

Summary of Proposed Updates to Reformation's Constitution

At the time our constitution was last updated in Jan 2009, it was noted that there were a handful of outstanding items still needing to be addressed in a subsequent update:

- Refresh language to bring the Constitution into agreement with updates/amendments to the Model Constitution for Congregations approved by the Churchwide Assembly of the ELCA;
- Cleanup awkward language inherited from prior updates;
- Clarify Congregation Council member term limits.

To accomplish these updates, a committee was formed consisting of Ron Appleton, Rob Brathovde, Ralph Catron, Craig Munson and Dick Tupy. The team reviewed the ELCA-approved amendments to the Model Constitution for the years 2001, 2003, 2005, 2007 and 2009. Changes to align with the latest (2009) Model Constitution and to address the other items listed above are included herein.

This summary is provided to help readers identify new text or text changed from the 2009 approved Reformation Constitution. Text that has been ~~deleted~~ is shown with a line through it. Text that has been added is underlined. Sections within which the language **must be used unaltered** from the Model Constitution for Congregations have an asterisk (*) preceding the section identifier (changes reflected in these sections are MANDATORY and must be approved as is.) Explanatory text is *italicized*. Copies of the full text of the proposed revised constitution WITHOUT the difference marking will be available (electronically or via paper) upon request from the church office.

These changes are meant to bring our constitution up-to-date with respect to the ELCA Model Constitution as well as address specific needs that our congregation felt were required. We welcome any feedback from the congregation in this area. If you have any questions or comments, please don't hesitate to contact any member of council or of the update committee.

Ralph Catron

***PREAMBLE**

no changes

Chapter 1: NAME AND INCORPORATION

Added the state to our name per ELCA request.

- C1.01. The name of this congregation shall be The Lutheran Church of the Reformation, West Long Branch, New Jersey.

Chapter 2: CONFESSION OF FAITH

This section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution. The changes indicated reflect the latest required language from the ELCA.

- *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.
- 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 world.~~ 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 none and norm~~ of its proclamation, faith, and life.
- *C2.05. This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, ~~and~~ acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- *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

no changes

Chapter 4: STATEMENT OF PURPOSE

This section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution. The changes indicated reflect the latest required language from the ELCA.

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

Chapter 5: POWERS OF THE CONGREGATION

This section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution. The changes indicated reflect the latest required language from the ELCA.

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- *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:
- c. ~~appoint call~~ or terminate the ~~appointment call~~ of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;

Chapter 6: CHURCH AFFILIATION

This section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution. The changes indicated reflect the latest required language from the ELCA.

- *C6.03. This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
 - d. This congregation agrees to consider associates in ministry, 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.
- *C6.05. This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
- g. ~~If Since~~ this congregation was a member of the Lutheran Church in America, it shall be required, in addition to the foregoing provisions in *C6.05., to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.
 - ~~h. Congregations that are established by the Evangelical Lutheran Church in America shall be required, in addition to the foregoing provisions in *C6.05., to receive synodical approval before terminating their membership in this church.~~
- *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

no changes

Chapter 8: MEMBERSHIP

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

Chapter 9: THE PASTOR

This section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution. The changes indicated reflect the latest required language from the ELCA.

- *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 regularly-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 ~~it~~ 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,
- c. Every pastor shall:
 - (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) ~~ehureh-wide-organization~~ and of the New Jersey Synod of the Evangelical Church in America-ELCA.
- *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 bishop and for the following reasons:
- (2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - (6) (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. ~~In the case~~ When allegations of ~~alleged~~ physical or mental incapacity of the pastor or ineffective conduct of the pastoral office, ~~it shall be the responsibility~~ have come to the attention of the bishop of the synod, ~~when such difficulties are personally known or 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, ~~to the bishop shall~~ investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
 - d. In the case of alleged local difficulties which imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in *C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendation, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a regularly-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. The foregoing procedure shall never be invoked when questions of doctrine, morality, or continued neglect of duty are involved, all such cases being treated as disciplinary matters.~~
- e. If, in the course of proceedings described in *C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
- f. ~~f. —~~ If, following the appointment of the committee described in *C9.05.b. or d., in the course of the proceedings, 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 pay provided through a joint ~~church~~ wide/synod/synodical and churchwide fund and with housing provided by the congregation.

C9.20 Ecumenical pastoral ministry

Chapter 10: CONGREGATION MEETING

Changes in this section are to match ELCA Model Constitution suggested language as well as to reflect the reality that our congregation has not one annual meeting but two annual meetings as defined in our bylaws. Text is also added to reflect electronic mail as an alternate means of communicating to those congregants that express that as a preference.

- C10.01. ~~The Semi-~~annual meetings 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 uponat the written request of 10% 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 mail may be used where appropriate.

Chapter 11: OFFICERS

Changes in this section were to clarify the voting status of the treasurer(s). Treasurer(s) can only vote in Council if they are elected members of Council; however, they can actively participate in Council meetings.

- C11.01. The officers of this congregation shall be a president, vice-president, secretary, financial secretary, and treasurer(s).
- b. The officers shall be voting members of the congregation (subject to section d. below).
- d. 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(s) is not selected from the elected membership of the Congregation Council, the treasurer(s) shall have voice but not vote at the meetings of the Congregation Council.

Chapter 12: CONGREGATION COUNCIL

New text in C12.02 is to provide term limits on Council members, in accordance with current accepted practice at Reformation. At the suggestion of the ELCA, we've moved the voting membership from former C12.13 up into C12.01 and amended it to allow for the inclusion of a young adult member in addition to the youth member. Other text is updated language from the ELCA Model Constitution.

- C12.01. The voting membership of the Congregation Council ~~is stated in C12.13~~ shall consist of the pastor(s), the officers of the Congregation and up to 10 additional members elected by the Congregation (subject to Section C11.01). One confirmed member will be a youth member under the age of eighteen at the time of election and will serve a one-year term. Subject to candidate availability, one of the members should also be a young adult between the ages of 18 and 30 (inclusive) at the time of election and will serve a full term. 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 3 years with the term of office beginning on January 1 and ending on December 31. No member shall serve more than two consecutive 3 year terms. After a lapse of 1 year, former Congregation Council members may be re-elected. Newly elected Congregation Council members shall be installed at worship by the end of the first month 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. ~~Individuals who have served less than one-half of a regular term shall be eligible for nomination and possible election to 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:
j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.08. The Congregation Council shall be responsible for the ~~appointment-employment~~ and supervision of the salaried lay workers of this congregation.
- 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 meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.
- ~~C12.13. The voting membership of the Congregation Council shall consist of the pastor(s), the officers of the Congregation and up to 10 additional members elected by the Congregation. One confirmed member will be a youth member under the age of eighteen at the time of election and will serve a one-year term.~~

Chapter 13: CONGREGATION COMMITTEES

no changes

Chapter 14: ORGANIZATIONS WITHIN THE CONGREGATION

no changes

Chapter 15: DISCIPLINE OF MEMBERS

This section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution. The changes indicated reflect the latest required language from the ELCA.

- *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. ~~A member charged with the offense shall appear before the Congregation Council after having received a written citation.~~ 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 10 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.

*C15.10. Adjudication

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*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

no changes

Chapter 17: AMENDMENTS

This section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution. The changes indicated reflect the latest required language from the ELCA.

*C17.01. Unless provision *C17.04. is applicable, those ~~These~~ sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 50 voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation 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 their recommendations at least 30 days in advance of the meeting.

*C17.04. ~~Whenever the *Model Constitution for Congregations* is amended by the Churchwide Assembly, this~~ This constitution may be amended to ~~incorporate any such amendment 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—~~ by a simple majority vote of those voting members present and voting at any subsequent 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 at least 50 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

This section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution. The changes indicated reflect the latest required language from the ELCA.

*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 ~~the~~ 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

This NEW section consists of required text which must be reproduced verbatim from that in the ELCA Model Constitution

*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.

Bylaws to the Constitution

no changes

Standing Committees

Typographical correction: addition of missing parenthesis in “treasurer(s)”.

B3.08 There shall be a Committee on Stewardship, of which the treasurer(s) shall be members(s) ex officio. It shall be the function of this committee to evoke and promote the expression of Christian faith in daily living; to teach the Christian use of money; to diffuse knowledge of the congregation's local, national, and world-wide ministries; and to lead all its members to higher levels of proportionate giving for the Lord's work. This committee shall also be responsible for the annual Every Member Response and other congregation efforts which lead to informed and grateful giving.

CONGREGATIONAL ACTIONS

no changes