

CONSTITUTION

for

UNIVERSITY LUTHERAN CHAPEL OF BERKELEY, CALIFORNIA

a congregation of the

SIERRA PACIFIC SYNOD OF THE EVANGELICAL LUTHERAN CHURCH IN AMERICA®

The following is the official record of changes, additions, and amendments to the Constitution of University Lutheran Chapel of Berkeley, CA, including changes, additions, and amendments to bylaws and continuing resolutions.

- May 4, 2014: Constitution, bylaws, and continuing resolutions are approved by unanimous decision of the congregation.
- May 27, 2014: Council unanimously approves the following continuing resolution to clarify for the option in C11.02.
“C11.02.A14 The Congregational Council shall elect its officers”
- May 29, 2014: Changes to the constitution are approved by unanimous consent of the Synod Council of the Sierra Pacific Synod of the ELCA. *(See attached correspondence from the Synod Office)*
- June 25, 2015: CC15.06.12 – Continuing Resolution on Alcohol, Drug Use, and Recovery Adopted by the Chapel Council (June 2015) was added to this document
- September 15, 2015: C13.03.A14 - Continuing Resolution Describing the Hub structure was amended to more clearly outline what had been expressed in the *Mission & Growth* document.
- April 30, 2017: Changes to C10.01.01, C10.03, and C12.02. regarding notice of meetings, end of council terms, and date of the spring annual meeting.
- January 26, 2020: Adopted changes to ELCA language of the constitution required by the 2016 and 2019 ELCA Churchwide assemblies. Approved at the 2020 January Annual Meeting. (As per email of Jeffrey Pennington, these changes do not require approval by the Synod Council).
- September 21, 2020: At the September 2020 Annual Meeting, unanimously adopted changes to C5.05.01 to increase membership on the Endowment Fund committee from three to five elected members.

Attached correspondence related to January 26, 2020 approved changes:

November 2019

Dear Pastors and Congregational Leaders of the Sierra Pacific Synod:

The 2019 Churchwide Assembly of the ELCA adopted a number of changes to the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*. A copy of these [amendments \(en español\)](#), as well as a copy of the [model constitution for congregations \(en español\)](#) incorporating those changes, are available as Word documents on the ELCA Secretary website under "[Constitutions](#)."

Most changes are editorial or stylistic in nature but should be incorporated into your Congregation's constitution for the sake of consistency.

The procedure is simple: your Congregation Council passes a motion to send the proposed changes to your next Congregation Meeting. The congregation must be notified of the proposed changes at least 30 days in advance of the meeting at which the vote will be taken. Upon a majority vote of members at the Congregation Meeting, the amendments will take effect. They do not require review and approval by the synod.

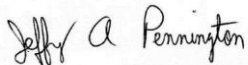
Please note: If you wish to make other changes to your constitution in addition to the ones needed to conform to the Model Constitution, then for those you must follow the procedure for amendments, which is described in Chapter 16 of your constitution. (And if by any chance your constitution still has Chapter 16 for Bylaws and Chapter 17 for Amendments, then it is not up-to-date with the changes made at the 2016 Churchwide Assembly. Those changes can be found [here](#).)

For any changes to your constitution *other* than those needed to conform to the Model Constitution, we ask that you work with the Synod's Committee on Synod Documents, a.k.a. Constitutional Review Committee, BEFORE your congregation votes on amending its constitution. You can submit your proposed changes to me by e-mail at synodsecretary@spselca.org and I will forward them to the Committee for review by a member.

If you have any questions, please feel free to contact me. Once your congregation has approved these changes, I kindly ask that you notify me by e-mail at synodsecretary@spselca.org that the changes have been made to bring your constitution into conformity with the Model Constitution and that you send me an updated copy of your Congregation Constitution for inclusion in the Synod's files.

Thank you for making these necessary changes, and God bless your ministry.

Yours in Christ Jesus,



Jeffrey A Pennington
Secretary
Sierra Pacific Synod – ELCA
synodsecretary@spselca.org

Attached correspondence related to May 29, 2014 synodical approval:



Sierra Pacific Synod
Evangelical Lutheran Church in America
God's work. Our hands.

June 12, 2014

University Lutheran Chapel
2425 College Avenue
Berkeley, CA 94704

Dear members of University Lutheran Chapel,

The Sierra Pacific Synod of the E.L.C.A. Council voted to approve the changes you submitted for your constitution at their May 29, 2014 meeting.

Blessings to you in the ministry we share.

God's peace,

Karen Idler, Associate in Ministry
Sierra Pacific Synod, E.L.C.A.

Sierra Pacific Synod • PO Box 276648 • Sacramento, California 95827-6648 • 800-275-3522 • Fax: 888-789-6434 • www.spselca.org

Office of the Bishop, Sacramento
9985 Folsom Blvd.
Sacramento, CA 95827-1405
916-756-1665 (Direct)

Office of the Bishop, Bay Area
500 Airport Blvd., Suite 442
Burlingame, CA 94010-1938
650-590-0980 (Direct)

Office of the Bishop, Fresno
2311 E. Shaw Avenue
Fresno, CA 93710-8204
559-345-2725 (Direct)

CONSTITUTION
for
UNIVERSITY LUTHERAN CHAPEL OF BERKELEY, CALIFORNIA
a congregation of the
SIERRA PACIFIC SYNOD *of the* EVANGELICAL LUTHERAN CHURCH IN AMERICA®

***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 University Lutheran Chapel of Berkeley, California.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of University Lutheran Chapel of Berkeley, California is hereinafter designated as “this congregation.”
- C1.11.** This congregation is incorporated under the laws of the State of California.

Chapter 2.

CONFESSION OF FAITH

- *C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
 - C2.01.01.** Policy on the use of Inclusive and Expansive Language
 - a. This congregation recognizes that the language we use shapes our thinking about one another. Therefore, this congregation uses language that celebrates the uniqueness and diversity of all creation in its choice and use of a wide variety of metaphors and images. We affirm the equality of all people and reject language that trivializes and obscures our differences or perpetuates stereotypes.
 - b. This congregation recognizes that language, images, and metaphors shape our thinking about and relationship to God. We acknowledge that metaphors, descriptions, and images fail to embrace the totality of God. Therefore, we refuse to limit or to narrowly restrict our language about God or our images of God to language conditioned by time, history, culture, gender, class, or any other limiting attribute.
 - c. This congregation will reflect in confession, word, metaphor, and image the magnificent diversity of ways in which human beings speak of the Divine
- *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.

*Indicates a required provision. Copyright 2013 by the Evangelical Lutheran Church in America

- 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. This church confesses the one, holy, catholic and apostolic Church and is resolved to serve Christian Unity throughout the world.
- *C3.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- *C3.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.
- *C3.05. The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions:

congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

Chapter 4.

STATEMENT OF PURPOSE

- *C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02.** To participate in God's mission, this congregation as a part of the Church shall:
 - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
 - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
 - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- *C4.03.** To fulfill these purposes, this congregation shall:
 - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and 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 this congregation's ministry and the ministry of the other expressions 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. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.]
- *C4.05.** This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.
- *C4.06.** References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.
- C4.07.** This congregation has responsibility for Lutheran Campus Ministry at University of California (UC) Berkeley and other institutions of higher education in Berkeley. The mission of campus ministry in the Evangelical Lutheran Church in America (ELCA) is to invite people (students, faculty, and staff) in academic settings more deeply into Jesus Christ and the community that bears his name, so that they can discover and fulfill their vocation as disciples. This ministry has its roots in the Christian community gathered by the Spirit through the proclamation of the word of God and the celebration of the sacraments. Campus ministry provides a strong witness at the point where education in the church intersects the church in education. It provides an authentic experience in the life of the church for young adults on campus, inviting them into full participation with the church, even as their lives are undergoing change, challenge, and confirmation.
- C4.08.** *Declaration of Ecumenical Welcome and Commitment:* This congregation affirms the unity of the church [see *Ecumenism: Vision of the ELCA*] and strives to put ELCA ecumenical policy [as out-lined in *Called to Common Mission* and other full communion partner agreements] into practice in the life of the congregation. We undertake to give pastoral care to any who desire it, to cooperate with neighboring churches in our common Christian mission, to coordinate with ELCA full-communion partners in offering campus ministry, to invite ministers of other churches to take part in leading worship, and to incorporate worship resources from other traditions as appropriate. We invite all Christians to participate as fully as they are able in this congregation's life and fellowship: to worship with us and to receive Holy Communion, to participate in this congregation's campus ministry, to share in the ministry and mission of this congregation and to take part in this congregation's decision-making and financial support.

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 this congregation. This 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 a minister of Word and Service;
 - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;
 - e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;
 - f. approve the annual budget;
 - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - h. hold title to and use its property for any and all activities consistent with its purpose;
 - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - j. elect its Congregation Council, and require them to carry out their duties in accordance with the constitution, bylaws and continuing resolutions. Officers shall be elected either by the Congregation or by the Congregation Council;
 - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- *C5.04.** This congregation shall elect 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 this congregation and other qualifications shall be as prescribed in guidelines established by the Sierra Pacific Synod of the Evangelical Lutheran Church in America.
- C5.05.** This congregation has an Endowment Fund administered by a Committee as specified in this congregation's bylaws and continuing resolutions. The purpose of the Endowment Fund is to provide for ministries beyond the operational budget of this congregation.
- C5.05.01. An Endowment Fund committee of three to five voting members of this congregation shall be elected at the congregation's annual meeting. All terms shall be three years in length. Each year at least one member will be elected. Members are eligible for only two consecutive terms. In addition to the elected members, the pastors and the treasurer of the congregation shall be ex-officio members of the committee, with voice and vote. The Treasurer of the congregation shall maintain the account of the Endowment Fund. The purpose of the committee shall be to carry out the duties of the Endowment Fund.
- C5.05.02. The duties of the Fund committee shall include the following:
- a. To encourage gifts to the Fund through education and promotion.
 - b. To receive and celebrate gifts given for ministry through the Fund and maintain a permanent book of remembrance of donors to the Fund. The committee has the discretion to decline acceptance of a gift if deemed to be in the best interest of the

Fund and the congregation.

- c. To accept undesignated gifts received by this congregation, such as, but not limited to, bequests, life insurance proceeds and remainders from life income agreements.
 - d. To accept as the Fund's initial assets the funds from the Ruby Falk Memorial Fund and the funds distributed to the Chapel in 2008, including the subsequent interest earned thereon, from the estates of our beloved sisters Sandra Ruth Olson and Marjorie K. Bauman.
 - e. To make annual distributions of no more than five (5) percent of the annual value of the Fund balance, which may include interest and dividends received, realized gains and/or unrealized gains, to ministries beyond the normal operating budget of this congregation as stated below:
 - 1) A minimum of 20 percent for extraordinary programs, capital improvements or other ministry initiatives within the congregation;
 - 2) A minimum of 20 percent for outreach or special projects into the local community or Sierra-Pacific Synod as the committee determines;
 - 3) A minimum of 20 percent for national, world or ELCA ministries as the committee determines;
 - 4) The remaining 40 percent distributed through any of the above categories.
 - f. To determine how the Fund's assets will be invested, including the asset allocation. The investment objective will be to provide long-term growth so the annual distribution will keep pace with inflation, i.e., the annual distribution will maintain its purchasing power. Investments may be invested by outside investors such as in the ELCA Endowment Fund Pooled Trust and/or the ELCA Mission Investment Fund. The committee may loan Fund assets to the congregation as an investment. No committee member shall invest the assets in a way that would bring private inurement to that individual.
- C5.05.03. Notwithstanding the forgoing, solely in response to a request from the congregation, made pursuant to a vote by the congregation, to use principal of the Fund to help the congregation remedy an economically devastating emergency situation. Principal used in such emergency situations may be loaned to the congregation on terms the committee and congregation determine to be appropriate for the situation.
- C5.05.04. Notwithstanding the forgoing, the committee may loan up to \$150,000 of the principal of the Fund to the congregation on terms the committee determines to be appropriate so that the congregation may retire its \$150,000 loan from Resurrection Lutheran Church.
- C5.05.05 The committee shall report at least quarterly to the Council on any and all activity within the Fund. Current balance, additions, distributions and any other activity should be included with the report. An annual accounting and a report of ministries supported through the Fund shall be distributed to the Congregation at its annual meeting. Following receipt of the annual accounting and report, the Council shall appoint at least two individuals not currently serving on the committee or as Treasurer to review the detailed books and records of the fund's balances and activities for the preceding year, and to report the results of that review to the Council.
- C5.05.A14. *Resolution describing general procedures and policies for the Endowment Fund.*
- a. *According to the by-law that established the Endowment Fund, up to 5% of the fund's value can be distributed in grants each year. At the beginning of each*

calendar year, the committee will create a budget for the year's grants based on the value of the fund at the beginning of the year.

- b. The by-law also stipulates that the fund should be a perpetual fund. Consequently, in establishing the annual grant budget the committee will take into account the rate of return on the fund's investments and will create a grant budget that protects the long-term viability of the fund.*
- c. In general, the committee will pro-rate the grant budget by half year, granting no more than half the budget in the first half of the year.*
- d. Ordinarily, grants will not be made for less than \$500 and for more than \$2000.*
- e. The committee will evaluate grant applications and award grants quarterly. Applications for urgent assistance can be submitted to the committee at any time, and the committee will evaluate the request as soon as is practical.*
- f. The committee will strive for consensus in grant decisions, but decisions may be made by a majority vote of the committee.*
- g. In general, the application for a grant should be made by the recipient. Each application should be sponsored by a member of the Chapel community.*
- h. In the case of grants for projects within the Chapel community, the Chapel Council acts as recipient and must approve the project before the grant application is considered. Internal grants should also have a community member as sponsor.*
- i. Grants from the endowment fund are intended to further the mission and ministry of the Chapel. Within that general intent, the committee will give priority to projects that have a specific purpose or result, projects that address an unmet need, and projects that have a 'catalytic' or seeding effect (that is, projects that can serve as a launching pad for more comprehensive work). In general the fund does not offer grants to sustain projects that are already underway. In general, the fund will not award multiple grants for a single project.*
- j. The committee will maintain a record of the results of projects for which grants are awarded. Recipients of grants are asked to provide a written report of the outcome of their projects.*

C5.06. This congregation has created a Columbarium as a sacred space for the placement of cremated remains to honor and memorialize members and friends of our community. A Columbarium committee of three voting members of this congregation shall be elected at the congregation's annual meeting to serve for a term of one year. Members may serve an indefinite number of terms. Together with the pastor they shall serve as a Columbarium Team to administer and care for the Columbarium.

C5.06.A14. Resolution governing the Columbarium.

- a. Members and friends of the congregation and their families shall be eligible for interment in our Columbarium. Others may be deemed eligible by determination of the Columbarium Team.*
- b. It may be possible to arrange for memorial plaques without interment. Such arrangement as well as the design, placement and style of a memorial plaque is at the discretion of the Columbarium Team.*
- c. Legal title or ownership rights to the Columbarium and all Columbarium niches shall remain with the congregation.*

- d. *Legal title or ownership rights to any cremated remains interred in the Columbarium shall likewise be transferred or otherwise assigned in perpetuity to the congregation at the time such remains are placed in the Columbarium.*
- e. *The congregation does not sell niches to the general public. Contributions received are considered donations to the congregation.*
- f. *In consideration for the benefit of placement of cremated remains in the Columbarium, a contribution in the amount of \$2,000 is required.*
- g. *The contribution required may be changed at any time by the Columbarium Team or the Council to reflect the changing costs. It should be the same at any given time, regardless of the location of the niche selected.*
- h. *An eligible person who has made a contribution for the placement of cremated remains in the Columbarium, and has selected a niche, shall sign a Contract granting the exclusive right to the use of the niche. There shall be no further assessments or future charges.*
- i. *The exclusive right to use such a niche may not be sold or otherwise transferred by any Individual, except with the expressed approval of the Columbarium Team. A niche can be surrendered back to the congregation, but without refund of any portion of the original contribution, except as specially approved by the Columbarium Team or the Council.*
- j. *Columbarium funds are to be accounted for in an interest-bearing account administered by the Council and may be, but are not required to be used for the maintenance, expansion and perpetual care of the Columbarium*
- k. *The Columbarium team shall determine the method for the selection of niches.*
- l. *The Columbarium Team shall have exclusive control to determine the type, material, quality, design and placement of urns, niche contents, memorial inscriptions, memorial plaques, and niche-coverings/doors.*
- m. *Engraving of the memorial inscriptions shall be at the additional expense of the individual/donor and will be reimbursable to the congregation at the time of placement. Engraving will be at the direction and under the control of the Columbarium Team.*
- n. *Memorial inscriptions shall be allowed for each niche in a manner to be approved by the Columbarium Team. Only names and dates will be allowed on memorial inscriptions. Additional inscriptions on the plaques or etching on the glass shall not be allowed.*
- o. *The congregation reserves the right to move Individual niches or the entire Columbarium to other locations within the precincts of the church, or to another building should it become desirable or necessary.*
- p. *The Columbarium Team may adjust the amount of contributions for a niche on a case by case basis to reflect pertinent circumstances.*
- q. *The Columbarium shall be open to visitors at all times when the church is open to the public and on special occasions by arrangement with congregational staff.*
- r. *Funeral, memorial or committal services may be held in the Chapel preceding the interment of ashes.*
- s. *No artificial flowers shall be allowed in the Columbarium area.*

- t. If the congregation ceases to exist as a church or the sanctuary as a place of worship, the Columbarium Team and/or the Council shall make provision for the appropriate placement of the cremated remains inurned in the Columbarium.*

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 Sierra Pacific 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 roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
 - d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in this 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 is 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 or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.
 - d. The Sierra Pacific Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.
 - e. 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 intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time this congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the congregation council. Unless he or she is a voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the first meeting.
 - b. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to voting members of this congregation.
 - c. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.
 - d. If this congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the second meeting.
 - e. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.
 - f. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case *C7.04 shall apply.
 - g. This congregation shall abide by these covenants by and among the three expressions of this church:
 - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05. shall be required to receive synod council approval before terminating their membership in this church.

- 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synod approval before terminating their membership in this church.
- 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to satisfy all financial obligations to this church and receive synod council approval before terminating their membership in this church.
- h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above, or fails to achieve the required two-thirds vote of voting members present at this congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of *C6.05. and may begin no sooner than six months after the meeting at which the two-thirds vote was not achieved.
- *C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is taken.
- *C6.07.** If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

Chapter 7.

PROPERTY OWNERSHIP

- *C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the Sierra Pacific Synod of the Evangelical Lutheran Church in America.
- *C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline or pursuant to 9.23 of the constitution and bylaws of the Evangelical Lutheran Church in America, title to property shall continue to reside in this congregation.
- *C7.03.** If the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in *C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Sierra Pacific Synod.
- *C7.04.** If the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in *C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the process established by the synod, 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. In neither case does title to this congregation's property transfer to the synod.

- *C7.05.** Notwithstanding the provisions of *C7.02. and *C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
 - b. Shall, upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the Sierra Pacific reconvey and transfer all right, title, and interest in the property to the synod.

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. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.
 - 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. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
 - e. Seasonal members are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation.

The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:

- 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
- 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
- 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;
- 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
- 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
- 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

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

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

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

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action in accordance with Chapter 20 of the constitution and bylaws of the Evangelical Lutheran Church in America; or
- e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.

Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

C8.06. Active participants in our community include those who are on the margins of Christianity and/or those who have experienced spiritual harm in previous Christian communities. Participants in this congregation include those individuals who seek to know and follow Jesus, though they may not yet be baptized. This community embraces such participants and values their contribution in the life of our community.

- C8.07.** *Additional Voting* members may also be persons who have made an intentional, public commitment to this congregation, affirmed by the Congregational Council or Congregational Meeting, and who, during the current or preceding calendar year, shall have communed in this congregation or shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
- C8.08.** Student members of this congregation are those who are active in parish and/or campus ministry and who are attending local educational institutions. Student members shall have the privilege of voice and vote at every regular and special meeting of the congregation.

Chapter 9.

ROSTERED MINISTER

- *C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.02.** Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod 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 minister of Word and Sacrament shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
 - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
 - 8) 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 pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) relate to all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline;
 - 5) endeavor to increase the support given by this congregation to the work of the ELCA churchwide organization and of the Sierra Pacific Synod; and

- 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- *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.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:
 - a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod bishop, 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, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in this congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.
 - b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) 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 this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
 - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.

- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to the congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
 - e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds 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 majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- *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 this 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 rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
 - *C9.08.** 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.
 - *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.
 - *C9.10.** With the approval of the bishop of the synod, this 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 this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.

- *C9.11. 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 this 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.
- *C9.12. 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.
- *C9.13. 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 call or approval of a request for change in roster status.
- C9.14. The pastor is Campus Pastor for the Lutheran Campus Ministry in Berkeley.
- *C9.15. Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between this congregation and the pastor in a form proposed by the synodical bishop and approved by this congregation.
- *C9.16. Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.17. Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.
- *C9.18. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
 - a. Be rooted in the Word of God, for proclamation and service;
 - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
 - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
 - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
 - f. Practice stewardship that respects God's gift of time, talents, and resources;
 - g. Be grounded in a gathered community for ongoing diaconal formation;

- h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
 - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- *C9.19. The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.20. The provisions for termination of the mutual relationship between a minister of Word and Service and a congregation shall be as follows:
- a. The call of a congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod bishop, 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 deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the deacon;
 - 5) suspension of the deacon through discipline for more than three months;
 - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.
 - b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) 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 this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
 - c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.

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

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

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

- *C9.21. This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon 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.
- *C9.22. When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.23. With the approval of the bishop of the synod, this congregation may depart from *C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.25.a.
- *C9.24. The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- *C9.26. The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

Chapter 10.

CONGREGATION MEETING

- C10.01.** This congregation shall have at least one regular meeting per year. The regular meeting(s) of the congregation shall be held at the time(s) specified in the bylaws. Consistent with the laws of the State of California, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.
- C10.01.01. The annual meeting, Part 1, will be held in January. The primary business of the meeting will be approval of the budget for that calendar year. The annual meeting, Part 2, will be held on the earliest possible Sunday in May. The primary business of the meeting will be the election of the Council and other leaders and the annual report on ministry.
- C10.02.** A special Congregation Meeting may be called by the senior pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of this congregation upon the written request of 10 percent of the voting members. The president of the Congregation Council may call a special meeting upon request of the synod bishop. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.
- C10.03.** Notice of all meetings of this congregation shall be given at the worship services and by mail or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting.
- C10.04.** 25% of voting members shall constitute a quorum.
- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation. Any conflict between *Robert's Rules of Order* and this constitution, bylaws, or continuing resolutions shall be resolved in favor of the constitution, bylaws, or continuing resolutions.
- C10.08.** This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication. To the extent permitted by state law, notice of all meetings may be provided electronically.

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 this congregation. The pastor shall not be an officer.
 - c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council with the possible exception of the Treasurer.
 - 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. If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.

C11.01.01. Duties of the officers

- a. **President:** Encourage and inspire all Chapel leaders to action. Regularly articulate the Chapel's vision and help the congregation establish ministry priorities. Meet regularly with and support the Pastor. Prepare with pastor the agenda for monthly Council meetings and chair Council meetings. Confer with officers and council members between meetings. Be a signer on financial accounts. Review with pastor the background check reports. Represent the congregation at public events. Be ex officio member of all committees.
- b. **Vice President:** Encourage and inspire all Chapel leaders to action. Regularly articulate the Chapel's vision and help the congregation establish ministry priorities. Meet regularly with the Pastor and President and chair council in President's absence. Help to coordinate communication among chapel leaders. Track progress of the Chapel planning calendar and delivery on its action items. Relate to the East Bay Conference. Take over for or succeed President when needed and appropriate. Chair the staff evaluation committee and ensure that evaluations are performed annually.
- c. **Treasurer:** Maintain up to date financial records for all Chapel accounts. Disburse checks for bills on a monthly basis. Disburse checks for payroll, including all applicable taxes and withholding items. Coordinate with Financial Secretary and Administrator for the preparation of monthly reports to the Council regarding status of income, expenses, and relative impact to the approved Budget. Receive all bank statements, receipts, and bills for payment and reimbursement and disburse such payments as appropriate and justified. Act as signer on financial accounts. Maintain and secure appropriate signatures and documents for ongoing checking accounts. Consult regularly with the Financial Secretary, coordinate Chapel's budget process and annual fundraising campaign and stewardship drive. Prepare the annual budget for Council and Congregational approval. Be ex officio member of the Endowment team.
- d. **Secretary:** Coordinate and facilitate preparations for all Council meetings, congregational meetings, and council/leadership retreats. Stay current on church and non-profit general secretarial/business practices, tools and trends (e.g., organizational operations, records management, HR, etc.), and their applicability within the Chapel. Maintain governing documents up to date. Record official minutes of all Chapel meetings, including monthly Council meetings, annual congregational meeting, and annual Council retreat. Track progress and completion of action items and tabled issues/ action items from Council meetings, congregational meetings, and council/ leadership retreat. Act as a signer on the financial accounts. Assure internal control and analysis and independent audit of church business matters, as appropriate. Prepare and transmit letters and correspondence on behalf of the Council and Congregation.

C11.02. The congregation or Congregation Council shall elect its officers and they shall be the officers of this congregation. The officers shall be elected and shall serve for one year

or until their successors are elected. Their terms shall begin at the close of the meeting at which they are elected.

C11.02.A14 The Congregational Council shall elect its officers.

C11.03. No officer shall hold more than one office at a time.

Chapter 12.

CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the pastor(s) and not more than 9 nor fewer than 5 members of this congregation. Any voting member of this 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. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

C12.01.01. One member of the Council (not the Treasurer) shall serve as Financial Secretary.

One member of the Council shall serve as Property Manager.

- a. **Financial Secretary:** Evaluate and provide analysis on the periodic and strategic trends of congregation finances (e.g., annual cycle and multiple year). Stay current on church and non-profit tax laws, fiscal management practices, tools and trends, and their applicability within the Chapel. Organize and oversee Council Representatives (e.g., council counting of offerings). Receive and arrange for the deposit of all income. Review records in the deposits binder monthly. Track monthly income to the chapel and prepare periodic reports on income and pledges to Council. Oversee the preparation and sending of quarterly and annual statements of giving for non-anonymous donors. Assure internal control and financial analysis and independent audit of fiscal matters, as appropriate. Consult regularly with the Treasurer to coordinate Chapel's annual budget process, and fundraising campaign and stewardship drive. Prepare, with the Treasurer, the annual budget for Council and Congregational approval. Be a member of the Stewardship Committee.
- b. **Property Manager:** Submit budget requests for maintenance projects. Stay current on church Manager and non-profit asset and property management practices, tools and trends, including information technology and audio-visual assets. Keep a list of Chapel renovation, improvement, and maintenance projects. Make monthly building inspections, and track and report trends. Replace worn or non- operable assets as needed and budgeted. Coordinate periodic congregational work/cleaning days. Oversee janitorial services and light maintenance of the Chapel. Work with gardener in planning regular and seasonal plant trimming, walkway sweeping, trash pickup

C12.02. The members of the Congregation Council except the pastor(s) shall be elected to serve for 2 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 on June 1 following the annual meeting at which they are elected.

- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council may elect, by majority vote, a successor until the next annual meeting.
- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:
- 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 maintain supportive relationships with the rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
 - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
 - f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
 - g. To arrange for pastoral service during the sickness or absence of the pastor.
 - h. To emphasize support of the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
 - i. To recommend and encourage the use of program resources produced by appropriate organizations including the Evangelical Lutheran Church in America.
 - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors 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 California, except as otherwise provided herein.
 - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of this congregation.
 - c. The Congregation Council may enter into contracts of up to \$10,000 for items not included in the budget.
 - d. 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 more than \$10,000 in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget

shall include this congregation's full indicated share in support of the wider ministry being carried on in collaboration with the synod and churchwide organization.

- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of mission support monies to the synod treasurer or the designated organization.
 - f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
- C12.06.** The Congregation Council shall see that the provisions of this constitution, its bylaws, and continuing resolutions are carried out. Each council member shall review the governing documents at the beginning of her/his term.
- C12.07.** The Congregation Council shall provide for an annual review of the membership roster.
- C12.08.** The Congregation Council shall be responsible for the employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect this congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.
- C12.08.01. Direct supervision of support staff may be delegated to the pastor.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present. The Congregation Council may meet by telephone or Internet service provided that all attendees can communicate with each other.
- C12.11.02. For urgent matters arising between regularly scheduled Congregation Council meetings, the Congregation Council is authorized to vote on an item of business via other expedient means (mail, telephone, e-mail, facsimile, etc.). All members of the Congregation Council must be contacted and provided with the relevant information, and must be provided with a minimum 72 hours to respond (five days for votes conducted via mail). Responses must be received with at least a simple majority of the members of the Congregation Council approving or rejecting the proposal. At the next regular meeting of the Congregation Council, the action (including any discussion points) must be received as a report and included in the minutes of that meeting.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the senior pastor or interim pastor, except when the senior pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the senior pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synod bishop.

Chapter 13.

CONGREGATION COMMITTEES

C13.01. The officers of this congregation and the pastor shall constitute the *Executive Committee*.

C13.01.01 The Executive Committee may meet as often as necessary to deal with day-to-day issues of the life of the Congregation and its facility. The Executive Committee shall report its efforts and decisions to the Congregational Council. Decisions of the Executive Committee are subject to ratification by the Congregational Council. The Executive Committee shall deal with personnel matters.

C13.02. When a vacancy occurs in a position for which this congregation calls a rostered minister, a *Call Committee* of seven voting members shall be elected by this congregation. Term of office will terminate upon installation of the newly called rostered minister.

C13.03. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council. Duties of committees of this congregation shall be specified in the bylaws or continuing resolutions.

C13.03.01. A *Nominating Committee* of 2-4 members of this congregation, one of whom, if possible, shall be an outgoing member of the Congregation Council, shall be appointed by the Council in May. The Nominating Committee shall prepare a list containing at least one nominee for each position on the Council and committees to be filled at the annual Congregational Meeting. This list is to be presented to the Congregational Council at its last meeting that is at least two weeks before the annual meeting for review and comment. The committee will then finalize the list and cause it to appear in the bulletin each Sunday before the annual meeting. The Nominating Committee may also be asked to help with recruiting for other leadership positions.

C13.03.02. An *Audit Committee* of 2-3 voting members shall be appointed by the Congregation Council. A majority of Audit Committee members shall not be members of the Congregation Council. Neither the treasurer or the financial secretary may be appointed to the Audit Committee. They shall serve for a two year term. Members shall be eligible for reappointment. The Audit Committee shall audit the financial management activities of the Congregational Council and specifically the Treasurer. A written report of the results of these audits is to be prepared and presented at the annual Congregational Meeting. This is not expected to be a professional audit. The President and Pastor are *ex officio* members, but may not chair the committee.

C13.03.03. *Mutual Ministry Committee(s)* may be appointed jointly by the president and the rostered minister. Term of office shall be two years, with members to be appointed each successive year.

C13.03.04. A *Stewardship Committee* of 2-4 members, one of whom shall be the Financial Secretary, shall be appointed by the Council. Term of office shall be two years. Members shall be eligible for reappointment. The stewardship committee asks, or invites, congregants to generously use all of the gifts that God has entrusted to their care, both inside and outside of the congregation. The stewardship committee tells the story of how these gifts, both monetary and non-monetary, are being used to live out God's mission in the community both locally and globally. Lastly, the stewardship

committee consistently thanks people for their generosity year-round, not just during the annual financial response

C13.03.05. A **Finance Committee** shall consist of the Treasurer, Financial Secretary, and President. The Finance Committee prepares the draft budget in November for consideration by the council at its December meeting.

C13.03.06. Other committees may be formed to coordinate the mission and ministry of the congregation: worship, hospitality, faith engagement, community, justice, etc. These committees (which may be called by other terms, such as teams, hubs, etc.) shall be described in continuing resolutions.

C13.03.A14. Continuing Resolution Describing the Hub Structure¹

- a) *The congregation is organized around four focal hubs or focal points. Each hub covers a broad area of congregational life: Love God, Love One Another, Love Our Neighbor, and Love the Chapel.*
 - i) *Love God: stimulate faith through creative worship, engaged conversation, and hospitable hanging out together on Sundays. This hub focuses upon Sunday morning activities: worship, intergenerational faith engagement activities for adults and children, regular hospitality after liturgy.*
 - ii) *Love One Another: organizing small groups, sponsoring all-parish luncheons, nurture caring relationships among people at the Chapel, connecting one another and building community, paying particular attention to newcomers and focusing on key directions among young adults, students, families with children, and seekers.*
 - iii) *Love Our Neighbor: direct and focus our justice/solidarity/advocacy activity outward in the community, form partnerships with local grassroots organizations, and increase our collective impact at work in the world, and empower designated giving to organizations we support.*
 - iv) *Love the Chapel: strengthen sustainability and growth at the Chapel, coordinate the activities of the Council and its committees, with the Columbarium and Endowment teams.*
- b) *In the spring the Council shall establish strategic priorities based on the vision and mission of the congregation. Hubs shall shape the program or ministry in their area of focus in line with these strategic priorities.²*
- c) *Each hub will have one or two leaders and may organize a small team or coordinate a group of individuals who organize specific activities, programs, tasks, and events.¹ Hubs meet as often as is necessary in person or online to make plans about what they want to do in their area of activity.*
- d) *Hub leaders shall meet together monthly with the pastors and administrative staff to coordinate, communicate, and schedule the ministry of the Chapel.³ The Council Vice President convenes the gathering of hub leaders.⁴ No idea sits in a single hub.*

¹ Continuing Resolution C13.03.A14 was amended by the Chapel Council on September 15, 2015 at its monthly meeting.

² Mission & Growth Model, p. 9.

³ Mission & Growth Model, p. 10.

⁴ Mission & Growth Model, p. 17.

Ideas resonate throughout the hubs and create the opportunity for collaboration and coordinated ministry.

- e) *Planning in the hubs shall include tools to assess and evaluate programs. Throughout the year, Hub leaders gather information and feedback, share results, and review effectiveness of their activities. Hub leaders shall report annually to the congregation.⁵*
- f) *In preparation for the spring part of the annual meeting, Hubs shall nominate leaders for appointment by the Council. Hub leaders serve for a term of one year and may serve multiple terms.*
- g) *The Congregation Council is responsible for annually evaluating the ministry of the hubs.⁶*
- h) *The council president is the leader of the "Love the Chapel" hub.⁷*
- i) *Hub leaders shall report regularly to the Chapel Council and share minutes of meetings with the Council.⁸*

C13.07. The pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of this congregation, except the Nominating Committee.

Chapter 14.

ORGANIZATIONS WITHIN THIS CONGREGATION

C14.01. All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

C14.02. Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council and specified in a continuing resolution.

Chapter 15.

DISCIPLINE OF MEMBERS AND ADJUDICATION

***C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of this congregation, or willful and repeated harassment or defamation of member(s) of this congregation is sufficient cause for discipline of a member. Prior

⁵ Mission & Growth Model, p. 10, 16-17.

⁶ In the Mission & Growth Model, p. 16-17 it says that the Congregation Council *is responsible for appointing leaders to hubs (or nominating leaders for election by the congregation)*. In this continuing resolution, we clarify this option of appointment or election in favor of nomination by the Hubs and appointment by the Council.

⁷ Mission & Growth Model, p. 17.

⁸ Mission & Growth Model, p. 10, 16-17.

to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

- *C15.02.** The process for discipline of a member of this congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to C15.01 do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three lay persons and two ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- *C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- *C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- *C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
- a. suspension from the privileges of congregation membership for a designated period of time;
 - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
 - c. termination of membership in this congregation; or

- d. termination of membership in this congregation and exclusion from the church property and from all congregation activities.
- *C15.06.** The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- *C15.07.** No member of this congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- *C15.10. Adjudication**
- *C15.11.** When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

Chapter 16.

AMENDMENTS

- *C.01.** Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 15% 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 this congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C16.02.** An amendment to this constitution, proposed under *C16.01., shall:
- be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting;
 - be ratified without change at the next regular meeting of this congregation held pursuant to C10.01. by a two-thirds vote of those voting members present and voting; and
 - have the effective date included in the resolution⁹ and noted in the constitution.

⁹ *Such an effective date must be stated in relation to the requirements of *C17.03. to allow time for synod review of the amendment.*

- *C16.03. Any amendments to this constitution that result from the processes provided in *C16.01. and *C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- *C16.04. This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 17.

BYLAWS

- *C17.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C17.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority two-thirds vote of those voting members present and voting.
- *C17.03. Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C17.04. Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 18.

CONTINUING RESOLUTIONS

- *C18.01. This congregation in a legally called meeting or 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 majority vote of a meeting of this congregation or a two-thirds vote of all voting members of the Congregation Council.
- *C18.03. Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

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.

Chapter 20.

PARISH AUTHORIZATION

- *C20.01.** This congregation may unite with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C20.02. and *C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.
- *C20.02.** One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- *C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- *C20.04.** Any one of the congregations of the parish may terminate their relationship with the pastor as provided in †S14.18.d. of the synod constitution of the synod named in *C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- *C20.05.** Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in †S14.43.d. of the synod constitution of the synod named in *C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- *C20.06.** Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.

Chapter 21.

AFFIRMATION OF DIVERSITY AND INCLUSION

C21.01. In considering candidates for membership, committee positions, the Congregational Council, associates in ministry, pastoral leadership, other staff positions, and in all aspects of its ministry, this Congregation shall not discriminate on the basis of age, race, ethnicity, nationality, gender, class, marital or relationship status, sexual orientation, or physical ability.

Chapter 22.

ECCLESTICAL DISOBEDIENCE

C22.01. From time to time the congregation may determine that a policy of the Evangelical Lutheran Church in America is contrary to the Gospel and cannot be upheld or followed by this congregation. This decision shall be made by approval of a resolution at a properly called meeting of the congregation. The decision shall be made by written ballot and must be supported by 75% of those voting members present. The resolution must state the policy and the reason that it is contrary to the Gospel. The resolution must recognize that if non-compliance with the disputed policy results in action which is not in accordance with the ELCA and/or Synod and/or Congregation constitutions that discipline by the ELCA is a possible consequence. This provision is applicable only to policies of the ELCA and the Sierra Pacific Synod. It may not be used to disregard the Congregation Constitution in the absence of conflict with national or synod policy.

Chapter 23.

POLICIES

C23.01. The Congregation Council or the Congregation may establish policies which will be described in Continuing Resolutions.

C23.01.A14. Policy regarding Sunday Pulpit Supply

- a. *This policy applies equally to pastors who are guests in our community as well as those who are members of the Chapel community who fill in when our regularly called pastors are away.*
- b. *When the Chapel engages the services of a pastor for pulpit supply, such as during vacation or illness or absence of a regularly called pastor, the current guidelines of the Sierra Pacific Synod are to be used to determine appropriate compensation.*
- c. *Additionally, the congregation will provide a travel reimbursement in the amount of the current IRS rate and full payment for other expenses incurred in connection with the service of the supply pastor. The Chapel shall include within its annual budget the monies to pay pulpit supply preachers.*
- d. *The Chapel is blessed to be a community in which many people share a variety of gifts with one another. We value all of these gifts and seek to provide opportunities for the exercise of many gifts among us.*
- e. *This is especially true with the gift of preaching. We are grateful to those who have been regularly called as pastors in our community who preach. In addition, the Chapel is graced with a number of people within our community who have been blessed with this gift or who are training to become preachers. We are committed to honoring the vocation of preaching, to lifting up the preaching gifts of persons*

- among us in addition to our regularly called pastors, and to granting occasional opportunities for them to exercise this gift among us in community. Therefore, at their discretion, the pastors of the Chapel may invite others from within our community to preach at liturgy, with particular attention to those who have been theologically trained and who have a desire to share their preaching gift with us.*
- f. Normally, this type of invitation is not considered to be pulpit supply which is arranged around the event of vacation or illness or absence of a regularly called pastor. Special compensation is not offered to preachers from within our community. A donor-designated gift does allow us to offer a small gift as a token of our appreciation.*

C23.01.B14. Sabbatical Policy

- a. University Lutheran Chapel of Berkeley grants a regular sabbatical to their full time pastoral staff as an opportunity for renewal for both the congregation and the pastor.*
- b. Sabbaticals are offered to full-time, called pastors at the Chapel.*
- c. A pastor is eligible for a sabbatical after six years of ministry at the Chapel, and thereafter six years following a sabbatical leave.*
- d. Sabbaticals are not granted automatically, but shall be evaluated, approved, and implemented by the Church Council.*
- e. The sabbatical shall be for a period of three (3) months.*
- f. The sabbatical is considered part of the call and is not an interruption or break in the call.*
- g. Following a sabbatical, the pastor is obligated to stay at the congregation for at least one full year of service.*
- h. At least one year prior to the sabbatical, the pastor and the Mutual Ministry Committee shall petition the Church Council to begin planning.*
- i. A sabbatical plan shall be developed by the pastor and the Mutual Ministry Committee. Such a plan shall include a timeline, budget and financial adjustments, sabbatical purpose and theme, pastoral coverage, assignment of responsibilities, etc. A sabbatical team may be appointed to assist in the planning and implementation of the sabbatical.*
- j. Ideally, the best sabbatical plans are unique, flexible and creative. The following suggestions are not intended to limit the kinds of activities that may be planned for a sabbatical, but only to stimulate creativity in design. Among the activities that might be considered for our parish are: visiting pastors and liturgists; new experiences in liturgy; exploration of mission and ministry themes; bringing in outside resources to gain new perspectives on worship, social justice, campus ministry, ecumenical issues; spiritual renewal; a hiatus from responsibilities and “work” at the Chapel; etc. Among the activities that might be considered by our pastor are: some time in the wilderness; cross-cultural experiences; interfaith activities; study or continuing education; spiritual retreats; visiting other faith communities, congregations or pilgrimage centers; visiting family, mentors, colleagues; relaxation and recreation; journal keeping; etc.*

- k. *During the sabbatical, the pastor shall continue to receive normal compensation and benefits.*
- l. *The congregation may, but is not required to, pay for any of the pastor's costs relating to the sabbatical (e.g. tuition and other fees, travel costs, etc.) The congregation may establish a fund that might be set aside for the pastor's sabbatical- related expenses.*
- m. *Vacation leave and continuing education shall be granted during a sabbatical year as in any other year. Vacation and continuing education shall be taken at a different time from the sabbatical.*
- n. *The pastor may choose to accumulate continuing education funds for up to three years toward the sabbatical.*
- o. *The Chapel shall assume the costs of replacing staff during the sabbatical.*
- p. *Recognizing that a sabbatical places an extra burden on other members of the staff, the Chapel shall make provision for increased compensation for them during the sabbatical.*
- q. *The Chapel shall accrue money toward a Sabbatical fund through its annual budgeting processes.*
- r. *The pastor and the Mutual Ministry team are encouraged to seek and apply for funding for sabbaticals from sources outside of the Chapel.*
- s. *The pastor, the Council and the Mutual Ministry Team shall seek the guidance of the Office of the Synod Bishop and other communities of accountability as well as the deployed Coordinator for Campus Ministry as they plan the sabbatical.*
- t. *The pastor and the congregation shall share insights with each other on the sabbatical experience. Within three months of the sabbatical, the pastor shall submit to the Council and to the Office of the Synod Bishop and other communities of accountability a report on the sabbatical.*

C23.01.C14. Sexual Misconduct Policy

- a. *It is the policy of University Lutheran Chapel of Berkeley that sexual harassment and misconduct will not be tolerated. Any complaint of sexual harassment and misconduct will be dealt with quickly and confidentially. Our Policy applies to clergy, lay employees and volunteers. The intent of this Policy statement is to make certain that responses to any allegation of sexual harassment and misconduct be just and compassionate for all involved, and that all parties be heard.*
- b. *Definition of Sexual Harassment and Misconduct: Sexual harassment and misconduct refers to behavior which is not welcome to the recipient and that is personally offensive. There are many forms of offensive behavior including, but is not limited to:*
 - 1) *Unwelcome sexual advances, leering, whistling, or sexual gestures*
 - 2) *Deliberate assaults or molestation*
 - 3) *Questions or comments about sexual behavior*
 - 4) *Gender based harassment*
 - 5) *Undesired physical contact*
 - 6) *Inappropriate comments about clothing or physical appearance*
 - 7) *Persistent sexually-oriented humor or language*
 - 8) *Continued or repeated jokes, language, epithets or remarks of a sexual nature*

- 9) *Causing another person to engage in a sexual act by threatening that other person, placing that other person in fear or asserting undue influence over that other person*
 - 10) *Providing or displaying pornographic media to a person below the age permitted by law*
 - 11) *Any attempt to engage in or perform any of the above*
 - 12) *Any additional activity that is covered either by Federal or State laws*
- c. *Reporting*
- 1) *Any person who believes that they have experienced or witnessed sexual harassment or misconduct, or have had a sexual harassment or misconduct issue reported to them should report it immediately to:*
 - 2) *The President of the Council or his/her designated representative; or*
 - 3) *The senior pastor of this Congregation, or*
 - 4) *Reports involving a rostered member of the ordained clergy or rostered lay person shall also be promptly reported to the Bishop of the Sierra Pacific Synod.*
 - 5) *If required by law, ordinance or similar regulations, a President of the Council or his/her designated representative of the Council shall immediately report this incident to the proper authorities.*
- d. *Investigation*
- 1) *Each incident that is reported will be promptly investigated with confidentiality, care and concern for all involved by the Council or designated committee.*
 - 2) *Investigation will include interviews with all concerned.*
 - 3) *Investigation will include review of all relevant documentation.*
 - 4) *The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Should an individual's words or conduct be determined to constitute misconduct or harassment, recommendations for action will be developed and appropriate action will be taken. The action taken will depend on the severity of the situation.*
 - 5) *The Council will be sensitive to the needs of all involved and shall provide any support necessary including counseling during the investigation and response.*
- e. *Response*
- 1) *The Council or designated committee will review all information obtained during the investigation, and when deemed necessary, will seek legal counsel to assist in the investigation and resolution.*
 - 2) *The Council, or committee, upon reaching a course of action, will meet separately with the person filing the complaint and then with the accused to communicate the results and resolution.*
 - 3) *The Council may recommend a course of action that may include counseling, education, or disciplinary action.*
 - 4) *If a complaint is not substantiated, all parties will be informed.*
 - 5) *The Chapel will not engage in or tolerate retaliation against any clergy person, lay employee, or volunteer for making a good faith claim of misconduct or harassment or providing information relating to such complaints, during an investigation.*

f. *Communication*

- 1) *This Policy shall be given to and reviewed with each of the Chapel's clergy and employees to ensure their understanding and support of this Policy. This review shall take place on a regular basis. Their signature below indicates that the individual employee has reviewed, understands and supports this policy statement.*
- 2) *In addition, the Chapel shall periodically publicize this Policy to all its members and volunteers through church bulletins and other appropriate forms of communication.*

C23.01.D14. Background Check Policy

- a. *University Lutheran Chapel of Berkeley has adopted the following policy as of 10/12/2006, whereby a standard form of background check will be undertaken for any person who is to be offered paid employment by the Chapel in any capacity, or who intends to serve in a volunteer position having executive authority over the Chapel's financial or real property, or involving unsupervised contact with minors.*
- b. *Purpose of this procedure:*
 - 1) *The Chapel values the safety of the people whom it serves, especially children in its care, and of its employees and volunteers.*
 - 2) *This precaution is generally regarded as good management practice, to protect the interests of the Chapel and its members.*
 - 3) *It is required in order meet the legal duty of care and prudence, and to benefit from certain clauses of the liability insurance policy*
- c. *Scope (individuals):*
 - 1) *All staff on the Chapel payroll: Pastor, other called clergy, Music Director, Administrator, any others that may from time to time be appointed.*
 - 2) *Chapel Council President, Secretary, Treasurer and Financial Secretary.*
 - 3) *Any volunteers having unsupervised contact with infants, children or minors.*
- d. *Type of background check required*
 - 1) *All clergy rostered by ELCA undergo extensive background checks in order to be accredited as candidates for ministry positions. It is understood that written policies detailing their procedures are available. The Chapel will rely on this process for any clergy called from ELCA.*
 - 2) *Other staff and volunteers:*
 - a) *National Criminal File Search*
 - b) *County Courthouse search, for all counties of residence for the past seven years.*
 - 3) *No other types of record will be requested, obtained or considered in connection with this policy.*
- e. *Source of records.*
 - 1) *Records of background file searches can be obtained by any convenient means.*
 - 2) *These records will be obtained by the Pastor by a secure means, and will be treated as confidential and maintained in a secure location at all times. This applies also to any correspondence relating to the content of such records.*
- f. *Review of records*

- 1) *Records of prospective employees and volunteers will be reviewed by the Pastor and/or the President of the Chapel Council only.*
 - 2) *The reviewer(s) will normally consider criminal convictions and final judgments only.*
 - 3) *Any record showing a propensity for threatening, abusive or violent behavior shall be regarded as disqualifying an individual for service to the Chapel in any paid or volunteer capacity.*
 - 4) *The reviewer(s) shall take care to distinguish records showing such propensity from any relating to political protest, nonviolent demonstration or other legitimate physical expressions of dissent.*
 - 5) *Any record indicating a history of or propensity for inappropriate contacts with minors shall be regarded as disqualifying an individual for service to the Chapel in any paid or volunteer capacity.*
 - 6) *Any record indicating a recent history of dishonesty or financial impropriety shall be regarded as disqualifying an individual for service to the Chapel in any capacity having access to the Chapel's financial affairs, i.e. Administrator, Chapel council President, Secretary, Financial Secretary or Treasurer.*
 - 7) *Any decision endorsed by both Pastor and Council President shall be considered final, and is not subject to discussion or appeal by any third party.*
 - 8) *Nothing in any of these procedures shall be implemented in a way which infringes the legal rights and privileges of the individual concerned, or the Pastor's provision of pastoral care to any member of the community.*
- g. *Retention of background check records*
- 1) *Any records which reveal adverse information on an individual will be destroyed as soon as the administrator or Pastor has communicated with the individual in question to the effect that they cannot be appointed or serve in the proposed capacity.*
 - 2) *The Pastor or his administrative designee will retain records of search on active employees and volunteers for as long as the position is held.*
 - 3) *In the normal course of events the Pastor will destroy all records relating to an individual on termination of their employment, or ceasing to act as a volunteer in a Chapel program.*
 - 4) *In the case of volunteers who serve intermittently, the pastor may, with the agreement of the individual, retain the records for a period of up to two years after a specific period of service has ended, to avoid the necessity of frequent repeat searches.*

C23.01.E14. Statement of Welcome

The congregation became a "Reconciled in Christ" congregation on October 10, 1983 through the adoption of a Statement of Welcome. This statement welcomes lesbian, gay, bisexual and transgender people into full participation in the life of this parish. Although the text of this original statement of welcome has been lost (or is buried in some file), we affirm this welcome using the words of the current statement of welcome published by Reconciling Works:

- a. *As a community of the people of God, we are called to minister to all people of our world, knowing that the world is often an unloving place. Our world is a place of alienation and brokenness. Christ calls us to reconciliation and wholeness. We are challenged by the Gospel to be agents of healing within our society.*
- b. *We affirm with the apostle Paul that in Christ "there is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female" (Galatians 3:28). Christ has made us one. We acknowledge this reconciliation extends also to those whose affectional orientation is toward a person of the same gender.*
- c. *Because lesbian, gay, bisexual and transgender persons are often scorned by society and alienated from the Church, we wish to make known our caring and concern. It is for this purpose that we affirm the following:*
- d. *that lesbian, gay, bisexual and transgender share with all others the worth that comes from being unique individuals created by God;*
- e. *that lesbian, gay, bisexual and transgender people are welcome within the membership of this congregation upon making the same affirmation of faith that all other people make; and*
- f. *that as members of this congregation, lesbian, gay, bisexual and transgender are expected and encouraged to share in the sacramental and general life of this congregation.*

C23.01.F14. Declaration of Sanctuary

Preamble: *Deeply grateful for the privileges and freedoms we enjoy in the United States and committed to the protection and defense of the legitimate interests of this country, we nevertheless share with many people a crisis of conscience precipitate by recent events in the Persian Gulf.*

Nineteen years ago, in November 1971 our congregation declared sanctuary for military personnel who for reasons of conscience were unable to participate in the war in Viet Nam. On March 24, 1982 our congregation adapted this declaration to establish sanctuary for undocumented Central American refugees who were fleeing for their lives. Again on March 24, 1988 we applied our declaration of sanctuary to military personnel who for reasons of conscience resisted being shipped to Honduras for combat in Central America.

Today, once again we are called to respond to our religious heritage, to each other, and to all who seek to live according to the dictates of conscience. We affirm our previous actions and renew our declaration of sanctuary. A sanctuary is a place made holy by the sanctifying action of God amidst God's people living out their call to be holy. We respond to that call by offering advocacy, protection, and support to those who, after individual examination of conscience, are unable to participate in the armed forces or combat duty in the Persian Gulf.

THEREFORE BE IT RESOLVED, that sanctuary, as defined below, shall be made available by this congregation.

- a. *The term "sanctuary" as used in this Resolution means the availability of shelter and sustenance to individuals who are conscientiously unable to participate in the*

armed forces or in combat duties. Sanctuary is viewed as an acceptance of the responsibility of a religious community to honor and support the demands of personal conscience and moral decisions:

- 1) By providing physical and emotional support for individuals who are attempting to examine, clarify or implement their beliefs, and to facilitate their access to counseling and legal assistance;*
 - 2) By attempting to interject a humanizing element into the relationship between individuals and the military structure, including the selective service system;*
 - 3) By supporting efforts to obtain reclassification or discharge by persons who are conscientiously unable to continue their present military relationship or duties; and*
 - 4) By attempting to create, for the discussion of relevant moral issues, an atmosphere which is humane, open, and free from excessive tension or hostility.*
- b. It is to be understood by this congregation and by any individual availing themselves of sanctuary:*
- 1) That all laws shall be obeyed and lawful procedures followed, by all persons involved, to the fullest extent, which is consistent with the requirements of individual conscience. On the part of the individuals availing themselves of sanctuary, this shall generally include informing the proper authorities of their request for appropriate classification, reclassification, or discharge; stating their reasons for taking sanctuary; and affirming that sanctuary is a temporary status in the process of examining, clarifying, and implementing their beliefs;*
 - 2) That the congregation does not advise or solicit the taking of sanctuary, and can neither make decisions for individuals nor protect them from the consequences of such decisions;*
 - 3) That no individual shall participate in, encourage, or support violence to persons or property; and*
 - 4) That no public statements, other than by designated spokespersons of the congregation or by individuals availing themselves of sanctuary, shall be made on church property or in its immediate vicinity.*

(Originally adopted November 7, 1971. Revised and Reaffirmed March 21, 1982. Revised and Reaffirmed March 20, 1988. Revised and Reaffirmed November 25, 1990.)

C23.01.G15- Resolution on Alcohol, Drug Use, and Recovery

Adopted by the Chapel Council (June 2015)

University Lutheran Chapel seeks to be a safe and welcoming community for all people, including people with addictions and people in recovery. We invite everyone to be mindful that our community, like all communities, includes people who live with alcohol and/or drug addictions. We seek to raise consciousness and awareness around alcohol use and addictions and to be a community that promotes and supports recovery. We ask that all who use alcoholic beverages be mindful of this reality.

This policy seeks to provide clear and transparent practices regarding the use of alcohol and drugs at Chapel liturgies, gatherings, retreats, and events. In our effort to accompany each of use who deals with addiction to alcohol and/or drugs we implement the following:

- a. Our public prayer will address addiction and recovery regularly.*
- b. Unfermented, non-alcoholic wine will be offered at our Eucharistic table each time we celebrate mass.*
- c. We support the use of our facility for 12-step group meetings.*
- d. We invite individuals to assess their own struggles and strengths and to make responsible decisions for their actions, their own health, and best interest.*
- e. Anytime alcohol is offered as a beverage, other non-alcoholic beverages will be available.*
- f. Illegal drugs may not be used at Chapel liturgies, gatherings, events, meetings, or retreats.*
- g. With the exception of the Eucharist, alcohol may only be consumed by individuals who are 21 years of age or older. All use will be legal, respectful and in moderation.*
- h. At Chapel-wide events a designated pourer will serve alcohol.*
- i. No open bottles of alcohol will be left unattended. We will ensure that alcoholic beverages are not left out in common spaces, but stored discreetly and safely. Empty bottles and cans will be disposed of properly.*

This continuing resolution shall be reviewed at least annually at a spring meeting of the Chapel council. Input on its content always is welcome from Chapel members and those attending events, meetings, and retreats.