

**CONSTITUTION OF FIRST ENGLISH LUTHERAN CHURCH,
A CONGREGATION OF THE
EVANGELICAL CHURCH IN AMERICA**

(PROPOSED REVISION FEBRUARY 2007) (REDLINE EDITION)

PREAMBLE

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

Chapter 1.

NAME AND INCORPORATION

- C1.01. The name of this congregation shall be First English Lutheran Church.
- C1.02. For the purpose of this constitution and the accompanying bylaws, the congregation of First English Lutheran Church is hereinafter designated as "this congregation."
- C1.03. This congregation shall be incorporated under the laws of the State of Wisconsin.

Chapter 2.

CONFESSION OF FAITH

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

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.

1 * Required provision

- *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, hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- *C4.03. To fulfill these purposes, this congregation shall:
 - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
 - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- *C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions.
- *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 Congregation Council, and require the members of the council to carry out their duties in accordance with the constitution and 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 East Central Synod of Wisconsin of the Evangelical Lutheran Church in America.

Chapter 6.
CHURCH AFFILIATION

- *C6.01. This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the East Central Wisconsin 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.
- *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 East Central Synod of Wisconsin 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 East Central Synod of Wisconsin.
- *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, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.
- *C8.03. All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- *C8.04. It shall be the privilege and duty of members of this congregation to:
- a. make regular use of the means of grace, both Word and sacraments;
 - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church;
 - 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 has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- *C9.03. Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every ordained minister shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care; and
 - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
 - b. Each ordained minister with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) supervise all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council; and
 - 4) with the council, administer discipline.
 - c. Every pastor shall:

- 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
 - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
 - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the East Central Synod of Wisconsin of the ELCA.
- *C9.04. The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.05. a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - 4) the physical or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation; or
 - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall, investigate such conditions personally in company with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in *C9.05.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 (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- e. If, in the course of proceedings described in *C9.05.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 ELCA and the constitution of this synod.
- f. If, following the appointment of the committee described in *C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).
- *C9.06. At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- *C9.07. During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
- *C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- *C9.09. When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.11. With the approval of the bishop of the synod, the congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions

involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.

- *C9.12. The pastor of this congregation:
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- *C9.13. The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- *C9.14. The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- C9.20. Ecumenical pastoral ministry
- C9.21. Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

Chapter 10.

CONGREGATION MEETING

- C10.01. The annual meeting of this congregation shall be held at a time specified in the bylaws.

Chapter 11.

OFFICERS

- C11.01. The officers of this congregation shall be a president, vice president, 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 of the Congregation Council and shall be voting members of the Congregation Council.
- C11.02. The Congregation Council shall elect its officers and they shall be the officers of the congregation.
- C11.03. No elected officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive one-year terms in the same office.

Chapter 12.

CONGREGATION COUNCIL

- C12.01. The voting membership of the Congregation Council shall be as defined in this constitution. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office.
- C12.02. The members of the Congregation Council shall be elected by written ballot to serve for three (3) years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.
- C12.03. 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 and others as enumerated in the bylaws:
- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
 - b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
 - c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
 - d. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
 - e. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.

- C12.04 The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Wisconsin, except as otherwise provided herein.
 - b. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of no more than 5% in excess of the anticipated receipts.
 - c. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently.

Chapter 13. CONGREGATION COMMITTEES

- C13.01 This Congregation may have various committees, staff and other working groups in support of the work of this congregation and the Congregation Council. The bylaws govern the structure of such groups. When the Congregation Council appoints such groups it will delegate in writing specific responsibility and authority to them.

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.
- C14.01.01 This congregation has established First English Lutheran Church Trust as an organization within this congregation by a Resolution adopted at a congregation meeting. Heretofore, the bylaws govern the structure of the Trust.
- 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 required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.
- *C15.02. The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. A member charged with the offense shall appear before the Congregation Council after having received a written citation, at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.
- *C15.03. Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
- a. censure before the council or congregation;
 - b. suspension from membership for a definite period of time; or
 - c. exclusion from membership in this congregation.
- Disciplinary actions b. and c. shall be delivered to the member in writing.

- *C15.04. The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- *C15.05. Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.
- *C15.06. For disciplinary actions in this congregation, "due process" shall be observed as specified in 20.41.04. in the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.
- *C15.07. No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.
- *C15.10. Adjudication
- *C15.11. When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16.

BYLAWS

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

Chapter 17.

AMENDMENTS

- *C17.01. 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 10 % of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members by mail of the proposal together with the council's recommendations at least 30 days in advance of the meeting.
- *C17.02. An amendment to this constitution, proposed under *C17.01., shall:
 - a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
 - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
 - c. have the effective date included in the resolution and noted in the constitution.
- *C17.03. Any amendments to this constitution that result from the processes provided in *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the East Central Wisconsin_ 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 recommendations, at least 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 to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

**BYLAWS OF FIRST ENGLISH LUTHERAN CHURCH,
A CONGREGATION OF THE
EVANGELICAL CHURCH IN AMERICA**

(PROPOSED REVISION FEBRUARY 2007)

(Left column identifiers are tied to chapters and sections
of the constitution that the bylaw section supports.)

ARTICLE I NAME

- B1.01.01 The name of this congregation shall be First English Lutheran Church. It is located in Appleton Wisconsin. It serves the greater Appleton community with multiple sites.
- B1.11.01 This congregation may only alter its name by executing an amendment to its constitution.

ARTICLE II PURPOSE

B4.02.02 This congregations' mission statement (adopted 2005) is as follows:

MISSION STATEMENT

We are People of God who Gather to Worship, Grow in Faith and Give to Others.

Gather to Worship

- In response to God's call and the saving grace of Jesus Christ, we are a community that gathers to glorify God.
- We actively welcome all who seek to experience a community of faith and a sense of belonging to God's family.
- We strive to build loving, prayerful relationships.
- We offer a variety of worship and fellowship experiences at multiple locations that include diverse styles and music.
- We especially encourage participation of our younger members in worship, Christian fellowship and music.

Grow in Faith

- We build and renew our understanding of the teachings of Jesus and we strive to learn more about God's grace through his word and how it touches our daily lives.
- We provide diverse learning opportunities to motivate ourselves and inspire others to practice our faith in daily living.
- According to the promise made at baptism, we instruct and nurture our younger members in the Christian faith.

Give to Others

- Recognizing that all we possess is from God's loving hand and in faithful response to God's grace, led by the Holy Spirit, we challenge ourselves, individually and as a community, to grow in sharing our God-given talents, time and resources.
- As disciples of Christ, we serve our members in need. With God's guidance, we serve the local community directly and through partnerships and serve the world through missions of the Evangelical Lutheran Church in America (ELCA).

ARTICLE III MEMBERSHIP

B8.01.01 Membership in this organization shall be the baptized persons on the roll of this congregation who declare and maintain their membership in accordance with the provisions of the constitution and these bylaws.

B8.05.01 Membership in this congregation is terminated:

By Death: The parish register includes the following information concerning the death of a member of the congregation: date and place of death, date and place of funeral or memorial services), date and place of internment, and name of the presiding minister. While the use of an electronic database necessitates that the name of the deceased is removed from the roll, the parish register retains the name.

By Resignation: A member of this congregation may choose to resign membership in the congregation by means of a letter addressed to the Congregation Council or to a pastor. Notice of receipt of a letter of resignation is recorded in the minutes of the Congregation Council meeting. The entry in the parish register reflects the date on the letter of resignation. While the use of an electronic database necessitates that the name of the member is removed from the roll, the parish register retains the name.

By Transfer: When a member of the congregation seeks to join another Christian congregation, that individual requests that a letter of transfer be issued. The letter normally includes the following information: birth date and place, baptism date and congregation, confirmation date and congregation, and marriage history. The parish register reflects the date on which the letter of transfer was provided. While the use of an electronic database necessitates that the name of the member is removed from the roll, the parish register retains the name.

By Disciplinary Action: The discipline of members of a congregation is governed by the provisions of the Constitution of this congregation, and by Chapter 20 of the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America. Notice of suspension from membership for a definite period of time, or exclusion from membership in the congregation is delivered to the member in writing. The parish register reflects the date on which the suspension or exclusion took effect. A member under discipline is not granted a letter of transfer to another congregation. When the member seeks reinstatement to the congregation, the decision to reinstate rests with the Congregation Council as guided by the constitution. The date of reinstatement entered into the parish register is the date on which the person was publicly received through the rite of Affirmation of Baptism.

By Removal from the Roll Due to Inactivity: "Inactivity" reflects a failure to engage in the privileges and duties as a member of this congregation, which include, but are not limited to, regular use of the means of grace, living a life in accordance with the Word of God, and supporting the mission and ministry of the congregation. Removal of a member of a congregation for inactivity occurs only after repeated attempts, over a period of at least two years, to ascertain whether the member desires to have his or her name removed from the roll of the congregation. Removal from the roll of the congregation is by action of the Congregation Council upon recommendation of the pastors. Notice of removal from the roll of membership in the congregation is recorded in the minutes of the Congregation Council. The parish register reflects the date on which the removal was approved by the Congregation Council. A member removed due to inactivity is not granted a letter of transfer to another congregation. While the use of an electronic database necessitates that the name of the member is removed from the roll, the parish register retains the name.

ARTICLE IV MEETINGS

B10.01.01 The annual membership meeting of this congregation shall be held between January 1 and February 15 each year. The incumbent Congregation President shall preside. The Congregation Council may establish a schedule of regular congregational meetings at lesser intervals.

The order of business at the annual meeting shall be:

- 1) Opening Devotion;
- 2) Approval of the minutes of the previous meeting;
- 3) Reports of Pastors;
- 4) Report of the Congregation Council President;
- 4) Report of the Nominating Committee;
- 5) Treasurer;
- 6) Approval of the proposed operating budget;
- 7) Reports of Ministry Teams;
- 8) Report of the Trust;
- 9) Unfinished business;
- 7) New business;
- 8) Closing prayer.

- B10.01.02 A copy of a current version of the First English Lutheran Church constitution and bylaws shall be available at every congregational meeting. The current rosters of voting shall be available at every congregational meeting.
- B10.01.03 A special congregation meeting may be called by a 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 five percent of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no unrelated business shall be transacted.
- B10.01.03 Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by regular or electronic mail to all members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail sent to the last known address of such members shall be sufficient.
- B10.01.04 Fifty voting members shall constitute a quorum.
- B10.01.05 Voting by proxy shall not be permitted. Absentee ballot voting may take place on issues on the agenda as defined by a continuing resolution of the Congregation Council.
- B10.01.06 All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in the constitution, these bylaws, or by state law.
- B10.01.07 Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of this congregation.
- B10.01.07 At all congregation meetings, except for the elections, all votes shall be by voice or a show of hands. For elections, ballots shall be provided and there shall not appear any place on such ballot that might tend to indicate the person who cast such ballot. At any regular or special congregation meeting, if a majority so requires, any question may be voted upon by ballot. At all votes by ballot the president shall, prior to the commencement of balloting, appoint a committee of three who shall act as "Inspectors of Election" and who shall, at the conclusion of such balloting, certify the results and that shall be noted in the minutes of that meeting.

ARTICLE V OFFICERS

- B11.01.01 Duties of the officers of the Congregation Council:
- a. The president shall preside over meetings of the Congregation Council and of the congregation unless the meeting decides otherwise.
 - b. The vice-president shall preside in the absence of the President, unless the meeting decides otherwise.
 - c. The secretary shall keep the minutes of meetings of the Congregation Council and of the congregational meetings.
 - d. The treasurer shall be bonded and shall be custodian of all funds of this congregation; and shall oversee financial operations of this congregation assuring they are in accordance with the decisions of the congregation or the Congregation Council. The treasurer shall present an audited report to the annual congregational meeting and such other reports to the Congregation Council as may be required.

ARTICLE VI CONGREGATION COUNCIL

- B12.01.01 The Congregation Council shall consist of fifteen members, each elected for a term of three years or until successors are elected, and the pastors who shall serve as ex officio members of the Congregation Council without vote. Members shall be elected in such a manner that one-third is elected each year. Any voting member of the congregation may be elected, subject to the limitation on the length of continuous service permitted. The terms of office shall begin at the close of the annual meeting at which their election takes place.
- B12.01.02 The nominating committee shall prepare the ballot for election of Congregation Council members. The ballot shall include a minimum of seven nominees. Members of this congregation who are eligible shall be asked by this committee to permit their names to be placed on the official ballots. The ballots are to be available for absentee voting according to procedures set forth in a continuing resolution of the Congregation Council. Voting shall take place at the annual meeting of this congregation; votes of voting members present and absentee voters shall be counted.
- B12.01.03 A member's place on the Congregation Council shall be declared vacant if the member:

- a. Ceases to be a voting member of this congregation, or
- b. Has three consecutive unexcused absences from regular meetings of the Congregation Council.

The secretary or other designated member shall notify any member of the Congregation Council having two consecutive unexcused absences from regularly scheduled meetings.

B12.01.04 Vacancies on the Congregation Council shall be filled for the balance of the term of office by a majority vote of the entire Congregation Council. Vacancies existing at the time of the Congregational Council election shall be filled by the candidate receiving the next succeeding highest number of votes in the annual Congregation Council election after the five three year terms have been filled.

B12.02.01 No member of the Congregation Council shall serve more than two consecutive terms in office. A partial term of one year or less shall not be considered a term of office.

B12.03.01 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.
Duties of the Congregation Council include:

1. Manage to this congregation's mission and vision. It is the Council's responsibility to oversee this congregation's activities with respect to its statement of mission and vision, and propose revisions when appropriate.
2. Propose the pastors to be called. The Council must reach consensus on the pastors' responsibilities and undertake a careful call process to find appropriate, qualified individuals for the positions.
3. Provide proper financial oversight. The Council must assist in developing the annual budget and ensuring that proper financial controls are in place.
4. Ensure adequate resources. One of the Council's foremost responsibilities is to provide adequate resources for the Congregation to fulfill its mission.
5. Ensure legal and ethical integrity and maintain accountability. The Council is ultimately responsible for ensuring adherence to all ELCA and legal standards and ethical norms.
6. Ensure effective congregation planning. The Council must actively participate in an overall planning process and assist in implementing and monitoring the plan's goals.
7. Encourage strong leadership. Assure appropriate nominations process for elected lay leadership, orient new Council members, and assess Council performance.
8. Enhance this congregation's public standing. The Council should clearly articulate the congregation's mission and vision, accomplishments, and goals to the public and garner support from the community.
9. Determine, monitor, and strengthen this congregation's worship programs and services, and confirm they are consistent with the congregation's mission.
10. Support the pastors and assess their performance. The Council should ensure that the pastors have the moral and professional support they need to further the goals of the congregation.
11. Affirm goals and objectives for Ministry Teams. The Council should provide direct oversight and support of Ministry Team activities.

B12.04.01 The Congregation Council shall ascertain there is appropriate management of this congregation's operations:

1. Ensure that the provisions of the constitution, these bylaws and continuing resolutions are carried out.
2. Monitor the congregation and Trust investments program and the total insurance program.
3. Provide for an annual review of the membership roster.
4. Confirm regularly that financial affairs of this congregation are being conducted efficiently, giving particular attention to prompt payment of obligations including benevolence allocations.

- B12.04.02 The Congregation Council shall meet monthly. Special meetings may be called by a pastor or the president, and by the president at the request of six members.
- B12.04.03 A quorum for transaction of business by the Congregational Council is eight voting members.
- B12.04.02 The Congregation Council may provide for a Parliamentarian.

ARTICLE VII COMMITTEES

- B13.01.01 The officers of this congregation and one of the pastors shall constitute the Executive Committee.
- B13.01.02 A Nominating Committee of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual membership meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection or nomination to the Congregation Council.
- B13.01.03 An Audit Committee of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council.
- B13.01.03 A Trust Fund committee of five members that are not concurrently serving on the Congregation Council shall be elected by the Congregation Council to serve no more than two three year successive terms. A pastor designated by the Congregation Council, and the president of the Congregation Council shall be an ex-officio non-voting members of the Trust Fund Committee.
- B13.01.05 When a pastoral vacancy occurs, a Call Committee of at least six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.
- B13.01.06 Other special committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- B13.01.07 Duties of committees of this congregation shall be specified in a continuing resolution relating to the specific committee.

ARTICLE VIII MINISTRY TEAMS

- B13.01.08 The Congregation Council, by continuing resolution, shall constitute Ministry Teams to carry on the mission of this congregation from month to month. The continuing resolution shall define responsibilities and delegated authority for each responsibility, as well as expectations and accountabilities.
- B13.01.09 Ministry Teams shall meet monthly and set plans, policies, strategies and protocols for the assigned areas of responsibility within an assigned level of authority
- B13.01.10 Annually the Congregation Council shall appoint members of Ministry Teams. Ministry Team members shall not serve more than three consecutive years on the same Ministry Team.

ARTICLE IX FIRST ENGLISH LUTHERAN CHURCH TRUST

- B14.02.01 This congregation has established a Trust Fund consisting of a Perpetual Fund in which the principal shall be retained and only the income distributed, and a Designated Gift Fund from which both principal and income may be distributed. Both funds are to enable the further growth of ministries and stewardship opportunities for this congregation. The operations of the Trust Fund and the Committee shall be governed by a continuing resolution of the Congregation Council.
- B14.01.02 The Trust Fund receives and administers bequests, estates, insurance, memorials, and other assets.
- B14.01.03 The Trust Fund is the responsibility of the Trust Fund Committee. The committee is the custodian of the Trust Fund and is granted all necessary responsibilities and authorities. The Committee shall elect from its membership a chairperson, treasurer and secretary. The Committee shall meet at least semi-annually in December and June. A Committee quorum shall consist of three members. The affirmative vote of a majority present and voting shall carry any motion.
- B14.01.04 The Committee shall establish written rules and regulations as may be necessary. It shall adopt standards and goals to guide the disbursement expenditure of the income from the Trust Fund. It may amend the standards and goals as long as they stay within the stated purposes of the Fund.

These rules and regulations will be reported to the Congregational Council and available to the congregation.

- B14.01.05. The Committee shall maintain accounts with such financial institutions as it may by resolution authorize and determine. All checks and other documents transferring or expending any disbursements shall be signed by the treasurer and either the chairperson or secretary of the Committee. Members of the Committee, at the expense of the Trust Fund, shall provide a corporate fidelity bond, or other insurance, in a principal amount to be determined from time to time by the Committee. The accounts shall be audited annually by a certified public accountant.
- B14.02.05 The Trust Fund Committee members shall not receive any compensation.
- B14.01.06 All Trust Funds and other holdings shall be kept and maintained separate, distinct and independent from the Funds and property otherwise belonging to this congregation.
- B14.01.07 The Committee shall not be liable for any losses that may be incurred upon investments of the Trust Fund. No Committee member shall be held personally liable for their actions regarding the Trust Fund as long as their actions are made in good faith and their duties are executed with ordinary care. No Committee member shall be liable for any acts or omissions associated with the Trust.
- B14.01.08 Any gifts given to the Trust Fund, as well as all income derived there from, shall be used for religious, charitable and educational purposes consistent with section 501C3 of the Internal Revenue Code of 1954 or the corresponding provisions of any future US Internal Revenue law. The Trust Fund shall (a) not carry on any activities not permitted to be carried on by an entity exempt from federal income tax under section 501C3 of the Internal Revenue Code of 1954 or the corresponding provision of any future US Internal Revenue law or (b) do any act which would render contributions to the Trust Fund non-deductible under section 170C2 of the Internal Revenue code of 1954 or the corresponding provision of any future US Internal Revenue law.
- B14.01.09 The Trust Fund is created and shall be operated exclusively for purposes of this congregation. No part of the income or property of this Fund shall inure to the benefit of or be distributed to any member, director or officer of this congregation or to any other private person, except that the Trust Fund Committee is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein. No part of the activities of the Trust Fund shall be the carrying on of propaganda or otherwise attempting to influence legislation, and it shall not participate in or intervene in any political campaign on behalf of any candidate for public office.
- B14.01.10 The Trust Fund may be dissolved in accordance with the laws of the State of Wisconsin, an in accordance with. Sections 170C2 and 501C3 of the Internal Revenue Code of 1954 or the corresponding provision of any future US Internal Revenue law.
- B14.01.11 The Trust Fund Committee will report quarterly to the Congregation Council concerning its activities, and annually at the annual membership meeting.
- B14.01.12 The Trust Fund Committee will purchase real estate (real property) only within the guidelines provided in a continuing resolution governing the operations of the trust fund or as provided in an investment resolution passed at a congregation meeting. The Trust Committee will coordinate with the Executive Committee on any purchases within the guidelines of existing continuing resolutions governing the trust or church investments.

ARTICLE X AMENDMENTS

- B16.01.03 These bylaws may be altered, amended, repealed or added to at any legally called meeting of this congregation. Protocols for amending these bylaws are provided in the constitution. An affirmative vote of not less than a majority vote of those voting members present and voting on the proposed amendment is required.