

**CONSTITUTION, BYLAWS and CONTINUING RESOLUTIONS of
ABIDING PRESENCE LUTHERAN CHURCH OF EWING TOWNSHIP**

Note: The provisions of the Constitution, the Bylaws, and the Continuing Resolutions that pertain to the same matter have been placed together. This arrangement requires that the three types of material be identified by means other than physical separation. The three types of provisions are identified by the following devices:

- a. All constitutional provisions are printed in bold face type.
- b. All bylaw provisions are printed in light face type.
- c. All continuing resolutions are printed in italic type.
- d. A numerical codification indicates general subject, constitutional provisions, bylaw provisions, and continuing resolutions.

***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 the Abiding Presence Lutheran Church of Ewing Township.

C1.02. For the purpose of this constitution and the accompanying bylaws, the congregation of the Abiding Presence Lutheran Church of Ewing Township is hereinafter designated as "this congregation" or "Abiding Presence Lutheran Church."

C1.11. This congregation shall be incorporated under the laws of the State of New Jersey.

**Chapter 2.
CONFESSION OF FAITH**

***C2.01. This congregation confesses the Triune God, Father, Son, and Holy Spirit.**

***C2.02. This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.**

- a. **Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.**
- b. **The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.**
- c. **The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.**

***C2.03. This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.**

***C2.04. This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.**

***C2.05. This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.**

- *C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07. This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3. NATURE OF THE CHURCH

- *C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02. 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, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity

with the poor and oppressed 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.**

***C4.05. This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.**

C4.05.01. The mission statement of this congregation shall be:

Rooted in God's abiding love in Christ, we reach out in faith to serve the needs of all people with love and joy.

C4.05.02. The vision statement of this congregation shall be:

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

Rooted in God's abiding love in Christ, we view all of life as the arena of ministry, regard each household as the primary school for Christian learning, and seek to raise up faithful laity and clergy to lead the Church in responsive mission for the 21st century.

Rooted in God's abiding love in Christ, we recognize that we are abundantly blessed to reach out in word to invite others into a vibrant faith in the living Lord, and we reach out in deed through acts of compassion, peace, and justice here and beyond with special emphasis within the Greater Trenton area.

Rooted in God's abiding love in Christ, we seek to participate in God's mission in a troubled world by living as a diverse community united in Christ and marked by compassion and celebration.

C4.05.03. The vision values of this congregation shall be: Discipleship, Outreach, Community

- *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.**

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 the members of the council to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and**
 - 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 New Jersey Synod of the Evangelical Lutheran Church in America.**
- C5.05. This congregation shall have a mission endowment fund that will operate as specified in this congregation's continuing resolutions. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.**

C5.05.A03. Continuing Resolution re: Mission Endowment

WHEREAS, whole-life Christian stewardship involves management of all assets God has entrusted to His people, including abilities, time, income, inherited and appreciated assets and possessions; and

WHEREAS, the Scriptural principle of proportionate giving, to return to the Lord a portion of the gifts God has first given to His beloved children, is both a privilege and an appropriate response in all times and circumstances; and

WHEREAS, members of this congregation have the privilege and duty to support the work of the congregation of Abiding Presence Lutheran Church, the New Jersey Synod of the Evangelical Lutheran Church in America, and the Evangelical Lutheran Church in America through contributions of time, abilities, and financial support as stewards of God's gifts; and

WHEREAS, members of this congregation can fulfill their privilege and duty by giving to the work or the church through, for example, bequests in wills, assignment of life insurance, charitable gift annuities, charitable remainder trusts, assignment of certificates of deposit, transfers of property such as cash, stocks, bonds, and real estate, etc.; and

WHEREAS, it is the desire of Abiding Presence Lutheran Church to encourage, receive and administer these gifts in a manner consistent with the loyalty and devotion to our Lord expressed by the donors and in accord with the policies of this congregation:

THEREFORE BE IT RESOLVED, that this congregation in its annual congregational meeting assembled on January 26, 2003, approve and establish on the records of the church a new and separate fund to be known as THE MISSION ENDOWMENT FUND (hereafter called the "FUND") of Abiding Presence Lutheran Church, 2220 Pennington Road, Ewing Township, New Jersey 08638.

BE IT FURTHER RESOLVED, that the purpose of the FUND is to enhance the mission outreach of Abiding Presence Lutheran Church apart from the general operation of this congregation; that no portion of the income generated by the FUND shall be used for the annual operating budget of this congregation unless there are circumstances as defined in III E 6;

BE IT FURTHER RESOLVED, that the Mission Endowment Fund Committee (hereafter called the "COMMITTEE") shall be the custodian of the FUND;

BE IT FURTHER RESOLVED, that the following Plan of Operation set forth the administration and management of the FUND:

*ABIDING PRESENCE LUTHERAN CHURCH
MISSION ENDOWMENT FUND*

I. PURPOSE

*Succinctly stated, the purpose of the Mission Endowment Fund (hereafter called the "FUND") is to support the congregation of Abiding Presence Lutheran Church in carrying out its ministry. The ministry of this congregation as stated in *C4.02. of its constitution is summarized in the following statements:*

- 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 Work 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. The FUND provides the means to receive endowment gifts and to manage, invest, and disburse the funds after receipt. These gifts ensure that the many ministries of Abiding Presence Lutheran Church will continue in perpetuity, and that new and innovative ministries and capital improvements will be possible.*

These funds enable Abiding Lutheran Church to carry out mission work at home and around the world, above and beyond the programs supported by regular offerings. The FUND is a perpetual fund from which income is distributed.

II. DEFINITION OF THE MISSION ENDOWMENT FUND

The Mission Endowment Fund is a mechanism for establishing a permanent source of funding for the ministry of Abiding Presence Lutheran Church. This is in addition to the regular giving of members and not in place of regular giving. The fund is supported by gifts, including, but not limited to, cash, securities, insurance, and property. Long term stability of the fund comes from provisions in people's wills and estate plans for future gifts. Gifts may be restricted as to purpose and timing or unrestricted.

An endowment fund of this type provides lasting resources for the ministry of Abiding Presence Lutheran Church. The organized plan for receiving and distributing contributions encourages other financial support and good stewardship from members and friends of this congregation.

III. FUNDS MANAGEMENT

A. Sources of Funds

People give to the FUND for different reasons. Most people give because they believe in the purpose and value of the ministry of the church. Others give as a memorial or to honor an individual. Gifts are also given to support programs or activities of this congregation. Other gifts are received because the giver wants to ensure the long-term vitality of the ministry of this congregation. The FUND also receives contributions because of the tax advantages the donor receives.

Outright gifts may be given to the FUND in the form of cash, securities, real estate, or assignment of life insurance policies.

Contributions through wills are an important way of giving to the FUND. Several types of bequests are possible.

Specific Bequest - Allows the designation of a specific dollar amount or specific piece of property. (Includes securities, real estate, and other personal property.)

Percentage Bequest - The will may specify a specific amount expressed in terms of a percent.

Contingent Bequest - This type of bequest may specify that the FUND will be the beneficiary under certain conditions, such as the death of another beneficiary.

Residuary Bequest - Designates the FUND to receive the remainder of one's estate after all specific bequests have been made.

Gifts of life insurance are an attractive way of giving for many donors. Purchasing new policies, changing an existing policy to name the FUND as owner and beneficiary, or making the FUND a co-beneficiary are examples of ways that life insurance can be given.

Assignments of certificates of deposit, annuities, and unused retirement plan benefits, as, "payable on death to the FUND," is another simple and effective gift option.

The principal of the endowment will grow in two ways: Additional gifts and bequests and appreciation of principal by prudent investment procedures.

B. Gifts

Donors will be encouraged to make their memorial and gift contributions to the FUND. This will enable Abiding Presence Lutheran Church to meet changing needs and make long range plans for congregational ministry.

Non-designated Gifts

Non-designated gifts received by Abiding Presence Lutheran Church and by the FUND will automatically be added to the FUND and administered as specified in Section III, C, D, & E.

Designated Gifts

When a donor designates that his or her gift is for a specific purpose, the Congregation Council will ensure that the gift is used for its intended purpose. However, because needs change, donors will be encouraged to include with their gifts the option of alternative uses, preferably to "where most needed."

Funds from Designated Gifts will be deposited in the ELCA Money Market Fund or other account as recommended by the Finance Committee and approved by the Congregation Council. These funds will be kept in an account where the money will be readily available to carry out the wishes of the donor.

Memorial/Gift Committee

Members of this committee will work closely with The Mission Endowment Committee.

It will be the responsibility of this committee to:

- a) Keep a list of all memorials and gifts that are received.*
- b) Maintain a record of all contributions.*
- c) Have acknowledgment notes worded for tax purposes sent to donors within one week of receipt of gift.*
- d) Inform members within one week when a gift has been given in their name or a memorial contribution is made for a family member or friend.*
- e) Write a personal note of thanks to all donors on behalf of this congregation.*

C. Receiving

All gifts should be made payable to the Abiding Presence Lutheran Church, 2220 Pennington Road, Ewing, NJ 08638.

The Mission Endowment Committee (hereafter called the COMMITTEE) may recommend to the Congregation Council the refusal of any gift to the fund.

The treasurer shall deposit in the designated accounts.

D. Investment

The COMMITTEE shall determine how the FUND assets will be invested. The

COMMITTEE shall report quarterly to the Congregation Council on any and all activity within the FUND. Current balance, additions, distributions, and any other activity shall be included in the report. Annual accounting and a report of ministry support through the FUND shall be distributed to this congregation at its annual meeting.

All investments shall be invested by outside investors such as the ELCA Endowment fund Pooled Trust of the ELCA Mission Investment Fund. The COMMITTEE shall select the investor or investors for the FUND. Such investors shall be approved by the Congregation Council. No COMMITTEE member shall invest the assets in a way that would bring private inurement to that individual.

E. Disbursement

The goal of the FUND is to provide annual distributions of earned interest, dividends received, and realized gains. The COMMITTEE will implement the following guidelines in making recommendations to the Congregation Council.

1. Minimum of 20% for outreach into the local community of synod as the COMMITTEE determines.
2. Minimum of 20% for ELCA churchwide ministries as the COMMITTEE determines.
3. Minimum of 20% for extraordinary programs/capital improvement or other ministry initiatives within this congregation as the COMMITTEE determines.
4. Remaining 40% distributed through any of the above categories as the COMMITTEE determines.
5. The FUND will begin annual distributions once it reaches \$100,000. When the fund exceeds \$500,000 in value, annual distributions should include a distribution of at least 10% of the FUND corpus.
6. Should the COMMITTEE determine that this congregation is in dire need of assets in the FUND or has an emergency of such a nature that the future of this congregation is at stake, and the only recourse is to use the FUND assets, the COMMITTEE may upon a two-thirds majority vote, recommend such authorizing action to the Congregation Council for recommendation to this congregation. This congregation must then approve such use by two-thirds vote at a properly called congregational meeting.

IV. MISSION ENDOWMENT COMMITTEE

For the purpose of this section, the congregation of ABIDING PRESENCE LUTHERAN CHURCH shall be called this CONGREGATION, and the Congregation Council the COUNCIL.

Composition and Eligibility

The COMMITTEE shall consist of 5 voting members of this CONGREGATION who are not on the church council. These members can vote in COMMITTEE meetings (henceforth called voting committee members). The COMMITTEE shall also have three (3) ex officio, non-voting members. These members shall be the Pastor, this congregation's treasurer, and one person from the Memorial/Gift Committee. The COMMITTEE members shall be of legal age.

Initial Agreement

Upon the adoption of the resolution to set up the COMMITTEE, 5 voting committee members shall be elected, 2 for a term of 3 years, 2 for a term of 2 years, and 1 for a term of 1 year. Thereafter, at each Annual Congregational Meeting (ACM), election to the COMMITTEE shall proceed as stipulated under the heading Election and Tenure.

Election and Tenure

Each year, the COUNCIL shall appoint the 1 ex officio member from the Memorial/Gift Committee at the Annual Congregational Meeting. Each year, the COUNCIL shall nominate the necessary number for a term of 3 years as voting committee members, to be elected by this CONGREGATION at the ACM.

Nominations from the floor at the ACM are also permissible.

No one shall serve more than 2 consecutive full terms as a voting committee member of the COMMITTEE. After a lapse of 1 year, a former voting committee member of the COMMITTEE may be re-elected. In the event of vacancy, the COUNCIL shall appoint an eligible member of this CONGREGATION to fill the vacancy until the next ACM, at which time a member shall be elected in accordance with the procedure above to fulfill the remaining term of the vacancy.

Office

The COUNCIL shall appoint from the COMMITTEE membership a chairperson, and the COMMITTEE shall elect from its membership a comptroller and a recording secretary.

The chairperson shall call for all COMMITTEE meetings. The chairperson, or a member designated by the chairperson, shall preside at all COMMITTEE meetings. The chairperson shall serve as the liaison between the COUNCIL and the COMMITTEE.

The recording secretary shall maintain complete and accurate minutes of all meetings and supply in a timely fashion a copy thereof to the COUNCIL and each member of the COMMITTEE.

The comptroller shall assist the church's treasurer by maintaining complete and accurate books of accounts for the FUND. All financial transactions shall be carried out by the church's treasurer, in particular, the comptroller shall not write any checks for the church. The comptroller shall supply, at least on a quarterly basis, a report on the investment portfolio, investment performance, and all financial transactions of the FUND, especially expenditures and disbursements, to the COMMITTEE'S members.

The COMMITTEE shall meet at least quarterly, or more frequently as deemed necessary for the interest of the FUND. All meetings shall be called with at least 48 hours' notice.

A quorum shall consist of 3 voting committee members. A majority present and voting shall carry the motion or resolution. When only 3 voting committee members are present, a unanimous vote shall be required to carry any motion or resolution.

The COMMITTEE shall motivate and encourage this CONGREGATION in giving to the FUND. The COMMITTEE shall educate this CONGREGATION on various ways of giving to the FUND. The COMMITTEE shall assist this CONGREGATION in giving to the FUND. It shall facilitate the transfer of any gift to the FUND and the appropriate disposal of any gift of non-cash property such as real estate or securities.

The COMMITTEE shall set an investment policy for the FUND appropriate to both the financial outlook and specific mission needs of the church. Such policy shall include the investment objective, time horizon, and degree of investment risk, or any other appropriate consideration. The COMMITTEE shall choose investments appropriate to the investment policy it has thus set forth.

The COMMITTEE shall monitor the conformance of the investment of the FUND to the investment policy. It shall review and monitor the investment performance of the FUND. It shall oversee the management of the investment portfolio. It may choose to appoint qualified professionals, at the expense of the FUND and subject to the approval from the COUNCIL, to handle part or the whole of management, in which case the COMMITTEE shall review the service rendered and vote on the continuance of the service at least annually. The COMMITTEE may also request other qualified professionals, at the expense of the FUND and subject to the approval of the COUNCIL, to assist in legal or other matters as it deems to be in the best interest of the FUND. It may also request other members of this CONGREGATION to assist, without remuneration for the service rendered and subject to the condition stipulated under the section Conduct and Liability, in investment, legal, or other matters concerning the FUND.

At each ACM, the COMMITTEE shall announce the cash amount from the FUND available for disbursement for the upcoming year. All voting members of this CONGREGATION may make

recommendations in writing to the COMMITTEE on how the allocated amount shall be spent. The COMMITTEE shall review such written recommendations at least quarterly.

It shall forward to the COUNCIL all recommendations that it deems compatible with the purpose of the FUND. The COUNCIL shall make a decision on which recommendation to adopt. Duly called congregational meetings may make resolutions to supersede the decision of the COUNCIL concerning the amount of allocation from the FUND for disbursement and how it shall be spent. All disbursements from the FUND must be made in accordance with the stipulations made under Section III.

The COMMITTEE shall report to the COUNCIL quarterly and to this CONGREGATION at its ACM concerning the investment portfolio, investment policy, investment performance, and all financial transactions of the FUND. At each ACM it shall present a full and complete audited account of the administration of the FUND during the previous year. The books for the accounts of the FUND shall be audited annually by a certified public accountant or other qualified persons who are not a member of the COMMITTEE.

The COMMITTEE shall communicate with and coordinate its work with the Stewardship Committee and Finance Committee of this CONGREGATION.

Conduct and Liability

Members of the COMMITTEE shall not be liable for any losses which may be incurred upon the investments of the assets of the FUND except to the extent that such loss has been caused by bad faith or gross negligence. No member shall be personally liable as long as he/she acts in good faith and with ordinary prudence. Each member shall be liable solely for his/her own willful misconduct or omissions, and shall not be liable for the acts or omissions of any other member.

No COMMITTEE member shall participate in any of the COMMITTEE decisions with regard to matters concerning any entity in which her or she has any direct or indirect financial interest and at all time refrain from any conduct in which his/her personal interests would conflict with the interest of the FUND.

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 New Jersey 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 New Jersey Synod of the Evangelical Lutheran Church in America 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 the bishop and/or the bishop's designees are voting members of this congregation, they 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 the bishop and/or the bishop's designees are voting members of this congregation, they 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 New Jersey 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 New Jersey Synod of the Evangelical Lutheran Church in America.

***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 *C7.03. 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 †§13.23. of the constitution of the New Jersey Synod of the Evangelical Lutheran Church in America—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.

C8.05.01. Any confirmed member who, despite pastoral care and counseling, has failed for a period of two years to receive Holy Communion and to make any contribution of record to this congregation shall be classified by the Congregation Council as not in good standing and shall be removed from the roll of confirmed members. He/she shall be restored by the Congregation Council to the roll of confirmed members in good standing when he again receives the Lord's Supper and enters once more upon the other rights and obligations of a member of this 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 the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.**

***C9.02. Only a member of the 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, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.

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 the congregation to the work of the churchwide organization and of the New Jersey Synod of the Evangelical Lutheran Church in America; 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 any of 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. inability to conduct the pastoral office effectively in view of disability or 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 disability or 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, who has 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 disability or 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 resumption of the ability to conduct the office effectively, 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 this 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, this 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.

- *C9.11. 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.**
- *C9.12. The pastor of this congregation**
- a. shall keep accurate 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.**
- *C9.13. The pastor(s) shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.**
- *C9.14. The records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in the secretary's 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.**
- C9.15. 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 synod bishop and approved by this congregation.**
- *C9.21. 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.**
- *C9.22. 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.**
- *C9.23. 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, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;**
 - 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.

***C9.24. 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.**

***C9.25. The provisions for termination of the mutual relationship between a minister of Word and Service and this congregation shall be as follows:**

- a. The call of this 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 any of 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) inability to conduct the office effectively in view of disability or 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 disability or 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, who has 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 disability or 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 resumption of the ability to conduct the office effectively, 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.

***C9.26.** 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.

***C9.27.** 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.

***C9.28.** 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.

***C9.29.** 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.

***C9.31.** The deacon(s) shall submit a report of 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 New Jersey, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.

C10.01.01. The annual meeting of this congregation shall be held in the month of June. The June meeting shall include the adoption of the annual budget and the election of Congregation Council members.

C10.02. A special Congregation Meeting may be called by the 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 20% of the voting members. The president of the Congregation Council shall 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 services of worship on the preceding two consecutive Sundays 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.

C10.03.01 Either the posting of such notice by email sent to the last known email address of such members, or notice in the regular mail, with the regular postage affixed or paid, sent to the last known physical address of such members, shall be sufficient.

C10.04. 15% of the voting members of this congregation 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.

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 or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

C10.09. "*Ex officio*" as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

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.**
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.**
- 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.**

C11.01.01. If any officer ceases to be a voting member of this congregation, the office shall at once be declared vacant by the Congregation Council.

C11.01.02. The president shall preside over the meetings of the Congregation Council and this congregation. He/she shall be an *ex officio* member (with voice, no vote) in all committees and ministry areas of this congregation.

C11.01.03. The vice-president shall assume all official duties of the president in his/her absence.

C11.01.04. The secretary shall keep accurate minutes of all meetings of this congregation and of the council in a volume provided by this congregation, which shall be preserved permanently in

its archives.

C11.01.05. The treasurer shall keep the books of account of this congregation. He/she shall receive all funds and disburse them on proper orders of the Congregation Council, making monthly remittance of benevolence receipts to the treasurer of the synod. The treasurer shall make written report of all his/her transactions to the Congregation Council monthly and to this congregation, together with a satisfactory audit, at its June Annual Meeting.

C11.01.06. There shall also be a financial secretary. The financial secretary shall keep the records of all contributions to this congregation. He/she shall make a written report of the contributions to the Congregation Council monthly and to this congregation at its June Annual Meeting. He/she shall provide receipts of all contributions to the donors in accordance with all applicable laws.

C11.02. The Congregation Council shall elect its officers and they shall be the officers of this congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

C11.02.01. At its first meeting after this congregation's annual meeting, the Congregation Council shall elect a president, a vice-president, a secretary, and a treasurer, who will serve both the council and this congregation in their several capacities. A financial secretary will also be appointed at this meeting. Council reorganization shall occur no later than the first Sunday after the June congregational meeting.

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12.

CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the pastor(s) and not more than 14 members nor fewer than 5 members of this congregation, at least one of whom shall be a youth and at least one of whom shall be a young adult. 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, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

C12.01.01. The Congregation Council shall set the number of members of the Congregation Council for the following year prior to this congregation's annual meeting.

C12.02. The members of the Congregation Council except the pastor(s) and deacon(s) shall be elected by written ballot to serve for two (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 at the close of the annual meeting at which they are elected.

C12.02.01 For purposes of this provision, the completion of an unexpired term of one year or less shall not count as a full term, while the completion of an unexpired term of greater than one year shall count as a full term.

C12.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall 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 or approved by 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 managing 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 New Jersey, 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 \$7,500 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 \$7,500 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.
- 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 the continuing resolutions are carried out.

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.

- C12.09.** 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.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the 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 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.
- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 13.

CONGREGATION COMMITTEES

- C13.01.** The officers of this congregation and the pastor shall constitute the *Executive Committee*.
- C13.02.** A *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection.
- C13.03.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for reelection.
- C13.04.** *Mutual Ministry Committee(s)* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.
- C13.05.** When a vacancy occurs in a position for which this congregation calls a rostered minister, a *Call Committee* of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called rostered minister.
- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.06.01.** The Committees of this congregation support the congregation's Ministry Areas of (alphabetically) Christian Education, Evangelism, Fellowship, Property, Social Ministry, Stewardship, Worship & Music, and Youth, Family, and Young Adult Ministry. Each committee will carry out the work of the ministry area.
- C13.06.02.** Each Committee shall have a designated member of the Congregation Council who shall serve as the liaison between the Congregation Council and the Ministry Area of that Committee, and who shall report to the Congregation Council monthly on the activities of that Ministry Area. The designated member of the Congregation Council need not be the chair of that Committee.
- C13.06.03.** There shall be a Finance Committee, of which the treasurer shall be a member.

- C13.06.04. There shall be a Mission Endowment Fund Committee, set up in compliance with the terms of the continuing resolution authorizing the Mission Endowment Fund. It shall establish, administer, and promote the Mission Endowment Fund in a manner consistent with loyalty and devotion to our Lord and in accord with the policies and priorities of this congregation. The purpose of the fund is to enhance the mission outreach of the church in its varied expressions apart from the general operation of this congregation.
- C13.06.05. There shall be a Memorial Garden and Columbarium Committee, set up in compliance with the terms of this congregation's continuing resolution authorizing the Memorial Garden and Columbarium and accompanying account (C14.01.A2023). It shall be comprised of three members serving 2-year terms without term limit. It shall oversee maintenance, administer, and promote the garden and columbarium as a simple, dignified, and liturgically appropriate resting place for the cremains of members, former members, and their immediate families.
- C13.06.06. There shall be a Personnel Committee (in the absence of a personnel committee, their duties shall be fulfilled by the executive committee) which shall be appointed jointly by the president and the pastor. Term of office shall be two years, with two members to be appointed each successive year.
- C13.06.07. Except as otherwise provided in this Constitution, the bylaws, and the continuing resolutions, the members of each committee and Ministry Area shall be elected by each committee or Ministry Area, subject to the approval the Congregation Council. They shall be members of this congregation. Although responsible to the Congregation Council, these committees and Ministry Areas shall be recognized as representative of the interest of, and performing essential services for, the congregation as a whole. The pastor shall have voice and no vote in all committees and Ministry Areas, except for the Call Committee.

C13.07. Duties of committees of this congregation shall be specified in the bylaws.

- C13.07.01. The duties of the Christian Education Ministry Area shall include overseeing the conduct and promotion of the school(s) and the educational activities within this congregation. It shall encourage the use of teaching and worship materials published or approved by the Evangelical Lutheran Church of America, and seek to introduce the church's periodicals and books of family devotion into the homes of this congregation. One of the primary aims of the Christian Education Ministry Area shall be to bring the call to the ministry of the Gospel and to other full-time church vocations to the attention of qualified members of this congregation.
- C13.07.02. The duties of the Evangelism Ministry Area shall include stimulating and leading all members of this congregation in continuous and, from time to time, concerted endeavors to reawaken the spiritually indifferent and to reach others, who are as yet unwon, with the Gospel and attach them to Christ's Church. To this end, the committee shall devote itself to deepening spiritual life and shall periodically study this congregation in the context of its surrounding community.
- C13.07.03. The duties of the Fellowship Ministry Area shall include promoting opportunities for social interaction among the members and friends of this congregation and the surrounding community, and to promote mutual support of one another in times of need.
- C13.07.04. The duties of the Property Ministry Area shall include the proper maintenance and protection of all property of this congregation, and taking care that the same is kept in good repair and is adequately insured. To this end, the Property Ministry Area shall oversee the solar panel infrastructure in use on the grounds and the security

(burglary/fire) system of the church as well as all safety equipment in use in the building or on the grounds.

- C13.07.05. The duties of the Social Ministry Area shall include extending Christian compassion and helpfulness to all persons in need of aid in body or soul. It shall strive to enlist in these efforts the individual members and organizations of this congregation. This Ministry Area shall further have the duty to study social conditions which bear upon critical problems through thoughtful Christian discussion of facts and issues.
- C13.07.06. The duties of the Stewardship Ministry Area shall include promoting the expression of Christian faith in daily living; to teach the Christian use of time, talent and money; and to lead all its members to higher levels of proportionate giving for the Lord's work. This committee shall also be responsible for the annual Stewardship Drive and other congregational efforts which lead to informed and grateful giving.
- C13.07.07. The duties of the Worship and Music Ministry Area shall include assisting the Congregation Council in seeing that worship services are conducted regularly and in accordance with the liturgy of the Evangelical Lutheran Church in America, that competent worship assistants are recruited and trained, and that hymnals and other devotional materials are provided and properly cared for. This Ministry Area shall oversee the music ministry of this congregation. It shall arrange for the care of paraments, vestments, and musical instruments and, in consultation with the pastor, the organist, and the choir director(s), it shall furnish music supplies appropriate for use in the worship of a congregation of the Evangelical Lutheran Church of America.
- C13.07.08. The duties of the Youth, Families, and Young Adults Ministry Area shall include promoting the spiritual development of youth, young adults, and families with young children, and their involvement in the ministries of this congregation.
- C13.07.09. The duties of the Finance Committee shall include exercising oversight of all the financial affairs of this congregation to make sure that they are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synod treasurer. It shall, subject to the approval of the Congregation Council, be responsible for this congregation's investments, and shall also provide for annual audits of the accounts of the treasurer and the financial secretary, as well as of the accounts of the school(s) and organizations within this congregation.
- C13.07.10. The Congregation Council may assign additional duties to any committee or Ministry Area, along with such instructions as in its judgment are in the best interests of this congregation.
- C13.07.11. All actions of committees and Ministry Areas shall be subject to review by the Congregation Council.

C13.08. The pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation.

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.

C14.01.01. All organizations of this congregation shall be assigned to a Ministry Area and shall report to that Ministry Area as to its policies, activities, work, and finances, so that the Ministry Area and the Congregation Council can exercise proper oversight and direction.

C14.01.02. The Congregational Council shall be responsible for assigning new and existing organizations to Ministry Areas as appropriate.

C14.01.A2023. Continuing Resolution re: Memorial Garden and Columbarium

WHEREAS cremation is endorsed by the ELCA and the website of the Evangelical Lutheran Church in America embraces cremation as an acceptable choice for burial. The site says, "Whether a body is to be buried in the grounds, entombed above ground, commended to the sea, cremated, or donated for medical research or organ donation, the church regards all of these methods of disposition of the body as acceptable for the Christian." Lutherans endorse cremation for numerous reasons:

- Biblically, cremation is in accord with God's Word. In Genesis 3:19, the Lord God says to Adam, "You shall return to the ground for out of it you were taken, you are dust, and to dust you shall return."*
- Liturgically, cremation is acknowledged openly. In the Ash Wednesday Liturgy, ashes are imposed as the Lutheran pastor says, "Remember that you are dust, and to dust you shall return." And, in the Committal of the Funeral, the Residing Minister says, "We commit his/her body to (the ground or the deep or the elements or its resting place); earth to earth, ashes to ashes, dust to dust."*
- Culturally, cremation is increasingly chosen. According to the Cremation Association of North America, in 1970 there were only 88,096 cremations in the United States. But, in the year 2000 there were 606,307 cremations. And, it is projected that in the current year there will be close to a million cremations in America.*
- Pragmatically, cremation makes sense. It is economically sound. The conventional funeral with a director, funeral home, viewing, embalming, casket, vault, cemetery plot, and headstone can cost \$12,000 to \$15,000 or more. By contrast, direct cremation and memorialization in a columbarium or memorial garden will likely cost \$3,000 to \$4,000 or less.*
- Environmentally, too, cremation commends itself. Human cremains are considered biologically inert. In other words, cremated ashes do not pose a health issue; they do not raise environmental concerns.*

WHEREAS, Abiding Presence Lutheran Church wishes to provide a memorial garden and columbarium as a simple, dignified, liturgically appropriate, and ecologically sensitive resting place for the cremains of members, former members, and their immediate families.

THEREFORE BE IT RESOLVED, that the Council of this congregation approved on April 10, 2023 this continuing resolution and that this congregation in a special congregational meeting assembled on May 1, 2011 approved and established the MEMORIAL GARDEN AND COLUMBARIUM project and thereafter established on the records of the church the Memorial Garden and Columbarium Committee. This committee formed, at Council's request, a new and separate account known as THE MEMORIAL GARDEN AND COLUMBARIUM ACCOUNT (hereafter called the "ACCOUNT") of Abiding Presence Lutheran Church, 2220 Pennington Road, Ewing Township, New Jersey 08638.

BE IT FURTHER RESOLVED, that the purpose of the ACCOUNT is to enhance the mission of Abiding Presence Lutheran Church by providing for the perpetual care of a Memorial Garden and Columbarium on the church property apart from the general operation of this congregation.

BE IT FURTHER RESOLVED, that the Memorial Garden and Columbarium Committee (hereafter called the "COMMITTEE") shall be the custodian of the ACCOUNT.

BE IT FURTHER RESOLVED, that the following Plan of Operation set forth the administration and management of the ACCOUNT:

*ABIDING PRESENCE LUTHERAN CHURCH MEMORIAL GARDEN
AND COLUMBARIUM ACCOUNT PLAN OF OPERATION*

I. PURPOSE

Succinctly stated, the purpose of the Memorial Garden and Columbarium and the COMMITTEE and ACCOUNT are to provide for a memorial garden and columbarium as a simple, dignified, liturgically appropriate, and ecologically sensitive resting place for the cremains of members, former members, and their immediate families. The Memorial Garden and Columbarium account provides a repository for funds from contract fees and donations to be used for the perpetual care and support of the Memorial Garden and Columbarium beyond the operational budget of this congregation.

The ACCOUNT will grow in two ways:

- 1. Fees for interment, inurnment, and memorial plaques: Fees will cover the cost of interment, inurnment, and/or placement of memorial plaques, and a basic perpetual care amount will be built into every reservation for interment or inurnment. The COMMITTEE estimates that 2-3 interments or inurnments per year on average will be adequate to maintain the memorial garden and columbarium at a high standard.*
- 2. Designated Gifts: When a donor designates that his or her gift is for the Memorial Garden and Columbarium, Congregation Council will ensure that the gift is used for its intended purpose.*

The Memorial Garden and Columbarium Committee will:

- a. Keep a list of all memorials and gifts that are received and designated for the Memorial Garden and Columbarium.*
- b. Maintain a record of all contributions.*
- c. Inform members when a memorial gift has been given in their name or a memorial contribution is made for a family member or friend.*
- d. Write a personal note of thanks to all donors on behalf of this congregation with wording for tax purposes.*

A. Receiving

All gifts to the Memorial Garden and Columbarium should be made payable to the Abiding Presence Lutheran Church, 2220 Pennington Road, Ewing, NJ 08638.

The Memorial Garden and Columbarium Committee (hereafter called the COMMITTEE) may recommend to the Congregation Council the refusal of any gift to the ACCOUNT.

The COMMITTEE treasurer shall deposit donations and contract fees in the designated accounts.

B. Investment

The COMMITTEE shall determine how the ACCOUNT assets will be utilized or held. Annual accounting and a report of ministry support through the ACCOUNT shall be distributed to this congregation at its annual meeting. Current balance, additions, distributions, and any other activity shall be included in the report.

C. Disbursement

The goal of the ACCOUNT is to provide for the interment and inurnment of remains as contracted by members, former members, and their family members, and to provide for the upkeep and maintenance of the Memorial Garden and Columbarium. Funds may be disbursed by the COMMITTEE to provide for the maintenance of the Garden and the inurnment or interment of remains.

II. MEMORIAL GARDEN AND COLUMBARIUM COMMITTEE

For the purpose of this section, the congregation of ABIDING PRESENCE LUTHERAN CHURCH shall be called this CONGREGATION, and the Congregation Council the COUNCIL.

Purpose

The overall purpose of the COMMITTEE is

- *Maintaining the site, including periodic mulching, fertilizing, watering, weeding, pruning and trimming, replacing dead plantings, servicing the garden's equipment (fountain, benches, etc.) and caring for the cleanliness and tidiness of the garden's walkways.*
- *Managing records, consisting of all financial transactions relating to the garden and columbarium, reporting the status of funds in the ACCOUNT to the congregation council several times each year, preparing and submitting a written report of finances for inclusion in the annual report of the congregation, sharing all financial transactions with the Audit Committee.*
- *Keeping safe and secure records of the locations of the interred and signed "cremains agreements" including reserved locations for future interments.*
- *Upholding a continual relationship with Homecoming Inc., by ordering and receiving granite memorial wall plaques, engraved granite face plates for the niches of the columbarium, and bronze urns with identification plates.*
- *Posting memorialized granite wall plaques under the headings of "In Loving Memory" (persons interred in the garden) and "In Memoriam" (persons buried elsewhere).*
- *Opening and closing sites for scheduled interments in the garden (digging and backfilling) and inurnments in the columbarium (removing and restoring the face plate of the niche).*
- *Planning for future improvements and/or expansions of the garden and columbarium in cooperation with the congregation council.*
- *Promoting this congregational ministry as a service of the people of God for the people of God, communicating an awareness that the garden represents a link with all the saints, presenting cremation as an acceptable choice for burial, distributing packets of information to inquiring or interested parties, supporting the reality that the site is designated as a welcome place of peace and quiet, prayer and contemplation, remembrance and solace.*
- *Encouraging compliance with the latest edition of "Rules and Regulations," endorsing especially the expectation that visitors in the garden will conduct themselves in a reverent and dignified manner.*

Composition and Eligibility

The COMMITTEE shall consist of 3 voting members of this CONGREGATION who are not on the church council. These members can vote in COMMITTEE meetings (henceforth called voting committee members). The COMMITTEE shall also have two (2) ex officio, non-voting members. These members shall be the Pastor and one person from the Property Committee. The COMMITTEE members shall be of legal age.

Initial Agreement

Upon the adoption of the resolution to set up the COMMITTEE, 3 voting committee members shall be elected, 2 for a term of 3 years, and 1 for a term of 1 year. Thereafter, at each Annual Congregational Meeting (ACM), election to the COMMITTEE shall proceed as stipulated under the heading Election and Tenure.

Election and Tenure

Each year, the COUNCIL shall appoint the 1 ex officio member from the Property Committee at the Annual Congregational Meeting. Each year, the COUNCIL shall nominate the necessary number for

a term of 3 years as voting committee members, to be elected by this CONGREGATION at the ACM. Nominations from the floor at the ACM are also permissible.

In the event of vacancy, the COUNCIL shall appoint an eligible member of this CONGREGATION to fill the vacancy until the next ACM, at which time a member shall be elected in accordance with the procedure above to fulfill the remaining term of the vacancy.

There are no term limits for members of the COMMITTEE.

Office

The COUNCIL shall appoint from the COMMITTEE membership a chairperson, and the COMMITTEE shall elect from its membership a secretary and a treasurer/financial secretary.

The chairperson shall be responsible for carrying out the “Rules and Regulations of the Memorial Garden” (see below), shall oversee the various responsibilities of the other committee members, shall be available to meet with families in need of this ministry and provide for administrative oversight, shall be responsible for the placement of face plates on the columbarium, and memorial plates for the wall plaque, shall contact Homecoming Inc. with information of the deceased when the secretary is unavailable, shall file reports for congregation council and congregational meetings, and shall coordinate with the church office staff and pastors to assure smooth operations during interments.

The secretary shall assume responsibilities of the chairperson if he or she is unavailable, shall keep records of families and location of inurnment or interment of cremains, shall meet with the families at the time that they need administrative assistance with paperwork, shall contact Homecoming Inc. with the information for face plates or memorial plates, shall keep minutes of each meeting, and shall notify the treasurer/financial secretary of the desire of congregation members who wish to apply for the purchase of niches or interment sites. The secretary shall write thank you notes to donors who make gifts to the MEMORIAL GARDEN AND COLUMBARIUM.

The treasurer/financial secretary shall keep all financial records pertaining to the Memorial Garden and Columbarium, shall be responsible for the depositing of incoming funds, shall issue checks for maintenance, repairs and operations, upon presentation of approved invoices, shall be available to help families with paperwork if the chairperson or secretary are unavailable, and shall prepare financial reports for the chairperson to submit to the congregation council.

The COMMITTEE shall meet at least quarterly, or more frequently as deemed necessary for the interest of the MEMORIAL GARDEN AND COLUMBARIUM. All meetings shall be called with at least 48 hours' notice.

A quorum shall consist of 2 voting committee members. A majority present and voting shall carry the motion or resolution. When only 2 voting committee members are present, a unanimous vote shall be required to carry any motion or resolution.

The COMMITTEE shall motivate and encourage this CONGREGATION in giving to the ACCOUNT. The COMMITTEE shall educate this CONGREGATION on various ways of giving to the ACCOUNT. The COMMITTEE shall assist this CONGREGATION in giving to the ACCOUNT. It shall facilitate the transfer of any gift to the ACCOUNT and the appropriate disposal of any gift of non-cash property such as real estate or securities.

The COMMITTEE shall report to this CONGREGATION at its ACM concerning all financial transactions of the ACCOUNT. At each ACM it shall present a full and complete audited account of the administration of the ACCOUNT during the previous year.

Conduct and Liability

Members of the COMMITTEE shall not be liable for any losses which may be incurred upon the investments of the assets of the ACCOUNT except to the extent that such loss has been caused by bad faith or gross negligence. No member shall be personally liable as long as he/she acts in good faith and with ordinary prudence. Each member shall be liable solely for his/her own willful misconduct or omissions, and shall not be liable for the acts or omissions of any other member.

No COMMITTEE member shall participate in any of the COMMITTEE decisions with regard to matters concerning any entity in which her or she has any direct or indirect financial interest and at all time refrain from any conduct in which his/her personal interests would conflict with the interest of the ACCOUNT.

III. RULES AND REGULATIONS OF THE MEMORIAL GARDEN AND COLUMBARIUM

Introduction

A Columbarium is a well-designed and carefully constructed structure with niches in which containers of cremated ashes are inurned above ground.

A Memorial Garden is a set-apart and landscaped section of the churchyard in which the cremains of deceased persons are either interred in the ground in a biodegradable container or scattered on the garden's surface.

Eligibility

Members of the CONGREGATION (past and present) and their immediate families (parents, spouses or domestic partner, children, and step-children) are eligible to be inurned in the Columbarium or interred in the Memorial Garden. Associated members and congregational friends of record may appeal to the church's staff to obtain eligibility.

Human Remains Only

Human cremains only are received into the Columbarium and Memorial Garden. Cremated remains of animals (pets) are not accepted.

No Floral Displays or Ornamental Attachments

No flowers (cut, potted, or other) are to be placed in or near the Columbarium and Memorial Garden, and no trinkets of any kind are to be attached to the granite faceplates of the Columbarium or the Garden's granite, wall-hung plaques. Instead, bereaved persons seeking comfort in their grief or wishing to remember a loved one are invited to seek pastoral leadership for on-site or in-home services of psalms, readings, and prayers. Also, in times of mourning and remembrance, consideration can be given to: dedicating the alter flowers in loving memory of the deceased, placing a floral arrangement in the worship space (sanctuary or narthex) in loving memory of the departed; providing the food and drink for a Sunday morning fellowship in remembrance of the loved one; or, making a gift to the Memorial Fund in honor of the departed one.

Disposition of Cremains

Cremains will remain at the crematory, with the funeral director, or with the family until the scheduled interment. Cremains shall not be left with the church at any time prior to the day of the scheduled interment.

Options for Reception of Cremains

There are three options for the reception of cremains: 1) placed in a niche in the columbarium; 2) buried in a biodegradable urn in the Memorial Garden; or 3) scattered in a designated area of the Memorial Garden. For burial of an urn or scattering, the location in the Garden will be carefully recorded in confidential church records.

Inscriptions on Columbarium

Each niche of the Columbarium shall have a nameplate of uniform size, which can be inscribed with first name, middle initial, last name, and dates of birth and death. No titles (Ms., Dr., Esq.) are allowed. Inscriptions can be arranged at or near the time of death.

Markings in Memorial Garden

There is no provision for the marking of individual burial sites in the Memorial Garden. However, a record of location will be kept in the church's confidential records. Memorial plaques, standardized in size and style, can be ordered through the COMMITTEE to identify those who are interred in the Garden. They can be engraved with first name, middle initial, last name and dates of birth and death. Neither a name prefix or a name suffix is allowed. The sole exception is a suffix that identifies the person as Jr. or III. Plaques are mounted on a wall of the Memorial Garden.

Memorial Wall

A plaque may be placed on the wall of the Memorial Garden to memorialize a member of the CONGREGATION (past or present) or a family member of a member of the CONGREGATION, regardless of time of death or place of internment.

Remains Not Recoverable

Cremated remains interred in the Memorial Garden cannot be retrieved. Requests to removed or relocate ashes of the deceased cannot be honored. But, cremains inurned in the Columbarium can be moved, if and when the immediate family deems that necessary.

Responsibility of Identity

The church shall not be liable for ensuring the identity of the person whose cremated remains are inurned or interred. Certification of identity comes from the crematory. The paperwork received will be kept in the confidential records of the church.

Personal Conduct

The Memorial Garden with its integrated Columbarium constitutes a peaceful, private and quiet place for prayer, contemplation and remembrance. Therefore, all persons in the area are expected to conduct themselves accordingly.

Exclusive Right

The church is the sole owner of the Memorial Garden and Columbarium. Consequently, reserved niches in the Columbarium are non-transferable; they may not be given, sold or otherwise transferred to another. They can only be surrendered back to the church.

Contingency Arrangement

In the event that Abiding Presence Lutheran Church were to relocate, merge, or close, the New Jersey Synod of the Evangelical Lutheran Church in America would be responsible for the care and, if necessary, relocation, of the columbarium and memorial garden, and would conduct the required rites of liturgical transition.

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 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 laypersons and two rostered ministers). 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

- *C16.01.** 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 35 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; and
 - be ratified without change at the next regular meeting of this congregation by a two-thirds vote of those voting members present and voting.
- C16.02.01 Amendments will have the effective date included in the resolution and noted in the constitution.
- *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 (2) voting members of this 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 the congregation's 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 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.

LV1 5/3/23