

**PROPOSED
CONSTITUTION OF
EVANGELICAL LUTHERAN CHURCH OF THE CROSS**

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PREAMBLE

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

Recognizing that the Church of Jesus Christ and its unity is found in the "the assembly of believers among whom the Gospel is preached in its purity and the Holy Sacraments are administered according to the Gospel," and desiring to unite as a congregation in the common confession, defence and proclamation of our faith in Jesus Christ our Saviour, we the members of the Evangelical Lutheran Church of the Cross adopt this constitution and pledge ourselves to be governed by its provisions.

ARTICLE I

Name and Incorporation

Section 1. The name of this congregation shall be

EVANGELICAL LUTHERAN CHURCH OF THE CROSS

Section 2. This congregation shall be incorporated under the laws of the Province of Alberta.

Section 3. This organization shall be carried out without purpose of gain for its members, and any profit and other gains to the organization shall be used in promoting its objectives.

ARTICLE II

Confession of Faith

Section 1. This congregation confesses the Triune God - Father, Son and Holy Spirit -as the one true God. It proclaims the Father as Creator and Preserver, His Son Jesus Christ as Redeemer and Lord, and the Holy Spirit as Regenerator and Sanctifier.

Section 2. This congregation confesses that the Gospel is the revelation of God's saving will and grace in Jesus Christ, which He imparts through Word and Sacrament. Through these means of grace the Holy Spirit creates believers and unites them with their Lord and with one another in the fellowship of the Holy Christian Church.

Section 3. This congregation confesses the Scriptures of the Old and New Testaments as the inspired Word of God, through which God still speaks, and as the only source of the Church's doctrine and the authoritative standard for the faith and life of the church.

- Section 4. This congregation subscribes the documents of the Book of Concord of 1580 as witnesses to the way in which the Holy Scriptures have been correctly understood and explained and confessed for the sake of the Gospel, namely:
- a. The Apostles', the Nicene, and the Athanasian Creeds as the chief confessions of the Christian faith;
 - b. The Unaltered Augsburg Confession as its basic formulation of Christian doctrine;
 - c. Luther's Small Catechism as a clear summary of Christian doctrine;
 - d. The Apology of the Augsburg Confession, Luther's Large Catechism, the Smalcald Articles with the Treatise, and the Formula of Concord as further witnesses to the Unaltered Augsburg Confession.

ARTICLE III Nature and Mission

This congregation is a worshipping, learning, witnessing and serving community of baptized persons among whom the Word is proclaimed and the Sacraments are administered according to the Gospel, and whose corporate existence is recognized by the Evangelical Lutheran Church in Canada. It shall provide support to enable the fulfilment of the mission and ministry of this church.

- a. **Worship.** This congregation, remembering God's mighty acts in the past, celebrating His abiding presence, and moving toward His promised fulfilment, will listen to the Word of God in Scripture and preaching, receive the Sacraments, and respond with confession, prayer, praise, thanksgiving, and with tithes and offerings. In order to assist members to acknowledge God's rule over their lives, their own unity as Christ's body on earth, and to express their relationship with God in public and in private, the congregation shall gather for worship regularly and, in accordance with the traditions of the Lutheran Church, recruit, equip and support members for leadership in worship, use appropriate worship materials, and make certain that worship has a place in other functions of the congregation.
- b. **Learning.** The congregation shall develop an educational program designed to assist persons to grow in grace and faith and in the knowledge of the Scriptures and the Lutheran Confessions for service and witness in the world. To this end it shall provide learning opportunities with appropriate curriculum, shall recruit, equip, approve and support teachers, and shall ensure that adequate study undergirds all functions of the congregation.

- c. **Witnessing.** This congregation, relying on the Holy Spirit, shall proclaim the Gospel by word and deed and thereby invite all people to repent and believe. The congregation shall recruit, motivate, equip and support its members to witness to their faith at every opportunity in daily life so that the Lord is glorified, the fellowship is strengthened, the lapsed are restored and new members are added to the congregation. It shall provide for the communication of the Gospel through fellowship in the wider Christian community. It shall assure that all congregational functions witness to the faith of the church.

- d. **Service.** This congregation shall live by faith active in love. It shall motivate, equip and support its members to minister in daily life; to participate as members of a caring community; to serve as Christians in all the institutions and structures of the society of which they are a part; and individually and corporately to promote justice and reconciliation, meet human needs and alleviate suffering. In these efforts the congregation shall co-operate with the synod, the Evangelical Lutheran Church in Canada, other Christian churches and other groups in society. It shall make certain that all its functions strengthen the motivation and ability for service.

- e. **Support.** This congregation in faithfulness to God shall provide leadership, organizational structures, facilities and funds to enable fulfilment of its functions. The congregation shall strive to maintain effective stewardship practices, evaluate regularly the total life and ministry of the congregation, and recruit, equip and support members of the congregation to provide for these activities.

ARTICLE IV Membership

- Section 1. The membership of this congregation consists of those baptized persons who
- a. Have been baptized in this congregation, or
 - b. Having been previously baptized in the name of the Triune God, have been received either by
 - i. Transfer from another Lutheran congregation, or another congregation of a church in full communion with the ELCIC; or
 - ii. Confirmation, or
 - iii. Affirmation of faith.

- Section 2. Members of this congregation may also be classified as confirmed and voting.
- a. Confirmed members are baptized members who have been
 - i. Confirmed in this congregation,
 - ii. Received by adult baptism,
 - iii. Received by transfer as confirmed members from another Lutheran congregation, or another congregation of a church in full communion with the ELCIC, or
 - iv. Received by affirmation of faith as baptized adults.

- b. Voting members are those confirmed or otherwise designated members who are members in good standing and have attained the age of 14 years.

Section 3. United in one Lord, one faith and one Baptism, the members of this congregation are to be constant in worship and in the study of the Holy Scriptures, regularly nourishing their life in Christ in the Sacrament of Holy Communion, presenting their children for Holy Baptism and providing for their Christian instruction.

The members are called by the Spirit to lead godly lives, to promote the unity and welfare of the congregation in the bond of peace, to proclaim the Gospel and to renounce the evil one. The commitment of each baptized member to this call is to be expressed through the Evangelical Lutheran Church in Canada, its synods and this congregation by a life of repentance, faith, prayer and the sharing of resources.

Section 4. Membership in this congregation shall be terminated by any of the following:

- a. Death,
- b. Resignation,
- c. Transfer or release,
- d. Dismissal, Exclusion
- e. Inactivity.

Section 5. A confirmed member who does not, for a period of one year, partake of Holy Communion, support the church with offerings and participate in the life and worship of the congregation shall be visited by the pastor and the congregation's officers and be encouraged by them to active membership. If, during the second year, the confirmed member does not actively participate, the member's name may be removed from the membership roster of the congregation by action of the congregational council, but it shall be retained on a responsibility list as one who is in special need of the congregation's prayer and concern. Anyone so removed shall be given written notice of the council's action.

Section 6. A member who advocates doctrines which are contrary to the Holy Scriptures and the Confessions of the Church or who is guilty of conduct that is grossly unbecoming a member of the body of Christ shall be subject to discipline.

Section 7. Discipline in the congregation shall be exercised in accordance with Matthew 18:15-18.

Section 8. Discipline shall be administered by the Congregational Council. A person who is requested to appear before the Congregational Council shall be advised in writing no less than ten days prior to the hearing. The written notice shall

include the time and place of the hearing and shall specify the exact reason for the hearing. If a person fails to appear at the time and place without valid excuse, the council may proceed with the hearing and may reach its conclusion in the member's absence. Should the person be found guilty by a two-thirds vote of the members of the council, the council shall impose one of the following:

- a. Censure before the Congregational Council or the congregation,
- b. Suspension from membership until evidence is given of sufficient repentance and amendment,
- c. Exclusion from membership and denial of the Sacraments.

In the event of the imposition of (b) or (c) above, the action of the council shall be in writing.

Section 9. There shall be the right of appeal to the congregation. Right of further appeal from a decision of the congregation shall be as provided in the constitution and bylaws of the synod.

ARTICLE V

Authority

Section 1. This congregation shall operate in accordance with its own constitution, owning its own property, making decisions in regard to its programming, calling its pastor(s) after consulting with the Bishop, and retaining authority in all other matters that have not been committed to the Evangelical Lutheran Church in Canada or its synods in their constitutions or by subsequent enactments.

Section 2. The authority of the congregation shall be vested in the congregational meeting, called and conducted in the manner provided in this constitution, and in the congregational council, boards and committees of the congregation as provided by this constitution or as assigned by the congregational meeting.

Section 3. Real property shall not be purchased, disposed of or encumbered in any manner except by resolution adopted by no less than a two-thirds majority vote of the members present and voting at a legally called meeting of the congregation.

Section 4. Should this congregation disband, all property not disposed of, real, personal and mixed, shall vest in the synod of which it is a part, its successor or assigns.

Section 5. Should this congregation cease to exist or should its membership so diminish in numbers as to render it impossible or impractical for the congregation to function according to its constitution and bylaws, the synod shall after consultation with any remaining members deem the congregation to be defunct.

The synod through the Synod Council shall appoint trustees, including where feasible former members of the congregation, who shall take charge and control of the property of said congregation to hold, manage and convey the same in behalf of this synod.

Section 6. In case of strife and division in the congregation, the council shall seek the advice of the Bishop of the synod.

ARTICLE VI
Relationship to the
Evangelical Lutheran Church in Canada

Section 1. This congregation is and shall remain a part of the Evangelical Lutheran Church in Canada or its successor and of the synod of the church within whose boundaries it is located or to which it has otherwise been assigned.

Section 2. This congregation claims for itself all the rights and privileges and accepts all the duties and obligations connected with being part of the Evangelical Lutheran Church in Canada. In so doing this congregation recognizes the constitutions, bylaws and enactments of the church and of the synod as having governing force in its life.

Section 3. This congregation covenants to support faithfully with prayer, personal service and offerings the common work of the church and of the synod for the Kingdom of God.

Section 4. This constitution, and all amendments thereto, shall be transmitted to the synod for review to ascertain that none of its provisions is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in Canada or with the synodical constitution.

Section 5. Should the congregation desire to relocate or merge with another congregation, it shall secure the advice of the synod before any commitments to that end are entered into.

Section 6. Should the congregation desire to sever its relationship with the Evangelical Lutheran Church in Canada, they shall notify the synod bishop. This decision shall require a two-thirds majority vote of all voting members present and voting at a legally called and conducted meeting. Such a decision shall not be effective until the bishop has been notified and until the initial action has been ratified by a two-thirds majority vote at a subsequent legally called and conducted meeting held not less than ninety days after the first meeting.

Section 7: This congregation prohibits any corporate worship with any organization which practices the forms of religion without confessing faith in the Triune God and in

Jesus Christ, the eternal and incarnate Son of God, as our only Saviour. For the sake of interfaith dialogue and relationship, this congregation may participate in joint interfaith events.

ARTICLE VII The Office of the Ministry

- Section 1. A pastor of the congregation shall be a person whose soundness in the faith, aptness to teach and educational qualifications have been examined and approved by the Evangelical Lutheran Church in Canada, and who has been properly ordained, who accepts and adheres to the Confession of Faith of this Church, and who strives in life and conduct to be above reproach.
- Section 2. Authority to call a pastor shall rest in the congregation. Such authority to call shall be exercised by not less than a two-thirds majority vote of members present and voting at a meeting legally called for that purpose. Throughout the call process the Congregational Council, or a committee authorized by the congregation(s), shall seek the advice and counsel of the Bishop of the synod.
- Section 3. Only an ordained minister on the roster of the Evangelical Lutheran Church in Canada or one who is recognized for call by a synod of the Evangelical Lutheran Church in Canada may be called as a pastor of the congregation.
- Section 4. Every pastor shall:
- a. Preach the Word, administer the Sacraments and conduct public worship in harmony with the faith and practices of the church;
 - b. Baptize, confirm and marry in accordance with the teaching of the church and with the laws of the province or territory, visit the sick and distressed and bury the dead;
 - c. Stress the importance of piety in individuals and family life and provide pastoral leadership to all schools and auxiliary organizations of the congregation;
 - d. Install members of the Congregational Council and, with the council, administer discipline;
 - e. Seek out and encourage qualified persons to prepare for the ministry of the Gospel and strive to extend the Kingdom of God in the community, at home and abroad;
 - f. Encourage the members to be generous in support of the ministry of the congregation, the synod and the church;

- g. Keep accurate membership records including baptisms, confirmations, marriages, burials and communicants, and submit a report of such statistics annually to the secretary of synod on forms provided by the church. The parish records shall be kept in a separate book which shall remain the property of the congregation;
- h. Commend members, who move, to the pastoral care of the parish in which their new home is located.

Section 5. In order that a pastor of this congregation may be devoted fully to the duties of the office, adequate compensation and premiums under the church's pension plan shall be provided, paid in semi-monthly or monthly installments. Expenses incidental to attendance at conventions of the synod and the church and at meetings otherwise required by the pastor's office shall be defrayed by the congregation, except where other provisions are made.

Section 6. The regular call of this congregation when accepted by a pastor shall constitute a relationship which shall be terminated only for the following causes: 1) the resignation of the pastor; 2) disqualification of the pastor through discipline; 3) division of a pastoral charge; 4) the physical or mental incapacity of the pastor; 5) continued neglect of ministry; 6) inability to conduct the pastoral office satisfactorily in the parish in view of local conditions, without reflection on the moral and spiritual character of the pastor.

In the last three contingencies, the procedures provided for in the constitution of the synod shall be followed.

Section 7. In the event of alleged defection in doctrine or alleged conduct unbecoming a pastor, the matter shall be referred by the Congregational Council to the Bishop for action as provided in the constitution and bylaws of the Evangelical Lutheran Church in Canada.

Section 8. At a time of pastoral vacancy, an interim pastor shall be selected by the Congregational Council after consultation with the Bishop. The interim pastor shall have the responsibility of a regularly called pastor. All interim and supply pastors shall refrain from exerting influence in the call process of the congregation.

Section 9. When an additional pastor is called, the privileges and responsibilities of that pastor shall be specified in the call drafted in consultation with the incumbent pastor(s), the Congregational Council and the Bishop.

Section 10. Upon receiving a call to another ministry, the pastor shall consult with the Bishop and the chairperson of the Congregational Council before a decision is

reached. The pastor shall inform the congregation and the Bishop of the decision on the call within thirty days of official notice. When a call has been accepted, the pastor shall normally terminate the ministry in which he/she is incumbent within two months.

ARTICLE VIII Congregational Meeting

- Section 1. An annual meeting of the congregation shall be held on a date to be stated in the bylaws. Semi-annual or quarterly meetings may be held.
- Section 2. Special congregational meetings may be called by the Congregational Council and shall be called at the written request of one-tenth of the voting members. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- Section 3. Notice of all congregational meetings shall be given at the services of worship on the preceding two consecutive Sundays or by mail to all voting members at least ten days in advance of the date of the meeting. The pastor shall be notified of all regular and special meetings of the congregation.
- Section 4. Forty (40) voting members shall constitute a quorum.
- Section 5. Proxy or absentee voting shall not be permitted in the transaction of any of the business of the congregation.
- Section 6. Bourinot's Rules of Order, latest edition, shall be the governing parliamentary law of this congregation, except as otherwise provided in the constitution or bylaws of the Evangelical Lutheran Church in Canada or in this constitution or its bylaws.

ARTICLE IX Congregational Council and its Officers

- Section 1. At its annual meeting the congregation shall elect a Congregational Council of not less than six nor more than twenty-four members for terms of three years each with approximately one-third of the terms expiring annually. No member of the Congregational Council shall be eligible to serve more than two consecutive terms. The members of the council must be voting members of the congregation.

- Section 2. The pastor shall be an ex officio member (with voice, no vote) of the Council and all its committees and shall be notified of all regular or special meetings of the Congregational Council.
- Section 3. All elected members of the congregational Council shall be installed by the pastor according to the prescribed order of the church at the next public service following their election or as soon thereafter as convenient.
- Section 4. At its first meeting following the annual meeting of the congregation the Congregational Council shall elect from its own membership a chairperson, a vice-chairperson and a secretary who shall be chairperson, vice-chairperson and secretary of the congregation. The council shall also elect a treasurer and a financial secretary who need not be members of the Congregational Council.
- Section 5. The Congregational Council shall be the trustees of the congregation and shall have general oversight of the life and activities of the congregation ensuring that everything is done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in Canada. The Congregational Council shall exercise such authority as is delegated to it by this constitution, the bylaws and the resolutions of the congregation, and may adopt such policies not in conflict with these documents as needed to carry out its mandate.
- Section 6. A majority shall constitute the quorum for transacting the business of the Congregational Council.
- Section 7. If a vacancy occurs on the Congregational Council, the council shall fill the vacancy until the next meeting of the congregation. Should the unexpired term be one year or less, it shall not be considered in determining eligibility for succession.
- Section 8. A member of the Congregational Council who is absent from two consecutive regular meetings shall be contacted by the chairperson of the congregation; if the member is absent from three consecutive regular meetings without valid excuse, the council may declare the position vacant.
- Section 9. The council shall declare vacant the position of any council member whose membership in the congregation is terminated for any of the reasons stated in Article IV of this constitution or whose status as a voting member in good standing (cf. Article IV) has not been maintained. The council may declare vacant the position of any council member who has been suspended from membership in the congregation by disciplinary action of the council (Article IV) or has been censured by a two-thirds vote of the members of council for behaviour that is inconsistent with the policies of the council and the congregation.

Section 10. A special meeting may be called by the pastor, the chairperson or any three members of the Congregational Council. Notice of such meeting shall be given not less than fourteen (14) days prior to the meeting and shall be announced at a public service if one is held during that period.

ARTICLE X
Duties of the Congregational Council
and its Officers

Section 1. The chairperson shall preside at all meetings of the council and of the congregation. The agenda shall be prepared in consultation with the pastor.

Section 2. The vice-chairperson shall preside at the meetings of the council and of the congregation in the absence of the chairperson.

Section 3. The secretary shall keep the minutes of the council and of the congregation in a volume provided by the congregation, which shall be permanently preserved in the congregational archives.

Section 4. The treasurer shall have custody of all funds of the congregation and shall receive and disburse such funds in accordance with the decision of the congregation and of the council. The treasurer shall make monthly remittance of benevolence receipts to the treasurer of the synod.

Section 5. The financial secretary shall maintain records of and issue receipts for all contributions.

Section 6. The treasurer and the financial secretary shall make written report of all financial transactions to the council monthly and to the congregation with audit at the annual meetings. All financial officers should be bonded.

Section 7. The Congregational Council shall:

- a. Lead the congregation in stating its mission, in doing long-range planning, in setting goals and priorities and in evaluating its activities in the light of its mission and goals;
- b. Seek to involve all members of the congregation in worship, learning, witness, service and support;
- c. Provide support for the pastor(s) and other professional leaders, assist them to review and evaluate their ministry and review annually their financial compensation making adequate adjustments.

- d. Exemplify for the congregation the life that is worthy of the high calling in Christ;
- e. Promote congregational unity and good will, fostering mutual understanding in times of conflict and exercising discipline, when necessary, under the provision of this constitution;
- f. Arrange for pastoral service during the sickness or absence of the pastor;
- g. Appoint or elect all staff, voluntary or salaried, for the effective administration of all aspects of parish life;
- h. Appoint such committees as may be necessary or advisable;
- i. Normally meet once a month;
- j. Be responsible for maintaining and protecting the property of the congregation;
- k. Prepare an annual budget, supervise the expenditure of funds and ensure that the financial affairs of the congregation are conducted efficiently;
- l. Ensure that the annual budget includes adequate support for the church at large and that regular monthly benevolence monies are forwarded;
- m. Emphasize the partnership of the congregation with the synod and the Evangelical Lutheran Church in Canada and encourage support for the work of the church at large.

ARTICLE XI
Auxiliaries and Organizations

All auxiliaries and organizations within the congregation shall exist to aid it in ministering to its members and to all whom it can reach with the Gospel of Christ. Regular reports concerning the program and work of these organizations and auxiliaries shall be made to the Congregational Council and congregational meetings.

ARTICLE XII
Bylaws and Amendments

- Section 1. Amendments to this constitution may be proposed by the Congregational Council and shall be proposed by the council at the request of five voting members. Such proposed amendments shall be:
- a. Read at two successive public services of the congregation or mailed to the voting members not less than thirty days before the meeting at which it is to be considered;
 - b. Approved with or without change by a majority vote of those present and voting;
 - c. Approved without further change at a second congregational meeting to be held no less than thirty days later by a two-thirds majority vote of those present and voting;
 - d. Become effective upon official notice and approval by the Synod Council.
- Section 2. This congregation may adopt such bylaws, not in conflict with this constitution, as may be necessary. Such bylaws may be adopted or amended at any legally called and conducted meeting of the congregation by a two-thirds majority vote of those present and voting.
- Section 3. The Confession of Faith as stated in ARTICLE II shall be that of the Evangelical Lutheran Church in Canada.
- Section 4. If in the judgment of the Synod Council an amendment to the constitution or bylaws of the Evangelical Lutheran Church in Canada, to the Approved Constitution for Synods or to the Approved Constitution of Congregations ought to entail related amendments of this constitution, receipt of an official communication to that effect from the secretary of the synod enclosing a draft of the amendment recommended by the Synod Council shall constitute proper proposal and notice thereof. Adoption of such an amendment shall then be in order at the next meeting of the congregation.