



BRITISH COLUMBIA SYNOD

Evangelical Lutheran Church in Canada
80 East 10th Avenue
New Westminster, B.C. V3L 4R5

Notes to Congregations regarding the BC Synod version of the Model Constitution and Bylaws for Congregations

January 2018

In September 2017, the National Church Council approved a new “Model Constitution and Bylaws for Congregations.” However, as acknowledged in their correspondence with congregations, there are particular features required by the BC Societies Act that must be taken into account. As a result, the BC Synod constitution committee has made the necessary changes to the national model. This BC version was approved by the BC Synod Council at its November meeting. The BC Synod version of the “Model Constitution and Bylaws for Congregations” is now posted on our website <www.bcsynod.org>.

The following are key aspects with respect to the BC Synod version when compared to the ELCIC Model:

1. Only two Articles are permitted in the Constitution — Name and Purpose. Everything else is to be located in the Bylaws.
2. The “Confession of Faith” has been moved to the Bylaws. Since the Societies Act specifies that there are no longer any “unalterable sections” in the Bylaws, the BC Synod Council has removed the text of the Confession of Faith in order to prevent confusion as to whether or not the text can be amended by congregations. The BC Synod version of the Congregational Model now references the Confession of Faith as it resides in the ELCIC Constitution.
3. Written notice of congregational meetings must be sent to all members — not just voting members. Synod Council, in consultation with legal counsel, has added a provision that addresses these requirements, including the option of sending e-mail notifications. (See Bylaw 7. Congregational Meeting. Section 5.)
4. The BC Societies Act requires **special resolutions** for certain actions. In this new Societies Act, the threshold for a special resolution has been reduced from 3/4s to that of 2/3s. However, as a congregation, you may move to a higher threshold than 2/3s, should you wish. In order to do so, you must specify that threshold in your bylaws.
5. The BC Societies Act is very particular as to how a director of a society can be removed from office. One of those methods is by special resolution. That provision is required and it has been added to the BC Synod version of the Congregational Model.

6. The BC Societies Act also requires that a director provides consent to the election. Please see Bylaw 8, Section 2, for appropriate wording.
7. Amendments to the Constitution or Bylaws also must be by special resolution. These amendments must be filed with the Registrar using a special on-line form. Please take note of the amending formula found in the BC Synod version of the Congregational Model.
8. The Societies Act states that a director of a society (that is, a congregational council member) shall be at least 18 years of age. However, an individual who is 16 or 17 years of age may serve as a director, as long as that is provided for in the bylaws.
9. It may be of interest to some congregations to review Section 83 of the Societies Act regarding "Participation in general meeting by telephone or other communications medium. Such a process is now permitted, providing that everyone participating in the meeting is able to hear each other. However, this Section also states that a society is not obligated to do this.
10. If a congregational council member receives remuneration from the congregation (that is, receives income), this must be shown on the financial statements (see Sections 35 and 36 of the Societies Act). The note in the financial statements need not identify the congregational council member by name. Also, the majority of the directors of a society must not be employed by or under contract for services to the society.

It is important to remember that the BC Societies Act also governs your activities as a congregation. We strongly advise familiarizing yourselves with the BC Societies Act.

Should you have any questions regarding these or other matters pertaining to the Congregational Constitution and Bylaws, please do not hesitate to phone or e-mail synod office. We will try to respond to you as quickly as we can. Also, do not forget to submit your amendments for approval by Synod Council. It often is helpful to do this prior to filing your amendments with the Registrar, so that any discrepancies or clarifications may be attended to in advance of filing.

Now that the major review of the new Congregational Model is completed, the Constitution Committee can turn its attention to reviewing your congregational Constitution and Bylaws and provide a timely report to Synod Council. Thank you for your patience this past year.

Peace be with you all.

Bishop Greg Mohr,
on behalf of the BC Synod Constitution Committee