

# **St. Mark's Evangelical Lutheran Church**

## **Adjustment Constitution and ByLaws**

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## **PREAMBLE**

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

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

## **CONSTITUTION**

### **ARTICLE 1: Name**

1. The name of this congregation shall be St. Mark's Evangelical Lutheran Church located in Vancouver, British Columbia.

### **ARTICLE 2: Object and Purpose**

The object and purpose of this congregation shall be to proclaim and propagate the Christian faith through the means of grace and to co-operate in the work and service of the Lutheran Church. The operations of the congregation are to be chiefly carried on in the City of Vancouver, in the Province of British Columbia.

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

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

2.1. Worship: This congregation, remembering God's mighty acts in the past, celebrating God's abiding presence, and moving toward God's promised fulfillment, will listen to the Word of God in Scripture and preaching, receive the Sacraments, and respond with confession, prayer, praise, thanksgiving, and with charities (tithes) and offerings. In order to assist members to acknowledge God's rule over their lives, their own unity as Christ's body on earth, and to express their relationship with God in public and in private, the congregation shall gather for worship regularly and, in accordance with the traditions of the Lutheran Church, recruit, equip and support members for leadership in worship, use appropriate worship materials, and make certain that worship has a place in other functions of the congregation.

2.2. Education: This congregation shall develop an educational program designed to assist persons to grow in grace and faith and in the knowledge of the Scriptures and the Lutheran Confessions for service and witness in the world. To this end, it shall provide learning opportunities with appropriate curriculum, and shall recruit, equip, and support educational leaders, and shall ensure that adequate study is the foundation of all functions of the congregation.

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

2.4. Service: This congregation shall live by faith active in love. It shall motivate, equip, and support its members to: minister in daily life; participate as members of a caring community; serve as Christians in all the institutions and structures of the society of which they are a part; promote justice and reconciliation, meet human needs, and alleviate suffering, both individually and cooperatively. In these efforts, this congregation shall cooperate with the synod and the ELCIC, other Christian churches, faith communities, and groups in society. It shall make certain that all its functions strengthen the motivation and ability for service.

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

## **BYLAWS**

### **Bylaw 1: Confession of Faith**

(1) We are recognizing our Unity in the Christian Faith and our common practice of it and desiring to express a fellowship in worship and work; knowing our spiritual needs, mindful of our Christian privileges and duties, and wishing to observe an orderly cooperation, as laid out in the constitution and the by-laws. This provision can only be changed by unanimous vote.

(2) This congregation accepts all the canonical books of the Old and New Testament as a whole and in all their parts as the divinely inspired, revealed and inerrant Word of God and submits to this as the only infallible authority in all matters of faith and life. As brief and true statements of the doctrine of the Word of God, this congregation accepts and confesses the following symbols, acceptance of which shall be required of all members:

the ancient ecumenical creeds: the Apostolic, the Nicene and the Athanasian;

(2) the unaltered Augsburg Confession and Luther's Small Catechism.

As further elaboration of and in accord with these Lutheran symbols, this congregation also receives the other documents in the Book of Concord 1580: The Apology, Luther's Large Catechism, The Schmalkalder Articles, and the Formula of Concord; and recognizes them as normative for its theology.

This provision can only be changed by unanimous vote.

(3) The doctrinal basis and the confessional acceptance as contained in Part I, Paragraph 1 and 2 of the By-Laws, as well as the purpose as contained in Article II of the Constitution may not be altered. This provision can only be changed by an unanimous vote.

The Confession of Faith shall be that of the Evangelical Lutheran Church in Canada, (cf. Constitution of the ELCIC, Article II).

This church confesses the triune God—Father, Son and Holy Spirit—as the one true God It proclaims the Father as Creator and Preserver; his Son, Jesus Christ, as Redeemer and Lord; and the Holy Spirit as Regenerator and Sanctifier

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

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

## **Bylaw 2: Membership**

1. United in one Lord, one faith, and one baptism, the members of the congregation are to be constant in worship, and in the study of the Holy Scriptures, regularly nourishing their life in Christ in the partaking of the Sacrament of Holy Communion, presenting their children for Holy Baptism, and providing for their Christian instruction. The members are called by the Spirit to lead godly lives, to promote the unity and welfare of this congregation in the bond of peace, to proclaim the Gospel, and to renounce evil. The commitment of each baptized member to this call is to be expressed through the ELCIC, its synods and this congregation by a life of repentance, faith, prayer, and the sharing of resources.

2. The membership of this congregation consists of those persons who:

2.1. have been baptized in this congregation, or

2.2. having been previously baptized in the name of the Triune God, have been received by one of the following:

2.2.1. transfer from another Lutheran congregation, or another congregation of a church in full communion with the ELCIC

2.2.2. confirmation

2.2.3. affirmation of Faith

3. A list of members shall be maintained by the congregation's secretary and approved by the Congregational Council.

4. Voting members, as defined in Bylaw 7, Section 1, who have not, for a period of one year, partaken of the Sacrament of Holy Communion, supported, or participated in the life and worship of the congregation (either in person or virtual) are placed on a responsibility list. When practicable, a rostered pastor or deacon, or a Congregational Council member will contact and encourage the member to resume active membership.

5. Prior to each annual meeting of the congregation, the Congregational Council shall review the membership roster to ensure that:

5.1. changes have been recorded

5.2. voting members who have not, for a period of one year, partaken of the Sacrament of Holy Communion, supported, and participated in the life and worship of the congregation are placed on the responsibility list.

5.3. members on the responsibility list who have not, for a further period of one year, returned to active participation shall be removed from the membership roster. Anyone so removed shall be given written notice of the council's action.

5.4 In special circumstances, the Congregational Council may, in its sole discretion, leave a member on the membership roster.

6. Membership in the congregation shall be terminated by any of the following:

6.1. death

6.2. resignation

6.3. transfer or release

6.4. exclusion because of discipline

6.5. removal from membership roster

7. The congregation shall also maintain a list of non-voting affiliate members. Affiliate members are people who wish to participate in the programs of the congregation and receive its communications but do not wish to be full members.

### **Bylaw 3: Reconciliation and Discipline of a Member**

1. In situations when a member:

1.1. causes strife or division within the congregation

1.2. advocates doctrines which are contrary to the Holy Scriptures and the Confessions of the Church

1.3. has engaged in conduct that is unbecoming a member of the body of Christ

The goal of the congregation shall be reconciliation using restorative practices and/or mediation in accordance with Matthew 18: 15-18.

2. When, in the opinion of the Congregational Council, reconciliation cannot be achieved, the Congregational Council shall administer discipline. A person who is requested to appear before a properly called meeting of the Congregational Council shall be advised in writing no less than ten days prior to the hearing. The written notice shall include the time and place of the hearing and shall specify the exact reason for the hearing. If a person fails to appear at the time and place without valid excuse, the Congregational Council, with a quorum present, may proceed with the hearing and may reach its conclusion in the member's absence. Should the Congregational Council by a two-thirds vote support disciplinary action, the Congregational Council shall impose one of the following:

2.1. censure before the Congregational Council or the congregation

2.2. suspension from membership until evidence is given of sufficient repentance and amendment

2.3. exclusion from membership and participation in the life of the congregation

2.4. In the event of the imposition of 2.2. or 2.3. above, the action of the Congregational Council shall be in writing.

3. There shall be a right of appeal to the congregation according to a policy approved by the Congregational Council and shall include consultation with the bishop of the synod.

4. Right of further appeal from a decision of the congregation shall be as provided in the constitution and bylaws of the synod.

#### **Bylaw 4: Authority**

1. This congregation shall operate in accordance with this constitution and these bylaws, including owning its own property, making decisions in regard to its programming, calling its rostered pastors and deacons after consulting with the bishop of the synod, and is subject to the authority of the ELCIC and its synods as expressed in their constitutions and bylaws as enacted from time to time, retaining authority in all other matters that have not been committed to the ELCIC or its synods in their constitutions or bylaws or by subsequent enactments.

2. The congregation shall operate in accordance with all applicable laws and regulations.

3. The authority of the congregation shall be vested in the congregational meeting, called and conducted in the manner provided in these bylaws, and in the Congregational Council and its committees as provided by these bylaws or as assigned by the congregational meeting.

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

5. The Congregational Council shall advise the bishop of the synod when the congregation experiences any of the following:

- 5.1. strife and division
  - 5.2. difficulty functioning according to its bylaws
  - 5.3. desire to relocate, merge or amalgamate with another congregation considering dissolution
  - 5.4. desire to gift or dispose of a portion of its assets (including real property) valued at more than twenty five percent of its operating budget
6. Should this congregation's membership diminish in numbers or resources enough to render it impossible or impractical for the congregation to function according to its constitution and bylaws, the bishop of the synod shall arrange a consultation with any remaining members after which Synod Council may deem the congregation defunct. If the congregation is deemed to be defunct, the Synod Council shall appoint trustees, including, where feasible, members of the former congregation, who shall take charge and control of the property of said congregation to hold, manage and convey the same on behalf of the former congregation.
7. Should this congregation wish to merge with another congregation that is a member of the BC Synod, or should this congregation, with the consent of the synod, wish to merge with another congregation from another denomination, this congregation shall do so:
- 7.1. Property - real, personal, and mixed - shall be disposed of or transferred only in accordance with a resolution adopted by no less than two thirds of the members voting at a properly called meeting prior to such merger
  - 7.2. the proceeds of such disposition shall be distributed, or the property shall be transferred, in accordance with a resolution adopted by no less than two thirds of the members present and voting at a properly called meeting.
  - 7.3. If St. Mark's pursues a merger with a non ELCIC member, and will decide to sell its property, the proceeds shall flow into the assets of the Church with which St. Mark's Lutheran Church will merge
8. Should this congregation dissolve for whatever reason, other than by merger with another congregation of the ELCIC, and after payment of all debts and liabilities, in accordance with the resolution adopted by no less than two thirds of the members present and voting at a properly called meeting of this congregation prior to the dissolution, its entire estate, real or personal, shall be liquidated and shall be passed in equal parts to The Canadian Lutheran World Relief, 600 – 177 Lombard Ave., Winnipeg MB, R3B 0W5 and to The Salvation Army British Columbia Headquarters Division, 3883 Henning Dr., Burnaby BC, V5C 6N5. This provision shall be reviewed by Church Council every five years for validity and suitability of the beneficiaries. (Last reviewed in 2022)

#### **Bylaw 5: Relationship to the Evangelical Lutheran Church in Canada (ELCIC)**

- 1. This congregation is and shall be a part of the ELCIC, or its successor, and of the synod within whose boundaries it is located or to which it has otherwise been assigned.
- 2. This congregation claims for itself all the rights and privileges and accepts all the duties and obligations connected with being part of the ELCIC. In so doing, this congregation recognizes it

is subject to the constitution, bylaws, and enactments of the ELCIC and of the synod as being the leading adviser in its life.

3. This congregation covenants to support faithfully with prayer, personal service, and offerings the common work of the ELCIC and of the synod.
4. This congregation operates under these synodically approved constitution and bylaws that are in accordance with the constitution and bylaws of the ELCIC and of the BC Synod.
5. Should the congregation consider severing its relationship with the ELCIC, it shall confer with the bishop of the BC Synod before any formal steps are taken leading to such action. After such consultation with the bishop of the synod, a motion to sever the relationship with the ELCIC may be considered at a special meeting of the congregation. This decision shall require a two-thirds majority vote.
6. Notice of the motion and the date and time of the congregational meeting shall be sent by registered mail to the bishop of the synod at least 30 days before the meeting. Such decision shall not be effective until the bishop of the synod has been notified and the initial decision has been ratified by a two-thirds majority vote at a subsequent properly called and conducted meeting held not less than 90 days and not more than 150 days after the first meeting. Notice of the date and time of the second meeting shall be sent by registered mail to the bishop of the synod at least 30 days prior to the meeting.

#### **Bylaw 6: Office of the Ministry**

1. Rostered pastors and deacons of the congregation shall be persons whose soundness in the faith, aptness to teach, and educational qualifications have been examined and approved by the ELCIC, who have been properly ordained, who accept and adhere to the Confession of Faith of the ELCIC, and who strive, in life and in conduct, to be above reproach.
2. Authority to call and retain rostered pastors and deacons shall rest in the congregation. Such authority shall be exercised by not less than a two-thirds majority vote of members present and voting at a meeting properly called for that purpose. Throughout the call process, the Congregational Council, or a committee authorized by the congregation, shall seek the advice and counsel of the bishop of the synod.
3. Only pastors and deacons on the roster of the ELCIC, or who are recognized for call by a synod of the ELCIC may be called as pastors and deacons of the congregation.
3. 1 The Evangelical Church in Germany (EKD) is used as a resource in the event of calling a pastor.
4. The regular call of this congregation when accepted by a rostered pastor or deacon shall constitute a relationship which shall be terminated for any of the following causes:
  - 4.1. the resignation of the rostered pastor or deacon
  - 4.2. the retirement of the rostered pastor or deacon

4.3. disqualification of the rostered pastor or deacon through discipline division of a pastoral charge

4.4. the physical or mental incapacity of the rostered pastor or deacon to continue ministry

4.5. inability to conduct the pastoral office satisfactorily in the congregation in view of local conditions, without reflection on the moral and spiritual character of the rostered pastor or deacon

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

6. If defection in doctrine or conduct unbecoming is alleged of a rostered pastor or deacon, the matter shall be referred by the Congregational Council to the bishop of the synod for action as provided for in the constitution and bylaws of the ELCIC.

7. When a pastoral vacancy occurs, the Congregational Council shall select an interim pastor or deacon after consultation with the bishop of the synod. All interim and supply pastors and deacons shall refrain from exerting influence in the call process of the congregation.

### **Bylaw 7: Congregational Meetings**

1. Voting members at any meeting of the congregation shall be those members on the membership roster who have attained the age of 18 as of the date of the meeting.

2. Voting members may participate in a congregational meeting by any medium that permits everyone participating in a meeting to communicate with each other. Each voting member participating in a meeting by any by Congregational Council approved medium is deemed to be present at the meeting.

3. The bishop of the synod or the bishop's designate shall be entitled to attend and speak at any meeting of the congregation.

4. The annual meeting of the congregation shall be held within three (3) months of the congregation's fiscal year end.

5. Special congregational meetings may be called by the Congregational Council or shall be called at the written request of one-tenth (1/10) of the voting members. The notice for each special meeting shall specify its purpose and no other business shall be transacted.

6. Written notice of all congregational meetings shall be sent to all members and to the rostered pastors and deacons under call to the congregation at least ten (10) days in advance of the date of the meeting. Written notice must be sent:

6.1. by email, unless a member has not provided an email address to the Congregational Council, in which case written notice must be sent by Canada Post or courier

6.2. by posting the written notice on the congregational website

6.3. by posting the written notice in a public area within the church building

7. Proxy or absentee voting, except as described in Bylaw 7.2 above, shall not be permitted in the transaction of any business of the congregation.

8. The quorum for all congregational meetings shall be 15 percent of the congregation's voting members. If the congregation has fewer than 100 voting members, 15 voting members shall constitute a quorum.

9. In the following cases voting shall be by ballot:

9.1. to elect the Congregational Council

9.2. to adopt or amend the Articles of Incorporation, Constitution or By-laws of the congregation

9.3. to call a pastor or deacon or to request a pastor's or deacon's resignation

9.4. to excommunicate a member from the congregation or remove a member from office in the congregation

9.5. to dispose of, to encumber, or purchase real property

9.6. when requested by ten (10) or more voting members present

A member of the Congregational Council may be removed from office by special resolution at any legally called meeting of the congregation.

10. The order of business at the annual meeting shall be:

10.1. Opening devotion

10.2. Approval of the minutes

10.3. Reports of the pastors, deacons, Congregational Council, treasurer, committees, and any other pertinent reports

10.4. Elections

10.5. Approval of budget

10.6. Unfinished Business

10.7. New Business

10.8. Closing prayer

11. Bourinot's Rules of Order, latest edition, shall be the governing parliamentary law of this congregation, except as otherwise provided in the constitution and bylaws of the ELCIC or in these bylaws.

### **Bylaw 8: Congregational Council and its Officers**

1. At its annual meeting, the congregation shall elect a Congregational Council dependent on how many voting members exist on the membership roster, however, no less than six shall be on the council. They shall serve terms of two (2) years each with approximately half of the terms expiring annually. The number of council members shall be for up to 150 members, six council members; for up to 250 members, 8 council members; for up to 350 members, 10 council members; after 350 members a maximum of 12 council members shall be the Congregational Council. No member of the Congregational Council shall be eligible to serve for more than three (3) consecutive terms. They may be nominated for council after one full term of two years has elapsed. The members of the

congregational Council must be voting members of the congregation and be of the age of majority.

2. The election of an individual as a member of the Congregational Council is invalid unless

2.1. the individual consents in writing to be a member of the Congregational Council

2.2. the election is made at a meeting at which the individual is present, and the individual consents, at the meeting, to be a member of the Congregational Council

3. In addition to the elected members, rostered pastors and deacons under call to the congregation shall be ex-officio members of the Congregational Council.

4. All elected members of the Congregational Council shall be installed by a rostered pastor or deacon at the next public service following their election or as soon thereafter as convenient.

5. At its first meeting following the annual meeting of the congregation, the Congregational Council shall elect from its own membership a chair, a vice-chair, and a secretary who shall be chair, vice-chair, and secretary of the congregation.

The council shall elect a treasurer who need not be a member of the Congregational Council.

6. The Congregational Council shall be the trustees of the congregation and shall have general oversight of the life and activities of the congregation ensuring that everything is done in accordance with the Word of God and the faith and practice of the ELCIC. The Congregational Council shall exercise such authority as is delegated to it by its constitution and bylaws, and the resolutions of the congregation, and may adopt such policies not in conflict with these documents as needed to carry out its mandate.

7. A majority of members of the Congregational Council shall constitute the quorum for transacting the business of the Congregational Council.

8. If a vacancy occurs on the Congregational Council, the Congregational Council is empowered to fill the vacancy until the next annual meeting of the congregation. Should the unexpired term be one year or less, it shall not be considered in determining eligibility for re-election.

9. A member of the Congregational Council who is absent from two consecutive regular meetings shall be contacted by the chair of the Congregational Council. If the member is absent from three consecutive regular meetings without valid excuse, the Congregational Council may declare the position vacant.

10. The Congregational Council shall declare vacant the position of any council member whose membership in the congregation is terminated as provided for in these bylaws. The Congregational Council may declare vacant the position of any council member who has been suspended from membership in the congregation by disciplinary action of the council or has been censured by a two-thirds vote of the members of Congregational Council for behaviour that is inconsistent with the policies of the Congregational Council and/or the congregation.

11. A rostered pastor or deacon under call to the congregation, the chair, or any three members of the Congregational Council may call a special council meeting. Notice of such meeting shall be given not less than three days prior to the meeting and shall be announced at a regular service if one is held during that period.

12. The Congregational Council shall:

12.1. lead the congregation in stating its mission, doing long-range planning, setting goals and priorities, and evaluating its activities in the light of its mission and goals

12.2. seek to involve all members of the congregation in worship, learning, witness, service, and support

12.3. provide support for rostered pastors and deacons and other professional leaders, assist them to review and evaluate their ministry and review annually their financial compensation making adequate adjustments

12.4. exemplify for the congregation the life that is worthy of the high calling in Christ

12.5. promote congregational unity and good will, fostering mutual understanding in times of conflict through reconciliation, and exercising discipline, when necessary, under the provision of these bylaws

12.6. arrange for pastoral service when required by the sickness or absence of a rostered pastor or deacon

12.7. appoint or elect all staff, voluntary or salaried, for the effective administration of all aspects of congregational life

12.8. appoint such committees as may be necessary or advisable

12.9. normally meet once a month

12.10. arrange for the maintenance and protection the congregation's property

12.11. obtain insurance that:

12.11.1. provides coverage for fraud committed by an employee or volunteer of the congregation

12.11.2. limits the liability of the members of the Congregational Council

12.12. prepare an annual budget, supervise the expenditure of funds, and ensure that the financial affairs of the congregation are conducted efficiently

12.13. ensure that the annual budget recommended to the congregation includes adequate support for the national church, the BC synod, and provision for benevolence monies to be forwarded as scheduled

12.14. emphasize the partnership of the congregation with the synod and the ELCIC and encourage support for the work of these entities.

13. Congregational Council members may participate in a meeting of the council by any medium that permits everyone participating in a meeting to communicate with each other. Each council member participating in a meeting by any approved medium is deemed to be present at the meeting.

14. The Congregational Council may also conduct a vote of the Congregational Council via email. Protocol for conducting these votes shall be outlined in a policy approved by the

Congregational Council. Results of the vote shall be recorded in the minutes of the next Congregational Council meeting.

15. Conflict of interest:

15.1. A Congregational Council member shall declare a conflict of interest and will not take part in any discussion or vote if the council member or any member of the council member's immediate family in any way, directly or indirectly, benefits from an existing or proposed contract, transaction, or arrangement with the congregation.

15.2. The Congregational Council may declare that a real or perceived conflict of interest exists with a council member and that the member may not participate in a discussion or vote. If a situation arises where a council member is deemed in conflict but where council wishes to hear the conflicted council member's expert opinion on a matter under discussion, permission to be present and heard during all or part of the discussion shall be at the sole and unanimous discretion of the non-conflicted members of council.

**Bylaw 9: Duties of the Congregational Council Officers**

1. The council chair shall preside at all meetings of the Congregational Council and of the congregation. Agendas shall be prepared in consultation with rostered pastors and deacons.

2. The vice-chair shall preside at the meetings of the Congregational Council and of the congregation in the absence of the chair. If both the chair and vice-chair are absent, the chair of the meeting will be chosen by the quorum present.

3. The secretary is accountable for keeping, or causing to be kept, the minutes of the Congregational Council and of the congregation in a volume provided by the congregation, which shall be permanently preserved in the congregational archives.

4. The treasurer shall:

4.1. keep or cause to be kept proper accounting records

4.2. be responsible for the deposit of money, the safekeeping of securities and the disbursement of the funds of this congregation

4.3. make monthly remittance of benevolence receipts to the treasurer of the BC Synod

4.4. keep or cause to be kept a proper set of books showing accurately the financial position of this congregation

4.5. ensure that receipts are issued for all contributions

4.6. render to the Congregational Council, whenever requested by it, an account of all transactions, and of the financial position of this congregation

4.7. prepare for submission to the annual meeting a set of financial statements of the congregation since the previous annual meeting

4.8. ensure an annual audit or review of year-end financial statements

4.9. when requested to do so by the Congregational Council, prepare or have prepared interim financial statements

4.10. perform such other duties as may from time to time be directed by the Congregational Council.

5. The seal of the congregation shall be in the custody of the pastor or deacon who shall be entitled to affix the seal to all documents relating to the religious or pastoral work of the church. The seal shall not be affixed to any other instrument except in the presence of the Congregational Council chair or secretary, or such other member or members of the Congregational Council as may be prescribed from time to time by resolution of the congregational council.

#### 6. Other Responsibilities of the Congregational Council

6.1. The Congregational Council shall be empowered to hire employees as needed to carry on the work of the congregation, and to fix their salaries.

6.2. Adjustments in the salary of the pastors and deacons shall be the responsibility of the Congregational Council, subject to the congregation's approval of the budget.

6.3. The Congregational Council shall operate within the limits of the approved budget of the congregation. Any expenditure up to five percent exceeding the approved budget can be approved by the Congregational Council. However, any amount greater than five percent must be approved by the congregation.

6.4. An auditing committee composed of two persons, not being members of the Congregational Council, shall be appointed by the congregation each year at the annual meeting. The auditing committee shall audit all financial records of the congregation proper and present its report to the annual meeting in writing. The auditing committee may carefully examine all insurance policies to determine the amount and kind of insurance in force and include this report in its statement.

#### **Bylaw 10: Use of the Church**

1. The property of the congregation shall be for the use of the congregation in its normal function as a Lutheran church and shall not be used in any way not in harmony with the purpose of the congregation.
2. Buildings which are the property of the congregation shall not be lent or rented to any group or individual unless such use has been approved by the church council by a two-thirds majority.

#### **Bylaw 11: Amendments**

1. Amendments to this Constitution and Bylaws may be proposed by the Congregational Council and shall be proposed by the Congregational Council at the request of five voting members. Such proposed amendments shall be by special resolution and shall:

1.1. be reviewed by the Congregational Council

1.2. be distributed to the voting members, along with the recommendation of the Congregational Council, not less than 30 days before the meeting at which they are to be considered

1.3. require a two-thirds majority vote of those present and voting to be approved

1.3.1. amendments to the proposed amendment may only be considered to clarify the intent of the proposed amendment and require a two-thirds majority for approval

1.3.2. any changes to the basic intent of the proposed amendment shall require an additional meeting with at least 30 days' notice

1.4. become effective upon official notice and approval by the Synod Council and filing the amendments with the provincial Registrar.

2. This Constitution and ByLaws and all amendments thereto shall be transmitted to the synod for review and to ascertain that none of its provisions conflict with the Constitution and Bylaws of the ELCIC or with the BC Synod Constitution and ByLaws.

3. If, in the judgment of the National Church Council, an amendment of this Constitution or Bylaws is required, the secretary of the ELCIC shall provide official communication to that effect which will include a draft of the recommended amendment. Adoption of such an amendment shall then be in order at the next properly called meeting of the congregation and shall be by special resolution. Two-thirds (2/3) majority vote of those present and voting shall be required. Confirmation of approval shall be submitted to Synod Council and the amendments shall be filed with the Registrar.