

## **BC Synod Proposes Radical Changes to Model Congregational Constitution**

This model constitution for congregations in the BC Synod, approved by the BC Synod Council in February 2008, appears in the Bulletin of Reports for the 2008 BC Synod Convention (Appendix J23 to Appendix J37).

The proposed revised model constitution for congregations in the BC Synod (**BMC**) was compared against the ELCIC's "Approved Model Constitution for Congregations" (Amended March 2006): <http://elcic.ca/docs/ModelConstitutionForCongregations-2006.pdf>

On the first (table of contents) page of the approved model constitution for congregations in the ELCIC (**EMC**) there is the following notice:

**Please note:**

In the BC Synod, congregations will adopt Articles I, II, III, & IV as their constitution, and the remaining Articles as their bylaws.

### **General Comments with Respect to the Constitution Section of the BMC**

Article I (Name) is as per Article I (Name and Incorporation) of the EMC except that Sections 2 and 3 from the EMC are not included.

Article II (Purpose) appears as Article III (Nature and Mission) in the EMC.

Article III (Profit and Again) is a new article that does not appear in the EMC. However, part of the wording for this article ("This organization shall be carried out without purpose or gain for its members, and any profit and other gains to the organization shall be used in promoting its objectives.") comes from Section 3 of Article I of the EMC. As well, the following text was added to this article: "This provision is unalterable".

Article IV in the BMC is the ELCIC's "Confession of Faith" which appears as Article II in the EMC.

Although the note to the EMC indicated that Article IV (Membership) from that model was to be part of the constitution section for the BC model, Article IV appears as Bylaw 1 in the BMC.

### **Major Changes within the Constitution Section of the BMC in Comparison with the EMC**

Changes will be shown in **blue**; text in the ELCIC model that has been replaced will be indicated by ~~strikeout~~.

#### **ARTICLE II (Purpose)**

a. Worship. This congregation, remembering God's mighty acts in the past, celebrating His **God's** abiding presence, and moving toward His **God's** promised fulfillment...

#### **ARTICLE IV (Confession of Faith)**

Section 1. This congregation confesses the Triune God—Father, Son and Holy Spirit—as the one true God. It proclaims the Father as Creator and Preserver, ~~His~~ **God's** Son Jesus Christ as Redeemer and Lord, and the Holy Spirit as Regenerator and Sanctifier.

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

This Article in the BMC included two other clauses not found in Article II of the EMC:

**Section 5. This Confession of Faith shall be that of the Evangelical Lutheran Church in Canada.**

**Section 6. This Article is unalterable.**

#### **Major Changes within the Bylaws Section of the BMC in Comparison with the EMC**

Changes will be shown in **blue**; text in the ELCIC model that has been replaced will be indicated by ~~strikeout~~.

The following “definition” appears at the beginning of the Bylaws section of the BC model:

**“special resolution” is defined by the Society Act of BC, current edition, and means a resolution:**

- a. that is adopted by no less than a three-quarters majority vote of the members present and voting at a legally called meeting.**
- b. of which notice specifying the intention to propose the resolution as a special resolution has been given with notice of the meeting, and**
- c. a copy of which is sent to the Registrar of Companies.**

**Consult the Act for the exact definition.**

**[Note: The significance of this definition will become apparent when this term is introduced in Section 6 of Bylaw 3 (Relationship to the Evangelical Lutheran Church in Canada).]**

#### **Bylaw 3 (Relationship to the Evangelical Lutheran Church in Canada) (Article VI – ELCIC)**

Section 6. Should the congregation desire to sever its relationship with the ELCIC, ~~they shall notify the synod bishop. this decision shall require a two-thirds majority vote of all voting members present and voting~~ **be by special resolution** at a legally called and conducted meeting. Such a decision shall not be effective until the bishop has been notified and until the initial action has been ratified by a ~~two-thirds majority vote~~ **special resolution** at a subsequent legally called and conducted meeting held not less than ninety days after the first meeting. **Written notice for both meetings shall be given via Canada Post to all voting members and to the bishop of this synod at least fourteen days in advance of the date of each meeting.**

**[Note: Through this change the bar for leaving the ELCIC has been raised from two-thirds majority vote to three-quarters majority vote.]**

**[Property Option: BC Synod Council invites congregations to consider adding the following provision for property remaining within the Synod in the case of severing ties**

with the ELCIC. This provision is not in the current ELCIC Model Constitution for Congregations nor was it at the time of ELCIC merger in 1986. If chosen, this section would follow Section 6 above, the following sections would be re-numbered, and this explanatory paragraph removed along with the bold and italics in what follows.]

*Section 7. Should this congregation desire to sever its relationship with the ELCIC, as provided in Bylaw 3, Section 6, the property owned by this congregation shall prior to such event occurring, be transferred to the British Columbia Synod at a nominal consideration and the officers of this congregation shall do all things necessary to give effect to this provision.*

**Bylaw 9 (Amendments)** (Article XII – Bylaws and Amendments – ELCIC)

Section 1. Amendments to this constitution **and bylaws** may be proposed by the Congregational Council and shall be proposed by the council at the request of five voting members. Such proposed amendments shall be **by special resolution and be:**

- a. Read at two successive public services of the congregation ~~or~~ **and** mailed **by Canada Post** to the voting members not less than thirty days before the meeting at which they are to be considered;
- b. ~~Approved with or without change by a majority vote of those present and voting;~~ **Presented for discussion, comments and possible changes at an initial congregational meeting.**
- c. Approved without further change at a second congregational meeting to be held no less than thirty days later by a ~~two-thirds~~ **three-quarters** majority vote of those present and voting;
- d. Become effective upon official notice and approval by the Synod Council **and acceptance by the Registrar of Companies.**

~~Section 2. This congregation may adopt such bylaws, not in conflict with this constitution, as may be necessary. Such bylaws may be adopted or amended at any legally called and conducted meeting of the congregation by a two-thirds majority vote of those present and voting.~~

~~Section 3. The Confession of Faith as stated in ARTICLE II shall be that of the ELCIC.~~

**[Note: The above was moved to Section 5 of Article IV (Confession of Faith) of the BC model constitution.]**

At the bottom right corner of the last page the following text appeared:

*~~[-Date of approval by ELCIC-]~~*

**This version from BC Synod Council, Feb 2008**