

# **CONSTITUTION OF COMMUNITY LUTHERAN CHURCH OF ESCONDIDO, CALIFORNIA**

## **PREAMBLE**

**WHEREAS**, the word of God demands that a Christian Congregation not only conform to the Word of God in doctrine and practice (Galatians 1:6-8; 2 Timothy 4:1-5), but also that all things be done decently and in order (1 Corinthians 14:40).

**NOW, THEREFORE**, we, the members of Community Lutheran Church of Escondido, California (the “Church”), a member of the Lutheran Church-Missouri Synod, set forth this present document, signed by ourselves, being the Constitution and the By-Laws in accordance with which our congregational affairs, spiritual and material, shall be conducted.

### **Article I – Name.**

The name of this corporation shall be Community Lutheran Church of Escondido,  
California.

### **Article II - Purpose.**

The purpose of this corporate body shall be that of a Christian Congregation, established and maintained for the express purpose of disseminating the Gospel Truth according to the confessional statements of the Lutheran Church, the Book of Concord of the year 1580.

### **Article III - Confessional Statement.**

This Congregation acknowledges and accepts all the canonical books of the Old and New Testaments as the revealed Word of God, verbally inspired. It also acknowledges and accepts all the symbolical books of the Evangelical Lutheran Church contained in the Book of Concord, 1580, to be true and genuine exposition of the doctrines of the Bible. These symbolic books are The Apostolic Creed, the Nicene Creed and the Athanasian Creed, the Unaltered Augsburg Confession and the Apology of the same, the Smalcald Articles, Luther's Small Catechism, Luther's Large Catechism, and the Formula of Concord.

## Article IV - Membership.

The Members of Community Lutheran Church of Escondido, California (the "Congregation") include the following:

(i) **BAPTIZED MEMBERS** are those who have been baptized in the name of the Triune God, and who are under the spiritual care of the Pastor of the Congregation including the children who have not yet been confirmed;

(ii) ~~COMMUNICANT~~ **CONFIRMED MEMBERS** are those Baptized Members who have been confirmed in the Lutheran Faith, accept the confessional statements of Article III of this Constitution and are not members of an organization which is in conflict with the word of God; and

(iii) **VOTING MEMBERS** are ~~Communicant~~ **Confirmed** Members who have reached the age of 18 years, agree to abide by the Constitution and By-Laws, attended Church or received Communion, and have participated financially or by service to the Church, all within the preceding year.

~~Communicant~~ Members are received through the Sacrament of Holy Baptism, through the consent of one or both parents in the case of children who have been baptized in another Christian congregation, through the rite of confirmation, through transfer from a sister congregation, or through reaffirmation of faith. ~~The reception shall be approved by a meeting of the Voting Members of the Congregation (a "Voters Assembly") duly noticed in accordance with Section III of the Bylaws.~~

Members of the Congregation shall strive to conform their lives to the rule of God's Word, and to that end make diligent use of the means of grace, exercise faithful stewardship of God's many gifts and talents, impart and accept fraternal admonition as the need for such admonition becomes apparent, and be available readily for service in the kingdom of Christ within and beyond the Congregation.

Membership shall be terminated by transfer to a sister congregation, by death, by joining a congregation outside the fellowship of this Congregation, by excommunication or by self-exclusion.

~~Communicant~~ Members who conduct themselves in an un-Christian manner shall be admonished according to Matthew 18:15-20; if they remain impenitent after proper admonition, they shall be excommunicated (an "Impenitent Member"). This in no way is meant to discourage the Impenitent Member's attendance at worship services. Each case for excommunication shall be presented individually to a closed session of the Church Council on a confidential basis for a decision, including input from the Senior Pastor and the Impenitent Member to the extent that such Impenitent Member desires to provide input. Upon conclusion of the closed session of the Church Council, a

recommendation will be issued and communicated to the Impenitent Member. The Impenitent Member shall be provided with the option to voluntarily terminate membership in the Congregation. Any Impenitent Member who is the subject of the excommunication contemplated by this paragraph shall be advised that the refusal to voluntarily terminate membership in the Congregation will result in a public disclosure of the basis for the excommunication to the Congregation. Should the Impenitent Member refuse to voluntarily terminate membership in the Congregation, a case of excommunication shall be presented to the Voters Assembly for a decision. A two-thirds majority vote of the Voters Assembly shall be required for such decision to occur.

If the circumstances that have led to excommunication have been removed and the Impenitent Member who was excommunicated desires reinstatement, the Board of Elders may recommend reinstatement to the Voters Assembly for its joyous action. A two-thirds majority vote of the Voters Assembly shall be required for such decision to occur.

## **Article V - Officers and Governing Board.**

The officers of this corporate body shall be: a President, an Executive Vice-President, an Associate Vice-President, a Secretary, and a Treasurer, all as defined in the Bylaws (the "Officers"). Other officials, boards, and committees may be elected, or appointed, as needed, in accordance with the Constitution and Bylaws of the Congregation. ~~The officers shall be elected at the annual meeting of the corporate body and shall serve for a two (2) year term. The Executive Vice President and the Associate Vice President shall be elected in the same years so that the terms of office coincide with one another. Terms of~~ **all** officials, boards, and committees will be as set forth in the Bylaws.

~~The governing board of the Congregation shall be representative of the Congregation and shall consist of the above Officers, the immediate Past President (in a non-voting and advisory capacity only), the chairmen of any boards authorized by the Bylaws, and such other persons as may be specified in the Bylaws, all of which shall be designated in total as the Church Council ("Church Council"). The Senior Pastor, Secretary and Treasurer shall be non-voting members of the Council.~~

## **Article VI - Call or Dismissal of Called Staff.**

This Congregation shall only Call such pastors and teachers **commissioned church workers** as are in accord with the confessional statement of this Congregation (Article III) and that are deemed to be well qualified for their work at the Church. A "Call" is a term of art utilized by the Lutheran Church Missouri Synod to express the desire of the Congregation to ask a person of the Clergy to join the staff of the Congregation. The right of Calling or dismissing pastors **and commissioned church workers** shall always be vested in the Voters

Assembly and shall never be delegated to a smaller body or to an individual, but the Voters Assembly has established a Call or Dismissal Committee to provide recommendations to the Voters Assembly. Reasons for dismissing a pastor or ~~teacher~~ **commissioned church workers** may be, without limitation: Persistent adherence to false teaching, living an ungodly life, unfaithfulness, or failure to perform ~~a pastor's or teacher's~~ **their** duties.

## **Article VII - Authority of This Congregation.**

The Voters Assembly shall decide all matters relating to the Church or Church affairs, and every member may appeal to it ~~in regards to~~ **concerning** any matter relating to the affairs and government of the Church. The decision of the Voters Assembly shall be final and binding on the Church and may only be changed by a future meeting and decision of the Voters Assembly and in no other manner. In all meetings of the Voters Assembly unless otherwise specified, a majority of votes cast shall decide all questions, motions and resolutions; ~~including any matter with a cost or expense which is three percent (3%) or more of the amount of the current, approved general operating budget of the Church.~~ Voting by absentee or by proxy is prohibited.

All votes related to: (i) changes to the Articles of Incorporation; (ii) changes to the Constitution; (iii) changes to the By-Laws; (iv) Calls; and/or (v) Dismissals, shall be decided by Written Ballot and shall require a two-thirds (2/3) majority of the votes cast to be approved by the Voters Assembly. As used herein, the term "Written Ballot" shall mean a written vote by all Voting Members in attendance at a duly noticed Voters Assembly, which written vote shall be counted immediately during the Voters Assembly, in the presence of one another, by a minimum of three (3) separate individuals, of which: (i) one shall be an Executive Committee Member; (ii) one shall be a member of the Board of Elders; and (iii) one shall be a Voting Member of the Church, it being understood that additional individuals may also be appointed to assist with the counting.

Notwithstanding the foregoing, upon a motion from the floor by a Voting Member during a Voters Assembly requesting the use of a Written Ballot which is seconded by another Voting Member, a Written Ballot shall be utilized for that matter before that Voters Assembly. The procedure set forth in the preceding sentence is the sole method required to call for a Written Ballot and there shall not be a vote on the use of a Written Ballot if a motion and second is received as outlined in the preceding sentence.

In matters of doctrine, all decisions shall be based upon the Word of God as taught by the Lutheran Church-Missouri Synod.

## **Article VIII - Property.**

The property of this Congregation is dedicated irrevocably to religious and charitable purposes and no part of net income or assets of this organization shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private individual.

#### **Article IX - Ownership.**

This corporate body may receive, acquire, hold title to and manage such real estate and other property as it may need to accomplish its purpose, and may sell or dispose of such real estate and other property or any part thereof. This corporate body shall have all the rights and powers that are granted by the laws of the State of California to religious corporations. All real estate and other property and equipment shall be owned in the name of the Church.

#### **Article X - Division.**

If at any time a division or separation should take place in this Congregation because of doctrine, the entire property and all benefits connected therewith shall remain with those members - whether majority or minority - who shall continue to adhere to Article III of this Constitution.

If a division should take place for any reason other than doctrine - or if each group professes adherence in confession and practice to the above article - the matter shall be submitted for review and ruling to that district of the Lutheran Church-Missouri Synod of which the Congregation is a member. The ruling of the District may be appealed to the Lutheran Church-Missouri Synod for review and ruling, which ruling is final.

#### **Article XI - By-Laws.**

The Voters Assembly may adopt such Bylaws as may be required to accomplish its purpose in accordance with the provisions of this Constitution.

#### **Article XII - Amendments.**

A Voters Assembly for the purpose of (a) issuing a Call; (b) amending the Constitution; or (c) amending the Bylaws, shall be noticed to all Members by providing not less than ~~thirty (30)~~ **fourteen (14)** days in advance of the Voters Assembly and shall include, at a minimum, the following: (i) a written agenda, including the specific text of the proposed amendment(s); (ii) a budget identifying the fiscal impact (if monetary decisions are involved); (iii) a financial analysis (to the extent that financial decisions are involved); and (iv) copies of all documents, amendments, and/or resolutions to be considered at the Voters Assembly. In such instance, notice to the members shall **may** be made in ~~all~~ **any** of the following manners: ~~(y<sup>w</sup>)~~ by United States Mail (one (1) mailing per household); ~~(z<sup>x</sup>)~~ e-mail to those Members who the Church sends documents of any type by e-mail or who have requested information by e-mail; ~~. (y)~~ **In addition, posting** all such information **shall be posted** on the Church website for public access; , and

~~(z) making the information~~ made available at Church services for the ~~four (4)~~ two (2) Sundays prior to the Voters Assembly (the "Amendment Notice").

Any issuance of a Call, amendment to the Constitution, or amendment to the Bylaws, will be ratified as an action of the Congregation only if adopted at a Voters Assembly by a two-thirds (2/3) majority vote conducted by Written Ballot, provided that the action(s) has/have been noticed by the manner set forth in this Article XII.

### **Article XIII - Restrictions.**

Articles II, III, and VII are intended to remain unchanged and, to the extent that any change is required, such change shall not change their essential meaning as set forth in the plain language of this Constitution as of the date that it is adopted.