



SAINT PAUL AREA SYNOD

EVANGELICAL LUTHERAN CHURCH IN AMERICA

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Date: September 23, 2016

To: Saint Paul Area Synod Rostered Leaders and Congregational Presidents

From: Bishop Patricia Lull
Members of the SPAS Constitution Review Committee

Subject: Required Updates to Congregational Constitutions Resulting from Actions of the 2016 Churchwide Assembly

At the 2016 ELCA Churchwide Assembly, our church adopted several changes to the way it recognizes the roles of those called into leadership in our ministry together. These changes simplify the language and processes we use to identify and support our leaders. The number of rosters has been reduced to two, a roster of “ministers of Word and Sacrament” and a roster of “ministers of Word and Service.” This new structure requires changes in the language of our ELCA, synodical, and congregational constitutions—the documents that guide and govern our ministry.

Changes to the ELCA constitution have been made and are published at www.elca.org. The Saint Paul Area Synod Constitution Review Committee is working to make the changes to our synod’s constitution required by action of the 2016 Churchwide Assembly.

This memo alerts you to the changes you will need to make in your congregation’s constitution as a result of the actions of the 2016 Churchwide Assembly and offers assistance in making those changes.

- *If your constitution has been updated recently and you need only to bring it into conformity with the “Model Constitution for Congregations 2016,” as outlined in *C17.04, you will need to apply the 2016 amendments; your congregation council will need to recommend them to the congregation 30 days in advance of your next annual meeting; and the congregation will need to approve them by a majority vote at that meeting. Ratification at the following year’s annual meeting is not required.*
- *If you have changes to make beyond those included in the “Model Constitution for Congregations 2016,” you will need to follow the procedures outlined in your current constitution (In most cases, that will be *C17.01 and following). Ratification is required at the following year’s annual meeting.*

Note: Congregations of the Saint Paul Area Synod are asked to submit their proposed constitutional changes (where they go beyond required amendments) to the Office of the Bishop for review and approval thirty days before they are submitted to the congregation council.

- *If the provisions in your congregation’s constitution for amending the constitution differ from those in the model constitution, a member of the synod Constitution Review Committee will consult with you on the appropriate process for your congregation.*

Refer to “Amendments to the Model Constitution for Congregations 2016” and “Model Constitution for Congregations 2016.” Both documents are available at <http://www.elca.org/en/Resources/Office-of-the-Secretary/>. In implementing the 2016 amendments to your congregation’s constitution, please remember that provisions marked with an * are required and must be included in your constitution.

Please also note a reordering of Chapters 16 and 17 in the “Model Constitution for Congregations 2016.” Chapter 16 now governs AMENDMENT, and Chapter 17, BYLAWS. References to *C17 in this memo are to the 2013 model, which your current constitution likely follows.

Completing Changes to Your Congregation’s Constitution

If you need assistance in evaluating or making the required changes to your congregation’s constitution, members of the Constitution Review Committee are available to consult with you. To request assistance, please contact Anna Grunner, executive assistant to the bishop, at anna.grunner@spas-elca.org.

The introduction to the ELCA constitution reminds us that a constitution is not only a governing document; it is a reflection of our theology and our mission as a church in today’s world. Careful attention to the form and content of our constitutions focuses and enables our ministry. We celebrate the actions of the 2016 Churchwide Assembly and the vision they embody for our ministry together into the future, and we look forward to accompanying you as you undertake the required changes.

Typical Timeline (See *C17.01 and following in your congregation’s constitution.)

	2016 October	2016 November	2016 December	2017 January
Updating only for conformity with the “Model Constitution for Congregations 2016”		Present updated constitution draft to congregation council for consideration	Congregation council sends to members and recommends approval	Congregation votes to approve at annual meeting
Making changes beyond those required for conformity with the “Model Constitution for Congregations 2016”**	Present updated constitution draft to Office of the Bishop for review and approval	Present updated constitution draft to congregation council for consideration	Congregation council sends to members and recommends approval	Congregation votes to approve at annual meeting

**If you have changes beyond those required for conformity with the “Model Constitution for Congregations 2016,” but are unable to complete them within this timeline, it is strongly recommended that you at least complete the required changes for approval at your 2017 annual meeting. The Constitution Review Committee is ready to assist you in this process.

Chapter 20.

PARISH AUTHORIZATION

[Reprinted provisions when congregation is part of a parish]*

~~*C20.01. This congregation may enter 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 arrangements.~~

~~*C20.03. Any one of the congregations of a parish may terminate the call of a pastor as provided in §S14.12.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 arrangements.~~

~~*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.~~

~~*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 the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.~~

~~*C20.02. One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synodical bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.~~

~~*C20.03. One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synodical bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.~~

~~*C20.04. Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in §S14.18.d of the synodical constitution of the synod named in *C6.01. In such case, the other congregations of the same parish shall have the right to terminate the parish agreement.~~

~~*C20.05. Any one of the congregations of the same parish shall have the right to terminate the parish agreement.~~

~~*C20.06. Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.~~

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~~C9.22~~ conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of C9.2.5.a. The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.

~~C9.31~~ The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

C10.02. A special Congregation Meeting may be called by the [insert] 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 _____ [number] [percent] of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.

C10.04. _____ percent of the voting members shall constitute a quorum.

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:

- d. To maintain supportive relationships with the ~~pastor~~ registered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.

C12.12. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the [insert] pastor or interim pastor, except when the [insert] 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 [insert] 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.

C13.04. A *Mutual Ministry Committee(s)* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president [vice president] and the ~~pastor~~ registered minister. Term of office shall be two years, with three members to be appointed each successive year.

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

~~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 of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.

~~C16.04~~ Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17
AMENDMENTS

*C176.01. Unless provision *C176.04 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 _____ 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 of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

*C176.02.

- a. be approved at this constitution, proposed under *C176.01, shall:
- b. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those voting members present and voting;
- c. be ratified without change at the next annual meeting by a two-thirds majority vote of those voting members present and voting; and
- d. have the effective date included in the resolution and noted in the constitution.

*C176.03. Any amendments to this constitution that result from the processes provided in *C176.01, and *C176.02, shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.

*C176.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a simple-majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of _____ at least two (2) 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 17.
BYLAWS

*C17.01.

This congregation may adopt bylaws. No bylaw may conflict with this constitution.

*C17.02.

Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority-two-thirds vote of those voting members present and voting.

*C17.03.

Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.

*C17.04.

Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

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present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple-majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

***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~~ ~~rostered~~ minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.

C9.20. Ecclesial pastoral ministry
~~C9.24~~
~~C9.15~~

Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ~~ordained~~ minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ~~ordained~~ ~~minister~~ ~~pastor~~ in a form proposed by the synodical bishop and approved by the congregation.

***C9.21.** Authority to call a minister of Word and Service shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers or a committee elected by this congregation/the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.

***C9.22.** Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synodical bishop may be called as a deacon of this congregation. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:

- a. Be rooted in the Word of God, for proclamation and service;
 - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
 - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
 - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
 - f. Practice stewardship that respects God's gift of time, talents, and resources;
 - g. Be grounded in a gathered community for ongoing diaconal formation;
 - h. Share knowledge of the ELCA and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
 - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
2. The call of a congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term.

***C9.24.**
***C9.25**

- 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the deacon;
 - 5) suspension of the deacon through discipline for more than three months;
 - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.2) above, have come to the attention of the bishop of this synod:
- 1) the bishop in his or her sole discretion may investigate such conditions personally, together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official review of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

***C9.26.**

In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain, and document, competent, medical, opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service as disabled. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.

***C9.27.**

In the case of alleged local difficulties that impede the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.

***C9.28.**

If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

The deacon shall make satisfactory settlement of all financial obligations to a former congregation before:

- a. installation in another field of labor, or
- b. the issuance of a certificate of dismissal or transfer.

When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. An occasion requires, the documents may be revised through a similar consultation.

With the approval of the bishop of the synod, this congregation may depart from *C9.25 a. and call a deacon for a specific term. Details of such calls shall be in writing, setting forth the purpose and

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to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.

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

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

- a. death;
 - b. resignation;
 - c. transfer or release;
 - d. disciplinary action in accordance with ELCA constitutional provision 20.4041, and the accompanying bylaws; or
 - e. removal from the roll due to inactivity—~~as defined in the bylaws in accordance with the provisions of this constitution and its 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 ROSTERED MINISTER

*C9.01.

Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation [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 ~~energy-roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of—elected—ministers~~ Ministers of Word and

*C9.03.

Sacrament who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
Consistent with the faith and practice of the Evangelical Lutheran Church in America,
a. Every ~~elected~~ minister of Word and Sacrament shall:

- 1) provide pastoral care;
- 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 communications and publications;
- 4) witness to the Kingdom of God in the community, in the nation, and abroad; 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 ~~elected~~ minister-pastor with a congregational call shall, within the congregation:

- 1) supervise relate to all schools and organizations of this congregation;
 - 2) install regularly elected members of the Congregation Council; and
 - 3) with the council, administer discipline.
- 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 ELCA churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the larger name of synod. Synod of the ELCA.

*C9.05.

The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:

- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:
 - 1) resignation or removal of the pastor from the roster of ~~elected~~ ministers; Ministers of Word and Sacrament of this church;

- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod:
 - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two ~~elected~~ rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official report of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop personally shall investigate such conditions together with a committee of two ~~elected~~ rostered ministers and one layperson.

- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant—and the pastor shall be listed on the ~~energy-roster as—elected~~. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament as ~~disabled~~. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members

**AMENDMENTS TO THE MODEL CONSTITUTION FOR CONGREGATIONS
AS APPROVED BY THE 2016 CHURCHWIDE ASSEMBLY**

Prepared by the Office of the Secretary
Evangelical Lutheran Church in America
September 23, 2016

Additions are underlined. Deletions are struck through in the text.

In coordination with the following amendments, the 2016 Churchwide Assembly authorized the secretary of the Evangelical Lutheran Church in America to:

- § strike the words "ordained minister/s" and replace with the words "minister/s of Word and Sacrament";
- § strike the word "clergy" and replace with the words "minister/s of Word and Sacrament";
- § strike the words "pastor/s" and replace with the words "minister/s of Word and Sacrament" where appropriate;
- § strike the words "associate in ministry, diaconal minister and deaconess" and replace with the words "minister/s of Word and Service"; and
- § make editorial corrections that identify the rosters of this church and implement the creation of the ministers of Word and Service roster.

*C3.02. This church confesses the ~~one, holy, catholic, and apostolic~~ Church and is resolved to serve Christian unity throughout the world.

*C3.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

*C3.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.

*C3.0402. 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.

*C3.03. 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. call a minister of Word and Service;
- d. ~~re-terminate the call of associates to ministry, deaconesses, and diaconal ministers; a minister of Word and Service in conformity with the applicable policy-constitution of the Evangelical Lutheran Church in America;~~
- e. adopt amendments to the constitution, as provided in Chapter 17, 16, amendments to the bylaws, as specified in Chapter 16, 17, and continuing resolutions, as provided in Chapter 18;
- f. approve the annual budget;
- g. acquire real and personal property by gift, devise, purchase, or other lawful means;
- h. hold title to and use its property for any and all activities consistent with its purpose;
- i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- j. elect its [officers] [] [and] Congregation Council, [boards, and committees,] and require [them] [the members of the council] to carry out their duties in accordance with the constitution [] [and] bylaws [] [and continuing resolutions]; and

*C6.03. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6, which:

... c. This congregation agrees to call pastoral leadership from the clergy-roster of Ministers of Word and Sacrament 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 ~~established~~ ~~ministers~~ Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with an ~~established~~ minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.

*C6.05. This congregation agrees to consider ~~associate in ministry, deaconesses, and diaconal~~ ministers of Word and Service for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.

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

- f. Notice of termination shall be forwarded by the bishop to the secretary of ~~this church~~ the ELCA, who shall report the termination to the Churchwide Assembly.
- g. This congregation shall abide by these covenants by and among the three expressions of this church:
 - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05 shall be required to receive Synod Council approval before terminating their membership in this church.
 - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05, to receive synodical approval before terminating their membership in this church.
 - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05, to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
 - 4) If ~~a~~ this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If ~~a~~ this congregation fails to achieve the required two-thirds vote of voting members present at the congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of *C6.05, and may begin no sooner than six months after that second meeting.

*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 *(insert name of synod)* 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