



EVANGELICAL LUTHERAN CHURCH IN AMERICA

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Office of
the Secretary

October 3, 1991

TO: Constitutional Review Committees
Synodical Bishops
Synodical Secretaries

FROM: Lowell G. Almen, Secretary

SUBJECT: Amendments to the *Model Constitution for Congregations*

The 1991 Churchwide Assembly amended some sections of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*. For your information, I provide herein a listing, of those changes.

Booklets containing the 1991 revised *Model Constitution for Congregations* soon will be available from Augsburg Fortress, Publishers (order code 23-1710; price \$ 1.25 each or \$ 13.75 per dozen).

The *Model Constitution for Congregations* also will be available from Augsburg Fortress in a 5 1/4" disk (IBM compatible) form (order code 4-662606; price \$12.95) or a 3 1/2" disk (also IBM compatible) (4-662607; price \$12.95).

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The changes in the *Model Constitution for Congregations* may be reproduced by photocopying the following pages and including them in your synod's newsletter. Or, you may wish to attach a new cover memorandum from you and mail the following pages to your synod's congregations. Please provide in such a memorandum:

- (a) information on ordering from Augsburg Fortress the constitutional booklets and computer disks of the *Model Constitution for Congregations*;
- (b) a reminder of the need for congregations that have not done so already to review and update their constitutions, in keeping with ELCA 8.52., 8.52.A87., 8.53., and related provisions; and
- (c) an explanation that the changes in the *Model Constitution for Congregations* approved by the 1991 Churchwide Assembly may be incorporated into the already revised or existing constitution of a congregation through the constitutional amendment process specified in the particular congregation's constitution.

1991 AMENDMENTS
to the
MODEL CONSTITUTION FOR CONGREGATIONS¹

Amend C9.01. and C13.05. to provide an option for election of the call committee either by the congregation or by the Congregation Council. A congregation should select one of the two options in the use of these provisions.

- C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting regularly 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.
- C13.05.** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by [this congregation] [the Congregation Council]. Term of office will terminate at upon installation of the newly called pastor.

Revise format of C9.03. to clarify the intention that the introductory phrase relates to all the subsections of the provision.

- 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, many, visit the sick and distressed, and bury the dead;
 - 2) supervise all schools and organizations of the congregation;
 - 3) install regularly elected members of the Congregation Council; and
 - 4) with the council, administer discipline.
 - c. Every pastor shall:
 - 1) seek out and encourage qualified persons to prepare far the ministry of the Gospel and strive to extend the Kingdom of God in the community, in the nation, and abroad;
 - 2) impart knowledge of this church and its wider adofstry through distribution of its periodicals and other publications; and
 - 3) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization and of this ELCA synod.

¹Additions to the text are underlined. Deletions from the text are struck through.

C9.05. is identical with †S14.13. Accordingly, the following amendments in C9.05. a., b., e., and f. are necessary to conform to amendments to †S14.13.a., b., e., and f.

- 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 elective, 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; or**
 - 6) **the dissolution of the congregation; or**
 - 7) **suspension of the congregation as a result of discipline proceedings.**
 - b. **When allegations in the case of alleged physical or mental incapacity of the pastor or ineffective conduct of the pastoral office, it shall be the responsibility have come to the attention of the bishop of the synod, the bishop in his or her sole discretion may, when such difficulties are personally known 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 to 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 which 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 farther action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor by a two-thirds majority vote of the voting members present at a regularly called meeting after consultation with the bishop**
 - e. **~~The foregoing procedure shall never be invoked when questions of doctrine, morality, or continued neglect of duty are involved, all such cases being treated as disciplinary matters.~~ If, in the course of proceedings described in C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.**
 - f. **If, following the appointment of the committee described in C9.05.b. or d., in the course of**

~~the proceedings~~, it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint churchwide/synod fund and with housing provided by the congregation(s).

Add a new item d. to C11.01.

- C11.01.** **d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council.**

Amend the first sentence of C12.01. as follows, with the remaining sentences of the existing provision remaining unchanged

- C12.01.** **The voting membership of the Congregation Council shall consist of the pastor(s), the officers of the congregation, and not more than _____ members of the congregation ~~and the officers of the congregation~~. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause.**

Add a new C12.04.j. to note the responsibility of members of the Congregation Council for recruitment of candidates for ministry.

- C12.04.** **j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.**

Revise Chapter 15 to incorporate the provisions for adjudication and include the existing provision in ELCA 19.71. as C15.11. to parallel revised ¶S17.11.

Chapter 15.
DISCIPLINE OF MEMBERS AND ADJUDICATION

~~19.71.~~

- 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.**

Add a new provision, C17.04., to provide an amendment procedure similar to provision †S17.12. in the Constitution for Synods of this church.

C17.04. **Whenever the *Model Constitution for Congregations* is amended by the Churchwide Assembly, this constitution may be amended to reflect any such amendment by a simple majority vote 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 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, consistent with C17.03.**