

# GLORIA DEI LUTHERAN CHURCH BYLAWS

## Part I COMMUNION PARTICIPATION

B1.01. Participation in Holy Communion shall be open to members of this congregation and to individual members of other congregations who accept the Lutheran teaching in regard to Holy Communion as set forth in paragraph 2.

B1.02. Holy Communion requires sincere repentance, faith in Jesus Christ as Savior, and an earnest desire to amend one's sinful life, as well as acceptance of the scriptural teaching of the Real Presence of Christ with his body and blood in the sacrament.

B1.03. Preparation for Holy Communion may normally be provided for children (age 10 or younger), as the parents and child desire, with the approval of the pastor.

B1.04. Record of participation in Holy Communion shall be maintained.

## Part II ~~CONFLICTING LOYALTIES~~ CONFESSION OF FAITH

~~(Cf: Article II of Constitution and Article V of Minneapolis Theses as quoted in the United Testimony of Faith and Life)~~

~~B2.01. While the buildings of the congregation shall be open to all people to share in its worship, instruction, pastoral care and fellowship, the congregation rejects all fellowship with organizations, secret or open, which are avowedly religious or which practice forms of religions without confessing faith in the Triune God and in Jesus Christ as the eternal Son of God Incarnate to be our only Savior from sin, and which thus teach salvation by works.—~~This Congregation confesses the Triune God, Father, Son, and Holy Spirit. To participate in God's mission, this Congregation as a part of the Church shall:

a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.

b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.

c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.

d. Serve in response to God's love to meet human needs, caring for the sick and

the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.

e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.

f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

~~B2.02. Ceremonies of lodges or other such organizations shall not be permitted in the buildings or premises of the congregation; nor shall its pastor(s) or lay assistant(s) take part in any such ceremonies whenever they are conducted.~~

### **PART III MEMBERSHIP**

B3.01. Baptized membership:

B3.01.01. A child, one or both of whose parents or guardians are members of the congregation, shall, upon receiving Baptism, become a baptized member.

B3.01.02. A child, neither of whose parents or guardians is a member of the congregation, shall, upon receiving Baptism, become a baptized member of the congregation; unless for good reason he/she is to be a baptized member of another congregation, in which case his/her membership shall be transferred to that congregation.

B3.01.03. A child baptized in another congregation shall be received as a baptized member in the congregation when a transfer has been received.

B3.01.04. An unbaptized adult who has received instruction and has given evidence of an adequate understanding and acceptance of the teaching of the Word of God as confessed by the Lutheran Church, shall, upon confession of faith and Baptism, become a baptized member of the congregation.

B3.02. Confirmed Members:

B3.02.01. A baptized adult, not previously a confirmed member of a Lutheran congregation, shall become a confirmed member of the congregation through the rite of

affirmation of faith after having received instruction and having given evidence of adequate understanding of the teachings of the Word of God as confessed by the Lutheran Church.

B3.02.02. A baptized member of the congregation shall become a confirmed member through the rite of confirmation; except that an adult who has become a baptized member in accordance with the provision of B3.01.04 of this Part of the Bylaws shall be considered a confirmed member without participation in the rite of confirmation.

B3.02.03. An applicant for membership who presents a Letter of Transfer which certifies that he/she is a confirmed member in good standing of a Lutheran congregation shall become a confirmed member of this congregation.

B3.03. Voting Members:

B3.03.01. The church Council shall determine the roster of voting members of the congregation in accordance with the provisions of the constitution and bylaws. ~~The term "in good standing" shall be defined to include:~~

- ~~a. those who partake of Holy Communion;~~
- ~~b. those who contribute to the congregational treasury;~~
- ~~c. those who participate in the life and worship of the congregation.~~

B3.04. Discontinuance of Membership:

B3.04.01. The congregation shall, in the event of the removal of a member from the community it serves, encourage the member to request a transfer to a Lutheran Congregation which can serve him/her effectively. Should the member fail to request a transfer, a Lutheran congregation in the community of his/her residence shall be notified. A confirmed member who moves out of the area shall be retained on the church membership roster for six months after which he/she shall be encouraged in a letter from the pastor to transfer his/her membership.

B3.04.02. A resident, confirmed member who does not, for a period of one year partake of Holy Communion, support the Church with his/her offerings, and does not appear to desire to participate in the life and worship of the congregation, shall be contacted by the pastor or member of the congregation and encouraged by them to resume active membership. If, during the following year, the resident, confirmed member does not actively participate, their name may be removed from the membership roster of the

congregation by Church Council action after they have been contacted again, but shall be retained on a responsibility list for one year as one who is in special need of the congregation's prayers and concern. ~~A confirmed member who moves out of the area shall be retained on the church membership roster for six months after which he/she shall be encouraged in a letter from the pastor to transfer his/her membership.~~

B3.04.03. A confirmed member, in good standing who is not subject to suspension or exclusion as determined in B.3.05.01., desiring to change his/her membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.

B3.04.04. A child, neither of whose parents or guardians is a member of the congregation, may be removed from the roster of baptized members if he/she fails to participate in the life and worship to the congregation.

B3.05. Discipline: ~~(Cf: Chapter 14 of the Constitution)~~

B3.05.01. In exercising discipline as provided in the constitution, the following shall be the procedure:

a. A person, who is requested to appear before the Church Council for possible discipline, shall be advised in writing no less than ten days prior to the hearing. The written notice shall include the time and place of the hearing and shall specify the exact reason for the possible discipline. If a person fails to appear at the time and place without valid excuse, the Church Council may proceed with the hearing and may reach its conclusions in his/her absence.

b. Should the person be found guilty by a two-thirds vote of the members of the Church Council, the Council shall impose one of the following:

1. censure before the Church Council or the congregation;
2. suspension from membership for a definite period of time until proof is given of sufficient repentance and amendment; ~~-or~~
3. exclusion from membership in this Congregation. ~~-and denial of the sacraments.~~

Disciplinary actions ~~In the event of the imposition of (2) or and (3) shall be delivered to the member above, the action of the Church Council shall be~~ in writing.

## **PART IV PASTOR**

(Cf: Chapter 9 of the Constitution)

B4.01. When a pastoral vacancy occurs, a Call Committee of six voting members shall

be elected by the Church Council, for a term of office to terminate upon installation of a newly called pastor or when the pastoral vacancy no longer requires filling. The Church Council may determine whether and when to initiate the activity of the Call Committee. The Call Committee may recommend one or more candidates to the Church Council. The advice and aid of the bishop of the synod shall be invited during this process. Following approval of a candidate by the Church Council, a Congregation Meeting shall be called. The Call may be approved only by approval of at least 2/3 vote at the Congregation Meeting.

**B4.02.** When the congregation has voted to call a pastor, it shall issue a Letter of Call to the pastor elect, in a form approved by the Evangelical Lutheran Church in America. It shall be signed by the Church Council president who presides over ~~chairman and the secretary of the Congregation Meeting meeting~~ at which the Call was voted, and shall be attested by the signature of the bishop of the synod. A call to a pastor to be an assistant or associate pastor shall be issued only with the concurrence of the senior pastor of the congregation and in accordance with the provision of this paragraph.

~~B4.02. The Call shall normally be for an indefinite time. A Call issued to an assistant pastor may be for a definite time.~~

B4.03. If a pastor receives a call to another ministry, and is seriously considering the call, he/she shall consult with the Church Council and, if desired, the congregation, before reaching a decision. The decision shall be announced as quickly as possible, normally within three weeks. The synod bishop shall be notified of the decision. When a call has been accepted, the pastor shall terminate his/her ministry as soon as feasible, normally within a month.

## **PART V MEETING OF THE CONGREGATION**

(Cf: Chapter 10 of Constitution)

B5.01. The congregation shall hold its annual meeting once a year.

B5.02. Announcement of the time and place of the annual meeting of the congregation shall be made in accordance with the Constitution. ~~at two public services immediately preceding the meeting, said services to be at least a week apart; and in such publications as the congregation or the pastor may periodically issue, or by written notice to the voting members mailed not less than ten days in advance of the meeting.~~

B5.03. The current rosters of voting, confirmed, and baptized members shall be available at each meeting of the congregation.

B5.04. The annual meeting shall receive reports from the organizations of the congregation. Such reports, including a financial statement, shall be submitted in writing to the pastor not less than five days before such meeting.

B5.05. At the annual meeting, at least the following shall be presented and approved by a majority of the voting members present: nominations of Church Council membership, Church Officers, and an annual budget. Additional matters may be presented at the discretion of the Church Council and/or may be raised by voting members then present. With respect to the nomination of a candidate for any position, The annual meeting shall receive the report of the nominating committee of candidates for each office to be filled. In addition to the candidates submitted, additional nominations may be made from the floor, with prior consent of the nominee. The annual budget approved at an annual meeting shall remain in force until the next annual meeting, regardless of the period of time that transpires from one annual meeting to the next.

## **PART VI OFFICERS AND CHURCH COUNCIL**

(Cf: Chapter 11 and 12 of Constitution)

B6.01. Membership and Meetings of the Church Council: In addition to the provisions of the constitution, the following shall govern membership on the Church Council and conduct of its meeting.

B6.01.01. Only a voting member of the congregation shall be eligible for membership on the Church Council.

B6.01.02. Since it is incumbent upon all members of the congregation to make diligent use of the Word of God in public worship and to attend the Lord's Supper, any Council member who neglects these privileges shall forfeit the right to serve as a member of the Church Council.

B6.01.03. If a vacancy occurs on the Church Council or in an Officer position, the Council shall fill the vacancy on an interim basis pending the next meeting of the congregation. Service filling an interim vacancy Should the unexpired term be one year or less, it shall not be considered in determining eligibility for continued service in the same or a similar role.~~for succession.~~

B6.01.04. A member of the Church Council who is absent from any regular meeting without Council approval, shall be consulted by the president of the congregation. When members are absent from two consecutive regular Council meetings, without valid excuse, the Church Council may declare the office vacant.

B6.01.05. A quorum for any regular or special meeting of the Church Council shall be one half its membership.

B6.01.06. A special meeting may be called by the pastor, the president, or any three members of the Church Council. Notice of such meetings shall be given not less than five days prior to the meeting and shall be announced at a public service if one is held during that period.

B6.01.07. Members of the Church Council shall be elected to the Council and may serve with specific areas of responsibility such as: Worship, Parish Education, Membership and Outreach, Youth, Congregational Life, Stewardship, Building and Grounds. Responsibilities may from time to time be exchanged by the members of the Council, but it shall be the responsibility of the Council to assure that all areas of responsibility are assigned to specific members.

B6.01.08. The Church Council shall conduct its regular meetings, no less than nine times per year.

B6.01.09. A member of the Church Council, including an Officer, may resign by written notice to the Pastor and all other members of the Church Council, and the vacancy that results shall be filled in accordance with B6.01.03.

B6.02. Duties and responsibilities of Church Officers: In addition to the duties and responsibilities provided in the constitution, the church officers shall:

B6.02.01. The president shall preside at meetings of the Church Council and of the congregation.

B6.02.02. The vice president shall preside at the meetings of the Church Council and of the congregation in the absence of the president.

B6.02.03. The secretary shall keep the minutes of the Church Council and of the congregation and shall have custody of the archives of the congregation.

B6.02.04. The treasurer shall have custody of all funds of the congregation. He/she shall disburse such funds in accordance with the decisions of the Church Council or the congregation if applicable. He/she shall prepare a congregational financial statement for the monthly-regular meetings of the Church Council.

B6.02.05. The financial secretary shall maintain records of all contributions and make regular reports to the Church Council and to the members as required by the Council.

B6.03. Duties and responsibilities of Church Council: In addition to the duties and responsibilities provided in the constitution, the Church Council shall:

B6.03.01. Secure necessary staff other than the pastor(s), such as parish assistant, church musician, parish education director, parish secretary, parish worker or youth worker, intern, custodian, etc., and fix and review annually their salaries.

B6.03.02. Review annually the salary of the pastor(s), and make adjustments from time to time within the limits of the budget approved by the congregation.

B6.03.03. Receive reports monthly-at regular meetings from the treasurer to ascertain that the expenditures are within the budget approved by the congregation.

B6.03.04. The Church Council shall appoint such committees as may seem necessary or advisable from time to time such as preschool/ day care committee, worship, membership and outreach, etc.

B6.03.05. Elect a nominating committee in accordance with C13.02 of the Constitution. ~~for the congregation's annual meeting. Two members being chosen from the council and three members from the congregation at large. The committee shall be convened by the pastor.~~

B6.03.06. From time to time, Appoint an Audit committee who shall review the fiscal records of the congregation and report its findings to the Church Council. The ~~council~~ Church Council shall also examine at least regularly-biennially the existing insurance coverage.

B6.03.07. Exercise discipline in accordance with the provisions of this constitution and its bylaws.

B6.03.08. Use of property:



a. The property of the congregation shall be for the use of the congregation in its normal functions as a Lutheran Church and shall not be used in a way not in harmony with the purpose of the congregation.

b. Buildings which are the property of the congregation may be used by any group or individual not affiliated with the congregation or the Evangelical Lutheran Church in America with permission of the pastor and congregational president in the case of a request for occasional use, or by a two-thirds majority vote of the Church Council in the case of a request for regular use.

## **PART VII PARISH RECORDS**

B7.01. The records of the congregation shall be and remain the property of the congregation. The pastor shall be responsible for the maintenance of the records, except as otherwise provided herein. Upon the termination of the pastor's service to the congregation, the records of the congregation shall be brought up to date prior to the pastor's departure. The records to consist of:

- a. The roster of baptized, confirmed and voting members.
- b. The ministerial acts performed by the pastor.
- c. The minutes and reports of the synod and the Handbook of the Evangelical Lutheran Church in America.
- d. The minutes of the meetings of the congregation and the Church Council, for which the secretary of the congregation shall be responsible.
- e. The financial records of the congregation, for which the treasurer of the congregation shall be responsible.

B7.02. The pastor shall report to the secretary of the Evangelical Lutheran Church in America such statistics as may be requested and shall annually report to the congregation a summary of his ministerial acts.

## **PART VIII ENDOWMENT FUND BY LAWS**

(Cf: Chapter 13 of the Constitution)

B8.01. This Church shall have an Endowment Fund (hereafter referred to as Fund). It shall not be a separately incorporated entity, but shall be a separate Fund of this Church.

B8.02. This Fund's purpose shall be to receive designated gifts and bequests to be used for the ministry and mission of Gloria Dei Lutheran Church. These gifts and bequests may

come from corporations, individuals, organizations, or other sources. They may be in the form of, but not limited to, life insurance policies, charitable gift annuities, charitable remainder trusts, certificates of deposit, transfers of property, cash, stocks and real estate.

B8.03. Both the principal and income from gifts and bequests for the Fund are to be used for the purposes, projects and programs recommended by the Fund's Endowment Committee. The uses, projects and programs shall be consistent with the general purpose for which this Fund has been established.

B8.04. "Designated" (restricted) gifts which have special terms or conditions, or contain limitations or directions, may be accepted, provided such gifts are compatible with the purpose of the Fund. The acceptance of such gifts must be agreed upon by a majority vote of the members of the Endowment Committee.

B8.05. Gifts to the Fund that impose special terms, limits of investment, conditions of sale and/or liquidation shall not be accepted. Gifts of tangible assets that are not immediately useful in or for the ministry of the Fund are to be sold, liquidated, converted to cash or returned to the donor or the donor's estate.

B8.06. When gifts of real property are offered, the Endowment Committee is restricted to accept them conditionally to avoid governmental violations until the following criteria are met:

a. The donor must provide a certified appraisal that establishes the market value of the property within 90 days of the gift date.

b. If the appraisal does not include an environmental impact evaluation, one must be done separately, and provided by the donor.

c. In the rare instance where an environmental impact study by a qualified engineer is called for, it must be done at the expense of the donor.

B8.07. The Gloria Dei Lutheran Church Endowment Fund shall continue in existence and shall be used as hereinafter provided, (unless earlier revoked), so long as the Church shall continue to exist. If the Church should cease to exist or dissolve, then the assets of the Fund shall be transferred to the E.L.C.A. Board of Outreach. The Board of Outreach would be asked to use the Fund to help establish or support a mission church that would be closest to Gloria Dei. (Effective date: January 25, 2004)

## **PART IX ENDOWMENT FUND COMMITTEE**

~~(Cf: Chapter 13 of the Constitution)~~

B9.01. The Endowment Committee shall consist of three members who, shall administer the Fund and be subject to the control of the Church Council. ~~Council Vice President, (Or Council appointee), two other members serving three year terms~~The Church Council shall select the members of the Endowment Committee, who shall serve for terms of three years, with one member appointed in each year. Church Council appointees shall fill any vacancies for the remainder of that term. The Pastor or his/her appointee shall be an advisory member of the committee.

B9.02. The Committee shall meet at least semi-annually, or more frequently as deemed by it in the best interest of the Fund.

B9.03. A quorum shall consist of two (2) members. When only two (2) members are present, a unanimous vote shall be required to carry any motion or resolution.

B9.04. The committee shall elect from its membership a chairperson and a recording Secretary. The third committee member will be designated "at large". The chairperson, or member designated by the chairperson, shall preside at all committee meetings.

B9.05. The recording secretary of the Committee shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the committee. Each member shall keep a complete copy of minutes to be delivered to his or her successor. The recording secretary shall also supply a copy of the minutes to the Church Council.

B9.06. The congregational financial secretary and treasurer shall be responsible for recording and reporting all financial transactions of the fund. All monies for the fund will be maintained completely separate from the church's general funds. Once the fund reaches a value of one million dollars, the financial records shall be audited annually by a certified public accountant or other appropriate person who is not a member of the Committee.

B9.07. The Endowment Committee shall establish written rules and regulations as may be necessary for the conduct of the business of the Fund. It shall adopt standards and goals for guidelines in dealing with expenditures of the income or principal from the Fund. These guidelines may be amended, added to, or deleted at any time by the Endowment

Committee provided it is consistent with the constitution and stated purpose of the Fund.

B9.08. The Committee shall report on a quarterly basis to the Church Council and at each annual or duly called special meeting of the Council, shall render a full and complete audited account of the administration of the Fund during the preceding year.

B9.09. The Committee may request outside legal or investment advice at the expense of Fund.

B9.10. Members of the Committee shall not be liable for any losses which may be incurred upon the investments of the asset of the Fund except to the extent such losses shall have 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 only for his/her own willful misconduct or omissions and shall not be liable for the acts or omissions of any other member.

B9.11. The Fund will provide Errors and Omissions insurance for members of the Endowment Committee.

## **PART X CORE PROPERTY OF THE CHURCH**

B10.01 In accordance with C7.01 of the Constitution, relating to property ownership, the Core Property of the Church includes the following:

The property located at 33501 Stonehill Drive in Dana Point, California, including the sanctuary, buildings, other structures, and real property appurtenant thereto.

The property located at 129 Chandon in Laguna Niguel, California.