

# Constitution for the Congregation of The Lutheran Church of the Good Shepherd

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# Constitution for the Congregation of The Lutheran Church of the Good Shepherd

Approved by the Congregation at the Congregational Meeting of November 18, 2012.

## **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**

- \*<sup>1</sup>**C1.01** The name of this congregation shall be The Lutheran Church of the Good Shepherd, of Brevard, North Carolina.
- \***C1.02** For the purpose of this constitution and the accompanying Bylaws, the congregation of The Lutheran Church of the Good Shepherd is hereinafter designated as "this congregation."
- \***C1.11** This congregation shall be incorporated under the laws of the State of North Carolina.

## **Chapter 2. CONFESSION OF FAITH**

- \***C2.01** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- \***C2.02** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
  - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
  - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
  - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- \***C2.03** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- \***C2.04** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- \***C2.05** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- \***C2.06** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- \***C2.07** This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

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<sup>1</sup> Wording of paragraphs denoted by \* is per the ELCA model constitution.

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

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

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

- \*C4.01** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God’s creative, redeeming, and sanctifying activity in the world.
- \*C4.02** To participate in God’s mission, this congregation as a part of the Church shall:
  - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
  - b. Proclaim God’s saving Gospel of justification by grace for Christ’s sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
  - c. Carry out Christ’s Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
  - d. Serve in response to God’s love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
  - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
  - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- \*C4.03** To fulfill these purposes, this congregation shall:
  - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
  - b. Provide pastoral care and assist all members to participate in this ministry.
  - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
  - d. Teach the Word of God.
  - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
  - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
  - g. Motivate its members to provide financial support for the congregation’s ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
  - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
  - i. Foster and participate in ecumenical relationships consistent with churchwide policy.

- \*C4.04 This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. Such descriptions shall be contained in bylaws, continuing resolutions and in the section on the Congregation Council.
- \*C4.05 This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.
- \*C4.06 References herein to the nature of the relationship between the three expressions of this church congregations, synods, and the churchwide organization as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

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

- \*C5.01 The powers of this congregation are those necessary to fulfill its purpose.
- \*C5.02 The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- \*C5.03. Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
  - a. call a pastor as provided in Chapter 9;
  - b. terminate the call of a pastor as provided in Chapter 9;
  - c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
  - d. adopt amendments to the constitution, as provided in Chapter 17, amendments to the bylaws, as specified in Chapter 16, and continuing resolutions as provided in Chapter 18.
  - e. approve the annual budget;
  - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - g. hold title to and use its property for any and all activities consistent with its purpose;
  - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - i. elect its Congregation Council, and require them to carry out their duties in accordance with the constitution, 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 North Carolina Synod of the Evangelical Lutheran Church in America.
- C5.05 This congregation shall have a mission endowment fund that will operate as specified in this congregation's bylaws. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

## **Chapter 6. CHURCH AFFILIATION**

- \*C6.01 This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the North Carolina Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- \*C6.02 This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- \*C6.03 This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
  - a. This congregation agrees to be responsible for its life as a Christian community.

- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of ordained ministers of the Evangelical Lutheran Church in America or to contracting for pastoral services with an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America. 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.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

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

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

**\*C6.05** A congregation may terminate its relationship with this church by the following procedure:

- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the congregation council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- b. The secretary of the congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
- d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
- f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly.
- g. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05 shall be required to receive synod council approval

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

## **Chapter 7. PROPERTY OWNERSHIP**

- \*C7.01** If this congregation ceases to exist, title to undisposed property shall pass to the North Carolina Synod of the Evangelical Lutheran Church in America.
- \*C7.02** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- \*C7.03** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in \*C6.05 has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the North Carolina Synod.
- \*C7.04** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, and have followed the process for termination of relationship in \*C6.05, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.
- C7.05** Notwithstanding the provisions of \*C7.02 and \*C.7.03 above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
- a. Shall not transfer encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall upon written demand by the Synod Council, pursuant to †S13.23 of the constitution of the North Carolina Synod reconvey and transfer all right, title, and interest in the property to the synod.

## **Chapter 8. MEMBERSHIP**

- \*C8.01** Members of this congregation shall be those baptized persons on the roll of this congregation at the time

that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.

**\*C8.02** Members shall be classified as follows:

- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
- b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
- c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
- d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

**\*C8.03** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.

**\*C8.04** It shall be the privilege and duty of members of this congregation to:

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

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

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

Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

## **Chapter 9. THE PASTOR**

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

**\*C9.02** Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.

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

- a. Every ordained minister shall:
  - 1) preach the Word;
  - 2) administer the sacraments;
  - 3) conduct public worship;
  - 4) provide pastoral care; and
  - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
- b. Each ordained minister with a congregational call shall, within the congregation:
  - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;

- 2) supervise all schools and organizations of this congregation;
  - 3) install regularly elected members of the Congregation Council; and
  - 4) with the council, administer discipline.
- c. Every pastor shall:
- 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
  - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
  - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
  - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the North Carolina Synod of the ELCA.
- \*C9.04** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.05**
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
    - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
    - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
    - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
    - 4) the physical or mental incapacity of the pastor;
    - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
    - 6) the dissolution of the congregation or the termination of a parish arrangement; or
    - 7) suspension of the congregation as a result of discipline proceedings.
  - b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
  - c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
  - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in \*C9.05b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
  - e. If, in the course of proceedings described in \*C9.05d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
  - f. If, following the appointment of the committee described in \*C9.05b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a

joint synodical and churchwide fund and with housing provided by the congregation(s).

- \*C9.06** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- \*C9.07** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- \*C9.08** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- \*C9.09** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.11** With the approval of the bishop of the synod, the congregation may depart from \*C9.05 a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05 a.
- \*C9.12** The pastor of this congregation:
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
  - b. shall submit a summary of such statistics annually to the synod; and
  - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- \*C9.13** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- C9.20 Ecumenical pastoral ministry**
- C9.21** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

## **Chapter 10. CONGREGATION MEETING**

- C10.01** The annual meeting of this congregation shall be held at a time specified in the bylaws.
- C10.02** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of 33 percent of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.
- C10.03** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail to all voting members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient. electronic notice of meetings may be provided in addition to notice by regular mail.
- C10.04** Twenty five percent of voting members shall constitute a quorum.
- C10.05** Voting by proxy or by absentee ballot shall not be permitted.

- C10.06** All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

## **Chapter 11. OFFICERS**

- C11.01** The officers of this congregation shall be a president, vice president, secretary, and treasurer.
- Duties of the officers shall be specified in the bylaws.
  - The officers shall be voting members of the congregation.
  - Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
  - If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.
- 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. The term shall begin on January 1 and end on December 31.
- 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 12 nor fewer than 9 members of the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. 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 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 one to three years, with the term of office beginning on January 1 and ending on December 31. Newly elected Congregation Council members shall be installed at worship the Sunday prior to the date they assume office.
- 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. Congregational Council membership tenure shall be so arranged so that one-third of the terms expire annually. Members shall be eligible to serve no more than two consecutive full terms. For this purpose, a member who has served more than half a term is considered to have served a full term.
- 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:
- 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.
  - To seek to involve all members of this congregation in worship, learning, witness, service, and support.
  - To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
  - To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
  - To be examples individually and corporately of the style of life and ministry expected of all baptized

- persons.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
  - g. To arrange for pastoral service during the sickness or absence of the pastor.
  - h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
  - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
  - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.05** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of North Carolina, 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 of up to the dollar amount of contingency funds available for items not included in the budget.
  - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations not more than 10% in excess of the approved operating budget without authorization of the congregation. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
  - e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer. The Congregation Council shall provide for an annual audit of the accounts of the congregation.
  - 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.
- 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.
- C12.11** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

## **Chapter 13. CONGREGATION COMMITTEES**

- C13.01** The officers of this congregation and the pastor shall constitute the **Executive Committee**.
- C13.02** A **Nominating Committee** of six voting members. Term of office shall be three years, with two members to be appointed each successive year.

- C13.03** An **Audit Committee** of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.
- C13.04** A **Mutual Ministry Committee** of six members shall be appointed jointly by the president and the pastor and shall have approval by the Congregation Council. Term of office shall be three years, with two members to be appointed each successive year, not eligible for consecutive terms.
- C13.05** When a pastoral vacancy occurs, a **Call Committee** of six voting members shall be elected by the congregation following consultation by the Congregation Council with the bishop of the synod. Term of office will terminate upon installation of the newly called pastor.
- C13.06** A **Memorial Gift Committee** of three voting members shall be appointed by the Congregation Council for a term of three years, with one member to be appointed each successive year. Members shall be eligible for consecutive re-election.
- C13.07** A **Mission Endowment Fund Committee** shall be established. This committee shall administer, manage, and be the custodian of the Lutheran Church of the Good Shepherd Mission Endowment Fund. The purpose of this fund shall be to enhance the mission outreach of this congregation apart from the general operation of this congregation. No portion of this Mission Endowment Fund shall be used for the annual operating budget of this congregation. The governance and operational procedures of this committee shall be defined in the bylaws.
- C13.08** The **Memorial Garden Committee** shall consist of three members who are voting members of the congregation. Each committee member shall be appointed by the Council for a 3 year term, with one member elected each successive year.
- C13.09** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.11** Duties of committees of this congregation shall be specified in the bylaws and continuing resolutions.
- C13.12** 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.
- C14.02** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council and specified in a continuing resolution.

## **Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION**

- \*C15.01** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Congregation Council. If, for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.
- \*C15.02** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a

written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. The written citation that specifies the time and place of the hearing before the Congregation Council and requests the presence of a member charged with the offense shall be sent at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.

- \*C15.03 Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
  - a. censure before the council or congregation;
  - b. suspension from membership for a definite period of time; or
  - c. exclusion from membership in this congregation.Disciplinary actions b. and c. shall be delivered to the member in writing.
- \*C15.04 The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- \*C15.05 Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.
- \*C15.06 For disciplinary actions in this congregation, "due process" shall be observed as specified in 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C15.07 No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.
- \*C15.10 **Adjudication**
- \*C15.11 When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

## Chapter 16. BYLAWS

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

## Chapter 17. AMENDMENTS

- \*C17.01 Unless provision \*C17.04 is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least five voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.
- \*C17.02 An amendment to this constitution, proposed under \*C17.01, shall:
  - a. be approved at a legally called Congregation Meeting according to this constitution by a majority

- vote of those present and voting;
  - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
  - c. have the effective date included in the resolution and noted in the constitution.
- \*C17.03** Any amendments to this constitution that result from the processes provided in \*C17.01 and \*C17.02 shall be sent by the secretary of this congregation to the synod. The amendment 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 North Carolina Synod of the ELCA.
- \*C17.04** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of 15 voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 18. CONTINUING RESOLUTIONS**

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

## **Chapter 19. INDEMNIFICATION**

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

## **Chapter 20. PARISH AUTHORIZATION**

- C20.01** This congregation may unite in partnership with one or more other congregations recognized by the synod named in \*C6.01 to form a parish. Except as provided in C20.02 and C20.03, a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to a Parish Council.
- C20.02** Whenever a letter of call is being recommended for extension to an ordained minister of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended to the congregation by the synodical bishop to serve the congregations of a parish, such letter of call shall be first approved by a two-thirds vote at congregational meetings of each of the congregations forming the parish. If any congregation of the parish should fail to approve extending this call, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.
- C20.03** Any one of the congregations of a parish may terminate the call of a pastor as provided in †S14.13 d. of the synodical constitution of the synod named in \*C6.01. In such case, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.
- C20.04** Whenever a parish arrangement is terminated, the call of any rostered person serving that parish is terminated. Should any congregation that formerly was part of the parish arrangement desire to issue a new call to that rostered person, it may do so in accordance with the call process of this church.



**BYLAWS**  
**of the**  
**Lutheran Church of the Good Shepherd, Brevard, NC**

The numbers for each Bylaw correspond to the chapter and section of the body of the Constitution.

B5.04 The Congregation Council shall, on behalf of the congregation, choose from among its voting membership, lay persons to serve as voting members of the Synod Assembly, as well as persons to represent the congregation at meetings, of any conference, cluster, coalition, or other area subdivision of which it is a member.

B8.03.01 In the event that the Congregation Council shall refuse to approve an application for confirmed membership, the Congregation Council shall inform the applicant in writing of the reasons for its action and the procedure to be followed in the event an appeal is made. The applicant 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.

B8.04.01. Biblical stewardship is understood as an expression of gratitude and obedience and an acknowledgement that all we are and have come as gifts from God.

*[Modification approved at the congregational meeting Nov. 21, 2010]*

B8.05.01 Members may be placed on the INACTIVE ROLL of the congregation under one of the following conditions:

a.) The member has not received communion for a period of two years and they have not made a contribution of record. The Congregation Council may review the Active Member Roll and place such members on the Inactive Member Roll with a status of “**Inactive-Not Participating**” provided that efforts have been made to reactivate such members, and further provided that a letter informing them of the intended action has been sent to those affected at least 30 days prior to the proposed action.

b.) The member has notified the congregation that they are moving to another area and/or plan to join another congregation. Such members will be placed on the Inactive Member Roll with the status of “**Inactive-In Transition**” until such time as the member requests a letter of transfer or release to another congregation.

All persons thus removed from the Active Member Roll shall be of continuing concern.

B 10.01.01 The regular annual congregation meeting shall be held during the month of November. The time and place will be determined by the Congregation Council.

B 10.01.02 At the annual meeting of the congregation the agenda may include the election of Congregation Council members; adoption of the annual budget; reception of reports of the Congregation Council officers, committees and schools; and any other matters

pertaining to the life of the congregation.

B10.04.01 One-fourth of the voting members shall constitute a quorum.

B10.07.01 A parliamentarian shall be appointed by the Congregation Council president for all congregation meetings.

B11.01.01 **The president of the congregation** and of the Congregation Council shall be the presiding officer at all meetings of the congregation and of the Congregation Council, prepare the appropriate agendas for all meetings, make appointments of persons who may assist in the meetings (as leader of the devotions, tellers, etc.), execute necessary documents as directed on behalf of the congregation or Congregation Council, and, in general, fill the duties not otherwise specified according to Robert's Rules of Order as president.

B11.0 1.02 **The vice president of the congregation** and of the Congregation Council shall, in the absence of the president, or upon the request of the president, preside at meetings of the congregation and of the Congregation Council. Should the president resign from office, the vice president shall serve as presiding officer until a successor is elected.

B11.01.03 **The secretary of the congregation** and of the Congregation Council shall be responsible for the minutes of all meetings of the congregation and of the Congregation Council, distribute them to the appropriate individuals, place the protocol copy in the permanent files, certify any documents as directed, and in general fill unspecified duties as contained in Robert's Rules of Order.

B11.01.04 **The treasurer of the congregation** and of the Congregation Council shall be responsible for the proper supervision of all monies of the congregation and disburse the same at the direction of the congregation or the Congregation Council. The treasurer shall be bonded, the blanket bond provided the Evangelical Lutheran Church in America being considered as sufficient.

B12.01 With the exception of the pastor(s), staff members of the congregation shall not be eligible for election or appointment to voting membership of the Congregational Council.

B 12.11.02 The December meeting of the Congregation Council composed of the newly elected and the current members, shall be the organizational session for the ensuing year. As soon as possible, following the annual congregation meeting, the newly elected Congregation Council shall elect officers for the following calendar year.

B 13.01.01 **The Executive Committee** shall make proposals to the Congregation Council; execute agreements approved by the Council; make necessary decisions between Congregation Council meetings; guide the agenda of the Congregation council meetings; and perform such other duties as are directed by the Congregation Council; all such actions shall be reported to and ratified by the Congregation Council.

B13.02.01 **The Nominating Committee** shall provide a slate of persons as nominees for the

congregation Council and other such elected positions as may occur from time to time.

B 13.03.01 **The Audit Committee** shall perform, or cause to be performed, an annual audit of the financial record of the Lutheran Church of the Good Shepherd congregation, and, when required for bonding purposes, the financial records of other organizations of the congregation. They shall report the results of the audit to the congregation and certify the same to the Synod.

B 13.04.01 **The Mutual Ministry Committee** shall provide a liaison between the congregation of the Lutheran Church of the Good Shepherd and its pastor and the salaried employees. It shall meet on an arranged schedule for feedback, evaluation, and sharing of concerns with each staff person. It shall seek to promote harmony between all staff as well as with members of the entire congregation.

B13.05.01 **The Call Committee** shall follow the guidelines provided to the congregation by the North Carolina Synod, and shall be in liaison between the congregation and the bishop of the Synod. It shall conduct its role in such confidentiality and integrity as to protect the privacy of all candidates for the office of pastor.

*[The following amendments (B13.07.01 -B 13.07.18) have been added to the Constitution as approved at the Congregation Meeting held on June 16, 1996.]*

B13.07.01 **The Mission Endowment Fund Committee** (hereafter called the COMMITTEE) shall consist of five members, all of whom shall be voting members of the congregation. A member of the Audit Committee shall not be eligible to serve as a member of the Mission Endowment Fund Committee. Except as herein limited, the term of each member shall be three years. Upon adoption of this resolution by the congregation, it shall elect five members to the COMMITTEE: two for a term of three years; two for a term of two years; and one for a term of one year. Thereafter, at each annual meeting, the congregation shall elect the necessary number for a term of three years. No member shall serve more than two consecutive three-year terms. After a lapse of one year, former COMMITTEE members may be re-elected. The pastor and the president of the Congregation Council shall be advisory (non-voting) members of the COMMITTEE. The Congregation Council shall nominate the members for the COMMITTEE. In the event of a vacancy on the COMMITTEE, the Congregation Council shall appoint a member to fill the vacancy until the next annual meeting of the congregation, at which time the congregation shall elect a member to complete the term of vacancy.

B 13.07.02 The COMMITTEE shall meet quarterly, or more frequently as deemed by it in the best interest of the Mission Endowment Fund (hereafter called the FUND).

B 13.07.03 A quorum shall consist of three members and one advisory member. When only a quorum is present, a unanimous vote shall be required to carry any motion or resolution.

B 13.07.04 The COMMITTEE shall elect from its membership a Chairperson, Recording Secretary, and a Financial Secretary. The Treasurer of the church is not eligible to

serve as the Financial Secretary of the Mission Endowment Fund. The Chairperson, or member designated by the Chairperson, shall preside at all COMMITTEE meetings.

B 13.07.05 **The Recording Secretary** of the COMMITTEE shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the COMMITTEE. The Recording Secretary shall also supply a copy of the minutes to the Congregation Council.

B 13.07.06 **The Financial Secretary** of the COMMITTEE shall maintain accurate accounts for the FUND. Two of the three elected officers of the COMMITTEE shall sign checks and all other necessary documents on behalf of the congregation in furtherance of the purposes of the FUND. The books shall be audited annually by a Certified Public Accountant, or by an audit committee appointed by the Congregation Council.

B 13.07.07 The COMMITTEE shall report on a quarterly basis to the Congregation Council and, at each annual meeting of the congregation, shall render a full and complete audited report of the FUND for the preceding year.

B 13.07.08 The COMMITTEE shall engage professional trustees and any other professional counselors on investments or legal matters deemed advisable by the COMMITTEE at the expense of the FUND income.

B 13.07.09 Members of the COMMITTEE shall not be liable for any losses which may be incurred upon the investments of the assets of the FUND except to the extent such losses shall have been caused by bad faith or gross negligence. No member shall be personally liable for as long as he/she acts in good faith and with ordinary prudence. Each member shall be liable only for his/her own willful misconduct or omissions, and shall not be liable for the acts or omissions of any other member. No member shall engage in any self-dealing or transactions with the FUND in which the member has direct or indirect financial interests and shall at all times refrain from any conduct in which his/her personal interests would conflict with the interest of the FUND.

B 13.07.10 All assets are to be held in the name of the FUND.

B 13.07.11 The COMMITTEE shall maintain the Mission Endowment Fund (MEF) Policy Document which describes the policies by which the FUND will be managed. Changes to the policies in the MEF Policy Document must be approved by the Congregation Council.

B 13.07.12 Decisions to hold, sell, exchange, rent, lease, transfer, convert, invest, re-invest, and in all other respects to manage and control the assets of the FUND, including stocks, bonds, debentures, mortgages, notes, or other securities, as in their judgment and discretion they deem wise and prudent, are to be made by the COMMITTEE with subsequent execution by the delegated members of the COMMITTEE.

B 13.07.13 Only gifts with no restrictions shall be placed within the FUND.

B 13.07.14 The COMMITTEE shall annually set aside a portion (the Reserve) of the Net Capital

in the FUND for expenses and distribution as grants.

*[Modification approved at the congregational meeting Nov. 21, 2010]*

B 13.07.15 Funds set aside per section B13.07.14 are intended to be distributed at such times as deemed necessary and/or feasible to accomplish the following purposes:

- A) A minimum of 30% for outreach into the community and synod.
- B) A minimum of 30% for missions in this continent and worldwide.
- C) Up to 40% for either or both of the above designated areas in any proportion as determined by the COMMITTEE, or for causes and programs, which, at the discretion of the COMMITTEE, are consistent with the FUND purpose of enhancing the mission outreach of the Lutheran Church of the Good Shepherd.

B 13.07.16 Programs for support shall be recommended by the COMMITTEE and approved by the Congregation Council for funding.

B 13.07.17 Disbursement the set aside Reserve amount need not occur annually in the event causes and programs have not been approved by the COMMITTEE sufficient to utilize total income available, or if, in the judgment of the COMMITTEE, total annual disbursement is not recommended.

B 13.07.18 When, in the opinion of the COMMITTEE, circumstances are so dire and of such an emergency nature that the future of the congregation is at stake, and that the only recourse seems to be the use of the FUND principal, the COMMITTEE may recommend such authorizing action to the Congregation Council for approval by a two-thirds vote of the members present at any annual meeting of the congregation or at a special meeting called specifically for this purpose.

B 13.07.19 The FUND shall be managed in such a way to keep the value of the FUND close to or greater than the value of the original FUND capital plus subsequent gifts adjusted for inflation. (See MEF Policy Document.)

B13.07.20 the investment decisions of the COMMITTEE for the assets of the FUND shall follow an investment objective and policy guidelines (See MIEF Policy Document).

### **CONGREGATIONAL STANDING COMMITTEES**

B13.09.01 **The standing committees** of the congregation shall be: Worship & Music, Evangelism & Membership, Christian Education, Stewardship, Finance, World & Community, Fellowship, Mutual Ministry, Volunteer Ministry and Property.

B 13.09.02 The chairperson of each standing committee shall be appointed by the pastor, the Congregation Council president and Volunteer Coordinator, such appointment shall be approved by the Congregation Council. The term of appointment shall be for one year. Chairpersons may be eligible for re-appointment.

B 13.09.03 The chairpersons of each standing committee shall recruit members in consultation

with the Volunteer Coordinator. Membership on any standing committee shall have approval by the Congregation Council. The term of membership shall be one year. Members shall be eligible for reappointment.

B13.09.04 **THE WORSHIP & MUSIC COMMITTEE** shall assist the pastor(s) and the Congregation Council in providing regular opportunities for worship in accordance with the Confession of Faith set forth in Chapter 2 of the constitution or the congregation. This committee is responsible for assisting the pastor(s) and evaluating the worship and music programs of the congregation.

B 13.09.05 **THE EVANGELISM & MEMBERSHIP COMMITTEE** This committee shall have two purposes: 1) shall motivate the congregation to proclaim the Gospel by witness and example, and shall assist the pastor(s) to invite and to encourage those not part of the church to share in the fellowship of the congregation. This committee is responsible for promoting a climate of welcome to visitors, integrating new members into the congregation, and bringing the mission and activities of the congregation to the attention of the community at large. 2) Monitor those members who are not attending and make contact to determine the reasons. Where possible, provide nurturing and support to resolve the reasons for lack of contact with the congregation.

B 13.09.06 **THE CHRISTIAN EDUCATION COMMITTEE** shall develop opportunities for all members of the congregation and others to grow in faith through learning and study. This committee is responsible for the planning, operation, and evaluation of the educational programs of this congregation. This committee shall provide opportunities for the youth of the congregation to share in activities that foster community through fellowship, worship, learning, and service.

B 13.09.07 **THE STEWARDSHIP COMMITTEE** shall foster growth and understanding of the full concept of, Christian stewardship in response to God's grace, including time, talent, and financial resources. This committee is responsible for providing an ongoing program to encourage giving to the work of this congregation and the wider church.

B 13.09.08 **THE FINANCE COMMITTEE** shall be appointed annually by the Congregation Council. The committee shall consist of at least five voting members and shall include the Treasurer, the Financial Secretary, and the Chairperson of the Stewardship Committee. No more than three members of the committee, other than the pastor as ex-officio, shall be members of the Congregation Council. The duties of this committee shall be to prepare and to submit to the Congregation Council a proposed annual budget, to oversee the work of the Treasurer, Financial Secretary, and the tellers, to coordinate with the Stewardship Committee regarding special giving over and above the annual budget and the weekly envelopes, and to make such necessary recommendations concerning these proposals.

B13.09.09 **THE WORLD & COMMUNITY COMMITTEE** shall recommend and implement Good Shepherd's policies and programs responding to the human needs of our neighbors wherever they might be. This committee shall evaluate and oversee distribution of budgeted grants or gifts.

B 13.09.10 **THE FELLOWSHIP COMMITTEE** shall provide means for the expression of Christian love, support, and community within the congregation by establishing effective systems for congregational communication and support, and for sponsoring regular fellowship activities in coordination with other committees and organizations within the congregation.

B 13.09.11 **THE PROPERTY COMMITTEE** shall assure the physical means for worship, education, witness, service and fellowship to take place in the best manner possible. This committee is responsible for maintaining, repairing, and planning improvements of the building and grounds, and for providing leadership and coordination for the involvement of the congregation in such activities.

B13.09.12 **THE VOLUNTEER COORDINATOR** shall be responsible for organizing and directing efforts to involve volunteers in parish programs and services. Assists by working closely with LCGS Staff, Church Council, committees and volunteers to ensure the best possible match between Congregation needs and volunteer opportunities. (See job description on file)

*[Renumbered B13.09.04 through B13.09.12 to agree with revised 2012 Constitution numbering.]*

B17.01.01 When an amendment to the constitution or bylaws is made, the date of the congregational meeting at which it was adopted shall be carried in all subsequent copies of the Constitution and Bylaws.

**CONTINUING RESOLUTIONS**  
**of the**  
**Lutheran Church of the Good Shepherd, Brevard, NC**  
*(As revised by Council through March 18, 2014  
with minor editorial fixes on January 24, 2015)*

**C13.06.A95 MEMORIAL GIFTS PROCESS**

*[These procedures were adopted by the Congregation Council at a meeting held on December 10, 1995.]*

Because we believe that the memory of the Blessed Dead may be served by a Living Memorial that contributes to the ongoing welfare of the Church and of the Kingdom of God, the Memorial Gifts Process of the Lutheran Church of the Good Shepherd, Brevard, North Carolina has been established.

The procedures and directions for the administration of Memorial Gifts are as follows:

1. Any person desiring to contribute money in memory of any deceased person or in honor of any living person may do so by earmarking the money as a memorial gift.

*[This paragraph was amended and approved at the 4/22/2003 Congregation Council meeting.]*

2. Additional gifts in any amount may be made in memory of such deceased persons at any time, such as birthday, anniversary of death, etc.

Bequests made in a Last Will and Testament may also be earmarked as a memorial gift.

*[This paragraph was amended at the 3/18/2014 Congregation Council meeting. Paragraphs 2 and 3 were deleted and subsequent paragraphs have been renumbered.]*

3. Each donor shall receive an acknowledgement of the contribution. The family of the deceased shall receive a properly imprinted folder of sympathy, notifying them of the donor's contribution.

4. A contribution may be made in the form of:

A) An undesignated gift (to be administered in accordance with item 5); or

B) A designated gift (to be administered in accordance with items 6 & 7. See Funds Flow Chart).

5. If a memorial gift is given without designating one of the items on the list, the committee will attempt to get a designation from the family of the deceased or honoree. Failing that, the committee will determine the designation. However, in this situation, if the total amount to be designated exceeds a maximum-as determined by the Congregation Council, the use of the gift will require Council approval/action. That maximum amount as of May 11, 1998 is \$500.00 and is to be updated as deemed necessary at future dates. *[This paragraph was amended at the 4/22/2003 Congregation Council meeting].*

6. Designated gifts will be deposited in the Designated Gifts Fund of the church and shall be accounted for separately from other funds of the church. The Designated Gifts Fund will be administered by a Memorial Gifts Committee.

7. The **Memorial Gifts Committee** will be responsible for:

A) Administering receipts of memorial gifts as previously described in item 3.

B) Preparing and reviewing a Designated Gifts List:

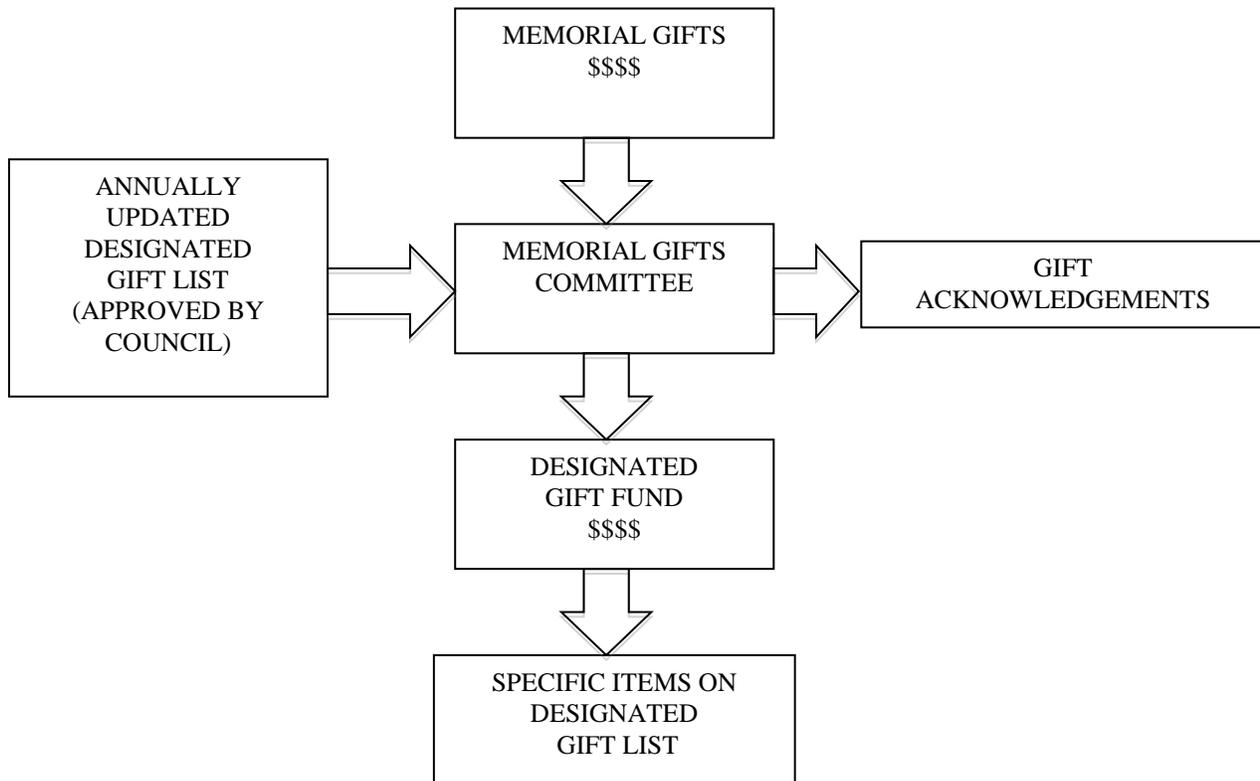
During the first quarter of each year, all standing committees will be invited to submit items, together with their approximate cost for inclusion on the Designated Gifts List, to the Memorial Gifts Committee. These items, along with the previous Designated Gifts List, will be reviewed by the Memorial Gifts Committee and a new Designated Gifts List will be prepared. This revised list will be submitted to the Congregation Council for approval.

C) Administering disbursements from the Designated Gifts Fund:

Contributions to the Designated Gifts Fund must be directed towards one of the approved items on the Designated Gifts List. When sufficient designated gifts have accumulated to purchase an item from the Designated Gifts List, the Memorial Gifts Committee will request that Congregation Council to approve expenditure for the item. When the purchase of the item is complete and/or after a period of one year with no activity in that category, any remaining funds of less than \$500 may be transferred to one or more approved items on the Designated Gifts list. *[This paragraph was amended by the Congregation Council on 9/24/2013.]*

9. *[Paragraph deleted by Congregation Council on 3/18/2014.]*

THE LUTHERAN CHURCH OF THE GOOD SHEPHERD  
MEMORIAL GIFTS FUND PROCESS



*[These rules and regulations were adopted by the Council of the Lutheran Church of the Good Shepherd on December 20, 1999.]*

### **C 13.7.A99 The MEMORIAL GARDEN**

The Council of the Lutheran Church of the Good Shepherd is charged with administrating the Memorial Garden and Cinerarium.

The following rules and regulations are hereby adopted by the Council of the Lutheran Church of the Good Shepherd hereinafter referred to as the Congregation Council. These rules and regulations are to govern the use, operation and maintenance of the Memorial Garden.

1. **MEMORIAL GARDEN:** The Memorial Garden will include cinerariums, memorial plaques and garden areas.
2. **CINERARIUM:** These are niches, with appropriate sealed canisters, uniform in size, that will be placed in the walls of the Memorial Garden and are for the inurement of the ashes of cremated humans. Each niche will have a name plate of uniform size which will be engraved with the name of the deceased and the numerical date of birth and death. Each niche will be limited to the cremated remains of one person.

3. **MEMORIAL PLAQUE:** This will be a name plate of uniform size which will be engraved with the name of the deceased and the numerical date of birth and death. Each plate will be limited to the name of one person. *Nicknames may not be used*<sup>1</sup>. The plates will be placed on the walls of the Memorial Garden.
4. **GARDEN AREAS:** Suitable plantings will be available for the scattering of human ashes in various parts of the Memorial Garden.
5. **ELIGIBILITY:** The three elements of the Memorial Garden (cinerarium niches, memorial plaques and garden areas) are restricted to the use of members, *associate members*<sup>1</sup> or former members of the congregation and immediate family members. Immediate family includes the member's spouse(s)<sup>1</sup>, children, parents, step children, step parents and grandchildren. The Congregation Council reserve the right to make exceptions to these restrictions as they deem appropriate.
6. **SALE/OWNERSHIP OF CINERARIUM NICHES:** These niches may only be sold to members of the congregation and their immediate family as outlined above. The exclusive right to use a niche may not be sold nor transferred in any manner by a member, their family or their heirs. Designation of the person to be inured may be changed in writing by the purchaser at any time prior to the purchaser's death. A niche may only be surrendered back to the congregation. The congregation will refund only the amount paid for the niche itself. The purchase conveys the right to use the space inside the niche, but no ownership interest nor any interest in real estate is implied. The legal title to all of the niches and the entire Memorial Garden shall at all times remain in the congregation. No niche may be used before total payment for that niche is received. The selection of a niche or niches will be made from those available at the time of purchase.
7. **SALE OF MEMORIAL PLAQUES:** These plaques may only be sold to members *or associate members*<sup>1</sup> of the congregation and their immediate family as outlined above. Designation of the person to be named on the plaque may be changed in writing by the purchaser at any time prior to the purchaser's death. A plaque may only be surrendered back to the congregation. The congregation will refund only the amount paid. No plaque may be used before total payment for that plaque is received. The selection of a plaque location will be made from those available at the time of purchase.
8. **PRICE:** The congregation retains the exclusive right to change the price of a niche or plaque at any time. The purchase price for all niches and plaques shall remain uniform at any given time, regardless of location.
9. **MASTER PLAN:** The congregation shall maintain a Master Plan of the location of all of the niches and plaques in the Memorial Garden, identifying each with a unique number. Master Plan records will be maintained to identify the niches and plaques that have been reserved, the reservation information for each and, where applicable, the name of the deceased, their birth date, date of death, date of purchase and date of inurement.
10. **CHANGES OR RELOCATION:** The congregation reserves the right to enlarge, remodel, alter or relocate the Memorial Garden as it deems necessary or desirable. However, the

Memorial Garden shall be maintained at a site of substantially like character.

Should the congregation find it necessary to consider moving or substantially changing the character of the Memorial Garden, the next of kin (to the extent they are known) shall be notified before any decision is made. Suggestions and other input of the next of kin will be considered before any change of this nature is made. Should it be decided by the congregation that a change of this type is required, the next of kin will be notified by certified mail at the address of record. This notification will occur at least 30 days prior to the activity taking place and will include a detailed explanation of the reasons requiring such a change. Should exhumation be necessary, it will be carried out according to all applicable laws and statutes and with care and reverence. Reburial should occur expeditiously and respectfully.

11. **ACCESS:** Committal or memorial services may be held in the Memorial Garden with the approval of and under the direction of the Pastor(s). No cremated remains may be placed in the Memorial Garden without a Committal Service. The opening of any niche is prohibited by anyone other than authorized congregational personnel. The opening or removal of a niche must be pre-approved by the Memorial Garden Trustees for good cause and only after payment of costs and after written arrangements for custody of the remains.
12. **LIABILITY:** No liability of any kind or character whatsoever is assumed by the congregation or the Congregation Council for the maintenance or preservation of the ashes of any person inured in the Cinerarium niches or for any loss or damage to the canisters used; or for any ashes scattered in the garden areas nor is any liability of any kind whatsoever assumed by the congregation or Congregation Council for any matter or thing relating to the Memorial Garden, its use or subsequent maintenance.
13. **FLOWERS, PLANTS, DECORATIONS:** No flowers, real or artificial, nor any other items shall be allowed in the Memorial Garden, except at the time of the committal or memorial services. However, the congregation reserves the right to place flowers, plantings or any other memorial items in the Memorial Garden as it may deem appropriate.
14. **MEMORIAL GARDEN FUND:** The congregation shall maintain a separate interest bearing account specifically for landscaping and other enhancements to the Memorial Garden, as well as for the care and maintenance of the Memorial Garden. This fund shall also be used for the purchase (for ultimate sale) of cinerarium niches and memorial plaques and the necessary engraving of same. All sums paid for the purchase of the niches and plaques and all donations toward the care and maintenance of the Memorial Garden shall be deposited into this account to be withdrawn as needed to fulfill these purposes and for the perpetual care of the Memorial Garden. There will be no assessments nor future charges to a purchaser after the full initial purchase price has been paid. After the Memorial Garden is fully operative, should the Memorial Garden's interest bearing account exceed \$20,000 at any time, the Congregation Council may use any excess over \$5,000<sup>1</sup> for other congregation purposes.
15. **RULE CHANGES:** The Congregation Council reserves the right to amend, change or modify these rules and regulations regarding the Memorial Garden at all times.

16. **MONETARY CONTRIBUTION:** The current price of niches and plaques is listed on a Niche/Plaque Price Schedule available from the church office.
17. **ADDRESSES:** It shall be the responsibility of the purchaser to at all times keep the congregation advised of the current mailing address of themselves, the person for whom the niche/plaque is reserved and of their next of kin or designee's address. This selected person will then be the individual the congregation would contact for any reason.
18. **ABANDONMENT:** A Niche/plaque shall be deemed abandoned only after ALL of the following conditions have been checked and satisfied: a) Niche/plaque that has not been used within 21 years of the execution of this agreement... AND b) Purchaser is no longer a member of the congregation... AND c) Purchaser does not respond to certified mail sent to his/her last known address... AND d) No response or objection is received within 90 days from the date of the certified letter. If all of the preceding are negative, the ownership of the niche/plaque shall revert to the congregation and can be made available for purchase/use by another purchaser.
19. **MEMORIAL GARDEN Administration:** The Congregation Council shall supervise the use and operation of the Memorial Garden. Changes, modifications or interpretations of these rules and regulations which shall be subject to approval by Congregation Council.

The Memorial Garden operations and expenditures shall be report quarterly to Congregation Council and annually to the congregation. The Property Chairman and the Treasurer shall determine what is or is not an appropriate expense from the Memorial Garden Fund. Two signatories for withdrawal from the Memorial Garden Fund shall be required including the Treasurer and Property Chairman.

20. **PRICING:** In order to recover fully all direct costs associated with the cinerariums and plaques; and in order to have funds available for landscaping and various enhancements to the Garden, as well as the care and maintenance of it; and in order to be fair to our members, the following pricing structure is now in effect:

|            |       |
|------------|-------|
| Cinerarium | \$500 |
| Plaque     | \$300 |

*[<sup>1</sup> Changes above in italics regarding the Memorial Garden were adopted by the Congregational Council of the Lutheran Church of the Good Shepherd on March 20, 2012.]*