

# Cross of Christ Lutheran Church Constitution & Bylaws

## Summary of the Scope of proposed changes

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### Part A - Model Constitution

The Model Constitution is provided by the ELCA for all Congregations to use in crafting a Congregation's unique Constitution. It has paragraphs which are required by all ELCA member Congregations and parts that are suggested. The Model Constitution is amended during Churchwide Assemblies, typically taking place every other year. Since the June 2011 Annual Meeting, when Cross of Christ last amended our Constitution, two Churchwide Assemblies occurred, in 2011 and 2013. Summarized below are the paragraphs in Cross of Christ's Constitution that must be amended in order to meet the required paragraphs in the ELCA Model Constitution. In this summary, changes that have been added are underlined and changes that ~~delete are crossed out~~.

To change the paragraphs required by the ELCA Model Constitution, the Congregation must approve them "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, ..." (\*C17.04)

**The Council recommends adoption.**

**The Cross of Christ Congregation Council moves to amend the required portions of the Congregation's Constitution as described in Part A of this document: by adding C3.03, C4.06, and by revising C4.04, C5.03(d), C6.03(c), C6.05, C6.06, C6.07, C7.03, C7.04, C8.05, C9.07, C9.05, C15 in its entirety, C16.03, C17.01, C17.03, and C17.04, and will be effective **September 1, 2016****

## Part A – Model Constitution

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**Two paragraphs have been added in Section 3, “Nature of the Church.” It defines the ELCA as church body defined in three parts: Congregation, Synod, and Churchwide.**

### **Add C3.03, C4.06**

(although both paragraphs have been added, the text below is not underlined to improve readability.)

- \*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.
- \*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.

## Part A – Model Constitution

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**In Chapter 4, “Statement of Purpose,” and in Chapter 5, “Powers of the Congregation,” two paragraphs are revised. The changes affect Continuing Resolutions and describe the powers needed to amend them, both by the Congregation and by the Congregation Council.**

### **Revise C4.04, C5.03(d)**

- \*C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational groups and shall review their actions. [Such description shall be contained in continuing resolutions in the section on the Congregation Committees].
- \*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, and 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 officers, Congregation Council, boards, and committees, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
  - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

## Part A – Model Constitution

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In Chapter 6, “Church Affiliation,” and in Chapter 9, “The Pastor,” three paragraphs are revised regarding the Call of a Pastor. The changes have to do with eligibility of individuals to a Call, restrictions on an Interim Pastor to a regular call, and on the termination of a Pastor’s Call.

### Revise C6.03(c), C9.07, and C9.05

- \*C6.03. This congregation acknowledges its relationship with the Evangelical Lutheran Church in American 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.
- \*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.
- \*C9.05. 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 by death, or 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, no later than 30 days after the date on which it was submitted;

## Part A – Model Constitution

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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 disability, or mental incapacity of the pastor;
  5. ~~disqualification~~ suspension of the pastor through discipline for more than three months on grounds of doctrine, morality, or continued neglect of duty;
  6. resignation or removal of the pastor from the roster of ordained ministers of this church;
  7. termination of the relationship between this church and the congregation;
  8. ~~the~~ dissolution of the congregation or the termination of a parish arrangement; or
  9. suspension of the congregation through as a result of discipline for more than six months ~~proceedings.~~
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above have come to the attention of the bishop of the synod,
1. ~~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 together in company with a committee of two ordained ministers and one layperson, or~~
  2. when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall personally investigate such conditions together with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document, competent medical opinion concerning the pastor's condition, testimony shall be obtained. When such a disability or incapacity is evident to the committee, the bishop of the synod may with the advice of the committee shall declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and the restoration of a the 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 appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in \*C9.05.b. shall present their recommendations first decide on the course of action to be recommended to the pastor and then to the congregation. The recommendations

## Part A – Model Constitution

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of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation they agree to carry out such recommendations, no further action shall need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in \*C9.05.d., paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the this church's constitution, and bylaws, and continuing resolutions 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).

## Part A – Model Constitution

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**Chapter 6, “Church Affiliation” and Chapter 7, “Property Ownership,” have three paragraphs that have been revised to reflect how a Congregation terminates relationship with ELCA**

### **Revise C6.05, C6.06, C6.07, C7.03, C7.04**

- \*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 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

## Part A – Model Constitution

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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.

~~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.~~
- ~~a. 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 this congregation. This notice shall be submitted within 10 days after the resolution as been adopted.~~
- ~~b. The bishop of the synod shall consult with this congregation during a period of at least 90 days.~~
- ~~c. 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.~~
- ~~d. 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 this church and published in the periodical of this church.~~



## Part A – Model Constitution

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- \*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.
- \*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 Northwest Washington 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.

## Part A – Model Constitution

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**In Chapter 8, “Membership,” which defines an individual membership in the Congregation, a paragraph has been revised describing termination of an individual member due to disciplinary action.**

### Revise C8.05

- \*C8.05. Membership in this congregation shall be terminated by any of the following:
- a. death;
  - b. resignation;
  - c. transfer or release;
  - d. disciplinary action in accordance with ELCA constitutional provision 20.40. and the accompanying bylaws; 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.

**In Chapter 15, “Discipline of Members and Adjudication,” the chapter was rewritten.**

- \*C15.01. Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15-17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

~~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 or vice-president shall administer such admonitions.~~

## Part A – Model Constitution

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\*C15.02. The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two clergy). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.

~~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. If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

~~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~~

## Part A – Model Constitution

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

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

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

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

~~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.*~~

## Part A – Model Constitution

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

~~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.~~

## Part A – Model Constitution

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In Chapter 16, “Bylaws,” a paragraph has been revised that describes the method of changing the bylaws and that notification to the Congregation such changes may include both mail (U.S Postal) and by electronic means.

Washington State Law permits electronic notification per RCW 24.03.009. In short, only if someone opts in may notification be made by electronic means, and it provides the opportunity to later opt out.

### Revise C16.03

\*C16.03. Changes to the bylaws may be proposed by any voting member provided ~~however,~~ that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose, ~~and that the~~. 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. Notification may take place by mail or electronic means, as permitted by state law.

## Part A – Model Constitution

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In Chapter 17, “Amendments,” three paragraphs are revised describing the process to revise the Constitution. Notification to the Congregation may take place by mail (U. S. Postage) or by Electronic Means and permitted by Washington State Law. When the Constitution has been amended, the Synod must be notified and 17.03 describes that process. C17.04 needed to define the number of members who could request an amendment to the Constitution. That number is here added to be consistent with 17.01.

Washington State Law permits electronic notification per RCW 24.03.009. In short, only if someone opts in may notification be made by electronic means, and it provides the opportunity to later opt out.

### Revise C17.01, C17.03, C17.04

- \*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 50 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. Notification may take place by mail or electronic means, as permitted by state law.
- \*C17.03. Any amendments to this constitution that result from the processes provided in \*C17.01. and \*C17.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them. ~~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 Northwest Washington 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 or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council’s recommendations, at least 30 days prior to the meeting. Upon the request of ~~\_\_\_\_\_~~ 50 voting members of the

## Part A – Model Constitution

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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.



# Cross of Christ Lutheran Church Constitution & Bylaws

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## Part B - Other proposed changes to the Constitution and Bylaws

Summarized below are the proposed changes to Cross of Christ's Constitution and Bylaws that are not required paragraphs in the ELCA Model Constitution. These are changes being proposed by the Council for a variety of reasons:

1. to be consistent with suggested changes in the model constitution, or
2. to address outdated procedures, or
3. to seek clarity.

In this summary, changes that have been added are underlined and changes that ~~delete are crossed out~~.

According to \*C17.02, to change the paragraphs of the Constitution, they must:

- a. "be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
- b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
- c. have the effective date included in the resolution and noted in the constitution."

According to \*C16.01, "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."

The Council proposes the following changes to the Constitution and Bylaws.

## Part B – Constitution & Bylaws

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In Chapter 8, “Membership,” C8.05.01 closely follows the required paragraph  
\*C8.05. Amending this bylaw for clarification purposes is proposed.

The Council recommends adoption.

**The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by revising C8.05.01 effective September 1, 2016.**

### *C8.05.01* Discontinuance of Membership

- a. Members who move away shall be encouraged to transfer their membership. A confirmed member in good standing desiring to change membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.
- b. A confirmed member who, in the judgment of the Congregation Council, shows no interest in a) attending church services, b) and does not partake of Holy Communion, and c) who does not contribute to the congregational treasury according to the congregation’s records, for a period of two years, shall be presumed to no longer to desire membership. Such individuals shall lose the right to vote, and shall not be counted in the membership statistics of the congregation. However, that person’s name and records shall be kept in the files for a period of five years thereafter. Such a person shall be encouraged to take part in the congregational life, or to transfer elsewhere, as the situation may indicate to be advisable. If that confirmed person resumes activity within the five year period, active membership shall be restored; if not, the confirmed shall be dismissed from the congregation and, if possible, shall be notified of this action.
- c. Individuals who have lost the right to vote shall have their name and records kept in the files for a period of five years thereafter. Such a person shall be encouraged to take part in the congregational life, or to transfer elsewhere, as the situation may indicate to be advisable. If that confirmed person resumes activity within the five year period, active membership shall be restored; if not, the confirmed shall be dismissed from the congregation and, if possible, shall be notified of this action.
- d. Members who have a) been dismissed, or who b) have resigned; and, or c) members who have been received into membership of other congregations without official transfer, have thereby terminated their membership in the congregation and have surrendered all membership rights.

## Part B – Constitution & Bylaws

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In Chapter 9, “Pastor,” an ELCA required Constitution paragraph states that the Pastor shall keep accurate records. The subsequent Bylaws paragraph duplicates that paragraph.

The Council recommends adoption.

**The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by removing C9.12.01 effective September 1, 2016.**

- \*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.
- ~~C9.12.01. The lead pastor shall be responsible for keeping accurate record of membership and of ministerial acts, on forms provided by the congregation and which shall remain the property of the congregation. The senior pastor shall report these statistics to the congregation annually and when required, to the secretary of the ELCA. Upon leaving the congregation, pastors shall complete for congregational records, the records of ministry up to the time of their departure.~~

## Part B – Constitution & Bylaws

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In Chapter 10, “Congregation Meeting,” the Model Constitution proposes that a special Congregational meeting can be called upon request by the Synodical Bishop.

The Council recommends adoption.

**The Cross of Christ Congregation Council moves to amend the Congregation’s Constitution as described in Part B of this document by revising C10.02 effective September 1, 2017.**

### Revise C10.02

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 at the written request of fifty (50) voting members. The president of the Congregation shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.

## Part B – Constitution & Bylaws

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Also in Chapter 10, “Congregation Meeting,” the Model Constitution proposes a method of notifying members of a meeting of the Congregation may be made through electronic means as permitted by state law, similar to the required paragraphs \*C16.03 and \*C17.01.

Washington State Law permits electronic notification per RCW 24.03.009. In short, only if someone opts in may notification be made by electronic means, and it provides the opportunity to later opt out.

The Council recommends adoption.

**The Cross of Christ Congregation Council moves to amend the Congregation’s Constitution as described in Part B of this document by revising C10.03 effective September 1, 2017.**

### Revise C10.03

C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all voting members at least ten (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.~~

## Part B – Constitution & Bylaws

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In Chapter 10, “Congregation Meeting,” the Constitution states that the annual congregational meeting is to be held on the first Sunday in June. Although few in number, occasionally there has been a conflict on that date in the past by one or more key members of the Council. In those few occasions, the Congregation was able to agree to adjourn the meeting until a date where the members of Council could attend. It is proposed to provide leeway to the date of the meeting, that it could take place anytime in the month of June, but that the preference would still be on the first Sunday of June.

Also in this Bylaws section, the Council proposes that a copy of new business should be provided to the Lead Pastor in addition to the President, to assure that the business be added to the agenda in the case of vacation or other absence of the President.

The Council recommends adoption.

**The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by revising C10.01.01(b) and C10.01.01(g) effective September 1, 2016.**

- C10.01.01.* b. The annual congregational meeting shall be held ~~on the first Sunday in the month of June,~~ generally on the first Sunday in June.
- g. Any new business to be presented for vote of the congregation at the annual meeting shall be submitted in writing to the church president with copy to the Lead Pastor at least ten days prior to the annual meeting date.

## Part B – Constitution & Bylaws

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In Chapter 10, “CONGREGATION MEETING,” a bylaws clause that defines what type of vote should be taken by written ballot, it is proposed to amend the clause to be consistent with Constitutional paragraphs that describes the election of Council members and Officers, permitting a voice vote in the case that there is only one candidate for the position. This is a long standing tradition that was formalized in the Constitution in 2011, but this bylaws clause was overlooked. It is the opinion of the Parliamentarian that since the Constitution is primary over the Bylaws, that we have followed the intent of the Constitution when we have voted by voice in the recent elections.

The Council recommends adoption.

The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by revising C10.01.01(d1) effective September 1, 2016.

### Revise Bylaws C10.01.01(d1)

*C10.01.01. d.* In the following cases voting shall be by written ballot:

1. To elect members of the church council unless there is only one candidate for each position.
2. To adopt or amend the articles of incorporation, constitution, or bylaws of the congregation;
3. To call a pastor or to request a resignation;
4. To dismiss a member from the congregation or to remove a member from office in the congregation;
5. To sever membership from the ELCA;
6. To dispose of, encumber, or purchase real property;
7. When requested by ten or more members present.

**C11.02 and C12.02 are the paragraphs similar to the proposed change to the Bylaws above that the revision would be consistent with. These will not change.**

C11.02. The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot unless there is only one candidate for each position. Officers shall serve for three years or until their successors are elected, with the exception of the vice-president who is elected to a

## Part B – Constitution & Bylaws

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one year term. Their terms shall begin on the first Sunday of September after the annual meeting at which they are elected.

- C12.02. The members of the Congregation Council except the officers and the pastors shall be elected by written ballot unless there is only one candidate for each position, to serve for three (3) years or until their successors are elected. Such members shall be eligible to serve no more than two (2) full terms consecutively. No one may serve more than six consecutive years as an elected member of the council. Their terms shall begin on the first Sunday of September after the annual meeting at which they are elected.



## Part B – Constitution & Bylaws

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In Chapter 6, “Church Affiliation,” Bylaws C6.05.01 refers to Bylaws C10.01.01(d5), which is in Chapter 10, “Congregation Meeting” and describes that a vote to sever membership in the ELCA shall be by written ballot. The Council proposes adding clarifying words to the paragraph.

The Council recommends adoption.

**The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by revising C6.05.01 to be effective September 1, 2016.**

C6.05.01. A vote to sever membership in the ELCA shall be by written ballot. (See 10.01.01, d-5)

## Part B – Constitution & Bylaws

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In Chapter 12, “CONGREGATION COUNCIL,” the Model Constitution, in C12.08, suggests changing how employees are named, as staff. This change in name in C12.08 would be consistent with the name of employees in \*C6.03.d and in C12.04.d as well as in the Congregation’s set of policies, such as the Personnel Policy.

The Council recommends adoption.

The Cross of Christ Congregation Council moves to amend the Congregation’s Constitution as described in Part B of this document by revising C12.08 effective September 1, 2017.

### Revise C12.08

C12.08. The Congregation Council shall be responsible for the appointment and supervision of the ~~salaries lay workers~~ staff 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.

## Part B – Constitution & Bylaws

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In Chapter 12, “CONGREGATION COUNCIL,” the Model Constitution recommends adding C12.13 as a way for the Council to hold meetings where Council members could electronically join the meeting when they might not be able to attend in person. Washington State Law permits this practice. Robert’s Rule of Order provides guidance for this situation as well, recommending that there be a clear process in place that all agree to follow. In our case, that would take the form of a Continuing Resolution; a proposed Continuing Resolution is drafted below and will be considered by the Council if this amendment to the bylaws is approved. Processes used by the City of Bellevue Council and of a Seattle University Faculty committee were reviewed as models for this proposal.

The Council recommends adoption.

**The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by revising C12.12.01 effective September 1, 2016.**

*C12.12.01.* The Congregation Council shall not transact any business unless a majority of its elected members is present. Presence at a meeting of the Congregation Council may occur electronically or by telephone conference as permitted by state law.

### **Continuing Resolution Proposal:**

The Cross of Christ Congregation Council permits members to participate in its meetings remotely via speakerphone, Skype, or another similar method, so long as participation allows all Council members to hear each other at the same time. Remote participation requires advanced approval of the President or whomever is otherwise delegated to preside at the meeting.

## Part B – Constitution & Bylaws

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In Chapter 12, “Congregation Council,” a few small items related to the new makeup of the Council are proposed to be changed that were inadvertently overlooked in 2011 at the time the Constitution and Bylaws were last amended.

The Council recommends adoption

**The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by revising C12.01.01 to be effective September 1, 2016.**

*C12.01.01.* Membership and Meeting of the Congregation Council

- a. The Congregation Council shall be composed of not less than nine members, elected each for a term of three years, except the vice-president who will be elected each year. The council members shall be elected in such a manner that approximately one third are elected each year. Elected members shall include president; vice-president, secretary; and not less than six council members.
- b. In addition to the requirements of congregational membership stated in Chapter 8 of the constitution, qualifications for elected membership on the Congregation Council shall include such practical qualifications as are needed, ~~in administering the committees that will implement their area of responsibility.~~
- c. If a member of the Congregation Council is absent from three consecutive regular meetings without an excuse ~~acceptable to~~ approved by the council, council membership is forfeited. A member having two consecutive unexcused absences from regular meetings shall be notified thereof by the secretary.

## Part B – Constitution & Bylaws

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In Chapter 13, “Congregation Committees,” the Nominating Committee is described, both in its purpose and in its membership. When the size of the Council was reduced from 12 members to 10 three years ago, the Council’s workload shifted. It has been recognized in the time since, that the number of Council members needed on the Nominating Committee could be reduced in certain years. This proposal would allow the Council to elect only one of its members to the Nominating Committee if it so chose and if a minimum of five members on the Committee can be retained.

It is also proposed to amend the associated Bylaws paragraph, eliminating duplication and adding clarity.

The Council recommends adoption.

The Cross of Christ Congregation Council moves to amend the Congregation’s Constitution as described in Part B of this document by revising C13.02 effective September 1, 2017.

The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by revising C13.02.01 effective September 1, 2017.

C13.02. The **Nominating Committee** shall be composed of no more than seven (7) and no less than five (5) voting members of this congregation. At least one (1), but not more than two (2) committee members shall be members of the Congregation Council and five (5) shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election. Alternate members would not be elected.

- C13.02.01. a. ~~The nominating committee shall be composed of five to seven members, two of whom shall be elected by the Congregation Council from its own membership and five of whom shall be elected by the annual meeting from nominations made from the floor. Alternate members no longer may be elected. The senior pastor shall serve as ~~convener~~convener and as an advisor of the nominating committee.~~
- b. The members of the nominating committee shall serve for the year following their election. They shall normally nominate one or more candidates for each office to be filled and shall secure the consent of each candidate to serve, if elected.
- c. The slate of candidates ~~of presented by~~ the nominating committee shall be made known to the congregation in ~~conjunction with the announcements~~ advance of the special or annual meeting at which the election is to take place.

## Part B – Constitution & Bylaws

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- d. In addition to the slate of candidates submitted-presented by the nominating committee, additional nominations may be made from the floor. Prior consent of such nominees must be obtained and qualifications for administrators-council members noted in Bylaws C12.01.01. announced at the annual meeting.
- e. ~~A vacancy in~~ Should the congregationally elected membership of the nominating committee be fewer than three individuals, positions shall be filled by a special congregational meeting called for that purpose.

## Part B – Constitution & Bylaws

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In Chapter 13, “Congregation Committees,” the election of the Call Committee is described. Cross of Christ has, in its normal practice, elected two alternate members to the Call Committee so that if an elected members could not serve, then an alternate member could step in without the need to call a special meeting of the Congregation to elect a replacement.

The Council recommends adoption.

**The Cross of Christ Congregation Council moves to amend the Congregation’s Bylaws as described in Part B of this document by revising C13.05.01 effective September 1, 2016.**

- C13.05. When a pastoral vacancy occurs, a **Call Committee** of six (6) voting members shall be elected by this congregation. Term of office will terminate upon installation of the newly called pastor.
- C13.05.01.* The Call Committee membership is elected during a legal Congregational Meeting with nominations from the floor and a majority vote of those voting members present and voting. Not more than two (2) alternate members may be elected by the congregation at the time of the Congregational Meeting to fill vacancy(ies) on the Call Committee.