

Constitution

*including Bylaws and
Continuing Resolutions*



Kent Memorial Lutheran Church

Evangelical Lutheran Church in America

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**Evangelical Lutheran
Church in America**

God's work. Our hands.

Kent Memorial Lutheran Church
Constitution, Bylaws & Continuing Resolutions

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INTRODUCTION

Revised as of November 13, 2016

EXPLANATORY NOTES

1. Sections of this constitution marked by an asterisk [*] are required to be updated to the language found in the current version of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* without alteration or amendment of the text in any manner (neither additions nor deletions) when a congregation amends its governing documents. This is in keeping with provisions 9.21, 9.22, 9.52, 9.53 and 9.25.b in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The Model Constitution version current at the time of the latest updates is dated 2016.
2. Bylaw provisions are codified with three sets of numbers: the related constitution 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.
3. Like Bylaw provisions, Continuing Resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, one continuing resolution related to “Membership” would be codified C8.02.C01.
4. 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.

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CONSTITUTION REVISION HISTORY

1. Originated. November 10, 1991
2. C11.02, C12.05.c & C12.05.d revised. November 12, 2000
3. C12.05.c corrected. January 19, 2001
4. Per Explanatory Note 1, mandatory sections (marked by an asterisk [*]) updated to the language of the current Model Constitution:
 - a. 2009 Model. February 12, 2012
 - b. 2011 Model. February 12, 2012
5. Adopted the wording from the 2009 Model Constitution for sections C9.20., C9.21., C10.03., C10.06., C10.07., C12.01., C12.04., C12.04.j., C12.06., C12.12., C13.08. and C14.02. February 12, 2012
6. C10.05. revised to allow absentee voting. February 12, 2012. Barring rejection by the Central States Synod, this revision will be effective beginning June 18, 2012, or upon receipt of synod approval, which ever date comes first.
7. Adopted the wording from the 2011 Model Constitution for sections C10.03. and C12.08. February 12, 2012
8. Adopted the wording from the 2016 Model Constitution for sections C3.02, C3.03, C3.04, C3.05, C4.04, C5.03, C6.05, C6.06, C6.07, C7.03, C7.04, C8.02, C8.05, Chapter 9, C10.02, C10.03, C12.13, Chapter 15, Chapter 16, Chapter 17. November 13, 2016

BYLAWS REVISION HISTORY

1. Originated. November 10, 1991
2. C8.04.01 added. February 14, 1993
3. C13.07.01.i added. February 10, 2002
4. C13.07.01.j and C13.07.01.k added. November 9, 2003
5. Bylaws codification updated and C13.07.01 restructured to Model Constitution specifications. November 13, 2011
6. C13.07.01.e updated. November 13, 2011
7. C10.05.01 added. February 12, 2012. Barring rejection by the Central States Synod of constitution amendment C10.05., this revision will be effective beginning June 18, 2012, or upon receipt of synod approval of the amendment, which ever date comes first.
8. C10.01.01 updated for single annual Congregational Meeting. November 13, 2016

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CONTINUING RESOLUTION REVISION HISTORY

1. Enacted. May 21, 1996
2. C13.07.C01.a and C3.07.C01.c updated. November 19, 1996
3. C13.07.C01.a.3 updated. C13.07.C01.i added. April 15, 1997
4. C13.07.C01.a.9 added. February 20, 2002
5. C13.07.C02 added. May 20, 2003
6. C13.07.C02.e.4 and C13.07.C02.e.7 updated. C13.07.C02.e.1 and C13.07.C02.e.2 added. December 9, 2009
7. Continuing Resolutions restructured to eliminate redundant and superseded sections. Codification updated. C13.07.C01.a, C13.07.C01.c and C13.07.C01.i updated. November 13, 2011

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CONSTITUTION

November 10, 1991

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 Kent Memorial Lutheran Church.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the Kent Memorial Lutheran Church congregation is hereinafter designated as "this congregation."
- C1.11.** This congregation shall be incorporated under the laws of the State of Missouri.

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

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through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

- *C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- *C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- *C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- *C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07.** This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

CHAPTER 3. NATURE OF THE CHURCH

- *C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02.** This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian Unity throughout the world.
- *C3.03.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in

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

- *C3.04.** This church, inspired and led by the Holy Spirit, participates in the Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God’s mission in the world.
- *C3.05.** The name Evangelical Lutheran Church in America (ELCA or “this church”) as used herein refers in general references to this whole church, including its three expressions—congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

CHAPTER 4. STATEMENT OF PURPOSE

- *C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God’s creative, redeeming, and sanctifying activity in the world.
- *C4.02.** To participate in God’s mission, this congregation as a part of the Church shall:
 - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise thanksgiving, witness, and service.
 - b. Proclaim God’s saving Gospel of justification by grace for Christ’s sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.

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- c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- *C4.03.** To fulfill these purposes, this congregation shall:
- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.

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- 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 groups and shall review their actions. [Such description shall be contained in continuing resolutions in the section on the Congregation Committees.]
- *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;

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- 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 16, and amendments to the bylaws, as specified in Chapter 17, 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.
- *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 Central States Synod of the Evangelical Lutheran Church in America.

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 Central States Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

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- *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.

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- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
- d. This congregation follows the procedures outlined in C6.05.
- *C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
 - a. A resolution indicating the 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

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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 ii. 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 the ELCA, who shall report the termination to the Churchwide Assembly.
- g. This congregation shall abide by these covenants by and among the three expression of this church:
 - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05., shall be required to receive synod council approval before terminating their membership in this church.
 - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synodical approval before terminating their membership in this church.
 - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05, to satisfy all financial obligations to this church and receive synod council approval before terminating their membership in this church.
- h. If this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special

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meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If this 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 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 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 Central States 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 two-thirds 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 Central States Synod.

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- *C7.04.** If two-thirds 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.

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.

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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 as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.

- d. **Associate** members are persons holding membership in other [ELCA] [Lutheran [Christian] congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
- e. **Seasonal** members are voting members of other ELCA congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant season membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
 - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
 - 2) they shall not have the right to vote on any matter on concerning or affecting the call or termination of call of any minister of this congregation;
 - 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with the ELCA;
 - 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
 - 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and

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- 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.
- *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 (Bylaw C8.04.01); and
 - c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
- *C8.05.** Membership in this congregation shall be terminated by any of the following:
- a. death;
 - b. resignation;
 - c. transfer or release;
 - d. disciplinary action in accordance with ELCA constitutional provision 20.40. and the accompanying bylaws; or
 - e. removal from the roll due to inactivity in accordance with the provisions of this constitution and bylaws (Bylaw C12.07.01).

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. ROSTERED MINISTER

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

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- *C9.02.** Only a member of the roster of ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of ministers of Word and Sacrament who has been recommended for 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 minister of Word and Sacrament shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through distribution of its communications and publications;
 - 7) witness to the Kingdom of God in the community, in the nation and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
 - b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) supervise all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline; and
 - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of the Central States Synod of the ELCA.

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- *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.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.

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- 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 investigate such conditions personally together with a committee of two ministers of Word and Sacrament 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 personally shall investigate such conditions together with a committee of two ministers of Word and Sacrament and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of the synod may declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by the congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken

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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 vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- *C9.06.** At a time of pastoral vacancy, an interim pastor may be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- *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 rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- *C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting 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

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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.

C9.10. [This section blank in ELCA Model Constitution]

***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.

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- C9.15.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the pastor in a form proposed by the synodical bishop and approved by the congregation.
- *C9.21.** Authority to call a minister of Word and Service shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend a call, shall seek the advice and help of the bishop of the synod.
- *C9.22.** Only a member of the roster of ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of ministers of Word and Service who has been recommended for this congregation by the synodical bishop may be called as a deacon of this congregation.
- *C9.23.** Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- a. Be rooted in the Word of God, for proclamation and service;
 - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
 - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
 - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;

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- f. Practice stewardship that respects God's gift of time, talents, and resources;
 - g. Be grounded in a gathered community for ongoing diaconal formation;
 - h. Share knowledge of the ELCA and its wider ministry of the gospel, and advocate for the work of all expression of this church; and
 - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- *C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter call, which shall be attested by the bishop of the synod.
- *C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in that congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) physical disability, or mental incapacity of the deacon;
 - 5) suspension of the deacon through discipline for more than three months;
 - 6) resignation or removal of the deacon from the roster of ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and the congregation;

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- 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod.
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two roster ministers and one layperson, or;
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two roster ministers and one layperson.
- c. In the case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the office vacant and the deacon shall be listed on the roster of ministers of the Word and Service as disabled. Upon removal of the disability or the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so,

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may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacons 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 paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- *C9.26.** The deacon shall make satisfactory settlement of all financial obligations to a former congregation before:
- a. installation in another field of labor, or
 - b. the issuance of a certificate of dismissal or transfer.
- *C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each roster minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.28.** With the approval of the bishop of the synod, this congregation may depart from *C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to

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the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.25.a.

- *C9.29.** The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- *C9.31.** The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

CHAPTER 10. CONGREGATION MEETING

- C10.01.** The annual meeting of this congregation shall be held at a time specified in the bylaws. (Bylaw C10.01.01)
- 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 ten percent (10%) of the voting members. The president of the Congregation Council 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.
- 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 10 days in advance of the date of the meeting.
- C10.04.** Fifteen percent (15%) of the voting members shall constitute a quorum.
- C10.05.** Voting by proxy is not permitted. Absentee voting may occur as provided in the bylaws (Bylaw C10.05.01). Absentee voting may not be used for calling or terminating the call of the pastor(s) of this congregation or other rostered persons.
- C10.06.** All actions approved by the congregation shall be by majority vote of those voting members present and voting,

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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, and vice-president. (See Bylaw C11.01.01 regarding recording secretary and treasurer)
- C11.02.** The Congregation Council shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. The officers, whose terms are to begin in January, shall be elected by written ballot at the December Council meeting preceding the January 1st start of the elected officers' terms. The elected officers shall serve for one year, beginning on January 1st after their election, or until their successors are elected. Only council members scheduled to serve beginning on January 1st of the new year will be eligible to vote in the election of officers. Outgoing council members will not be eligible to vote.
- 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.

CHAPTER 12. CONGREGATION COUNCIL

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s) and not more than twelve (12) members of the congregation including the officers 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. A member's place on the Congregation Council shall 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

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congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

- C12.02.** The members of the Congregation Council, except the pastor(s), shall be elected at a legally called meeting of the congregation during the month of November. Their term of office shall be for 3 years with the term of office beginning on January 1st and ending on December 31st. Newly elected Congregation Council members shall be installed at worship the Sunday prior to the date they assume office. Their tenure shall be so arranged that one-third of the terms expire annually.
- 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.
- C12.04.** 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, appointment, or employment.
 - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
 - f. To promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.

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- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with the synod and churchwide units 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 Missouri, except as otherwise provided herein.
 - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
 - c. The Congregation Council may enter into contracts for up to 3% of the current approved budget, for items not included in the budget. When the expenditure is for a required maintenance item, this 3% limit may be exceeded.
 - d. The Congregation Council shall prepare an annual budget for adoption by this congregation; shall supervise the expenditure of funds in accordance therewith following its adoption; and may incur obligations of more than 3% of said adopted budget in excess of the anticipated receipts, only after approval by a Congregational Meeting. Any expenditure of monies from the memorial account requires approval of the Church Council only. The Council will take into consideration family wishes for spending memorial money given to the church in the name of one of their

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family members. The budget shall include this congregation's full-indicated share in the support of the wider ministry being carried on in partnership with the synod and church-wide 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.
- C12.07.** The Congregation Council shall provide for an annual review of the membership roster. (Bylaw C12.07.01)
- C12.08.** The Congregation Council shall be responsible for the employment and supervision of the 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.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.10.** [This section blank in ELCA Model Constitution]
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when such person requests or consents to be absent and has given prior approval to an agenda of routine matters which shall be the only business of the meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special

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meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

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 no more than four shall consist of the outgoing council members and the pastor.
- C13.03.** The *Audit Committee* will consist of the members of the Finance & Stewardship committee.
- C13.04.** A *Mutual Ministry Committee* will consist of 6 members, 3 chosen by the council and 3 by the pastor. This committee will meet with the pastor at least quarterly.
- C13.05.** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by this congregation. Term of office will terminate at installation of the newly-called pastor.
- C13.06.** Other congregation committees may be formed as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of congregation committees shall be specified in the bylaws.
- C13.08.** The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation.

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.

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- 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.** 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.
- *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

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to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.

- *C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- *C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- *C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
- a. suspension from the privileges of congregation membership for a designated period of time;
 - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
 - c. termination of membership in the congregation; or
 - d. termination of membership in the congregation and

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exclusion from the church property and from all congregation activities.

- *C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- *C15.07. No member of 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.
- *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. AMENDMENTS

- *C16.01. Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least five (5) 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 of the proposal together with the council's recommendations at least 30

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days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

- *C16.02.** An amendment to this constitution, proposed under *C16.01., shall:
- a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those voting members present and voting;
 - b. be ratified without change at the next annual meeting by a two-thirds vote of those voting members present and voting; and
 - c. have the effective date included in the resolution⁴ and noted in the constitution.
- *C16.03.** Any amendments to this constitution that result from the processes provided in *C16.01. and *C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify 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.
- *C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of 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 at least two (2) voting members of the congregation, the Congregation Council shall submit such notice and call such a meeting. 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.

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⁴ *Such an effective date must be stated in relation to the requirements of *C16.03. to allow time for synodical review of the amendment.*

CHAPTER 17. BYLAWS

- *C17.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C17.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds vote of those voting members present and voting.
- *C17.03.** Changes to the bylaws may be proposed by any voting member provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C17.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

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.

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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.

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BYLAWS

November 10, 1991

C8.04.01 Parents shall present their children for Holy Baptism in early infancy and shall diligently nurture them in the Christian faith in the home and in the schools provided by the congregation.

C10.01.01 The annual Congregational Meeting shall be held on the second Sunday of November.

The agenda shall consist primarily of:

1. Approval of budget for the coming year.
2. Election of new Council members.
3. Pastor's yearend report.
4. Congregation Council's yearend report (per C12.09.).
5. Other Business.

The full annual report will be made available in February of the following year. It shall consist primarily of:

1. Pastor's yearend report.
2. Congregation Council's yearend report.
3. Committee Reports.

C10.05.01 To better enable member participation in meetings of the congregation (C10) the Congregation Council may choose to utilize the following absentee ballot process:

- a. Absentee voting will be reserved for certain important issues such as amending the constitution, approval of building programs, or other issues needing a fuller vote by the congregation's voting members.
 - 1) The Congregation Council shall have authority to approve absentee voting for a specific issue. Such approval should not be understood as approval for other issues under consideration

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- at the same meeting or as approval for the same or similar issues at a later meeting.
- 2) Approval for absentee voting must be given before notification of the congregation meeting at which voting on the issue will occur, as provided in C10.03. a.
 - 3) Only persons on the most recent approved roll of this congregation's voting members may vote by absentee ballot.
- b. Annually and thirty (30) days prior to any legally called congregation meeting at which voting will occur on an issue approved for absentee voting, the president of this congregation shall present to the Congregation Council for approval a roll of the voting members of this congregation with their mailing addresses. The Congregation Council will approve the roll, and provide a copy to the Election Committee, after ensuring that it is in compliance with C8.02.c.
 - c. The Congregation Council will appoint an Election Committee of four (4) persons who are eligible voting members of the congregation.
 - 1) This committee is for the sole purpose of overseeing a specific issue that requires an absentee ballot and will disband after the election.
 - d. The Election Committee shall prepare and provide absentee ballots to voting members and shall be responsible for certifying that any returned absentee ballot that will be counted has been legally provided to and received from a voting member on the most recently approved roll of this congregation's voting members.
 - 1) The absentee ballot shall include the language of the proposed action exactly as it will be put to the voting members at the legally called congregation meeting. This language may not be amended.

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- 2) The ballot shall have one (1) box labeled “Yes” and one (1) box labeled “No” with instructions that the voting member should check one (1) box.
- 3) Information regarding both the pro and con positions may be included if approved by the Congregation Council.
- 4) An absentee ballot will be provided to any voting member on the most recently approved roll of voting members (C08.02c) who properly requests an absentee ballot as provided below.
 - a. Absentee ballots may be requested by postal or electronic mail, or facsimile transmission (fax).
 - b. Requests for absentee ballots will be sent to the Election Committee. Postal and electronic mail addresses and fax number(s) necessary to make this request shall be provided.
 - c. A date by which requests for absentee ballots must be received shall be provided. All absentee ballots to be counted must be received no later than the Friday immediately preceding the legally called congregation meeting.
- 5) Any person refused an absentee ballot shall be notified in writing by the Election Committee. This notification shall include an explanation for the refusal.
- 6) Any person refused an absentee ballot may appeal that action to the pastor of this congregation. The pastor, the president and the vice-president of this congregation will make a decision regarding the appeal. Their decision shall be final.
- 7) If there is not a quorum (C10.04) at the legally called congregation meeting, all absentee ballots will be null and void.

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- 8) If action is taken at the legally called congregation meeting which prevents voting on the approved issue by the voting members present at the meeting (C10.07), all absentee ballots will be null and void.

C11.01.01 The Council of this congregation shall make provisions for a recording secretary and treasurer. Provision shall also be made for a Financial Secretary to record membership giving and prepare annual statements of giving. These appointees need not be voting members of the council. These appointments are for one year, subject to renewal by the council.

C12.07.01 As a clarification regarding membership in this congregation as stated in C8.05.e of this constitution, the following applies: A confirmed member who has not communed or made a contribution of record during the preceding twelve months shall be placed on an inactive roll by the Council during its annual review of the membership roster as mandated by C12.07. Such persons who have been placed on the inactive roll shall remain persons for whom the church has a continuing pastoral concern. If, however, after twelve months on the inactive roll, said member has not communed or made a contribution of record, their membership in this congregation shall cease. [During this twelve month period on the inactive roll said member(s) will be contacted by the Pastor or other designated member to attempt to reactivate said member(s) to active status.]

C13.07.01 To better fulfill the congregations' responsibilities as outlined in this constitution (C12.04) the following committees shall be organized by and be responsible to the Council of this congregation. The responsibilities of these committees are outlined as follows:

- a. The ***Worship and Music Committee*** shall assist the church council in assuring that the worship services are conducted regularly and in accordance with the liturgy of the ELCA. They shall be responsible for the provision and maintenance of musical instruments, for the recruiting and training of ushers, greeters, lectors and cantors, and be certain that hymnals and

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other devotional materials are provided and properly cared for. The Altar Guild shall be responsible to this committee for the care of paraments, vestments, and other worship appointments such as Altar flowers, and shall provide for the means and supplies of the sacraments (i.e. wafers and wine) and the certificates necessary for weddings, baptisms and other functions as directed. In consultation with the pastor, choir directors, and organists they shall provide music supplies appropriate for use in the worship services. This committee shall supervise and strive to advance the welfare and effective service of the choirs and the congregation.

- b. The ***Christian Education Committee*** (including a youth group) shall be responsible for the recruiting of qualified teachers for Sunday Church School and for other learning opportunities for youth groups and adults. They shall provide suitable teaching and worship materials, encouraging the use of such material published or approved the ELCA. This committee shall seek to introduce the churches periodicals and books of family devotion into the homes of the congregation. One of the primary aims of the committee shall be to bring the call to the ministry of the Gospel and to other full time church vocations to the attention of qualified youth of the congregation. The Christian Education Committee may organize a subcommittee of at least (3) members on youth ministry, approximately one half of its membership being youth between the ages of 14 and 21 at the time of their appointments. The youth ministry subcommittee would be responsible for developing programs of study and activity of special interest to the youth.
- c. The ***Evangelism Committee*** shall be responsible for the implementation of a program to see that this congregation, relying on the Holy Spirit, shall proclaim the Gospel by example and by programs to invite all people to repent and share the Lord's

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kingdom. The congregation shall motivate its members to witness to their Faith at every opportunity in daily life. It shall try to restore those who have lapsed from active membership, bring new members into the fellowship of the church, and recruit, equip, and support new members of the congregation for these activities. It shall provide for the communication of the Gospel through fellowship in the wider Christian community. It shall make certain that other functions witness to the faith of the church.

- d. The ***Social Ministry Committee*** shall be responsible for the implementation of a program to see that this congregation shall live by faith active in love. It shall motivate, equip, and support its members to visit the sick, the infirm, and the imprisoned, and to minister to the poor and the distressed; to serve as Christians in all the institutions and structures of society of which they are a part; and individually and corporately to foster justice, overcome oppression, alleviate suffering and care for the earth. In these efforts the congregation shall cooperate with the synod and the church wide agencies of the ELCA, other Christian churches and other groups in society. It shall make certain that its other functions strengthen the motivation and ability for service.
- e. The ***Finance and Stewardship Committee***: Jesus warned his followers about money the servant becoming money the master, "No servant can serve two masters, for either he/she will hate the one and love the other, or he/she will be devoted to the one and despise the other. You cannot serve God and Mammon." (Luke 12:13) This committee shall:
 - 1) Have the task of holding this ideal before the congregation; reminding us that giving of our time, talents, and treasures is our way of returning thanks for God's blessings to us. This thank-offering we give to God is to be used to

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support the mission of the Church locally as well as throughout the world.

- 2) Be responsible for preparing a draft budget for the year including this congregation's share in the support of the mission of the ELCA and the Central States Synod. They shall submit this draft budget to the Congregation Council for its action and later presentation to a congregational meeting. This committee shall exercise oversight of all financial affairs of the congregation to make sure they are being conducted efficiently, giving particular attention to the prompt payment of all obligations. It shall, subject to approval of the Congregation Council, be responsible for the congregation's investments. It shall also provide for annual audits of the treasurer (and financial secretary) as well as the accounts of the church school and other organizations within the congregation.

f. The ***Church Property Committee***:

- 1) May seek the required volunteers to accomplish their purpose, which is to oversee the care, protection, repair, maintenance, decoration and replacement of all church property and equipment.
- 2) Maintains records of all plans, specifications, guarantees, insurance coverage, inventories, contracts and agreement forms.
- 3) Recommends to the church council the budgetary needs for repairs, maintenance, replacement, protection and care of the property and equipment for the congregation. These recommendations should be prioritized based on the need and the projected plans of the congregation.

g. A ***Mutual Ministry Committee*** of six (6) members, 3 chosen by the council and 3 by the pastor, shall serve

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the function of keeping the pastor and council advised about the conditions within the congregation and to interpret to the congregation the ministry of the professional leaders. This committee shall meet with the pastor at least quarterly.

- h. The **Long Range Planning Committee** shall be a visionary committee to project and coordinate the needs and programs of the Congregation. This committee shall be responsible for continuing to update a master plan for the Congregation. The plan shall include church building and property, as well as staff and program needs. They shall review all gifts to the Congregation to insure that they are consistent with the needs and programs of the Congregation, working in consultation with the property and other appropriate committees.
- i. A Kent Memorial **Ministry Fund Committee** of six voting members of this congregation shall be elected at the Congregational Annual Meeting. The Congregation Council shall provide a list of candidates for this office annually and this list shall be published two weeks before the election. The term of office will be three years with the first slate of members serving staggered terms. Each year following the initial election, two members will be elected. At all times at least one member of the committee shall serve on the Congregation Council. The treasurer of the congregation shall maintain a separate account of the Kent Memorial Ministry Fund. The pastor of the congregation shall be an *ex officio*, with voting privileges, member of the committee. The purpose of the committee shall be to implement the guidelines of the Kent Memorial Ministry Fund.

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- j. The ***Youth Ministry Committee*** shall be responsible for developing programs and activities of special interest to the youth of elementary and high school age, including spiritual growth, service of others, and social fellowship. It shall promote the attendance of our youth at Bible Camp. It shall encourage and enlist the youth of the congregation for full time service in the larger church.

CONTINUING RESOLUTIONS

Enacted May 21, 1996

- C13.07.C01** Standing committee structure and function:
- a. Number of members on each committee shall be:
 1. Christian Education: 5 to 7
 2. Evangelism: 8
 3. Finance and Stewardship: 5
 4. Mutual Ministry: 6
 5. Property: 8
 6. Social Ministry: 8 to 10
 7. Worship and Music: 6
 8. Long Range Planning: 6
 - b. When vacancies appear on a committee, the Council shall coordinate the replacement of such members.
 - c. Except for the Finance and Stewardship Committee, committee membership shall be for a three (3) year term. Committee member terms shall be staggered. Except for the Finance and Stewardship Committee, terms will begin January 1st and end December 31st. The term for the Finance and Stewardship Committee shall begin January 1st and end February 1st after the three year term because of the preparation time needed for yearend financial reports and financial audits.
 - d. Each committee shall elect its own chairperson.
 - e. Church members shall serve on only one standing committee at a time. This does not preclude volunteer work for any other committee's projects or serving on Council, Mutual Ministry Committee, or as hoc/special committees.
 - f. Music Coordinator and Organist are ex officio members of Worship & Music committee.

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- g. Council President shall not be a member of any committee, but shall serve as a non-voting, ex officio member of all standing committees.
- h. Council membership shall be limited to only one member of an immediate family at the same time.
- i. The treasurer shall be the fifth member of the Finance and Stewardship Committee.

C13.07.C02 Ministry Fund Committee Guidelines

- a. This fund is established to help our members show their Christian stewardship by donating to the ongoing and future mission and ministry of Kent Memorial Lutheran Church in ways that are not normally included in the annual budget. These donations may be directed by the member to fund specific causes as long as they meet the mission and needs of the church. Money or property can be given to this fund in a variety of ways such as:
 - 1. Bequest in a will
 - 2. Assign to the fund life insurance benefits or certificates of deposit
 - 3. Transfer to the fund property such as cash, stocks, bonds, and real estate
 - 4. Donate memorial gifts
 - 5. Arrange for trusts, etc., that help members make provision for the ministries of the church, while also meeting their personal and family financial goals
 - 6. Establish endowment gifts and funds
- b. Whereas, whole-life Christian stewardship involves management of all the gifts God has given us, including abilities, time, money and property; and
- c. Whereas, members of this congregation can fulfill their privilege and duty to support the work of this church through, for example, bequests in a will, assigning life insurance benefits or certificates of deposit, transferring property such as cash, stocks, bonds and real estate, donating memorial gifts, arranging for trusts, etc., that provide life-time income to the donor and a gift to the fund, establishing endowment gifts, etc.; and

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- d. Whereas, this congregation would like to encourage and receive these gifts to be administered or utilized for ministry through its Kent Memorial Ministry Fund;
- e. Therefore, be it resolved that the Congregation Council of Kent Memorial Lutheran Church states the ongoing responsibilities of the Kent Memorial Lutheran Church Ministry Fund Committee (also called the Committee) are as follows:
 - 1. The purpose of the Kent Memorial Lutheran Church Ministry Fund (also called the Fund) is to provide distributions of gifts according to the wishes of the donor which are beyond the operating budget of this congregation. These distributions will be overseen by the Committee of six (6) members plus the Pastor and will be made to causes the Committee deems worthwhile. The distributions may not conflict with the mission and needs of the church or the goals of the Long Range Planning committee.
 - 2. The Committee shall provide education to the Congregation about the Fund and encourage members to donate to the Fund.
 - 3. Donations may be given to the Fund through any of the vehicles mentioned in the bylaws, (wills, etc.,) and any others deemed appropriate. Members may discuss possible donations with the ELCA Regional Gift Planner and their attorney to find out which mode of giving may be best for them and the legal outcomes of that decision.
 - 4. The Committee shall recommend to Council for approval, by a two-thirds (2/3) majority vote of the *entire* Committee, the handling of donations using the following methods:
 - A. Distribute donations immediately.
 - B. Place donation in certificate of deposit for short-term distribution.
 - C. Invest the donation in the ELCA Foundation for a later distribution. No committee member shall

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invest the assets in a way that would bring private gain to that individual.

5. Major gifts to the church such as bequests, life insurance proceeds, etc., that are undesignated shall be automatically placed in the Kent Memorial Ministry Fund.
6. The congregation will own all of the Fund assets and the Fund will be operated under local, state and federal requirements.
7. Should the Committee determine that the congregation is in dire need of the assets in the Fund, or has an emergency of such a nature that the future of the congregation is at stake, and the only recourse is to use the Fund assets, the Committee may, upon a two-thirds (2/3) majority vote of the entire Committee, recommend such authorizing action to the Congregation Council for recommendation to the congregation. Upon recommendation from the Council, the congregation must then approve such use by a two-thirds (2/3) majority vote of members present at a properly called congregational meeting. Assets may not be borrowed from the Fund except by using this same dire need provision.
8. An annual report with current balance, additions, distributions and any other activity shall be given at the congregational meeting in February. Monthly newsletter reports will also update the congregation on the current activities of the Fund. The Congregation Council will appoint an audit committee to audit the Fund on an annual basis. This audit should be prepared so its findings can be reported at the congregational meeting in February.

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