

# **CONSTITUTION**

**(including By-laws)**

**of**

## **THE CHURCH OF SAINT MARK - LUTHERAN**

**MISSISSAUGA, ONTARIO**

**2015 Amendment**

**May 03, 2015**

**Final**

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# CONSTITUTION: MAIN BODY

## PREAMBLE

This Constitution (which includes its By-laws), developed in conformity with the Word of God, shall govern The Church of Saint Mark – Lutheran (CSML).

### 1.0 NAME

The name of this congregation shall be The Church of Saint Mark - Lutheran (also known as The Church of St. Mark - Lutheran), located at 130 Mineola Road, East, in the City of Mississauga in the Region of Peel, in the Province of Ontario, L5G 2E5.

### 2.0 MISSION AND PURPOSE

#### 2.1 Mission

The mission of the Church is to know Christ and to make Him known:

- We are called to be the Church, the body of Christ gathered around the Word and Sacraments, praising and worshipping God in spirit and truth, celebrating His presence with us, and seeking to witness in all we do to Jesus as Saviour and risen Lord.
- We are to grow in the knowledge and love of God in closer union with Christ our Head.
- We are to train for acts of loving service, ministering with the spiritual gifts the Holy Spirit has given each of us.
- We are to fulfill the evangelical mission of the Church, collectively and individually:
  - **Living** in the freedom of God's grace;
  - **Reaching out** to our neighbours;
  - **Praying** for their salvation;
  - **Inviting** them to worship and Bible study;
  - **Sharing** the Gospel of Jesus Christ with them.

#### 2.2 Purpose

The purpose of the Church is to accomplish Christ's mission for His Church through:

- Worship
- Fellowship
- Spiritual Growth

- Service
- Outreach

### **3.0 CONFESSIONAL STANDARD**

This congregation accepts and confesses:

- 3.1 all the canonical books of the Old and New Testaments alone, as the revealed written Word of God, and the only rule and norm of faith and of practice;
- 3.2 all the Confessional Writings of the Evangelical Lutheran Church, which are the three Ecumenical Creeds (the Apostles' Creed, the Nicene Creed, and the Athanasian Creed), the Unaltered Augsburg Confession, the Apology of the Augsburg Confession, the Smalcald Articles, Luther's Large and Small Catechisms, and the Formula of Concord.

### **4.0 MEMBERSHIP**

#### **4.1 Membership**

The membership of this congregation includes the following:

- 4.1.1 *Baptized* members are all who have been baptized in the name of the Triune God and have been placed under the pastoral care of this congregation, including the children who have not yet been confirmed.
- 4.1.2 *Communicant* members are those baptized members who have been confirmed in the Lutheran faith, accept the confessional standard of Article 3 of this constitution, and are not members of organizations whose principles and conduct conflict with the Word of God.
- 4.1.3 *Voting* members are all communicant members who have reached the age of 18 years, and have read and signed acceptance of the constitution of the congregation. The Voters Assembly at any of its meetings shall be those currently eligible voting members present at that meeting. Voting rights are received at the Voters Assembly meeting after that at which they sign acceptance of the constitution.

A voting member who is absent from the meetings of the Voters Assembly for fifteen (15) months without offering valid reason shall have his/her name removed from the roster of voting members. Voting membership may be reinstated by re-application; voting rights are restored at the Voters Assembly meeting after that at which reinstatement is approved.

## **4.2 Reception**

Baptized and 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, through profession of faith or reaffirmation of faith.

## **4.3 Duties**

Members of the congregation shall conform their entire 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 of such admonition becomes apparent, and be readily available for service in the kingdom of Christ within and beyond the congregation.

## **4.4 Termination**

Membership shall be terminated by transfer to a sister congregation, by death, by joining a congregation outside the fellowship of this congregation or by self-exclusion. If necessary, for reasons of persistent adherence to false doctrine, scandalous life, or willful neglect, church discipline is to follow Matthew 18:15-18. With two weeks written notice to the member concerned, and with notice of a meeting of the Voters Assembly as stipulated herein, discipline may lead to exclusion from the congregation, based on a two-thirds (2/3) majority secret ballot vote of voting members present.

## **5.0 THE OFFICE OF PASTOR**

### **5.1 Qualifications of Pastor**

All pastors called into the service of this congregation shall, in the call extended to and accepted by them, be pledged to the acceptance and adherence to the confessional standard of Article 3 of this constitution, and shall be qualified in their work.

### **5.2 Duties of Pastor**

The duties of the Pastor are:

- To feed God's people with God's Word and lead them to fulfill God-given tasks for His mission in the world;
- To give his fullest energy and ability to the promotion of the Gospel of Jesus Christ by:
  - Teaching and proclaiming the Word of God, both Law and Gospel, boldly and confidently, within and beyond the congregation;
  - Equipping God's people for their God-given ministries;
  - Administering rightly the Office of the Keys and the Holy Sacraments in accordance with Christ's institution; and

- Applying the Word of God to individuals according to necessity, including his own household.
- To guide, support and serve the members of the congregation in their Christian walk.

The Pastor shall be an ex-officio (non-voting) member of Council and all Boards, Ministries and Committees of the Congregation.

### **5.3 Removal from Office**

In accordance with Matthew 18:15-18, and with two weeks written notice to him, the Pastor of the congregation may be removed from office by the Voters Assembly by a two-thirds (2/3) majority secret ballot vote of those present at a regular or special meeting, in Christian and lawful order. Removal may be for one of the following reasons: persistent adherence to false doctrine, scandalous life, willful neglect, or inability to perform the duties of the office. The congregation may request the resignation of the Pastor from his position in the congregation in the case of prolonged incapacity or general incompetence. In taking such action against a Pastor, the proper synodical officials shall be consulted for advice and guidance.

## **6.0 POWERS OF THE CONGREGATION**

### **6.1 General**

The Voters Assembly shall be the governing body of the congregation and shall be empowered to administer and manage all its affairs. The congregation shall not be empowered to decide anything contrary to the Word of God and the Confessions of the Lutheran Church (Article 3) and any such decision shall be null and void.

The establishment and conduct of all boards, ministries, congregation-appointed committees and societies within the congregation or related directly to it shall be subject to the approval and supervision of the Voters Assembly. Church Council may also form and disband committees under the provisions of Article 8.2.8.

The congregation, through the Voters Assembly, may amend this constitution, as may be required for the accomplishment of its purposes, as outlined in Articles 12 and 19.

The congregation:

- may receive, hold title, acquire, and manage such real estate and other property as it may need;
- may sell or dispose of such real estate and other property or any part thereof;
- may borrow money;
- shall have the authority to call Pastor(s) and to hire additional staff, whether ordained, vicar, professional, administrative or custodial;
- shall have all the rights and powers that are granted by the laws of the Province of Ontario to religious organizations.

## **6.2 Meetings**

The regular meeting of the Voters Assembly shall be held in the month of December in each year. The annual meeting of the Voters Assembly shall be held between the middle of April and the end of May in each year. Announcement of the meetings shall be made in the services of the two previous Sundays. Such announcement shall include identification of any items requiring a two-thirds majority vote as listed in Article 6.4.2.

The following shall be included in the order of business for the regular and annual Voters Assembly meetings:

- Opening Devotions
- Roll Call (to maintain register of eligible voters present, for the minutes)
- Approval of Minutes
- Business arising from Minutes
- Reports of Officers, Boards and Ministries
- New Business
- Election of Officers, Elders, & Board/Ministry Chairs, (Annual Meeting)
- Adjournment
- Closing Devotions

Special meetings require announcement in services in the two previous Sundays; or, notification by mail, traceable electronic means (e.g. e-mail) or telephone and announcement in the services of one previous Sunday. Such announcement and notice must include the agenda and identification of any items listed under Article 6.4, and which items require a two-thirds majority vote. Such special meetings may be called at the request of the Pastor or three officers or ten voting members in writing.

## **6.3 Quorum**

At least 20 voting members shall be present at a validly called Voters Assembly meeting to constitute a quorum.

## **6.4 Decisions**

Matters of doctrine and conscience shall be decided on the basis of the Word of God, as these are not a matter of majority rule. Other matters brought to the Voters Assembly shall be decided by a majority vote of the Voters Assembly unless otherwise specified by this constitution or bylaws. Proxy votes at the Voters Assembly are not permitted.

The following matters must be brought to the Voters Assembly for decision:

### **6.4.1 Decisions requiring a majority vote of those voters present:**

- The calling of pastors, which shall not be delegated otherwise (Art. 13);

- The hiring of additional staff (not applicable to replacement staff in approved and budgeted vacant positions)(Art. 6.1);
- Approval of the congregational budget;
- Election/approval of Church Council and elders (Art. 14);
- Establishment of all boards, ministries, congregation-appointed committees and societies within the congregation or related directly to it and their constitutions, if any (Art. 6.1);
- Amendments to the by-laws of this constitution (Art. 19).

6.4.2 Decisions requiring a two-thirds (2/3) majority vote of those voters present:

- Amendments to the Articles of Incorporation, or to the main body (Articles 1 to 12) of this constitution (Art. 12);
- Disposal or acquisition of real estate, or permanent buildings with foundations, or building extensions thereto;
- Disciplinary action (Arts. 4.4, 5.3, 6.6);
- Changes to methods of raising funds for major projects (Art. 6.8)
- Amendment of call list for a new pastor (Art. 13.2)

**6.5 Powers of Officers, Council and Committees**

Congregational officers, elders, Church Council, boards, ministries and committees, whether elected or appointed by the Voters Assembly (or by Church Council as the case may be) shall have the powers and authority delegated to them. Such delegated powers may at any time be altered or revoked by the voters.

**6.6 Removal of Officers, Elders and Chairs from Office**

Any officer, elder or chair may be removed from office by the congregation, in accordance with Matthew 18:15-18, by a two-thirds majority secret ballot vote, in Christian and lawful order, for one of the following causes: persistent adherence to false doctrine, scandalous life, willful neglect, or inability to perform his official duties.

**6.7 Doctrinal Literature**

Hymns, prayers, and liturgies used in the public services of the congregation and in all ministerial acts, and all instructional materials, shall be Christian and shall be consistent with the confessional standard of Article 3.



## **6.8 Finance**

In accordance with the stewardship principles of the New Testament, it is the intent of this congregation to derive its financial support primarily from free will offerings. If complementary methods of raising funds are to be used for a major project in support of the ministry of St. Mark's or in support of missions (e.g., Building Fund), any such methods will only be determined after discussion and approval by a two-thirds (2/3) majority of the Voters Assembly, including any conditions and criteria that the Voters Assembly may approve.

If complementary methods of raising funds are to be used for minor projects in support of the ministry of St. Mark's or in support of missions, any such methods will be determined after discussion and approval by Council. Council will determine whether a project is classed as major or minor.

Payments in exchange for a service provided or for goods in support of the ministry of St. Mark's are not regarded as fund-raising as long as the sole purpose is to cover the cost of the item or service (e.g., bus fare for a group trip to a Christian conference or event, or sale of Christian books). The proponent of such sales shall request approval from Council, through application to the Chair or Vice-Chair of Council. No such sales shall take place on St. Mark's premises without the approval of Council.

The Sunday School is authorized to raise funds for its mission projects through the sale of handcrafted articles or other goods, subject to the approval of the Ministry of Christian Education and the Pastor. Any articles or goods sold shall be consistent with the teachings of the church.

In recognition of the desire of members and friends of the congregation to make special free-will offerings for a special project or a memorial gift, the congregation will establish a Special Projects Fund, separate from all other funds, for the receipt of any such special free-will offerings or gifts.

The Special Projects Fund will be administered as outlined in the By-laws (Article 16).

## **7.0 CHURCH COUNCIL**

### **7.1 Membership**

The Church Council shall be the board of directors and shall consist of:

- Officers of the Congregation
  - Chair;
  - Vice-Chair;
  - Secretary;
  - Treasurer.
  
- The Chairs of:

- The Ministry of Elders;
- The Board of Trustees;
- The Ministry of Christian Education;
- The Ministry of Outreach;
- The Ministry of Christian Welfare;
- The Board of Planning and Stewardship;
- Other Boards or Ministries established by the Voters Assembly.

The Pastor shall be an ex-officio (non-voting) member of the Church Council. The Chair and Secretary of the congregation shall serve as Chair and Secretary of the Church Council. Members of the Church Council must be voting members of the congregation, and at least 21 years of age. The Chair of the Board of St. Mark's Nursery School shall be a non-voting observer member of the Church Council. Members of the Church Council shall strive to attend Voters Assembly meetings on a regular basis.

## **7.2 Meetings**

The Church Council shall meet monthly, except that Council may decide not to meet in the months of July and August. The first meeting of the new Church Council shall be called by the Chair of the congregation and shall be held by June 15. Special meetings may be called by the Chair or any three members of the Church Council by notifying each member at least 24 hours in advance. A majority of the voting members of the Council shall constitute a quorum.

## **7.3 Duties**

The Church Council shall coordinate the program and activities of the various boards, ministries and committees of the congregation and shall have executive power to act on behalf of the congregation in this role.

In addition, the Church Council shall:

- Consider and discuss all matters pertaining to the general welfare of the congregation, receive reports from the various boards, ministries and committees through designated spokespersons, decide on matters within its delegated authority, and where appropriate, present recommendations to the congregation;
- Act in matters committed to it by the Voters Assembly;
- In cases of emergency, act on behalf of the congregation between meetings of the Voters Assembly;
- Arrange for an annual audit of the church's financial books;
- Appoint (or approve, on recommendation of the board, ministry or committee chairs) members to all Council boards, ministries and committees, except the Ministry of Elders, at its first meeting after the annual election of officers. Such appointments shall be made in compliance with the Constitution.

- Review, as appropriate, all committee mandates, reporting relationships and memberships and revise if appropriate; make recommendations on these matters to the Voters Assembly for committees that the Voters Assembly has set up;
- Entitle each member to one vote on any question in all meetings of Church Council. If any board or ministry chair shall be unable to attend, s/he shall appoint an alternate to attend in his/her place who shall be an appointed member of his/her board or ministry and otherwise qualified to be a member of the Church Council (that is, a voting member of the church), and such alternate shall then be entitled to one vote on all questions. Any of the four officers, if unable to attend, may send an alternate, but that alternate shall not have a vote. However, the Vice-Chair assumes the duties of the Chair if the Chair is unable to attend. A majority of votes cast shall be required for the adoption of a resolution or motion. (The Chair shall have a vote only if necessary to break a tie vote.);
- Entitle each member to one vote on any question where, in the opinion of the Chair and/or Vice-Chair, it is necessary or desirable to conduct a vote by traceable electronic means (e.g. e-mail) between Church Council meetings;
- Administer the congregational budget, including the expenditure of funds;
- Administer the Special Projects Program (either directly, or through a Special Projects Committee reporting to Council) (See Article 6.8 and Article 16.0), including the expenditure of funds;
- Allocate editorial responsibility for preparation of church newsletters.

## **8.0 OFFICERS, BOARDS AND MINISTRIES**

This congregation shall have the following officers, boards and ministries in addition to any which the congregation shall authorize from time to time. The elected officers of this congregation shall be a Chair; a Vice-Chair; a Secretary; and a Treasurer. The boards and ministries, in addition to their members, may arrange for additional workers to assist them in their duties.

### **8.1 Officers and Financial Secretary**

8.1.1 The **Chair** shall be an ex-officio member of all Boards, Ministries, Committees and Organizations of the congregation and shall have the following duties, to:

- Conduct the meetings of the Voters Assembly and of the Church Council;
- Assist the Pastor in the carrying out of his administrative duties;
- Sign all legal documents, together with the Secretary, on behalf of the congregation, subject to its decision and control;
- Assist generally in the co-ordination of the work of the congregation;
- Coordinate the procurement of insurance coverage for The Church of Saint Mark-Lutheran, through consultation with the Board of Trustees, and other Boards and Ministries as appropriate;
- Act as a co-signer of cheques for the disbursement of funds when necessary;
- Conduct annual review of paid staff, with the Pastor, Chair of relevant Board or Ministry, and Chair of Human Resources Committee (HRC), as appropriate;
- Perform such other duties as may be assigned by the Voters Assembly.

The term of office of the Chair shall be one year. A maximum of two consecutive terms will normally be permitted. The Chair may serve a third one-year term provided all of the following conditions are met: (1) no other candidate is available; (2) the Chair is willing to serve an additional one-year term; and (3) the Voters Assembly approves.

8.1.2 The **Vice-Chair** shall have the following duties, to:

- Fill the role of Chair in the Chair's absence or inability to act;
- Report on any committee or organization for which s/he has been assigned liaison, including the Human Resources Committee.
- Act as Coordinator of the Special Projects program;
- Act as a co-signer of cheques for the disbursement of funds when necessary;
- Perform such other duties as may be assigned by the Voters Assembly.

The term of office of the Vice-Chair shall be one year. A maximum of two consecutive terms will normally be permitted. The Vice-Chair may serve a third one-year term provided all of the following conditions are met: (1) no other candidate is available; (2) the Vice-Chair is willing to serve an additional one-year term; and (3) the Voters Assembly approves.

8.1.3 The **Secretary** shall have the following duties, to:

- Record the minutes of the meetings of the Church Council and Voters Assembly;
- Provide the Office Administrator official Church Council and Voters Assembly minutes and other official records of the congregation, including the master copy of the Constitution and any amendments;
- Keep an up-to-date list of the voting members;
- Conduct the correspondence of the congregation not otherwise provided for by the church Office Administrator, as directed by Church Council or the Voters Assembly;
- Act as a co-signer of cheques for the disbursement of funds when necessary;
- Perform such other duties as may be assigned by the Voters Assembly.

The term of office of the Secretary shall be two years.

8.1.4 The **Treasurer** shall have the following duties, to:

- Receive all moneys of the congregation and arrange for their counting and deposit to the credit of the congregation in the bank or banks designated for that purpose by the congregation. (Counting and recording of money after all services shall be done in the presence of at least two persons, one of whom shall be the Treasurer, the Financial Secretary, or one of their assistants appointed by Church Council, or, in their absence, the Chair or an Elder of the congregation. It will also be the duty of the members counting the contributions to fill out, in triplicate, a prepared statement covering the particulars of the receipts to be forwarded to the Treasurer and the Financial Secretary.)

- Make disbursement by cheque, or by other approved, recorded payment method, for all items authorized by the congregation under its adopted budget for the year. Cheques shall be signed by two of the four officers, one of whom shall be the Treasurer, if available. However, cheques for small or regularly scheduled amounts, both as stipulated by Church Council from time to time, will require only one officer's signature, that of the Treasurer, if available;
- Keep accurate records of the receipts and disbursements of the congregation, which records shall be and remain in the property of the congregation. All of these books shall be audited annually, and report of such audit shall be submitted by the Treasurer to the congregation;
- Submit a report at each Church Council and Voters Assembly meeting showing actual receipts and disbursements compared with budgeted amounts;
- Handle short-term financial matters including short-term investments (up to one year); short-term investments shall be restricted to the Church Extension Fund, or to those investment instruments which are government-insured, or government treasury bills, or other similar instruments;
- Perform such other duties as may be assigned by the Voters Assembly.

The term of office of the Treasurer shall be two years. Council may appoint as many assistants to the Treasurer and/or Financial Secretary as it deems necessary.

8.1.5 The **Financial Secretary** shall be appointed by, and, when requested to do so, shall report to, Church Council and shall have the following duties, to:

- Keep records of all attributable contributions of individual members and non-members contributing by envelope and issue statements annually to the members and non-members covering their contributions to date;
- Issue receipts for any attributable contributions received from members and non-members;
- Perform such other duties as may be assigned by the Voters Assembly.

The term of office of the Financial Secretary shall be two years.

## 8.2 Boards and Ministries

### 8.2.1 The Ministry of Elders

This Ministry shall consist of at least six (6) members, who shall be elected by the Voters Assembly. This number may be increased by decision of the Voters Assembly at a regularly scheduled meeting. Their term of office shall be three years. One-third of the Elders shall be elected each year. Vacant Elders' positions shall be filled by appointment of Council; the term of such appointment shall extend to complete the term of the vacated position. They shall organize and annually elect a Chair from among their number. The Ministry of Elders shall agree on a regular schedule of meetings. Special meetings may be arranged by request to the Chair.

The Elders shall:

- Assist the Pastor in all matters pertaining to the spiritual welfare of the congregation;
- Be voting members of the congregation, and shall strive to attend Voters Assembly meetings on a regular basis;
- Give attention to doctrinal matters and matters pertaining to a Godly walk and life on the part of the Pastor, officers, members and adherents of the congregation, being careful to observe that our Lord's injunction in Matthew 18:15-18 be applied in church discipline according to Christian love and for the salvation of the erring soul;
- Encourage members to enjoy and enrich their membership by attending services, making use of the sacraments, participating in congregational fellowship and programs, and supporting the church financially and with their talents and gifts;
- Oversee and participate in the visitation of members, both inactive and active;
- Plan and organize, through the Worship Committee, the church's worship services, and arrange the conduct of services in a manner conducive to worship, including, at their collective discretion, delegation of arrangements for the conduct of duties related to worship services;
- Assist the Pastor in arranging for pulpit assistance, special services, and guest speakers;
- Designate an elder to participate in the call committee when the congregation is to call a pastor;
- Be an example of Christian conduct and conversation;

The Chair of the Ministry of Elders shall report on any committee or organization for which s/he has been assigned oversight, including the Worship Committee.

### **8.2.2 The Board of Trustees**

This Board shall consist of at least three members (including the Chair who shall be elected by the Voters Assembly, and whose term of office shall be two years). The Board of Trustees shall be responsible for the physical properties of the congregation and shall:

- Maintain, repair, enhance and upgrade the church properties in such a state of repair that they will serve their respective purposes;
- Report to the Church Council and congregation regularly on the state of the church's property and make necessary recommendations;
- Manage the use of all church property;
- Manage the work of the custodian and contract cleaners, as applicable;
- Be empowered to draw on the treasury to an amount determined and authorized by Church Council from time to time, for necessary expenditures, without special resolution of or decision by the congregation;
- Develop and submit an annual budget for the work of the Trustees.

The Chair of the Board of Trustees shall report on any committee or organization for which s/he has been assigned oversight.

### **8.2.3 The Ministry of Christian Education**

This Ministry shall consist of at least four members (including the Chair, who shall be elected by the Voters Assembly, the superintendent of the Sunday School, the coordinator of Growth Groups, and the leader of the Youth Group), and shall be responsible for the nurture and Christian growth of the members of the congregation. The Chair of the ministry shall be elected for a term of two years.

The Ministry of Christian Education shall:

- Foster spiritual growth in the life of individual Christians and families by providing learning opportunities for all age levels appropriate to the composition of the congregation;
- Encourage the congregation to organize for the task of Christian education, including the encouragement of Growth Groups to study and apply the Word of God;
- Coordinate the training of all teachers and Bible study leaders;
- Coordinate and delegate the administration of Christian education activities to designated persons and groups;
- Develop and submit an annual budget for the task of Christian education.

The Sunday School Superintendent shall be appointed annually by the Chair of the Ministry of Christian Education, in consultation with the Pastor.

The Chair of the Ministry of Christian Education shall report on any committee or organization for which s/he has been assigned oversight, including the Sunday School, Growth Groups, Youth Group, and Vacation Bible School.

### **8.2.4 The Ministry of Outreach**

This Ministry shall consist of at least three members (including the Chair, who shall be elected by the Voters Assembly, and whose term shall be two years), and shall lead the members of the congregation in outreach to others in the community and elsewhere.

The Ministry of Outreach shall:

- Seek to bring the Good News of the Gospel to those who haven't heard it;
- Plan, promote and carry out an evangelism program in the congregation and the community, emphasizing systematic follow-up;
- Seek to bring newcomers of all ages into the active life of the congregation, including public worship, Christian education, instruction classes, Growth Groups, and youth program;
- Arrange for the maintenance of record files in order to keep an evangelism program active;
- Coordinate and delegate the visiting of prospective members of the church;
- Develop and submit an annual budget for the task of outreach.

- Encourage and coordinate the activities of the congregation in support of domestic and foreign missions, including groups such as a missionary society and mission workers directly supported by the congregation.

The Chair of the Ministry of Outreach shall report on any committee or organization for which s/he has been assigned oversight. These may include a missionary society and the Fellowship Committee.

### **8.2.5 The Ministry of Christian Welfare**

This Ministry shall consist of at least three members (including the Chair of the Ministry of Christian Welfare who shall be elected by the Voters Assembly, and whose term shall be two years).

The Ministry of Christian Welfare shall:

- Identify the needs of individuals in the congregation, of the aged, of the sick, and of the poor; act on these needs as authorized within its budget; and bring these needs to the attention of the Pastor and/or Council, as the case may be, with suggestions for action;
- Provide emergency assistance to needy individuals by the immediate supply of provisions and/or moneys out of the Board's authorized budget;
- Identify the need for additional funds, which may be authorized by Council or raised through special appeal;
- Bring to the attention of the congregation those Welfare Agencies being supported by the Lutheran Church and solicit support for them;
- Report on the social needs of the community and solicit the congregation's cooperation with other agencies in the community endeavouring to meet these needs;
- Identify the needs of refugees, globally and locally, and bring these needs to the attention of Council, with suggestions for action;
- Develop and submit an annual budget for the task of Christian welfare.

### **8.2.6 The Board of Planning and Stewardship**

This Board shall consist of at least five members (including the Chair of the Board of Planning and Stewardship, who shall be elected by the Voters Assembly and whose term shall be two years, the Chair of the Congregation, a designated elder, the Treasurer, and the Pastor), and, in a transition year, the out-going Chair of the Congregation.

The Board of Planning and Stewardship shall:

- Give the congregation a clear vision of the world's need of Christ and how they can supply that need;
- Review the program and budget for the previous year;
- Plan and coordinate, together with the Chairs of boards, ministries and committees, the program and budget for the next year;



- Encourage and assist the members of the congregation to recognize and use their time, talents and treasure in the service of God;
- Fully inform the members of their local congregation's program and opportunities to extend their outreach into all the world through District and Synod;
- Instruct the people in the grace of proportionate giving to God's work in their own parish and in the world;
- Prepare the annual proposed budget and present it to the Voters Assembly;
- Operate as outlined in the By-laws (Art. 15).

### **8.2.7 The Church of Saint Mark Nursery School (SMNS)**

The affairs of SMNS shall be managed by a board of not fewer than five, and up to seven Directors. All Directors must be communicant members in good standing of the CSML. From among their number, the Directors shall elect no fewer than three and up to six Officers. The usual number will be four Officers (Chair, Vice-Chair, Secretary and Treasurer), but the Directors may decide to combine the offices of Secretary and Treasurer into a Secretary-Treasurer. Similarly, the Directors may decide to elect an Assistant Secretary and/or an Assistant Treasurer. Directors shall be elected to hold office for a one-year term at each annual meeting of the SMNS. Each Director shall be elected to hold office until the first annual meeting after s/he shall have been elected or until his/her successor shall have been duly elected and qualified. Directors' terms of office shall end at each annual meeting of the Board of Directors. Directors shall be eligible for re-election, if otherwise qualified. The Chair of the Ministry of Christian Education of the CSML Church Council shall be a full voting member of the SMNS Board of Directors. The Pastor of CSML shall be an ex-officio member of the SMNS Board of Directors.

The Church of Saint Mark – Lutheran Nursery School (SMNS) is a separately incorporated entity whose mission is to be part of the outreach mission of the Church of Saint Mark – Lutheran and to educate and train pre-school children, including providing them with an understanding of the love of God and of the Bible, while operating in compliance with the Ontario *Day Nurseries Act* and other relevant provincial, regional and city laws, by-laws and regulations. SMNS has its own constitution.

The purpose of the Nursery School is to accomplish its mission by:

- Teaching an age-appropriate educational curriculum in compliance with the Ontario *Day Nurseries Act*. The curriculum will include Bible stories, Christian songs and prayers.
- Teaching students to respect each other and their teachers.
- Teaching students to respect school and church property, both indoors and outdoors.
- Ensuring good communications among SMNS, The Church of Saint Mark – Lutheran (CSML), students and parents, including outreach initiatives and information.

As an outreach mission of CSML, provided that the requirements of relevant laws and regulations are met, SMNS is subject to the authority and direction of CSML. As CSML is

the senior and parent body of SMNS, the Constitution of CSML takes precedence over the Constitution of SMNS. Where the SMNS Constitution conflicts with the Constitution of CSML, the Constitution of CSML has precedence.

SMNS has a responsibility to provide care and early child education to the children enrolled in the NS, and must comply with relevant laws and regulations. SMNS is also part of the outreach mission of CSML. CSML and SMNS shall jointly develop programs and procedures for Christian outreach. In case of disagreement, and provided relevant laws and regulations are not violated, SMNS shall take direction from CSML in all matters, including those related to Christian outreach. However, it is not the intent of CSML to become involved in the day-to-day operation of SMNS, other than through its representatives on the SMNS Board of Directors.

The SMNS is not empowered or entitled to make changes to the facilities of CSML or their use without the express written approval of the CSML. CSML may make changes to the facilities of CSML or may direct SMNS to make changes; however, CSML shall not make or direct such changes that are in clear and unambiguous violation of relevant laws and regulations.

## **8.2. 8 Committees and Organizations**

A Worship Committee shall be formed to organize the celebration of God's presence with us, through worship of Him in spirit and truth. Members shall include an elder, the Pastor, and persons representing those groups and/or responsibilities associated with worship. The members shall choose a Chair from among themselves, subject to the approval of Council. The Worship Committee shall:

- Plan and organize the church's worship services to the honour and glory of God, and for the spiritual growth and comfort of His people, in order effectively through His Spirit to reach out to newcomers, strengthen His people's faith and spiritual maturity, and encourage fellowship;
- Assess and act upon the needs of the congregation for a variety of worship services, including varieties of liturgical and musical styles.

The Church Council may form or disband other committees as may be required for the carrying out of the work of the congregation, with a mandated task completion date if desired, and for such purpose may appoint members to serve on such committees. Membership of all committees shall be reviewed on an as-required basis. The Voters Assembly shall be advised of the formation or disbanding of such committees formed or disbanded by Council and the appointment of members to serve thereon, in a subsequent meeting.

Without limiting the generality of the foregoing, the following committees may be formed and members appointed to serve thereon:

Fellowship Committee, Human Resources Committee, Special Projects Committee.

A Fellowship Committee may be formed to foster and support the development of strong congregational bonds of fellowship and warmth. The Fellowship Committee shall:

- Create an environment for people to get to know each other and become friends;
- Organize fellowship groups;
- Assist in the visitation of members;
- Organize church socials;
- Organize hospitality for coffee hours, special luncheons, funerals and other occasions.

A Human Resources Committee (HRC) may be formed to coordinate, define and/or implement matters related to the administration and functions of paid staff and volunteers, including, without limiting the scope, job descriptions, employment contracts, and the congregation's Abuse Prevention Policy. The Chair of HRC shall be appointed by Council. HRC will report to Council. HRC, if formed, should consist of three members, one of whom should be Vice-Chair of Council, and through whom HRC would regularly report to Council. The Chair of HRC is not a member of Council, but may be asked to attend for specific matters.

Members of the congregation, or the congregation as a body, may form such organizations as shall conform to the spirit and intent of the constitution, subject to the approval of the Voters' Assembly. The constitution (including by-laws) of any such organization shall in no event conflict with the Constitution of the Church of St. Mark - Lutheran. Examples of such organizations include:

- The Board of SMNS: a separately incorporated entity apart from the congregation, with its own constitution, meeting provincial government requirements, whose Board of Directors is made up of communicant members in good standing of CSML;
- A missionary society within the congregation, electing its own officers, with its own constitution, affiliated with the Lutheran Women's Missionary League;
- Youth Group.

The Chair of the Board or Ministry designated by Church Council as having oversight for such committee or organization shall be responsible for reporting on them periodically to Church Council and at least annually to the Voters' Assembly. A representative or representatives of such committees and organizations may be requested from time to time to attend Church Council to report on or discuss important matters. The undernoted committees and organizations, if authorized and functioning, shall report as follows subject to revised reporting relationships as may be established by Church Council from time to time:

#### Church Council

- Human Resources Committee
- Special Projects Committee (if so organized)

Ministry of Elders:

- Worship Committee

Ministry of Christian Education:

- Library
- Sunday School
- Growth Groups
- Vacation Bible School
- Youth Group

Ministry of Outreach:

- Fellowship Committee
- A missionary society or equivalent or alternative

Vice-Chair of the congregation:

- Human Resources Committee
- Special Projects Committee

## **9.0 SYNODICAL MEMBERSHIP**

This congregation shall be a member of The Lutheran Church--Missouri Synod, English District, as long as the confessions and constitution of said Synod are in accord with Scripture and with the Confessions and Constitution of this congregation as set forth in Article 3.0 (as determined by a majority vote of the congregation at a meeting called for that purpose).

## **10.0 DIVISION**

- 10.1 If at any time a division should take place on account of doctrine, the property of the congregation and all benefits connected therewith shall remain with those communicant members who continue to adhere in confession and practice to Article 3 of this constitution, as determined by the adjudication procedures of the Synod.
- 10.2 If division takes place for any other reason, the property shall remain with the majority of the communicant members who continue to adhere in confession and practice to Article 3 of this constitution, as determined by the adjudication procedures of the Synod.
- 10.3 In the event the congregation should dissolve, the property and all rights connected therewith shall be transferred to the English District of The Lutheran Church - Missouri Synod.

## **11.0 ELIGIBILITY TO VOTE AND HOLD OFFICE**

Any voting member may vote or hold any office or position in the congregation except Pastor, subject to Article 7.1, and subject to Article 5.1 and the process outlined in By-law Article 13, both of which apply to the position of Pastor. The terms “voter” and “chair” shall be considered to apply equally to both sexes.

## **12.0 AMENDMENTS**

12.1 Amendments to provisions of the main body of this constitution except Articles 2.0, 3.0, 5.0, 9.0, and 12.0 may be adopted at a regular voters’ meeting. However:

12.1.1 The proposed amendment must have been submitted in writing at a previous meeting of the Voters Assembly and published by posting in a conspicuous place in the church or by traceable electronic means or mail to all voting members prior to the meeting at which the proposed amendment will be acted upon;

12.1.2 An affirmative vote of a two-thirds (2/3) majority of the voters present must be secured.

12.2 In addition to the above requirements, proposals to amend Articles 2.0, 3.0, 5.0, 9.0, and 12.0 shall require that previous notice of such amendment and discussion of the same shall be presented at two regular meetings of the Voters Assembly before the meeting at which the proposed amendment is to receive action. Due notice of the fact that a vote will be taken shall be given to all voting members of the congregation. Any changes in these articles shall not destroy the essential meaning of the same. Whether or not this has occurred shall be decided, if challenged, by a decision of the Commission on Adjudication of the synodical District in which the congregation holds its synodical membership.

## **BY-LAWS**

### **13.0 CALLING OF PASTORS**

- 13.1 When a pastor is to be called, every member of the congregation shall have the privilege of making one or more nominations. A list of potential candidates shall also be requested from the District President. A call committee shall be appointed by Church Council and shall consist of five to seven members, including the Chair of the Congregation and at least one elder. In the screening process, the call committee shall submit all names to the respective District President for information and evaluation. After receiving this, the call committee shall present to the congregation, by means of a public announcement, at least two preferred candidates, with a biographical sketch of each.
- 13.2 At the voters' meeting called for the purpose of calling a new pastor, the preferred list may be amended by a two-thirds vote of those present. The election of a pastor from the list of candidates chosen by the congregation shall be by a secret ballot vote. The candidate receiving the majority of all votes cast shall be considered elected. The election shall, if possible, be made unanimous by a rising vote. The call shall be sent to the pastor elect.

### **14.0 NOMINATIONS AND ELECTIONS**

- 14.1 At the regular December voters meeting, the Voters Assembly shall elect a nominating committee of two or three members, from a list recommended by the Church Council and augmented by the Voters Assembly, if desired. This committee shall choose a Chair from among its members, and together with the Pastor shall present a slate of candidates for all elected offices, except for the Chair of the Board of SMNS, at the annual meeting in April/May of the Voters Assembly. The slate shall normally consist of two names for each office, if possible. Additional nominations may be made from the floor. No person shall be nominated without his/her consent. If a given candidate is not elected for the position against which s/he is named, s/he may be considered for subsequent positions on the slate, provided that s/he consents.
- 14.2 The Chair of the nominating committee shall preside over the election of officers at the annual meeting in April/May of the Voters Assembly. All officers, except for the Chair of the Board of SMNS, shall be elected by a majority ballot vote and voting shall continue until a clear majority has been established after candidates receiving the lowest number of votes have been eliminated in each succeeding ballot.
- 14.3 The officers, other members of the Church Council, and the members of all boards, ministries and committees, except for the Chair of the Board of SMNS, shall be elected or appointed for the term specified for each in Article 8.

- 14.4 Officers and Chairs of boards and ministries shall be inducted into office in a public service of the congregation, as soon as conveniently possible, but no later than June 15. Officers- and Chairs-elect shall assume their duties on the first day of June in the year of their election.
- 14.5 In case of a vacancy in any office, the Council shall appoint a successor to serve until the next annual election (except for elders, see Section 8.2.1, and the Chair of the Board of SMNS). Officers shall be elected or appointed for the terms specified in this constitution and shall hold office until their successors shall have been elected and qualified.

## **15.0 OPERATION OF THE BOARD OF PLANNING AND STEWARDSHIP**

The Board of Planning and Stewardship should operate as follows:

- March: Solicit comments and ideas from the Chairs of boards, ministries and committees and the congregation on the programs of the church;
- April: Meet as a Board to review the previous year's program and its successes and failures, and to develop suggestions and ideas for the following year's program;
- April/May: Present this review and program development to the annual voters meeting, to assist in developing a general plan of goals and objectives as a guideline to the incoming Church Council;
- June: Discuss the general plan at the first meeting of the Church Council. Following the initial Council meeting, the Council members will form and/or meet with their respective boards, ministries and committees and prepare their proposed programs and budgets for the following year;
- July/August: Meet with the Chairs of boards, ministries and committees to review and discuss the program and plan of each, and ensure that the general plan is reflected in the plans of each board, ministry and committee;
- September: Encourage and ensure that each board, ministry and committee presents its proposed program and budget requirements for the following year to Church Council;
- October: Develop the church budget for the following year, taking into account the needs of the congregation, its boards, ministries and committees, and the financial capabilities of the congregation;
- November: Present the budget to the Church Council for its approval;
- December: Present the budget approved by Council to the December voters meeting.

## **16.0 ADMINISTRATION OF THE SPECIAL PROJECTS PROGRAM**

The intent of the Special Projects Program is to:

- Develop and implement a list of projects that will enhance the spiritual life of the congregation and/or meet congregational material or facility needs of a significant nature (these projects may be within or outside the regular budget);
- Allow and encourage members to contribute to projects of special interest to them;

- Provide for memorial gifts.

Special Projects will be administered by the Church Council (which may be supported by a Special Projects Committee reporting to Council). The Vice-Chair of Council will administer the Special Projects program, and the Treasurer will manage the financial aspects, keeping account of contributions to each Special Project. Special Projects will be administered by:

- developing a list of special projects which would enhance the spiritual life of the congregation and/or meet congregational material or facility needs of a significant nature.
- acknowledging any funds received for projects included on the approved Special Projects list. Any funds received for a Special Project will be accepted, accounted for, and dispensed by the Treasurer. Funds may be given directly to the Special Projects Fund or they may be directed toward a specific project included on the approved list. Donors wishing to contribute a gift or funds of a memorial nature, or to a project not on the approved list, shall indicate their desire and willingness to Council. Council shall consider the offer, taking into consideration the benefit to the congregation and the desire and preference of the donor(s). If the gift or project will enhance the spiritual life of the congregation and/or meet congregational material or facility needs of a significant nature, the offer may be accepted by Council. For accepted funds or gifts, it will be the Voters Assembly's decision as to whether any donor request or restriction, such as an identifying plaque, will be accepted. Church Council will endeavour to apply funds designated for specific Special Projects as directed by the donor. If excess funds are donated for a specific Special Project, or if Church Council decides that a Special Project cannot be completed for any reason, Church Council will consult with one or more donors, where feasible, to determine their wishes as to where to redirect donated funds, provided that any redirected funds shall be to purposes consistent with Saint Mark's mission and program. Where consultation with a donor or donors is not feasible, Church Council is authorized to redirect such donated funds to other purposes.
- overseeing the expenditure of Special Projects funds with respect to timing, quality and selection of any gifts and/or projects.
- maintaining and updating (at least annually) the list of Special Projects, and contributions to them, and reporting on their status, (1) with an annual statement of donors to the various Special Projects attached to the December Voters Assembly reports, noting the Special Projects, the donor(s) and the nature of the gift, and (2) with Special Project graphics (e.g., thermometer gauges) on the church bulletin board and/or the church newsletter, showing progress toward the Special Projects goals. Donors may choose not to be acknowledged, if they so wish.
- A Special Project intended to be a long-term ongoing project may be approved by the Voters Assembly as a regular budget item if the Special Project has proven to be effective and successful over a two-year period in meeting its objectives.



**17.0 OFFICIAL DUTIES**

Officers and members of boards, ministries and committees shall perform the duties prescribed in the constitution. The congregation shall also have the privilege from time to time of detailing and enlarging these responsibilities by majority vote of the Voters Assembly.

**18.0 RULES OF ORDER FOR MEETINGS**

In addition to principles laid down in Scripture, the latest edition of *Robert's Rules of Order* shall be used as a guide for the conduct of all meetings of the Voters Assembly, Church Council, and Boards and Ministries.

**19.0 AMENDMENTS**

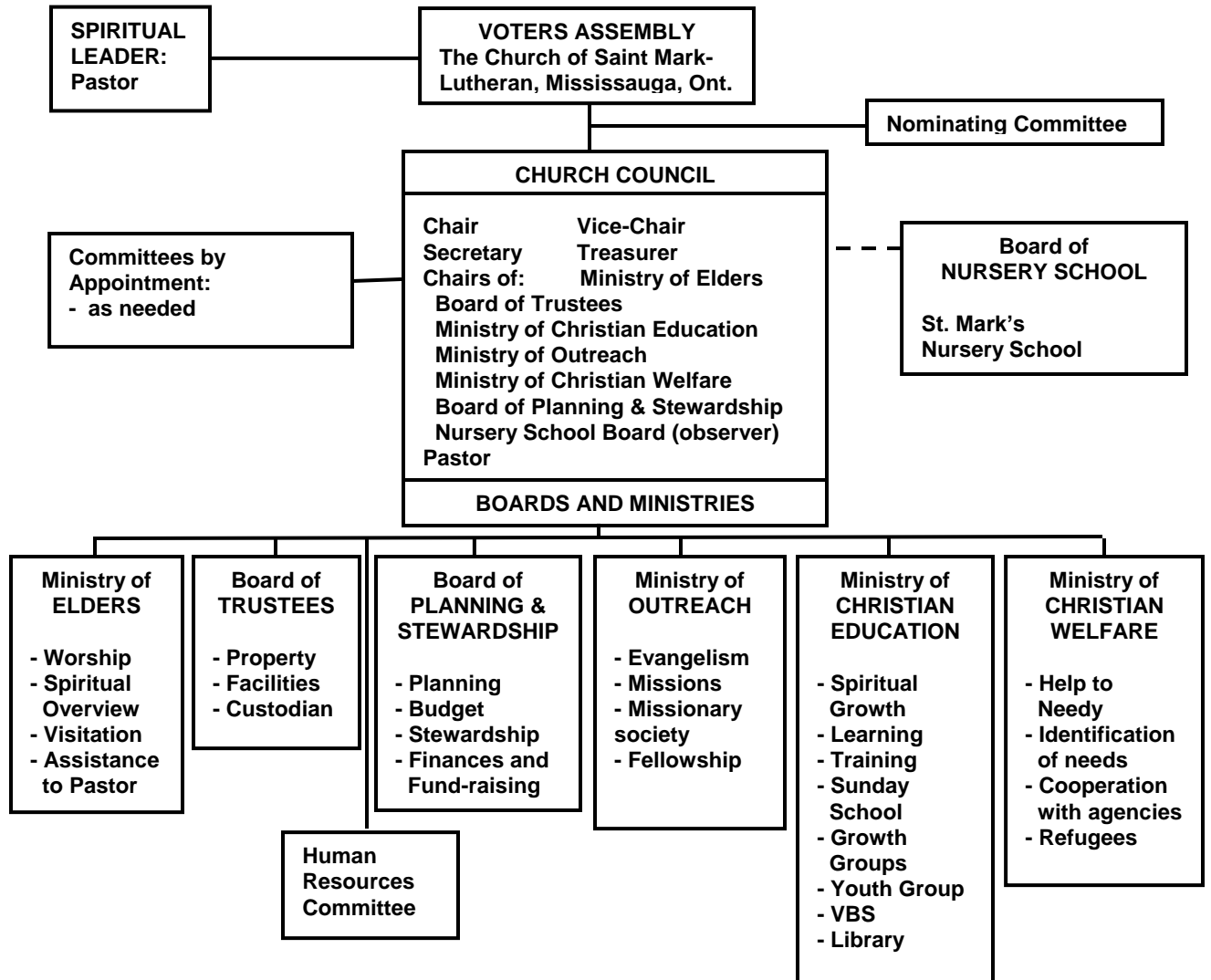
These bylaws may be amended in a properly convened meeting of the Voters Assembly by a majority of all voting members present, provided that the proposed amendment has been submitted in writing at a previous meeting of the Voters Assembly, and published by posting in a conspicuous place in the church or by mail or telephone to all voting members prior to the meeting at which the proposed amendment will be acted upon.

**20.0 TRANSITION PROVISIONS**

- 20.1 All voting members under the provisions of the previous constitution shall be voting members under the new constitution, subject to its provisions, if the constitution is accepted by the Voters Assembly.
- 20.2 The officer positions of Chair, Vice-Chair, Secretary and Treasurer under the previous constitution shall retain their offices under this amended constitution if it is accepted by the Voters Assembly. Chairs of Boards, Ministries and Committees which existed under the previous constitution and continue under this amended constitution shall retain their offices under this amended constitution if it is accepted by the Voters Assembly.
- 20.3 Terms of office shall be as specified in this amended constitution, but the time in office will be taken from the time of election or appointment, whether this occurred under the previous or under this amended constitution.

\* \* \*

**Organizational Schematic (post-2009 amendment)**



**Notes on Amendments:** (These notes are for explanation, and do not form part of the constitution as such):

1. Amendment 1 (May 1, 2005): Clause 6.2, paragraph 1, was amended to require only two regular Voters Assembly meetings per year rather than three. Clause 4.1.3, paragraph 2 was amended by changing “a full year” to “fifteen months”, to ensure that voters could not lose their vote by missing only one VA meeting.
2. Amendment 2, Phase A (May 16, 2010):
  - 2.1 General: All terms were made gender-neutral, such as Chair rather than Chairmen, s/he instead of he.
  - 2.2 General: minor housekeeping changes were made, such as explanation of terms and acronyms, for example, the definition of the Voters Assembly in Section 4.1.3.
  - 2.3 Section 2.1: the Mission statement was revised.
  - 2.4 Section 4.1.3: Voting members are redefined to mean those who have signed acceptance of the Constitution rather than those who signed the Constitution.
  - 2.5 Section 6.2, Meetings (of the Voters Assembly (VA)): The date of the annual meeting of the Voters Assembly was revised from between the middle of April and the middle of May, to between the middle of April and the end of May. Announcements of VA meetings will no longer require an agenda but will still require identification of items requiring a two-thirds majority vote.
  - 2.6 Section 6.2: The order of business for Voters Assembly meetings has been revised. Notification of special VA meetings may now be provided electronically, in addition to the means of telephone and announcement at prior church services.
  - 2.7 Section 6.4.2: one of the items requiring a two-thirds majority of voters at a VA has been changed, from “Changes to methods of raising funds” to “Changes to methods of raising funds for major projects”. See also Sec. 6.8.
  - 2.8 Section 6.8, Finance: Several changes have been made:
    - Financial support will be derived primarily (rather than solely) from free will offerings.
    - Complementary methods of raising funds for a major project may be approved by a two-thirds majority of the VA, including any conditions and criteria that the VA may approve.
    - Complementary methods of raising funds for minor projects will be determined after discussion and approval by Council. Council will determine whether a project is classed as major or minor.
    - A paragraph has been added regarding approval of payments for services or goods provided.
    - The Sunday School is authorized to raise funds for its mission projects through the sale of handcrafted articles or other goods, subject to the approval of the Ministry of Christian Education and the Pastor.
  - 2.9 Section 7.1, Members of Council: Addition: The Chair of the Board of St. Mark’s Nursery School shall be a non-voting observer member of the

- Church Council. Revision: Members of Council must be voting members of the congregation. Addition: Members of Council shall strive to attend Voters Assembly meetings on a regular basis.
- 2.10 Section 7.2, Duties of Council:
- Change “Annually appoint an auditing committee consisting of two members” to “Arrange for an annual audit of the church’s financial books.”
  - Appointment of a Sunday School Superintendent has been moved from Council to the Ministry of Christian Education.
  - Review, as appropriate, all committee mandates, reporting relationships and memberships, and revise if appropriate, rather than do so annually.
  - Change to permit Council to conduct votes between Council meetings by electronic means.
  - Change so that Special Projects are administered either directly by Council or by a Special Projects Committee reporting to Council.
- 2.11 Section 8.1.1, Duties of Chair will now include coordination of the procurement of insurance coverage for the church, and the conduct of annual reviews of paid staff. Three consecutive one-year terms will now be permitted, rather than two, under certain conditions.
- 2.12 Section 8.1.2, Duties of Vice-Chair will now include liaison with, and membership on, the Human Resources Committee, and coordination of the Special Projects program. It will no longer include liaison with the Nursery School Board. Three consecutive one-year terms will now be permitted, rather than two, under certain conditions.
- 2.13 Section 8.1.5, Financial Secretary: This position will now report to Church Council rather than to the Treasurer.
- 2.14 Section 8.2.1, Ministry of Elders: The following has been added: “The Elders shall be voting members of the congregation, and shall strive to attend Voters Assembly meetings on a regular basis.”
- 2.15 Section 8.2.2, Board of Trustees: Responsibility for insurance coverage has been moved to the Chair, and responsibility for Special Projects has been moved to Council and the Vice-Chair.
- 2.16 Section 8.2.3, Ministry of Christian Education: The Sunday School Superintendent shall now be appointed by the Chair of the Ministry of Christian Education, in consultation with the Pastor.
- 2.17 Section 8.2.4, Ministry of Outreach: Reference to the Priscilla Society here and in other places has been generalized to read “groups such as a missionary society”.
- 2.18 Section 8.2.7, Church of Saint Mark Nursery School (SMNS): This is a new section, reflecting the closer relationship between the church and SMNS. It mirrors some of the provisions of the constitution of SMNS.
- 2.19 Section 8.2.8, Committees and Organizations (formerly Section 8.2.7): The revisions introduce the Human Resources Committee (HRC) and its role, and realigns several reporting relationships of such committees.
- 2.20 Section 12.0, Amendments: Now permits posting of proposed amendments by electronic means in addition to mail or conspicuous posting in the church.

- 2.21 Section 15.0, Operation of the Board of Planning & Stewardship: The prescribed process and schedule to be followed are changed from “shall” to “should”. The annual review of staff is removed from this section to Section 8.1.1, Duties of Chair.
  - 2.22 Section 16.0, Administration of the Special Projects Program: Changes include statements on the intent of the program, its administration by Council through the Vice-Chair, and its financial management by the Treasurer, approval of projects, improved reporting of the program to the congregation, and transitioning from a Special Project to a regular budget item.
  - 2.23 Section 18.0, Rules of Order for Meetings: *Robert’s Rules of Order* is now referenced as a guide rather than a rule to be followed.
3. Amendment 3 (May 3, 2015):
    - 3.1 Section 16.0, Administration of the Special Projects Program. Prior to the amendment, this section stated that “A designated gift, once accepted, may only be redirected to another project with the written permission of the donor.” Based on the recommendation of CCCC, that once gifts are donated, Council should have the authority to reallocate gifts if necessary, and because of the frequent difficulty of contacting earlier donors, the following text was approved, to replace the above-cited sentence: Church Council will endeavour to apply funds designated for specific Special Projects as directed by the donor. If excess funds are donated for a specific Special Project, or if Church Council decides that a Special Project cannot be completed for any reason, Church Council will consult with one or more donors, where feasible, to determine their wishes as to where to redirect donated funds, provided that any redirected funds shall be to purposes consistent with Saint Mark’s mission and program. Where consultation with a donor or donors is not feasible, Church Council is authorized to redirect such donated funds to other purposes.