

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 the congregation. The 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 [officers][,] [and] Congregation Council, [boards, and committees,] and require [them] [the members of the council] to carry out their duties in accordance with the constitution[,], [and] 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 choose 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 the congregation and other qualifications shall be as prescribed in guidelines established by the (insert name of 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 [bylaws] [continuing resolutions]. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

Chapter 7.

PROPERTY OWNERSHIP

- *C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the (insert name of synod) 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, title to property shall continue to reside in this congregation.
- *C7.03. If two-thirds of 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 (insert name of synod) Synod.
- *C7.04. If two-thirds of 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 established synodical process, 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.
- 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 †S13.23. of the constitution of the (insert name of synod)—reconvey and transfer all right, title, and interest in the property to the synod.

ELCA Churchwide Constitution 9.71

9.70. OWNERSHIP OF PROPERTY

9.71. Subject to the provisions of 9.52., the following shall govern the ownership of property by congregations of this church:

- a. Title to property shall reside in the congregation. The congregation may dispose of its property as it determines, subject to any self-accepted indebtedness or other self-accepted restrictions.
- b. Title to the undisposed property of a congregation that ceases to exist shall pass to the synod of this church to which the congregation is related.
- c. Title to the property of a congregation that is no longer recognized by this church as a result of discipline shall continue to reside in the congregation.
- d. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. and has acted by a two-thirds vote to relate to another Lutheran church body shall continue to reside in the congregation.
- e. Title to the property of a congregation that has acted to terminate its relationship with this church by the provisions of 9.62. and has acted by a two-thirds vote to become independent (11-2016) ELCA CONSTITUTION—CHAPTER 9 / 71 or to relate to a non-Lutheran church body shall continue to reside in the congregation only with the consent of the Synod Council. The Synod Council, after consultation with the congregation by an established synodical process, 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 the congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of this church.