written request of five percent of the voting members. The notice of call for each special meeting shall be mailed by the congregation office to all members at least ten days prior to the special meeting. This notice shall specify the purpose for which the meeting is being called and no other business shall be transacted at that meeting.

C10.03. Notice of all regular meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail in such publications as the congregation or the pastor may periodically issue.

C10.04. Twenty voting members or two-thirds of the voting membership, whichever is less, shall constitute a quorum.

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

C10.06. All actions by the congregation shall be by majority vote except as otherwise provided in this constitution.

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

## **Chapter 11**

### **OFFICERS, CONGREGATION COUNCIL AND BOARDS**

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

- a. The officers of the congregation shall be the Directors of the Corporation. All contracts and other legal documents shall be signed by the president and secretary. Other duties of the officers shall be specified in the bylaws.
- b. Only a voting member of the congregation shall be eligible to serve as an officer.
- c. Officers of this congregation shall serve identical offices of the Congregation Council and shall be voting members of the Congregation Council.

C11.02. The congregation shall elect these officers at its election meeting in December. Officers elected shall serve for the following calendar year or until their successors are elected.

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

C11.04. The duties and responsibilities of the Congregation Council shall be specified in the bylaws. The Congregation Council shall consist of the officers of the church, the directors of the boards, and the president of the Marin Lutheran Church Women. The pastor and the delegates of the various church auxiliaries shall serve as advisory members without vote. Should the congregation desire to grant Congregation Council voting privileges to a delegate of a church auxiliary, it may do so through a bylaw change. This privilege may also be withdrawn through a bylaw change.

C11.05. The boards and their duties are as listed in the bylaws.

- a. At its annual elections meeting in December, the congregation shall nominate and elect directors for the boards deemed necessary and required for an effective ministry. The directors of the boards shall be elected for one term of two years. A board director will not be eligible for successive re-election as director to the same board. Boards may be added, deleted or changed as the needs of the congregation change. Such bylaw changes will be approved at a congregational meeting.

b. Members of the boards shall be selected by the director of the specific board, and their term shall be concurrent with that of the director.

c. No director shall serve more than one directorship at the same time. Officers shall not serve as directors of boards. No individual shall serve on more than two boards. Approximately one half of the board directors shall be elected each year. An appointed director may stand for election to the same directorship to which he was appointed if the appointment was for one year or less.

## **Chapter 12.**

### **CONGREGATIONAL COMMITTEES**

C12.01. A Nominating Committee of five voting members of this congregation, shall be elected at the semi-annual meeting. If possible, members of the Nominating Committee shall not have served in the previous year. The Nominating Committee shall nominate one or more candidates for each elective office to be filled for the coming term, and shall secure the consent of each candidate. Additional nominations may be made at this meeting before the voting is undertaken.

C12.02. An Audit Committee of two voting members shall be selected by the Board of Finance and Administration and shall serve for a term of one year. When selected, the membership of the Audit Committee shall be reported to the congregation.

C12.03. When a pastoral vacancy occurs, a Call Committee of five or more voting members shall be elected by this congregation. Term of office will terminate at installation of the newly-called pastor.

C12.04. Other congregational committees may be formed as the need arises, by decision of the Congregation Council.

C12.05. Duties of congregational committees shall be specified in the bylaws.

## **Chapter 13.**

### **ORGANIZATIONS WITHIN THE CONGREGATION**

C13.01. 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 annual meeting, shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

C13.02. 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.

**Chapter 14.**  
**DISCIPLINE OF MEMBERS**

C14.01. Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor; b) admonition by the pastor in the presence of two or three witnesses; and c) citation to appear before the Congregation Council.

C14.02. A member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.

**Chapter 15.**  
**BYLAWS**

C15.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.

C15.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.

C15.03. Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least 45 days before a regular or special meeting called for that purpose and that the Congregation Council notify the members of the proposal with its recommendations at least 20 days in advance of the Congregational Meeting.

C15.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

**Chapter 16.**  
**AMENDMENTS**

C16.01. Amendments to this constitution may be proposed by any five voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 45 days before formal consideration by this congregation at a regular meeting or a special meeting called for that purpose. The Congregation Council shall notify the members of the proposal. Notification shall be as provided in Chapter 10.

C16.02. A proposed amendment to this constitution shall:

- a. be approved at a properly called meeting according to this constitution by a majority vote of the quorum present and voting.

- b. be ratified without change at the next legally called meeting which is at least 60 days following the approval by a two-thirds majority vote of the quorum present and voting.

C16.03. 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 Evangelical Lutheran Church in America, or the constitution of the Sierra Pacific Synod. Such amendments shall become effective on the date that the congregation receives notice of approval from the Sierra Pacific Synod or 120 days from the date of receipt of the amendment by the Sierra Pacific Synod. The effective date shall be noted in the constitution.

## **BYLAWS**

### **ARTICLE 1 - COMMUNION**

(Cf. Chapter 2 of the Constitution)

A1.01. All baptized Christians who have previously received first communion, and who acknowledge our Lord's presence in the sacrament, are invited to commune.

A1.02. We hold that a "person is well prepared and worthy who believes these words, 'given and shed for you for the remission of sins.' But anyone who does not believe these words, or doubts them, is neither prepared nor worthy, for the words 'for you' require simply a believing heart." (Small Catechism).

A1.03. Record of participation in Holy Communion shall be maintained by the congregation.

### **ARTICLE 2 - THE PASTORAL CALL**

(Cf. Chapter 9 of the Constitution)

A2.01. If a pastor receives a call to another ministry, the pastor shall consult the Congregation Council, or, if desired, the congregation, before reaching a decision. The pastor shall announce a decision as quickly as possible, normally within three weeks. The pastor shall notify the synod bishop. When a call has been accepted, the pastor's ministry in the congregation shall be terminated as soon as feasible, normally, within a month.

A2.02. The congregationally elected Call Committee of five or more members shall act to prepare a call for congregational approval. The Call Committee shall request a list of pastoral candidates from the synod bishop. The list shall contain a reliable and comprehensive statement of each pastor's qualifications. Names of additional candidates may be added to the list by members of the congregation, provided that each name is accompanied by a reliable and comprehensive statement of qualifications. Under no circumstances shall the right of call be delegated to an individual, or to a group within the congregation that is not a congregationally elected group.

### **ARTICLE 3 - MEETINGS OF THE CONGREGATION**

(Cf. Chapter 10 of the Constitution)

A3.01. The current rosters of voting, confirmed, baptized and associate members shall be available at each meeting of the congregation.

A3.02. The annual meeting shall be the forum where reports shall be received from all officers, boards, committees, organizations and auxiliaries of the congregation. All reports shall be submitted in written form to the church office prior to such meeting, so that an annual report may be prepared for the annual meeting.

A3.03. The following order of business is recommended for the annual meeting:

- A. opening devotions.
- B. approval of minutes of the previous congregational meeting.
- C. report of the pastor.
- D. report of the stewardship secretary, treasurer and Audit Committee.
- E. approval of actions of the officers and boards for the prior year as recorded in the minutes of the Congregation Council and congregational meetings.
- F. additional reports of the president, officers, boards, directors, committees, organizations, etc., shall be presented without being read, if so voted by a majority of the voting members present and if copies are made available to the congregation. Reports of B., C. and D. above shall be accepted individually as presented. The remaining reports may be collectively accepted if so voted by a majority of the voting members present and if copies are made available to the congregation.
- G. approval of budget for the coming year by a majority of the members present and voting.
- H. unfinished business.
- I. new business.
- J. closing prayer.

A3.04. A meeting of the congregation may, by majority vote, recess to reconvene at a specified time and place. A meeting may also recess to reconvene upon call; provided, however, that the time and place of such a reconvened meeting must be announced at a public service of the congregation and not less than five days mailed notice be given to voting members.

A3.05. In the following cases, voting shall be by written ballot:

- A. to elect officers and directors of boards when more than one person is nominated for an office.
- B. to adopt or amend the articles of incorporation, constitution or bylaws of the congregation.
- C. to call a pastor or request his resignation.
- D. to remove a member from office.
- E. to sever membership in the Evangelical Lutheran Church in America.
- F. to dispose of, purchase or encumber real property.
- G. when requested by ten or more voting members present.

A3.06. If more than one ballot is required in an election, a motion shall be in order to limit the subsequent balloting to the three candidates receiving the highest number of votes; and after another ballot to limit the balloting to the two candidates receiving the highest number of votes.

#### **ARTICLE 4 - DUTIES AND RESPONSIBILITIES OF THE OFFICERS**

(Cf. Chapter II of the Constitution)

A4.01. The president shall preside at all meetings of the Congregation Council and congregation. The president is responsible to the congregation for carrying out the mission of the church in accordance with this constitution and bylaws. The president will work closely with the pastor to provide leadership and administration to accomplish the goals of the congregation. The president is an ex-officio member of all boards, committees, organizations, etc., except the Nominating Committee. The vice president may be assigned, by the president, to serve in the ex-officio capacity. If the president dies, resigns or is unable to serve for a period of two months or more, the vice president shall assume the duties of the president. If the president and vice president are unable to serve, there shall be a congregational elections meeting.

A4.02. The vice president shall preside at the meetings of the Congregation Council and of the congregation in the absence of the president.

A4.03. The secretary shall preside at the meetings of the Congregation Council and of the congregation in the absence of the president and vice president.

A4.04. The secretary shall keep the minutes of the Congregation Council meetings and the congregational meetings and have custody of the documents of the congregation. Minutes shall be prepared in written or typed format prior to the following Congregation Council or congregational meeting and shall be available to members of the congregation.

A4.05. The treasurer shall:

A. maintain records of the finances of the congregation, shall have custody of all funds of the congregation and shall receive and disburse such funds in accordance with the decisions of the congregation, the Congregation Council or the Board of Finance and Administration.

B. be limited to disbursement of funds according to the budget, and shall also be limited to a maximum of \$500 of non-budgeted expense, on a once a month basis, provided he has the approval of the Board of Finance and Administration. Such expenditure must be announced to the Congregation Council at the next Congregation Council meeting. Advances, under special conditions, will be allowed if approved by the president of the congregation and the Board of Finance and Administration. The Congregation Council is allowed to authorize up to three (3) percent of the current budget for the incurring of expenses of and for the payment of non-budget items. A board must receive prior Congregation Council approval before expenditure for non-budgeted items.

C. draw upon all special accounts of the congregation. The accounts would include Parsonage, Memorial, Organ or any other special congregational fund. In any case, approval by the Congregation Council is required.

D. be allowed the privilege to draw checks with his signature only. Double signature will not be required. In the absence of the treasurer, the president or the vice president shall be entitled to draw checks on all accounts that the treasurer may draw from, and the same restrictions shall apply, including approvals of non-budgeted items, and the privilege of single signature.

A4.06. The stewardship secretary shall maintain records of all contributions, make regular reports to the Congregation Council and to the members and work with the treasurer to reconcile bank deposits and recorded offering receipts.

## **ARTICLE 5**

### **DUTIES AND RESPONSIBILITIES OF THE CONGREGATION COUNCIL**

(Cf. Chapter 11 of the Constitution)

The Congregation Council shall:

A5.01. serve as the governing body of the congregation between meetings of the congregation and within the limits of its constitution, bylaws and budget.

A5.02. conduct regular meetings, generally once each month, at such time and place as the Congregation Council may determine.

A5.03. secure necessary staff other than pastor(s), such as administrative assistant, Christian day school teacher, business administrator, church musician(s), parish education director, parish secretary, parish worker or youth worker, intern, custodian, etc., and fix and annually review

their salaries. Temporary recruitment, hiring or selection may, in an emergency be delegated to the boards of the Congregation Council until ratification is accomplished at the next meeting of the Congregation Council.

A5.04. review the budget prior to the annual meeting.

A5.05. fill any vacancy which occurs on the Congregation Council, such appointment to be confirmed at the next congregational meeting.

A5.06. have authority between meetings of the congregation to choose delegates to any group or meeting in which the congregation is entitled to representation.

A5.07. provide property use guidelines.

A5.08. In addition to the provisions of the constitution, the following shall govern the Congregation Council in the conduct of its meetings:

- A. A quorum for any regular or special meeting shall be one-half the Congregation Council membership.
- B. A member of the Congregation Council who is absent from two consecutive regular meetings may be consulted by the president or vice president of the congregation; if a member is absent from three consecutive regular meetings without valid excuse, the Congregation Council may declare the office vacant. The Congregation Council may terminate an elected director from his office by a vote of two-thirds of the Congregation Council for failure properly to conduct the business of the directorship.
- C. A special meeting may be called by the pastor, the president or any three members of the Congregation Council. Notice of such meeting shall be given not less than ten days prior to the meeting and announced at a public service if one is held during that period.
- D. Congregation Council meetings are open meetings which means members of the congregation and other visitors may attend and, at the discretion of the chair, may offer input during discussion.

## **ARTICLE 6 - DUTIES AND RESPONSIBILITIES OF THE BOARDS**

(Cf. Chapter 11 of the Constitution)

Each board shall:

A6.01. be under the direct leadership of the director of that board. Following the election of the director of each board, the director may designate and appoint from among his board members those individuals who are to be responsible for various phases of the work of that board.

A6.02. conduct regular meetings. A minimum of six meetings annually shall be held at a convenient time and place designated by the director.

A6.03. submit a report of its activities to the congregation at the annual meeting and other occasions as the congregation may require.

A6.04. initiate and carry out such activities and programs within the congregation as will enable it to effectively perform the functions and duties assigned to it by the constitution, bylaws, and congregation, or by specific resolution of the congregation.

A6.05. be empowered to administer all funds set aside for its work by budget appropriation or by special resolution of the congregation, provided that the Congregation Council may, at its discretion, restrict such expenditures to conform to the actual financial condition of the congregation.

A6.06. keep a record of action or a set of minutes for each meeting.

A6.07. evaluate its own work annually.

A6.08. report its activities, on a monthly basis, to the Congregation Council. Any and all new programs or policy changes shall be brought to the Congregation Council for approval before implementation.

A6.09. commence planning and formulate goals during its first meetings of the year. Plans and goals shall be presented to the Congregation Council.

A6.10. plan programs for the upcoming year and provide budget input to the Board of Finance and Administration in relation to its plans.

A6.11. govern board membership and conduct of its meetings in the following way:

A. Only a voting member of the congregation shall be eligible for membership on the boards of the congregation.

B. Each board shall be made up of a minimum of three members, including the director.

C. If a director adds or drops a member of the board or if a vacancy occurs on the board and the director fills the vacancy, the membership change shall be announced at the next Congregation Council or congregational meeting.

D. A member of a board who is absent from two consecutive regular meetings shall be consulted by the director of the board.

E. A quorum for any regular or special meeting of a board shall be one-half of the membership of the board. Directors will vote on actions taken by their board. Ex-officio members do not count in computing the quorum.

F. A special meeting of a board may be called by the pastor, the president, the director or any two members of the board. Notice of such meeting shall be given not less than five days prior to the meeting and announced at a public service, if one is held during that period.

G. The pastor and president shall be notified of all board meetings. Generally, all board meetings shall be noted on the church calendar.

#### A6.12. Duties and Responsibilities of Each Board:

##### **A. The Board of Parish Education and Youth Ministry**

1) The Board of Parish Education and Youth Ministry as it relates to parish education shall:

a. with the pastor, organize, manage and supervise adult and youth educational activities and programs of the congregation, including Sunday School, Confirmation instruction, adult education, Bible study, Vacation Bible School and others.

b. be responsible, together with the pastor, for selecting materials used in the adult and youth educational programs.

c. enlist an adequate teaching and administrative staff for educational programs in the congregation.

d. keep records of all Sunday School students and encourage their full participation, along with their families, in the life of the congregation.

e. provide for the growth and training of the educational staff, including the pastor, through conferences, conventions, workshops, continuing education programs and the like.

f. annually provide means whereby teachers and staff of the educational programs are given proper recognition for their work.

g. select a librarian to maintain and promote the church library.

h. select a Sunday School superintendent who will be a member of this board. The superintendent will organize, coordinate and supervise the operation of the Sunday School, pre-school through high school.

2) The Board of Parish Education and Youth Ministry as it relates to youth ministry shall:

- a. plan a program for pre-high school students in the congregation.
- b. plan a program for the high school students in the congregation. A representative(s) of the youth organization shall be a member of the board.
- c. select one or more adults to serve as advisors who will assist the youth in carrying out the program. If a paid worker is desired, this board shall make a hiring recommendation to the Congregation Council. The Congregation Council will have the final hiring decision. This board will be responsible for reviewing the performance of the paid staff and shall report to the Congregation Council.
- d. plan a special event to welcome the newly confirmed young people of the congregation.
- e. coordinate activities for the youth in the congregation and those in other Christian churches, especially the other Lutheran churches within the county.
- f. provide for public recognition of various achievements and accomplishments of individual students and of their organization.
- g. encourage a college fellowship group, which should plan its own activities, with special emphasis on get-togethers in the summer.
- h. encourage and provide for outsider participation in the youth program.
- i. work to understand the needs of the youth of the community, and develop programs to meet these needs.
- j. encourage the youth to serve in the life of the community.

**B. The Board of Finance and Administration shall:**

- 1) supervise and control the work of the treasurer to ensure that expenditures are properly made in accordance with the budget or special authorization.
- 2) establish an Audit Committee, which may be made up of members of this board or may be selected from members of the congregation. An audit shall be conducted at least once a year, at the closing of the annual books, and shall also be conducted when a new treasurer is elected to fill a vacancy in the office.

- 3) review any problems disclosed by the work of the Audit Committee, mediate any differences concerning bookkeeping entries and reports, and make bookkeeping decisions as are necessary.
- 4) periodically evaluate the system of financial recording and reporting, making recommendations as required.
- 5) oversee the counting and depositing of all funds received by the congregation.
- 6) be responsible for procedures to be followed in making purchases.
- 7) administer the memorial and other special funds and maintain a list of possible items or suggested or requested projects to which memorial and other special funds might be directed. All disbursements from these accounts shall be approved by the Congregation Council.
- 8) be responsible for the filing of such corporate, governmental or other reports as are required.
- 9) annually review all insurance policies of the congregation and prepare a report prior to renewal for presentation to the Congregation Council in regards to adequacy of coverage and shall prepare and present a recommendation for renewal terms. This board shall furnish to the Board of Church Properties copies of all invoices of items purchased and capitalized, so that a historical cost record will be maintained.
- 10) prepare the annual budget for submittal to the Congregation Council and to the congregation. The Congregation Council shall review the preliminary budget at the Congregation Council meeting prior to the Annual Meeting. Progress and planning input for the budget must be solicited from each board, the pastor, the congregation members and the officers.
- 11) request the treasurer, as a member or ex-officio member, to attend all meetings of the board.

**C. The Board of Church Properties shall:**

- 1) be responsible for the care, maintenance and replacement of all church properties as needed.
- 2) establish, and revise annually, a complete inventory of all church property and equipment with the approximate value, date of purchase, condition at last inspection and possible improvements needed. One copy should be kept by the properties chairman, one copy should be kept in the congregation records by the church secretary, one copy shall be given to the Board of Finance and

Administration for insurance purposes, and a fourth copy shall be placed in the church safety deposit box. In conjunction with the property insurance, records of physical property should be kept current, and photographs should be taken. Lists and photographs should be kept in the church safety deposit box.

- 3) oversee the use of all congregational property through the established property use guidelines as provided by the Congregation Council. Non-members use shall be as recommended by this board to the Congregation Council. This board will maintain a calendar of use for the church facilities.
- 4) provide for adequate custodial service and review annually all costs of custodial services.
- 5) report all unusual or emergency situations pertaining to the church property, and report all actions taken to the Congregation Council. Should remedial measures be required, recommendations shall be prepared and presented to the Congregation Council.
- 6) obtain and maintain copies of vouchers, bills or reports for purchased properties, and work with the treasurer in maintaining the book cost of assets on the balance sheet.
- 7) issue and maintain a record of keys for church properties.

**D. The Board of Stewardship shall:**

- 1) annually review the stewardship of the congregation, identify areas which need improvement and plan and execute a program of stewardship education and response. Stewardship is defined as giving of time, talents and treasure.
- 2) develop methods to help members identify ways in which they can help and serve God through this congregation.
- 3) act as a conduit for matching members of the congregation to boards in which they might like to serve, or to help members become involved in any of the many tasks that must be accomplished if this congregation is to function well.
- 4) maintain a record of participation for each member, and also record interests and abilities of each member.
- 5) help new members to become aware of opportunities to serve the needs of the congregation and its goals.
- 6) have charge of the annual stewardship program.

7) recognize the stewardship secretary as an ex-officio member of this board, and notify the stewardship secretary of all meetings of this board.

**E. The Board of Fellowship, Activities and Publicity shall:**

1) have as a basic objective the strengthening of the bonds of fellowship within the congregation. Spiritual and social events and programs are to be planned for each and for every interest group within the congregation.

2) publicize as appropriate the events, programs and activities of the congregation, to both the congregation and community through the media.

3) plan, supervise, coordinate and implement several large congregational gatherings and programs each year.

4) be responsible for providing coffee hours following Sunday, holiday or special services.

5) sponsor the social event in honor of newly received members, and provide for the integration of new members and their families into the congregation.

6) provide support for congregational activities which may originate within activity groups of the congregation.

7) include at least one member of the Marin Lutheran Church Women.

**F. The Board of Worship and Music shall:**

1) work with the pastor to plan, implement and review the worship services of the congregation.

2) recommend to the Congregation Council the hiring of the worship service staff. This board will supervise the organists, choir directors, nursery staff and other paid staff; and review annually, or more frequently if conditions require, the compensation of these employees; and provide recommendations to the Congregation Council for the budgeting of compensation for the coming year

3) provide for substitute pastors and guest speakers with consultation of the congregation pastor.

4). provide the pastor with lay assistance needed during the worship services. Recruit lay people to help with the following tasks:

- greeters at each service
- lector/reader at each service
- communion distribution

- ushers and offering counters
  - flower chairperson
  - acolytes
  - altar guild
- 5) set the time and schedule of services in conjunction with and approval of the Congregation Council.
  - 6) review and recommend new or different forms of worship, liturgies, hymns, settings, etc., in keeping with this constitution and bylaws.
  - 7) purchase and be responsible for all supply items for worship such as hymnals, Bibles, Communion items and festival materials.
  - 8) develop and implement, in conjunction with the pastor and within the parameters of the budget, all publicity regarding regular, musical or special services.
  - 9) work with the music staff to purchase music, maintain a music library and oversee the care of the choir robes.
  - 10) maintain, supervise and provide for an adequate nursery and staff.
  - 11) arrange for maintenance and repair of musical instruments such as the organ and pianos, and make recommendations for the purchase or the disposal of musical instruments.

**G. The Board of Mutual Ministry shall:**

- 1) select its members jointly with input from the director of the board and the pastor.
- 2) serve as a sounding board, a sharing, reflective group of people with whom the pastor can confidentially share his concerns, feelings, and ideas, and also through whom congregational concerns can be expressed. While this committee will focus primarily on pastoral staff, its concern may involve other staff members as well.
- 3) be sensitive to the needs and expectations of the pastor, the staff members, and the congregation. Its members shall be "person centered" rather than "task oriented".
- 4) assist the pastor in the evaluation of his ministry as well as assist the congregation in the evaluation of its ministry.

- 5) give personal spiritual support to the pastor in terms of prayer and sharing of faith.
- 6) review the pastor's compensation with proper communication to the Board of Finance and Administration and the Congregation Council concerning salary, housing allowance, pension, car allowance, time off, vacation time, participation in conferences and conventions, and continuing education opportunities.
- 7) look ahead to new dreams and new ideas for fulfilling the ministry of the pastor and the congregation.
- 8) give attention to guidelines for pastoral support that are provided by the synod.

**H. The Board of Social Concerns and Missions shall:**

- 1) identify issues of social concern in our community which can be addressed by the congregation.
- 2) promote the involvement of the congregation in community issues and concerns.
- 3) encourage members of the congregation to become involved in appropriate community organizations which relate to specific needs or issues such as housing, health care, aging, youth concerns, drug abuse prevention, responsible parenting, criminal justice, etc.
- 4) study and maintain a list of available social agencies for use in referral purposes.
- 5) promote congregational support of causes such as world hunger, and local and national missions and Lutheran Social Services.
- 6) provide assistance to members who need transportation, help in grocery shopping, help in food preparation, and other such needs as are brought to the attention of the congregation.
- 7) disburse benevolence gifts to appropriate agencies.

**I. The Board of Evangelism shall:**

- 1) with the pastor and the congregation, plan and implement programs for outreach to unchurched persons, inactive members and potential members.
- 2) develop and maintain a current prospect file and arrange for follow up calling.

- 3) orient new members to the congregation and encourage them to become active in the life of the congregation.
- 4) create a climate of evangelism that will encourage the congregation to share Christ informally and spontaneously with others.
- 5) develop and maintain a group of church members who will call upon and assist church and community members as necessary.
- 6) maintain the guest book.

**J. The Board of Marin Lutheran Children's Center shall:**

- 1) Be responsible for the overall operation of Marin Lutheran Children's Center (MLCC) ensuring that the Center:
  - a. Provide quality infant and pre-school extended care program while offering these services in a joyful, loving environment.
  - b. Support building strong Christian values and a spiritual framework for living while upholding and respecting the diversity of the children's backgrounds.
  - c. Create a strong foundation for later more formal education.
  - d. Operate in compliance with all applicable laws and regulations of legislative governing bodies.
  - e. Operate in a businesslike and professional manner, including maintaining operating results that are for non-profit.
  - f. Operate in accordance with the Constitution and Mission of Marin Lutheran Church.
- 2) Structure of the Board:
  - a. A Director of the Board of MLCC shall be nominated and elected by the Congregation during the annual constitutionally established election process.
  - b. A Secretary to be elected by members of the MLCC Board.
  - c. A Treasurer nominated by the Board of MLCC shall:
    1. Be responsible for maintaining a general ledger.

2. Provide monthly financial statements (Balance sheet and Profit and Loss Statements) to the Board of MLCC and the Church Council.
  3. Supervise all MLCC financial institution accounts with all accounts being accessible by the Church Treasurer and others designated by the board. Single access signatures are allowable.
  4. Develop an annual budget for MLCC Board and congregational approval and periodically present results of the financial operations to the congregation. The Board of MLCC must approve expenditures that exceed the budget by more than \$500 on a monthly basis with notice to the Board of Finance and Administration.
  5. Be directly responsible to the Board of Finance and Administration. The financial records to be reviewed annually by an audit committee established by the Board of Finance and Administration.
- d. Pastor and Director of MLCC are advisory members to the Board with voice only.
  - e. A parent with a child actively enrolled at MLCC may be an ex-officio member.
  - f. To provide smooth continuity of Board service, the Board will provide orientation of new members. Terms will be staggered to provide continuity.
- 3) The Board is specifically responsible for hiring a qualified Director of MLCC and providing periodic performance appraisals.
  - 4) The Board will support the Director of MLCC to ensure the Center is properly staffed with qualified teachers and other staff and encourage them to grow professionally and spiritually.
  - 5) The Board shall adhere to the guidelines as established in the documents for Board Policy, the Personnel Policy, the Parent Agreement and Infant and Toddler Descriptions.

## **ARTICLE 7 - PARISH RECORDS**

A7.01. The records of the congregation shall be and remain the property of the congregation. The pastor shall be responsible for the maintenance of the records, except as otherwise provided

herein. Upon the termination of a pastor's service to the congregation, the records shall have been brought up to date prior to his departure. The records shall consist of:

- A. the roster of baptized, confirmed, associate and voting members.
- B. the ministerial acts performed by the pastor.
- C. the minutes and reports of the synod.
- D. the minutes of the meetings of the congregation and the Congregation Council, for which the secretary of the congregation shall be responsible.
- E. the financial records of the congregation, for which the treasurer of the congregation shall be responsible.

A7.02. The pastor shall report to the general secretary of the Evangelical Lutheran Church in America such statistics as may be requested and shall include a summary of ministerial acts in the Annual Report to the congregation.

A7.03. Should the congregation be merged, the official records shall be deposited with the successor congregation. Should the congregation be divided or be dissolved, the official records shall be deposited with the synod.

This constitution and bylaws has been ratified by congregational action on January 13, 2002 for implementation on January 13, 2002.

**THIS CONSTITUTION AND BYLAWS SUPERSEDE THE PRECEDING CONSTITUTION OF 1948 AS AMENDED AND THE CONSTITUTION AND BYLAWS OF 1982 and 1993.**