

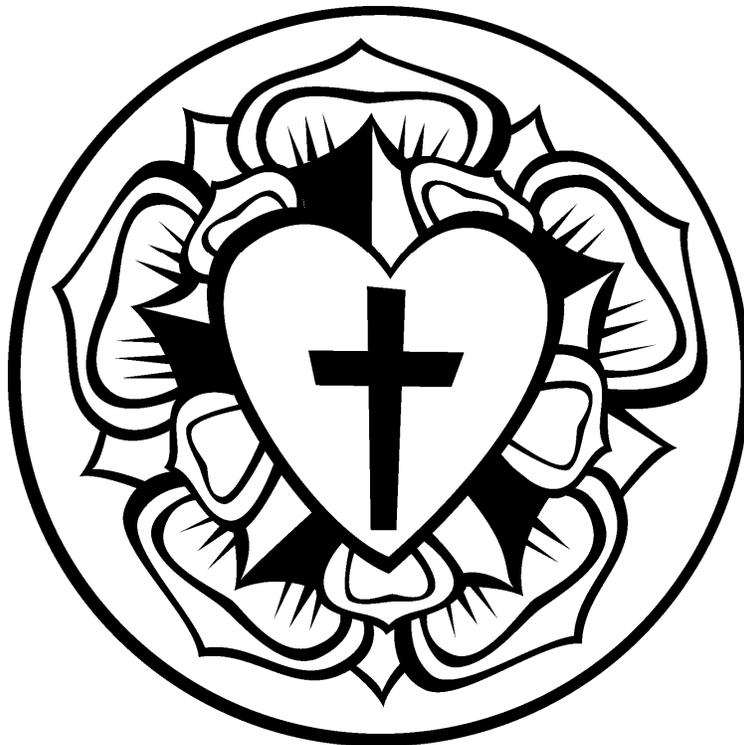
# GRACE EVANGELICAL LUTHERAN CHURCH

## ***Congregation Constitution***

*Adopted: December 2, 2012*

*Ratified: December 1, 2013*

*5575 Cincinnati-Zanesville Road NE  
Lancaster, Ohio 43130*



### **OUR MISSION:**

**To be and make disciples of Christ  
by sharing God's grace and serving God's Kingdom.**

## INTRODUCTION

The *Model Constitution for Congregations of the Evangelical Lutheran Church in America* originally was adopted by the Constituting Convention of this church in Columbus, Ohio, on April 30, 1987. This was done as required by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

This current edition of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* contains changes adopted by the 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, 2005, 2007, 2009, and 2011 Churchwide Assemblies.

The model is consistent with the requirements of the constitutional governing documents of the ELCA's churchwide organization and synods.

► **Required provisions:** Sections of this constitution marked by an asterisk [\*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (neither additions nor deletions). This is in keeping with provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision stipulates that when a congregation of this church “wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b.” in the churchwide constitution. The provisions herein marked by an asterisk are those that are indicated as required in ELCA constitutional provision 9.25.b.

► **Review by synod:** In keeping with provisions that apply to all congregations of this church, each congregation is to provide a copy of its governing documents to the synod. As specified by ELCA bylaw 9.53.03. (numbering as listed in the 1991 and subsequent editions):

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall approve or disapprove the proposed changes within 120 days of receipt thereof, and shall notify the congregation of its decision; in the absence of a decision, the changes shall go into effect.

► **Codification explanation:** A numerical codification indicates (a) general subject, (b) constitutional provisions, (c) bylaws, and (d) continuing resolutions.

- a. Major sectors are designated as chapters. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus, provisions in “Chapter 8. Membership” are preceded by “8.”
- b. Constitutional provisions are codified with two sets of numbers: the chapter number and a two-digit number preceding the second period in the codification. Thus, one constitutional provision related to “Membership” is codified \*C8.02.
- c. Bylaw provisions are codified with three sets of numbers: the chapter number, the related constitutional provision number, and a two-digit number. Thus, one bylaw provision related to “Membership” would be codified C8.02.01. Because bylaws and continuing resolutions normally are so specifically related to details of each congregation's organization, operation, and life, no model set of bylaws or continuing resolutions is provided. Each congregation may develop its own bylaws and continuing resolutions, but no such bylaws or continuing resolutions may conflict with this constitution, the constitution and bylaws of the Evangelical Lutheran Church in America, and the constitution of the synod, as indicated in \*C6.03.e.
- d. The Congregation Council may adopt “continuing resolutions,” which may provide descriptions of operational patterns or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. Within the governing documents of a congregation, continuing resolutions are the provisions most easily amended. Unlike constitutional provisions and bylaws, continuing resolutions may be updated regularly by the Congregation Council without the necessity of calling a regular or special Congregation Meeting. Continuing resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered C13. to designate the chapter; C13.07. to designate the subject matter within the chapter; and the third set might be numbered A07. in the codification C13.07.A07. to indicate by the “A” that it is the first continuing resolution regarding that subject and to indicate by the “07” that it was adopted in 2007.

► **Ease of use:** The provisions of your congregation's constitution, the bylaws, and the continuing resolutions that pertain to the same matter should be placed together for clarity and ease in use.

If chapter numbers are considered the major sequence number, constitution numbers as a fraction of the chapter number, and bylaw numbers as a fraction of the constitution number, then the codification can be said to provide a progressive sequence. Thus, \*C5.01. will precede C5.03.10., and C9.11.16. will precede \*C9.13.

All provisions in the *Model Constitution for Congregations* are prefaced with "C" to distinguish these provisions from comparable ones in the synodical and churchwide constitutions.

► **Missing numbers:** As you work with the *Model Constitution for Congregations*, you may notice that certain numbers seem to be missing from the numbering sequence in some chapters. That is intentional. In the style followed here, the number ".10." and multiples thereof have been reserved for possible use as section headings in future editions. Therefore, in the sequence, for example, of Chapters 1, 9, and 12, these ".10." numbers do not appear.

► **Selection of options:** Alternatives are provided in certain places within the model. Those are noted by square brackets. For example, \*C9.01. offers the alternative of election of a call committee by the congregation or by the Congregation Council. One alternative should be chosen in each instance where square brackets appear in the text.

Optional texts are provided in separate paragraphs in Chapters 11 and 12 regarding the Congregation Council and its membership. Each congregation will need to select one of those options for council membership or a variation thereof, subject to approval through the synod's constitutional review process.

► **References to church:** In the governing documents, "Church" with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words "church" and "this church" in lower case letters are employed, although, for clarity in this constitution, the full name or "ELCA" normally is used.

The specific congregation may be identified, as provided in C1.02., as "this congregation."

► **Guidelines:** A list of guidelines for a congregation engaging in review and amendment of its constitution is available through each synod office and on the ELCA website ([www.elca.org/secretary/Constitutions/ModelGuide.pdf](http://www.elca.org/secretary/Constitutions/ModelGuide.pdf)).

The task of amending a constitution is not easy. It is, however, an important endeavor that merits thoughtful work. In your constitutional responsibilities, God grant you wisdom, mutual love, clear understanding of good order, and commitment to the unity of this church in faithful witness to our Lord and Savior, Jesus Christ.

David D. Swartling  
Secretary  
Evangelical Lutheran Church in America  
September 15, 2011

# MODEL CONSTITUTION for CONGREGATIONS of the EVANGELICAL LUTHERAN CHURCH IN AMERICA<sup>®</sup>

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## **\*PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together 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 Grace Evangelical Lutheran Church.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of Grace Evangelical Lutheran Church is hereinafter designated as "this congregation."
- C1.11.** This congregation shall be incorporated under the laws of the State of Ohio.

## **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.

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\* Required provision

- \*C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- \*C2.07. This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God’s mission in the world.

### **Chapter 3.**

#### **NATURE OF THE CHURCH**

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

### **Chapter 4.**

#### **STATEMENT OF PURPOSE**

- \*C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God’s creative, redeeming, and sanctifying activity in the world.
- \*C4.02. To participate in God’s mission, this congregation as a part of the Church shall:
  - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
  - b. Proclaim God’s saving Gospel of justification by grace for Christ’s sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
  - c. Carry out Christ’s Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
  - d. Serve in response to God’s love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
  - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.

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

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

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

*C4.03.01. The members of this congregation are encouraged to regularly receive the sacrament of Holy Communion. Participation is open to all baptized members who desire to participate in the sacrament and have had appropriate instruction in this means of grace.*

*C4.03.02. Participation in Holy Communion shall be open to other visiting baptized Christians who commune in their own congregations and who accept the Lutheran understanding of Holy Communion. Upon request, notice of a visitor's communion participation may be sent to the visitor's home congregation.*

*C4.03.03. The Lutheran teaching regarding Holy Communion is contained in Luther's Large and Small Catechisms and elsewhere in the Book of Concord. This sacrament embodies the promise of the risen Jesus Christ, present in, with, and under the forms of bread and wine, for all who seek this gift.*

- 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 relationships consistent with churchwide policy.

**\*C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. Such descriptions shall be contained in continuing resolutions in the section on the Congregation Council.

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

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

## Chapter 5.

### POWERS OF THE CONGREGATION

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

- \*C5.02. The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- \*C5.03. Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
  - a. call a pastor as provided in Chapter 9;
  - b. terminate the call of a pastor as provided in Chapter 9;
  - c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
  - d. adopt amendments to the constitution, as provided in Chapter 17, amendments to the bylaws, as specified in Chapter 16, and continuing resolutions, as provided in Chapter 18..
  - e. approve the annual budget;
  - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - g. hold title to and use its property for any and all activities consistent with its purpose;
  - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - i. elect its Congregation Council, and require them to carry out their duties in accordance with the constitution, and bylaws, and continuing resolutions; and
  - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- \*C5.04. This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Southern Ohio Synod of the Evangelical Lutheran Church in America.
- C5.05. This congregation may have a mission endowment fund that will operate as specified in this congregation's bylaws. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

## **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 Southern Ohio Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- \*C6.02. This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- \*C6.03. This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
  - a. This congregation agrees to be responsible for its life as a Christian community.
  - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
  - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of ordained

ministers of the Evangelical Lutheran Church in America or to contracting for pastoral services with an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.

- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America 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.** A congregation may terminate its relationship with this church by the following procedure:

- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the congregation council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
- d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted

- by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
- f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly.
  - g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive synod council approval before terminating their membership in this church.
  - h. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synodical approval before terminating their membership in this church.
  - i. Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive synod council approval before terminating their membership in this church.
  - j. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after that second meeting.
- \*C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.
- \*C6.07.** If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate program unit of the churchwide organization before any steps are taken leading to such action.

## **Chapter 7.**

### **PROPERTY OWNERSHIP**

- \*C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the Southern Ohio Synod of the Evangelical Lutheran Church in America.
- \*C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- \*C7.03.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Southern Ohio Synod.
- \*C7.04.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to

a non-Lutheran church body and have followed the process for termination of relationship in \*C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

- C7.05.** Notwithstanding the provisions of \*C7.02. and \*C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the Southern Ohio Synod—reconvey and transfer all right, title, and interest in the property to the synod.

## Chapter 8.

### MEMBERSHIP

- \*C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- \*C8.02.** Members shall be classified as follows:
- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
  - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of 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, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.
- \*C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- \*C8.04.** It shall be the privilege and duty of members of this congregation to:

- a. make regular use of the means of grace, both Word and sacraments;
- b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
- c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action by the Congregation 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 shall remain persons for whom the Church has a continuing pastoral concern.

## **Chapter 9.**

### **THE PASTOR**

**\*C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council 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 a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.

**\*C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,

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

- \*C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.05.**
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, 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, 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 the termination of a parish arrangement; 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 Congregation 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.
  - 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 persons shall be heard, after 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 at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
  - 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 Evangelical Lutheran Church in America 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 the

congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).

- \*C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- \*C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- \*C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- \*C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.11.** With the approval of the bishop of the synod, the congregation may depart from \*C9.05.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 a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.
- \*C9.12.** The pastor of this congregation:
  - a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
  - b. shall submit a summary of such statistics annually to the synod; and
  - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- \*C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

**C9.20. Ecumenical pastoral ministry**

**C9.21.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

**Chapter 10.**

**CONGREGATION MEETING**

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

***C10.01.01.** The annual congregation meeting will take place on the First Sunday of December of each calendar year, the agenda for which shall include:*

- 1. Minutes of the preceding congregation meeting are to be read and approved*
- 2. Election of officers of the congregation and Congregation Council*
- 3. Approval of a proposed budget for the coming year*
- 4. (Presentation of annual reports of Officers, Committees, and Taskforces of the Congregation)*

**C10.02.** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of ten percent of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.

**C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays. Notice of all special meetings shall also be given at the services of worship on the preceding two consecutive Sundays as well as by mail to all voting members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient. Electronic notice of meetings may be provided in addition to notice by regular mail.

**C10.04.** Twenty-five percent of all voting members shall constitute a quorum.

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

**C10.06.** All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.

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

**Chapter 11.**

**OFFICERS**

**C11.01.** The officers of this congregation shall be a president, vice president, secretary, and treasurer.  
a. The officers shall be voting members of the congregation.  
b. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.

- C11.02.** The officers of the congregation shall be elected as described below. The term of office shall begin on January 1 and end on December 31 following their election.
- a. The congregation, at its annual meeting, shall elect the secretary and treasurer of the Congregation Council and they shall be the officers of the congregation.
  - b. The president of the congregation shall be elected by the Congregation Council and shall serve as the president of the congregation.
  - c. The pastor shall be *ex officio* vice president of the congregation and of the Congregation Council.
- 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 unless otherwise approved by the Congregation Council.
- C11.04.** The duties of the officers shall be specified in the bylaws.

**C11.04.01.** *The president of the Council/Congregation shall preside at the meetings of the council and the congregation. The president shall also serve as Statutory Agent to encumber, lease, sell, rent, and/or mortgage all properties of the congregation and, with the treasurer, all securities and accounts of the congregation. Other duties may be outlined and approved by the Congregation Council.*

**C11.04.02.** *The vice president (the pastor) shall carry out the responsibilities of the president in the absence of the president.*

**C11.04.03.** *The treasurer shall hold in safekeeping all monies and other securities of the congregation, unless otherwise directed by the Congregation Council. Such monies shall be disbursed only upon orders of the Council. In addition, the treasurer:*

1. *May also be authorized by the Council to handle separate accounts of other monies belonging to other organizations related to the congregation.*
2. *Shall keep an accurate account of all monies received and disbursed.*
3. *Shall provide regular reports to the Congregation Council, prepare a report for the annual congregation meeting, and give a year end fiscal report to the congregation.*
4. *Shall be in charge of the bank lock box containing securities and other valuable papers. An inventory of this list shall be kept in the church office records.*
5. *Shall work in partnership with those the Council has designated to manage any other funds the Council has defined. All these funds are accountable to the treasurer and subject to annual audit.*

**C11.04.04.** *The financial secretary shall maintain records of all contributions made to this congregation. In addition, the financial secretary shall:*

1. *Distribute annually the offering envelopes to all members.*
2. *Prepare annual contributions statements for its members.*
3. *Make regular reports to the Congregation Council, and to the congregation at the annual meeting.*

**C11.04.05.** *The recording secretary shall keep minutes and records of all proceedings of the Congregation Council and of the Congregation at all official meetings. The recording secretary shall also be responsible for the archives of the congregation.*

## Chapter 12.

### CONGREGATION COUNCIL

**C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), and not more than 16 nor fewer than 12 members of the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. When deemed necessary and expedient by the congregation, a member's seat on the Congregation Council may be shared by two people who otherwise meet the Council membership requirements. Only one of these persons shall have the right of vote at any Council meeting. Should the other person be in attendance at the same meeting, he or she may participate in the discussion as any other regular member of the congregation would so do; the voting member shall be clearly identified and noted when the roll is taken at the beginning of the meeting. A member's place on the Congregation Council may be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

**C12.01.01.** *The Congregation Council shall consist of the pastor(s), the treasurer, the recording secretary, the financial secretary, four elders, four deacons, and four trustees.*

**C12.01.02.** *The president of the congregation shall also be the president of the Council and shall be elected by the Council at the first meeting of the calendar year. The term of office shall be one year.*

**C12.01.03.** *The pastor will serve as vice president of the congregation and of the Congregation Council.*

**C12.01.04.** *The treasurer, the financial secretary, and the recording secretary will be elected by the congregation for a two year term each.*

**C12.01.05.** *Four elders will be elected by the congregation to serve four year terms, with one elder elected each year.*

**C12.01.06.** *Four trustees will be elected by the congregation to serve four year terms, with one trustee elected each year.*

**C12.01.07.** *Four deacons will be elected by the congregation to serve four year terms, with one deacon elected each year.*

**C12.01.08.** *The Congregation Council shall fulfill the responsibilities and follow the procedures for office as outlined in Chapter 12 of the Congregation Constitution.*

**C12.02.** The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for four years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively, unless otherwise approved by the Congregation Council. Their terms shall begin January 1 following the annual meeting at which they are elected.

**C12.02.01.** *The nomination and election of those serving are subject to the rules and procedures as outlined in Chapters 11 & 12 of the Congregation Constitution.*

**C12.02.02.** *In the month of October, the nominating Committee shall seek nominations from a cross section of eligible voting members of the congregation, encouraging individuals to share in the ministry of the congregation.*

**C12.02.03.** *The nomination of Council members and officers shall be made by the Nominating Committee. Nominations shall be published for two consecutive Sundays prior to the election; nominations from the floor may be made at the time of the annual congregation meeting.*

**C12.02.04.** *The election of Council members and officers shall occur at the annual congregation meeting.*

**C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.

**C12.03.01.** *If a member of the Congregation Council is absent from three consecutive regular meetings of the council, without cause, the member shall be consulted by the president of the congregation and encouraged to return. If the member is absent from four consecutive regular meetings of the Council, without cause, and in light of putting God first in all things, the Congregation Council may declare the position vacant.*

**C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

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

**C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and 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 Ohio, except as otherwise provided herein.

*C12.05a.01 The Congregation Council shall have full responsibility for the Grace Evangelical Lutheran Church Cemetery (Colfax), hereafter called "the Cemetery," and the Trustees of the Congregation shall oversee the needs of the Cemetery in behalf of the Council in accordance with the Cemetery's Bylaws delineated in C14.01.01.*

- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council may enter into contracts of up to \$1500 for items not included in the budget.
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of no more than 10% of the current budget's anticipated receipts without approval at a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.

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

***C12.06.01** The elders of the congregation shall assist the pastor(s) with the spiritual life of the members of the congregation and shall assume full responsibility of such in the absence of a pastor. They, with the Congregation President, may also serve as the Mutual Ministry Committee or shall appoint such a committee in consultation with the Pastor. In addition the elders:*

- 1. Shall recruit and support the ministers of music.*
- 2. Shall meet annually to review the membership roster.*
- 3. Shall serve as the Nominating Committee of the congregation.*
- 4. Shall serve as liaison to other areas of ministry in the congregation as outlined below in these bylaws.*
- 5. May perform other duties as requested by the pastor and the Congregation Council.*
- 6. Shall report their activities to the Congregation Council and annually to the congregation at the annual meeting and at such times as the congregation may decide.*

***C12.06.02** The trustees shall be responsible for the upkeep of the buildings and premises of the congregation, for the benefit of the congregation and the community. In addition, the trustees:*

- 1. Shall be the Signature Authority of the congregation to encumber, lease, sell, rent, and mortgage all properties of the congregation and, in conjunction with the treasurer, all securities and accounts of the congregation.*
- 2. Shall make periodic inspections of all congregation-owned properties.*
- 3. Shall oversee any work that is done on the church buildings and premises.*

4. *Shall recruit and support the custodial services and a groundskeeper for the church premises, and make any recommendations to the Congregation Council regarding these persons.*
  5. *Shall, with the Officers of the congregation, serve as the budget committee.*
  6. *Shall oversee the needs of the Grace Evangelical Lutheran Church Cemetery (Colfax) in behalf of the Congregation Council as a whole and in accordance with this Cemetery's Bylaws delineated in C14.01.01.*
  7. *Shall serve as a liaison to other areas of ministry in the congregation as outlined below in these bylaws.*
  8. *May perform other duties as requested by the pastor and the Congregation Council.*
  9. *Shall report their activities to the Congregation Council and annually to the congregation at the annual meeting and at such times as the congregation may decide.*
- C12.06.03** *The deacons shall be responsible for making regular checks on the physical conditions of the worship area to ensure that the worship services are attended to reverently and in conformity with Lutheran practice. They shall also maintain records of attendance and communion participation. In addition, the deacons:*
1. *Shall ensure that the elements for the sacraments of the church are prepared for the worship services.*
  2. *Shall be responsible for the ushering duties during worship services and at special events. They are encouraged to invite any member to be an usher – men, women, and children.*
  3. *Shall seek to make guests and visitors feel welcomed, greeted and oriented to the worship service.*
  4. *Shall serve as a liaison to other areas of ministry in the congregation as outlined below in these bylaws.*
  5. *May perform other duties as requested by the pastor and the Congregation Council.*
  6. *Shall report their activities and records to the Congregation Council and annually to the congregation at the annual meeting.*

- C12.07.** The Congregation Council shall provide for an annual review of the membership roster. This duty is delegated to the Elders as specified above.
- C12.08.** The Congregation Council shall be responsible for the employment and supervision of the staff and independent contractors of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused

approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

## Chapter 13.

### CONGREGATION COMMITTEES

- C13.01.** The officers of this congregation and the pastor shall constitute the **Executive Committee**.
- C13.02.** A **Nominating Committee** of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected by the Congregation Council to serve for a term of one year.
- C13.03.** An **Audit Committee** of three voting members shall be appointed by the Congregation Council. Audit Committee members shall not be members of the Congregation Council.
- C13.04.** A **Mutual Ministry Committee** shall consist of the Elders and the Congregation Council President or be appointed by them in consultation with the Pastor and will assist and support the pastor and other staff in areas of concern regarding ministry, personal life, and spiritual wellbeing.
- C13.05.** When a pastoral vacancy occurs, a **Call Committee** of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.
- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of committees of this congregation shall be specified in the bylaws.

**C13.07.01.** *The Executive Committee will be composed of the officers of the Congregation Council as directed in Chapter 13 of the constitution.*

**C13.07.02.** *The Nominating Committee will be formed according to C13.02, with one elder serving as chairperson, and shall follow procedures as outlined in Chapters 11 & 12 of the Constitution and bylaws.*

**C13.07.03.** *The Budget Committee will be composed of the trustees of the congregation and the Executive Committee. This committee shall seek out and hear requests from all ministry areas of the congregation regarding programmatic budget needs, and shall meet annually in October to draft a proposed budget for presentation to the Council at its next scheduled meeting and to the congregation at the annual congregation meeting. The committee shall also see that all matters of the congregation are carried out in faithful Christian stewardship.*

**C13.07.04.** *The Audit Committee shall follow the procedures as outlined in C13.03, shall annually review and audit the records of the treasurer and other funds accountable to the treasurer, and report its findings to the Congregation Council and the congregation. Such audits shall include existing insurance policies and the inventory list of the lock box.*

**C13.07.05.** *The Worship and Music Committee shall have at least one elder and one deacon serving as liaisons to the Council to hear and communicate concerns of the church choir or organist, and communicate any concerns, questions, or suggestions/information to the Council liaison for discussion. The committee shall be otherwise composed of the musicians, as well as interested and volunteer members of the congregation. They shall provide direction for regular and special worship services, provide for selection of hymns and special music. The deacon shall ensure that acolytes and lay readers are provided for worship, shall appoint and oversee the Altar Guild.*

**C13.07.06.** *The Christian Education Committee shall have at least one elder serving as a liaison to relay information and concerns to the Congregation Council. The shall plan for and oversee*

*Sunday School, Confirmation, Vacation Bible School, Bible Studies, and regular youth events and activities. They shall recruit teachers, volunteers, and helpers as necessary to fulfill these obligations and provide training and resources for these persons to carry out this ministry. They shall ensure that nursery care is available during regular worship services, shall encourage eligible Sunday School students to attend summer camp, and provide for proper adult supervision of all congregation activities for children and youth, which may also include seeking criminal background checks for volunteers in positions of leadership as requested by the Congregation Council. They shall communicate any concerns, questions, information, or suggestions to the Council liaison for discussion at Council.*

**C13.07.07. The Congregational Life Committee (Special Events Team – SET)** shall have at least one elder of the Council to serve as a liaison to relay any information, concerns, or suggestions to the Congregation Council. They shall provide for intergenerational fellowship activities throughout the year and other special events as may be needed. They shall communicate any concerns, questions, information, or suggestions to the liaison for discussion at Council.

- C13.08.** The [senior] pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.

## **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.

**C14.01.01 Grace Evangelical Lutheran Church Cemetery (Colfax)** *This Cemetery is given its power and authority by the Congregation Constitution of Grace Evangelical Lutheran Church, (Colfax), of Pleasant Township, Fairfield County, in the State of Ohio. The complete governing document of this Cemetery is provided in Appendix A of this document for clarity and ease of use, but has been adopted by the congregation into its bylaws.*

- C14.02.** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council [and specified in a continuing resolution].

## Chapter 15.

### DISCIPLINE OF MEMBERS AND ADJUDICATION

- \*C15.01.** 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. If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.
- \*C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. The written citation that specifies the time and place of the hearing before the Congregation Council and requests the presence of a member charged with the offense shall be sent at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.
- \*C15.03.** Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
- a. censure before the 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.
- \*C15.04.** The 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.
- \*C15.05.** Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.
- \*C15.06.** For disciplinary actions in this congregation, "due process" shall be observed as specified in 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

- \*C15.07. No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.
- \*C15.10. **Adjudication**
- \*C15.11. When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## Chapter 16.

### BYLAWS

- \*C16.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- \*C16.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- \*C16.03. Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal with the council's 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.

## Chapter 17.

### AMENDMENTS

- \*C17.01. Unless provision \*C17.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least ten percent of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.
- \*C17.02. An amendment to this constitution, proposed under \*C17.01., shall:
  - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
  - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
  - c. have the effective date included in the resolution<sup>1</sup> and noted in the constitution.
- \*C17.03. Any amendments to this constitution that result from the processes provided in \*C17.01. and \*C17.02. shall be sent by the secretary of this congregation to the synod. The amendment

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<sup>1</sup> Such an effective date must be stated in relation to the requirements of \*C17.03. to allow time for synodical review of 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 Southern Ohio Synod of the ELCA.

- \*C17.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of ten percent of the voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 18.**

### **CONTINUING RESOLUTIONS**

- \*C18.01.** The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- \*C18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

## **Chapter 19.**

### **INDEMNIFICATION**

- \*C19.01.** Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

## **Chapter 20.**

### **PARISH AUTHORIZATION**

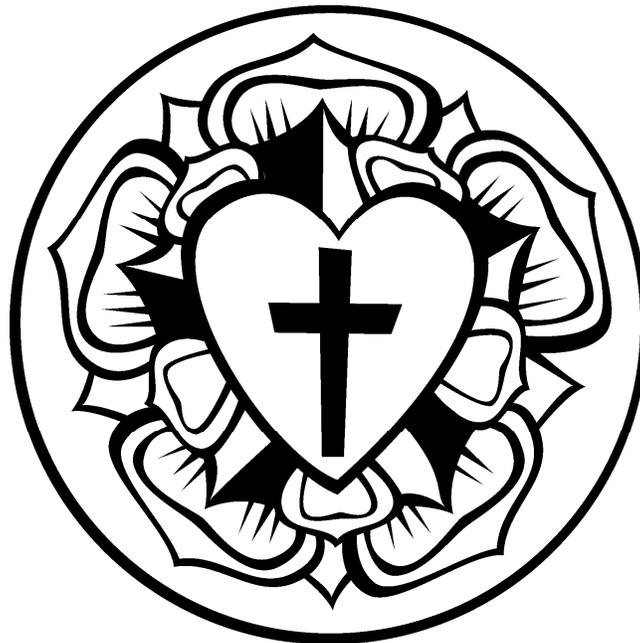
**[\* Required provisions when congregation is part of a parish]**

- \*C20.01.** This congregation may unite in partnership with one or more other congregations recognized by the synod named in \*C6.01. to form a parish. Except as provided in \*C20.02. and \*C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to a Parish Council.
- \*C20.02.** Whenever a letter of call is being recommended for extension to an ordained minister of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended to the congregation by the synodical bishop to serve the

congregations of a parish, such letter of call shall be first approved by a two-thirds vote at congregational meetings of each of the congregations forming the parish. If any congregation of the parish should fail to approve extending this call, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.

- \*C20.03.** Any one of the congregations of a parish may terminate the call of a pastor as provided in †S14.13.d. of the synodical constitution of the synod named in \*C6.01. In such case, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.
- \*C20.04.** Whenever a parish arrangement is terminated, the call of any rostered person serving that parish is terminated. Should any congregation that formerly was part of the parish arrangement desire to issue a new call to that rostered person, it may do so in accordance with the call process of this church.

2013 BYLAWS OF  
THE GRACE EVANGELICAL LUTHERAN  
CHURCH CEMETERY (COLFAX)



THIS CEMETERY IS GIVEN ITS POWER AND AUTHORITY BY THE CONGREGATION  
CONSTITUTION OF GRACE EVANGELICAL LUTHERAN CHURCH, (COLFAX)  
OF PLEASANT TOWNSHIP, FAIRFIELD COUNTY, IN THE STATE OF OHIO.

*It is intended that all bylaws are in compliance with the Ohio Revised Code Section 1721. Should any bylaw conflict with Ohio Revised Code Section 1721, Ohio Revised Code Section 1721 shall prevail. Bylaws are intended to follow Cemetery Minimum Maintenance Guidelines adopted by The Ohio Cemetery Dispute Resolution Commission, pursuant to Ohio Revised Code Section 4767.06(H)*

### **Article I-Name and Ownership**

The name of this cemetery shall be Grace Evangelical Lutheran Church Cemetery (Colfax) (hereafter called "the Cemetery"). The administration of the Cemetery shall rest solely with Grace Evangelical Lutheran Church (Colfax) with a business address of: 5575 Cincinnati Zanesville Road, Lancaster, Ohio 43130

The Cemetery is a separate legal parcel of land owned and maintained by Grace Evangelical Lutheran Church (Colfax), pursuant to the deed filed of record in Volume 1624, Page 3735, Official Records, Fairfield County, Ohio

### **Article II-Organization**

The Congregation Council is in complete charge of the Cemetery.

The Trustees of the Cemetery are the same Trustees as elected to Grace Evangelical Lutheran Church (Colfax) Congregation Council.

Within sixty (60) days of the annual Congregation Council offices being filled, the Trustees shall elect a Chair and a Secretary-Treasurer to oversee all business of the Cemetery. The Church Treasurer in conjunction with the Chair and the Secretary-Treasurer shall sign all bank documents and be a signature authority on accounts, deeds, insurance policies, contracts and audit the Cemetery records annually.

The positions of Chair and Secretary-Treasurer may be one individual.

"Rules and Regulations" of the Cemetery may be reviewed annually by the Congregation Council and/or changed by the passage of Congregation Council resolutions.

### **Article III-Structure and Duties**

The duties of the Trustees are:

- **The Chair** shall oversee and secure insurance and bonding, maintain an offsite fire and water proof security chest of all cemetery records and maintain a master copy the master plat and plot plan of the Cemetery and "Rules and Regulations" of the Cemetery at 5575 Cincinnati-Zanesville Road. This master plat and plot plan of the Cemetery shall be for public examination.
- **The Chair** shall organize and contract the Cemetery work with cooperation of the Trustees.
- **The Secretary-Treasurer** shall keep an accurate record of all burials and the buried. Burial permits for each burial shall be received by the day of the burial and shall be retained perpetually. The Secretary-Treasurer shall receive and dispense all cemetery funds in accordance with the Trustees  $\frac{3}{4}$  majority vote. The financial records shall be audited by the Audit Committee and published annually. The auditing committee shall be the same as the committee called by the Church Council of Grace Evangelical Lutheran Church (Colfax).
- **The Trustees must assign** the duty of interment right sales to at least 2 Trustees annually when updating the registration with the State of Ohio.
- **The Trustees as a whole** shall be responsible for maintaining the Cemetery. The Chair and Secretary/Treasurer shall be responsible for selling burial plots where available, and for administering all things connected with the Cemetery not specifically mentioned herein, or included in the "Rules and Regulations" published from time to time by the approval a  $\frac{3}{4}$

majority of the Trustees and to see to it that all things are administered in Christian Love and in accordance with the Laws of the State of Ohio.

#### **Article IV- The Cemetery Funds**

The purchase price of plots and donations to the Church for the Cemetery shall be placed into the Cemetery Funds. These funds shall be invested by the Trustees to produce income for the maintenance of the Cemetery. These investments shall be reviewed annually. The interest or dividends from the Cemetery Funds shall be used only for the maintenance, and legal fees of the Cemetery.

The Cemetery Funds are kept under a separate EIN number established by the IRS fully under the authority of the Grace Evangelical Lutheran Church. These funds are for perpetual care, legal fees and maintenance of the Cemetery and shall be gifted to the Pleasant Township Trustees should Grace Evangelical Lutheran Church cease to exist.

The Cemetery Funds shall be invested by the following recommendations:

- **INVESTMENT FUND:** Invest the Cemetery Funds in a manner that will wisely generate an estimated annual return to operate the Cemetery annually and build an Endowment Care Fund. Two Trustees and the Church Treasurer shall be signature authority on all accounts.
- **SECURED FUND** The principal of \$20,000 “secured fund” shall be invested in an FDIC Insured institution at all times. Two Trustees and the Church Treasurer shall be signature authority on all accounts.
- **ENDOWMENT CARE FUND** Once \$50,000 is generated it shall be kept in insured cash or bonds. This \$50,000 principal shall remain intact perpetually and the interest or dividends shall be used for annual operations, investment or to add to the Memorial Fund should it be depleted. Two Trustees and the Church Treasurer shall be signature authority on all accounts.
- **MEMORIAL FUND** Donations not otherwise indicated for specific purpose shall be placed in a “memorial fund” and shall be maintained and invested in an FDIC Insured institution at all times to help cover costs of low/no income person’s burial requirements. Two Trustees and the Church Treasurer shall be signature authority on all accounts. This fund shall not be published and tracked only in book keeping. Its use will be solely based up the decisions of a simple majority of the Trustees.

#### **Article V-Plot Purchase and Assignment**

Plots are only available for purchase by members of Grace Evangelical Lutheran Church (Colfax), at the currently published price. Only in unusual cases and at the discretion of the Trustees, may burial space be granted without the published plot purchase price.

Plots cannot be resold except back to the Church at the discretion of the Trustees. NO REFUND IS GUARANTEED.

“Pricing and Fees” are subject to 6 month review and publication by the Trustees without the need for church council or congregational review as long as the increase in pricing and fees is not greater than 10%.

Transfer of individual plots to another person requires the original certificate of receipt and a notarized signature from the original owner, or be clearly delineated in an original copy of their last will and testament. For “family plots” sold prior to cemetery registration with the State, some documentation or

verification with two living relatives will be required, or a blood line be established and documented as to the "desire to bury" in a specific plot.

Plot transfers shall be documented in writing to the Trustees within 15 days of the transfer. New corner markers are required to be placed within 6 months of the date of the letter of transfer if the last name is different. The Trustees will bill the new owner for cast aluminum corner markers based on the cost of the markers at the time of transfer. Payment must be received within 90 days of the transfer.

Each plot sold shall state with the graphic drawing "This plot location is unconditionally guaranteed." The purchaser shall verify the location in the cemetery with a trustee present prior to making the purchase.

**TRUSTEE ASSIGNMENT BURIALS** Approximately 7% of the total plots shall be reserved along the south side of the Cemetery and designated as "trustee assignments only" for those unable to pay for plots or to honor commitments made for burial prior to cemetery registration with the State, should any exist in the future.

### **Article VI -Rules and Regulations**

The Trustees shall review and publish annually the current "Rules and Regulations" of the Cemetery as amended to comply with State and Local laws and management changes as needed.

These five points are considered the minimum "Rules and Regulations" and shall be published on the Cemetery Sign along with the name of Cemetery and management contact information:

- The Cemetery is open from sunrise to sunset daily.
- All artificial flowers, wreaths, blankets and weathered decorations shall be removed by March 1 in order to prepare for the grass cutting season.
- **Any planting is solely the right of the Trustees.** All flowers are acceptable as grave decorations. If any grave decoration or object, other than flowers, is deemed objectionable by the Trustees, it shall be removed immediately.
- The placement of glass containers or decorations is strongly discouraged.
- All visitors are expected to respect the solemnity of this Cemetery.

The Trustees shall supply cast aluminum corner markers within 6 months of purchase, whose cost is included in the purchase of the plot. If the owner of the plot desires a different marker other than the basic cast aluminum one, he or she shall purchase them and have them installed in the presence of a Trustee within 6 months of the date of purchase. They shall not exceed 6" by 6" on the exposed surface and must be flush with the adjacent ground.

All caskets must be placed in a burial vault.

This Cemetery will allow the burial of 1 cremains in an individual plot (4' x 12') or a maximum of 2 cremains from related individuals (one common ancestor or by marriage) in the same individual plot. One common headstone with two names shall be required. The intention to bury two cremains in one individual plot must be made in writing by the owner prior to burial or be clearly delineated in an original copy of their last will and testament.

All monuments shall be placed within one year of burial. Footers shall be flush with existing grade or recessed one inch. A Trustee must be present for footer placement and excavation. The Trustees reserve the right to reject objectionable monuments.

## **Article VII-Fees**

Fees for full grave burial opening and closing shall be equal to the amount charged by the current contractor of the Cemetery.

Fees for cremains burial opening and closing shall be equal to one half (½) of the amount charged for a full grave burial by the current contractor of the Cemetery.

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## **CEMETERY ORGANIZATIONAL TIMELINE (for reference)**

*Grace Evangelical Lutheran Church was incorporated December, 21, 1956.*

*Grace Evangelical Lutheran Church:*

*Bylaws Proposed by the Trustees December 4, 1967*

*Bylaws Proposed by the Church Council December 6, 1967*

*Bylaws Passed by Grace Lutheran Church in Annual Meeting December 31, 1967*

*Grace Lutheran Church of Colfax "Cemetery Association" was incorporated in August 26, 1969*

*Grace Lutheran Church of Colfax "Cemetery Association" ceased operations according to the State of Ohio February 8, 1982.*

*Grace Evangelical Lutheran Church registered the Cemetery as a "Religious Cemetery" with the State of Ohio in 1993.*

*The Cemetery Property Deed was corrected on June 9, 2010 and recorded in Fairfield County Records Volume 1543, Page 2164.*

*Following an extensive two year audit process of State records, cemetery surveys, plot/plat plans, accounts and meeting minutes the Trustees developed guidelines for future business and reorganization per resolutions 2013-0213-001, 2013-0213-002, 2013-0213-003, 2013-0213-004, 2013-0213-005 on February 13, 2013.*

*The Cemetery Property was transferred to the Grace Evangelical Lutheran Church, February 13, 2013 and recorded in Fairfield County Records Volume 1624, Page 3735.*

*The Cemetery Funds were transferred under EIN 46-2828498, "Grace Evangelical Lutheran Church, Colfax Cemetery Funds", May 22, 2013.*

*Revised Bylaws for Congregation Constitution, revision proposed by the Trustees, August 2013*