

**The Constitution and Bylaws
of
New Spirit Lutheran Church
Tucson, Arizona**

PREAMBLE

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

Chapter 1.

NAME AND INCORPORATION

C1.01. The name of the congregation shall be New Spirit Lutheran Church.

C1.02. For the purpose of this constitution and the accompanying bylaws the congregation of New Spirit Lutheran Church is hereinafter designated as "this congregation."

C1.11. This congregation shall be incorporated under the laws of the State of Arizona.

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 Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3.

NATURE OF THE CHURCH

- C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- C3.02. 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.

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 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 church wide 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.

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

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, and amendments to the bylaws, as specified in Chapter 16;
 - e. approve the annual budget;
 - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - g. hold title to and use its property for any and all activities consistent with its purpose;
 - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - i. elect its officers and 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 Grand Canyon 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 Grand Canyon 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.
- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

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

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

C6.05. This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:

- a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
- b. The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod shall consult with this congregation during a period of at least 90 days.
- d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least 10 days in advance of the meeting.
- e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the Evangelical Lutheran Church in America shall be terminated.
- f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

- g. Since this congregation was established by the Evangelical 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.

C6.06. If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

Chapter 7.

PROPERTY OWNERSHIP

- C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Grand Canyon 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. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Grand Canyon 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, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

Chapter 8.

MEMBERSHIP

- C8.01. Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- C8.02. Members shall be classified as follows:
- a. Baptized members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - b. Confirmed members are baptized persons who have been confirmed in this

congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.

- c. Voting members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation.
- 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. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

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

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

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

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action by the Congregation Council; or
- e. removal from the roll due to inactivity as defined in the bylaws. Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

Chapter 9.

THE PASTOR

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

C9.02. Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who have 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 congregations;
 - 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 Grand Canyon 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 dissolutions of the congregation; 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 the committee of two ordained ministers and one layperson.

- c. in case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either
 - (1) 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
 - (2) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- e. If, in the course of proceedings described in C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
- f. If, following the appointment of the committee described in C9.05b.or d. it should become apparent that the pastoral office cannot be conducted effectively in the congregation 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 without prejudice and with pay provided through a joint synodical and church wide 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.

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.

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 forty (40) 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.
- C10.04. Thirty-five (35) 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 the congregation.

Chapter 11. OFFICERS

- C11.01. The officers of this congregation shall be a president, president-elect, secretary, and treasurer.
- a. Duties of the officers shall be specified in the bylaws.
 - b. The officers shall be voting members of the congregation.
 - c. Officers of this congregation shall serve similar offices in the Congregation Council and shall be voting members of the Congregation Council.
- C11.02. The congregation shall elect from its voting membership a Congregation president, a president-elect, treasurer, and secretary. The officers shall be elected by written ballot. Their terms shall begin on January 1st following the annual meeting at which they are elected.
- a. The president shall be elected to a one-year term and may not succeed self for a second year.
 - b. The president-elect shall be elected for a one year term and may be elected to an immediate successive term as president.
 - c. The treasurer and secretary shall serve 3 year terms and they shall be eligible for re-election one time without a year out of office.
- C11.03. No officer shall hold more than one office at a time.

Chapter 12. CONGREGATION COUNCIL

- C12.01. The Congregation Council shall be the elected governing body. The voting members of the Council shall be:
- a. President of the Congregation / serves as Chair
 - b. President-elect of the Congregation / serves as Vice Chair
 - c. Treasurer
 - d. Secretary
 - e. Six at-large Council members
 - f. Pastor(s)
- C12.02. The Congregation shall elect from its voting membership a Congregation president, a president-elect, treasurer, secretary and six members-at-large.
- C12.03. The immediate past president of the Congregation may serve (by mutual consent) as a non-voting emeritus-Council member for the year following their term and perform those assignments designated by the Congregation Council.
- C12.04. The treasurer, secretary and members-at-large shall be elected in such a manner that one-third shall be elected each year. The terms shall be three year terms, they shall be eligible for re-election one time without a year out of office. The terms

of all elected Council members shall begin on January 1st following the annual meeting at which they are elected

C12.05. Vacancies shall be filled by appointment by the Council for the unexpired term and appointed service of six (6) months or less shall not be counted in term limits. A member's place on the Congregation Council may be declared vacant if the member:

- a. ceases to be a voting member of this congregation or;
- b. is absent from three successive regular meetings of the Congregation Council without cause.
- c. Consistent with the laws of the state in which this congregation is incorporated the congregation may adopt procedures for the removal of a members of the Congregation Council in other circumstances.

C12.06. Specific duties of the Congregation Council shall include:

- a. To annually review the strategies and objectives of the church ministries to accomplish the purpose of the Church. This shall include long-range planning, chartering and review of all ministry teams, review of all other entities associated and related to the Church.
- b. To regularly review and evaluate the total program scope of the Church, to establish, enact and enforce policies and procedures to guide and operate the programs of the Church, including securing counselors and advisors to review and advise the Council as necessary.
- c. To be responsible for the implementation of all personnel matters including policies regarding hiring, salaries, benefits, job expectations and descriptions, performance review criteria and all other matters pertaining to staff working for the Church. These responsibilities may be delegated to a chartered entity that can act within the assigned charter.
- d. To be responsible for all matters relating to the Congregation including budget, auditing, executing legal documents and determining duties to be delegated to chartered ministry teams, temporary ministry teams or task forces.
- e. To act as the coordinator and supervisor for all activities of the Congregation.
- f. To propose bylaws for adoption by the congregation as the Council deems advisable from time to time, which bylaws may not conflict with this constitution.
- g. To annually appoint a nominating committee of four members plus a chair to submit nominations for Council and Officer positions to the Council at least 30 days prior to the annual meeting of the Congregation.
- h. To annually appoint an audit committee of three members including a chair to conduct an annual audit of the church functions and/or operations and report to the Congregation Council.

C12.07. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council

C12.08. 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.

Chapter 13.

CONGREGATION COMMITTEES

- C13.01. The Congregation shall be organized to provide ministry through chartered ministry teams, temporary ministry teams and special focus task forces. All such units shall report to and be responsible to the elected Congregation Council and shall ultimately be responsible to the Congregation.
- C13.02. Chartered ministry teams shall be created and empowered by action of the Congregation Council. Chartered ministry teams shall be composed of staff, lay leaders, volunteers and others who work to provide service for that mission. Chartered ministry teams are intended to be long term teams, but may be disbanded or started at any time by action of the Council. The teams and their areas of responsibility initially shall be:
- a. Worship & Music - for activities such as worship events, praise teams, choirs, ushers, greeters, and altar guild.
 - b. Spiritual Growth & Learning - for activities such as learning events, confirmation, faith formation, Bible study and prayer.
 - c. Operations - systems to support finance, data gathering, communication, marketing, property, stewardship, and foundation.
 - d. Missions & Service - for opportunities such as mission activities, service projects, social ministry, and volunteerism.
 - e. Caring in Community - expressions through support groups, WELCA, youth groups, fellowship, large congregational events, member care and visitation, and Stephen Ministry.
 - f. Witness & Welcome - to discharge congregational obligations such as evangelism, hospitality, and new member orientation and assimilation.
- C13.03. A temporary ministry team may be created by action of the Church Council to complete a specific ministry objective or to determine if there is support to create and empower a chartered ministry team. The life span of temporary teams shall be determined by the Congregation Council, are intended to be shorter term teams, and may be terminated at any time by the Congregation Council.
- C13.04. Special task forces may be created by action of the Congregation Council to assist the Congregation Council in completing its responsibilities. The recommendations or conclusions of the task force process may include opportunities for the Congregation Council to create temporary or chartered ministry teams. Task forces are intended to be short term for specific projects.
- C13.05. Requests for Congregation Council action to create a ministry team or to assess the need for a task force should be directed to the Congregation Council for consideration by the Congregation Council.
- C13.06. The Congregation Council shall be the sole arbitrator of any conflict among task assignments and shall assign all duties for chartered and temporary teams as well as special task forces. The Congregation Council may start any of these teams or task

forces upon assignment of tasks, determination of terms and appointment of members.

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.

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 require by a. and b. hereof, the president or president-elect 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 members(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, at least ten (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.

- C15.04. 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 the 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, however, that such additions or amendments be submitted in writing to the Congregation Council at least sixty (60) days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the congregation's members by mail of the proposal with the council's recommendations

at least thirty (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. Those sections of this constitution that are not required, in accord with the *Model Constitution for the Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least twelve (12) voting members or by the Congregation Council. Proposals must be filed in writing with the congregation Council sixty (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 thirty (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. Such an effective date must be stated in relation to the requirements of C17.03. to allow time for synodical review of the amendment 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 Grand Canyon Synod of the ELCA.

C17.04. Whenever the *Model Constitution for Congregations* is amended by the Churchwide assembly, this constitution may be amended to incorporate any such amendment by a simple majority vote of those voting members present and voting at any subsequent 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 recommendation, at least thirty (30) days prior to the meeting. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 18.

CONTINUING RESOLUTIONS

C18.01. 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 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 of any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

Bylaws

- BL.1. The Annual Meeting shall be held in December as determined by the Congregation Council.
- BL.2. The congregation fiscal year shall be from January 1 to December 31.
- BL.3. Specific duties of the Congregation Officers and Council members shall include:
- a. Congregation President.
 1. Serve as chair of Congregation Council for all council meetings, preside over meetings of the Council and the Congregation.
 2. Provide leadership to the Council, the Congregational members and offer counsel to the pastor(s).
 3. Serve as a resource to the chartered ministry teams and the staff.
 4. Provide planning and program assessment leadership for the congregation.
 - b. The President-elect.
 1. Serve as vice-chair for the Congregation Council and act on behalf of the chair when the president is unable to attend or participate.
 2. Perform such tasks as assigned by the Council or the Congregation president.
 3. Serve as a resource to the chartered ministry teams and the staff.
 - c. The Secretary.
 1. Shall review, edit and maintain all records of all meetings of the Congregation Council and the Congregation.
 2. Shall be the repository for and maintain all records pertaining to the tasks, missions, responsibilities, charters and other records of the chartered ministry teams, temporary ministry teams and task forces created by the Council.
 - d. The Treasurer.
 1. Shall oversee all financial matters and ensure that acceptable accounting methods are used in keeping all books of account. Shall advise the Council of financial status and implications of short and long-terms decisions; shall submit written reports to all Council and Congregation business meetings.
 2. Shall provide guidance to the accounting staff, establish accounting policies and procedures as required and ensure policies are followed; shall oversee the management of the budget and all external financial dealings.
- BL.4. Executive Committee
- a. The Executive committee shall consist of the officers and the pastor(s) of this congregation,
 - b. The Congregational Council reserves to itself, as a full council, the authority to discipline or remove members of the congregation as provided in section C15 of the Constitution. Subject to this exception, the executive committee, in matters requiring immediate attention or action, shall possess and exercise emergency powers and authority of the Congregation Council during intervals between meetings. Any action taken by the executive committee shall be fully reported to the Congregation Council at its next scheduled meeting.
- BL.5. Membership
- a. Baptized Member

1. A child shall, upon receiving Baptism in this congregation, become a baptized member of this congregation; unless, for good reason, he or she is to be a baptized member of another congregation, in which case the child's membership shall be transferred to that congregation.
 2. A non-baptized adult who has received instruction and has given evidence of an adequate understanding and acceptance of the teachings of the Word of God as confessed by the Lutheran Church, shall, upon confession of faith and Baptism, become a baptized member of the congregation.
- b. Confirmed Members
1. A baptized adult, not previously a confirmed member of a Lutheran congregation, shall become a confirmed member of the congregation through the rite of Confirmation after having received instruction and having given evidence of adequate understanding of the teachings of the Word of God as confessed by the Lutheran Church.
 2. A baptized member of the congregation shall become a confirmed member through the rite of Confirmation; except that an adult who becomes a baptized member in accordance with the provisions of BL.5.1.b. of these bylaws shall be considered a confirmed member without participation in the rite of Confirmation.
 3. An applicant for membership who presents a Letter of Transfer which certifies that he or she is a confirmed members in good standing of a Lutheran congregation shall be a confirmed member of the congregation upon approval by the Congregation Council. The acceptance of the applicant shall be reported to the congregation.
 4. An applicant for membership who presents evidence of confirmation in a Lutheran congregation shall become a confirmed member of the congregation upon approval by the congregation Council. The acceptance of the applicant shall be reported to the congregation.
- c. Voting Members
1. the Congregation Council shall determine the roster of voting members of the congregation in accordance with the provisions of the Constitution, Article C8.02.c.
 2. In addition to the provisions of Article C8.02.c., voting members shall be those persons that have submitted a signed Covenant of Membership at the time of becoming a member of New Spirit Lutheran Church and renewed the Covenant annually.
- d. Discontinuance of Membership (also see Article C8 of this Constitution)
1. The congregation shall, in the event of the removal of a member from the community it serves, encourage the member to request a transfer to a Lutheran congregation which can serve him or her effectively.
 2. A confirmed member in good standing desiring to change his or her membership to another Lutheran congregation, shall, upon request, receive a Letter of Transfer.

3. A child, neither of whose parents or guardians is member of the congregation, may be removed from the roster of baptized members if he or she fails to participate in the life and worship of the congregation.

e. Inactive Members

1. An inactive member shall be defined as a communing member who does not, for a period of one year, partake of Holy Communion, support the church with his or her offerings, and does not appear to desire participation in the life and worship of the congregation.
2. If, after two years, the inactive member does not actively participate, his or her name may be removed from the membership roster of the congregation. Such persons shall be retained on a responsibility list as persons who are in special need of the congregation's prayer and concern.

BL.6. Worship Service Responsibility

The pastor(s) shall have final responsibility and authority for the Sunday worship service. This authority shall include the delegation of responsibilities to other individuals and/or ministry teams.

BL.7. Pastoral Presence at Congregation Council Meetings

A pastor shall be present at all congregation council and executive meetings unless 1) the pastor(s) ask to be excused, or 2) all pastoral positions are vacant.

BL.8. Memorial Garden/Columbarium Board

- a. A Board of Directors shall oversee the operation of the Memorial Garden/Columbarium Ministry of this congregation. The board will consist of the/a pastor and four members in good standing of the congregation, appointed by the Church Council. Terms for Board members will be three years, with staggered dates of term completion. A Board member may serve only two consecutive terms. A chairperson shall be identified among the members of the Board annually.
 1. The Board of Directors shall oversee: the sales of niches in the Columbarium; the sale of plaques for the Memorial Wall; and the maintenance of the Memorial Garden.
 2. The Board of Directors shall issue certificates of use for Columbarium niches and revise the policies of the Memorial Garden/Columbarium Ministry as needed.
 3. The Board of Directors shall be accountable to the Church Council.
 4. The Board of Directors shall submit an Annual Report, and its financial records will be audited annually.
- b. If the congregation ceases to exist or changes location, etc. provisions will be made for the Columbarium, its contents, and memorial plaques to be relocated to a designated cemetery.

BL.9. New Spirit Lutheran Church Endowment Fund

a. The Endowment Fund ó Board Membership

The elected Board Membership shall consist of five voting members of New Spirit Lutheran Church (the Congregation) who shall be nominated by the Church Council and who shall be elected at the Congregation's annual meeting. The Congregation initially shall elect the five members to the Board: two for a term of three years; two for a term of two years and one for a term of one year. In this way, the term of office for each member shall be for three years with the first slate of members serving staggered terms. In the event of a vacancy on the Board, the Church 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 fill the remaining term of the vacancy. In addition to the elected members, a pastor of the Congregation shall be an ex-officio, with voice and vote, member of the Board. The Treasurer of the Congregation shall maintain the account of the Endowment Fund and serve as an ex-officio, without voice or vote, member of the Board.

b. The Function of Board Members

The Board shall elect from its membership a Chairperson, a Recording Secretary, and a Financial Secretary. The Chairperson shall preside at all Board meetings. The Recording Secretary shall keep and maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the Board as well as place a copy of the minutes in the Congregational repository. The Financial Secretary shall work with the Congregation's Treasurer in maintaining and coordinating complete and accurate accounts of the Fund and shall, with the Congregation's Treasurer, sign checks and all other documents as approved by the Board and in furtherance of the purpose of the Fund. The Financial Secretary and Congregation's Treasurer shall also make all financial records available for audit annually. The remaining two member of the Board shall be responsible for education and promotion of the Fund within the Congregation.

c. The Duties of the Endowment Board

The duties of the Endowment Board shall include the following:

1. To meet at least quarterly and to allocate distributions thereby fulfilling the purpose of the Board. Distributions, i.e. the earnings from the perpetual fund shall be grants allocated at least annually as stated below:
 - A. Up to 60% for special projects within the local area wherein the Congregation resides;
 - B. Up to 60% for special ministries within the Grand Canyon Synod, ELCA;
 - C. Up to 60% for global ministries;
 - D. Up to 20% for extraordinary programs/ministry initiatives within the Congregation.
2. To determine how the Fund assets will be invested, including the asset allocation. The investment objective will be to provide long-term growth so the annual distribution will keep pace with inflation, i.e. the annual distribution will maintain its purchasing power. In any event, all investments shall be invested by outside investors such as the ELCA Endowment Fund Pooled Trust and/or the ELCA

Mission Investment Fund. No committee member shall invest the assets in a way that would bring personal benefit to that individual. The Board shall report at least quarterly to the Congregation Council on any and all activity within the Fund. Current balance, additions, distributions and any other activity should be included with the report. Annual accounting and a report of ministries supported through the Fund shall be distributed to the Congregation at its annual meeting.

3. To encourage gifts to the Endowment Fund through education and promotion of the Fund.
4. To receive and celebrate gifts given for ministry through the Endowment Fund and maintain a permanent book of remembrance of donors to the Fund. A tithe (10%) of each such gift will be distributed immediately at the Board's discretion beyond the operating budget of the Congregation. The remaining portion will be added to the Endowment Fund. The Board has the discretion to decline acceptance of a gift if deemed not to be in the best interest of the Fund and the Congregation.
5. To respond to a Congregational Council request, under an extraordinary and unforeseen emergency situation, to use principal of the Fund to help the Congregation rectify an economically devastating situation.
6. To accept undesignated gifts received by this Congregation such as, but not limited to, bequests, life insurance proceeds and remainders from life income agreements. A tithe (10%) of each such gift will be distributed immediately at the Board's discretion, beyond the operating budget of the Congregation. The Remaining portion will be added to the Endowment Fund.