

# **Evangelical Lutheran Church of Geneva**

An association located in Geneva  
Rue Verdaine 20

## **Constitution**

Reviewed by the Church Council on 27 September 2012

The original constitution of 8 June 1910 (document of notary Maître Albert Gampert), modified on 31 October 1920 (document of notary Maître Alexandre de Saugy), 21 February 1937 (document of notary Maître Jean Sautter), 22 March 1953, 23 May 1954, 24 April 1959, 8 March 1960 and 29 March 1968.

A new constitution has been adopted by the General Assembly on 27 March 1980. It has been modified by the General Assembly on 28 August 2011 (VI.4.).

## **Constitution of the Evangelical Lutheran Church of Geneva**

### **I. FORM, PURPOSE, LOCATION, BASIS AND DURATION OF THE ASSOCIATION**

1. The Evangelical Lutheran Church of Geneva (hereinafter referred to as “the Church”), is an association in accordance with Articles 60 ff of the Swiss Civil Code. It shall be corporately organized and shall have the rights of a juridical person.  
The Church shall comprise of several congregations.
2. The purpose of the Church shall be to preach and teach the Word of God, to administer the Sacraments and to bear witness to the Christian faith in word and deed. These activities will be carried out primarily by the member congregations.  
A specific task of the Church shall be to act for and on behalf of its congregations in matters of common concern.
3. The basis of the Church’s life shall be the Word of God set forth in the Old and New Testaments of Holy Scriptures, which are the source and norm of all church doctrine and practice.  
This Church accepts the Ecumenical Creeds and the Lutheran confessions as sound testimony to the Word of God. This it does in fellowship with other Lutheran churches.
4. The seat of the Church shall be in Geneva.
5. The duration of the Church’s life shall be indefinite.

### **II. MEMBERS**

1. The membership of the Church shall consist exclusively of baptized persons who wish to share in the traditions, teaching and life of one of the congregations.
2. Members shall be accepted by one of the congregations, and upon such acceptance become members of the Church. The congregations shall establish and maintain membership rolls.
3. The right to vote in the General Assembly and to hold office in the Church shall be limited to persons who are at least eighteen years of age, whose names have been on the membership rolls for at least six months, and who have registered for voting membership.  
Inscription on a roll of voting members shall require the approval of the congregation. These rolls shall be submitted periodically by the congregations to the Church Council.
4. Membership in the Church shall terminate with the termination of membership in one of the congregations.  
Membership in a congregation may be terminated by:
  - a) resignation, which may be submitted in writing at any time;

- b) a long period of lack of relationship to the congregations;
- c) exclusion for just cause: action to exclude a member shall be taken by the Congregational Committee, with the right of appeal to the Congregational Assembly and then the Church Council.

5. The members shall not be held personally liable for the obligations of the Church.

### **III. CONGREGATIONS**

- 1. The Congregations shall be organized as associations. Their authorities shall be a Congregational Assembly, Congregational Committee and an auditor or auditors. Their constitutions shall be approved by the Church Council and shall not contradict this constitution.
- 2. A Congregation which is dissolved or which separates from the Church shall have no rights to the property of the Church.
- 3. A new congregation may apply for admission and may become a congregation of the Church by decision of the General Assembly upon recommendation of the Church Council.
- 4. Groups worshiping in other languages than those used by the existing congregations shall be encouraged.

### **IV. ORGANIZATION**

- 1. The authorities of the Church shall be:
  - a) the General Assembly;
  - b) the Church Council;
  - c) the Executive Committee;
  - d) the Auditors.

#### **The General Assembly**

- 2. The General Assembly shall be composed of all voting members of the Church. It shall be the highest authority of the Church.
- 3. The General Assembly shall be convened by action of the Church Council:
  - a) at its own discretion;
  - b) at the request of a Congregational Committee; or
  - c) at the request of at least 10% of the voting members of the Church.

Convocation of a General Assembly shall be announced by:

- a) individual letters to voting members of the Church; and
- b) publication of notice in the congregational organs (both at least four weeks before the date of the Assembly); and

- c) announcement in at least three successive Sunday services.

The agenda shall be prepared by the Church Council and shall include any items proposed by a Congregational Committee or a group of voting members of the Church requesting the Assembly. The agenda, with relevant information on issues to be discussed, shall be made known, together with the written announcement of the meeting. Items of business not mentioned in the agenda shall not be subject of resolutions.

4. One fifth of the voting membership shall constitute a quorum. If a quorum is not reached, a second meeting shall be called as soon as possible, following the same procedures defined above. At the second meeting there shall be no numerical requirements for a quorum.
5. The chairperson of the Church Council shall be the chairperson of the General Assembly. The chair shall appoint the secretary.
6. Only the General Assembly may act to:
  - a) amend this Constitution;
  - b) dissolve the Church;
  - c) expel, for good and adequate reasons, a congregation.

Decisions by the General Assembly on these matters shall require a majority of three-fourth of those voting members present. In other matters brought before it, a simple majority of those voting shall be sufficient, except as provided elsewhere.

### **The Church Council**

7. The Church Council shall be composed of twelve to fifteen members appointed by the Congregational Committees from their membership. Members shall be appointed for a specific term of not less than one year. The number of representatives of each congregation shall be determined by the Church Council with the approval of the Congregational Committees. If agreement cannot be reached, the matter shall be submitted to a General Assembly, where decision shall require a two-thirds majority.

The composition of the Church Council shall not be subject to reconsideration more often than every five years, except in the event of a change in the number of congregations. The membership of a congregation and its program activity shall be the most important factor in determining the number of congregational representatives on the Council.

The pastors shall participate as advisors, without vote, in meetings of the Church Council.

8. The Church Council shall meet:
  - a) at the discretion of the chair;
  - b) at the request of at least three members; or
  - c) at the request of a Congregational Committee.

Announcement of a meeting shall be made by individual letter to all members, at least one week before the meeting. The agenda shall be attached. Only items on the agenda shall be the subject of decisions, except, at the beginning of the meeting, by the

unanimous consent of those members present.

9. The Church Council shall be competent:
  - a) to elect its officers, including chairperson, vice-chairperson, secretary and treasurer;
  - b) to act on matters relative to common activities and concerns of the congregations;
  - c) to promote cooperation and involvement among the congregations;
  - d) to approve the annual financial report, including a balance sheet and a statement of income and expenditure and set the budget of the Church;
  - e) to appoint ad hoc and standing committees;
  - f) to act on all matters not assigned to another authority by law or by this Constitution.

One half of its members shall constitute a quorum. Decisions shall require a two-thirds majority of members present.

10. Members of the Church Council, including the officers, shall serve without remuneration. They shall not be held personally liable for the obligations of the Church.

### **The Executive Committee**

11. The chairperson, the vice-chairperson and one other member of the Church Council shall constitute the Executive Committee. They shall be elected by the Council for a term of one year and may be re-elected.
12. The Executive Committee shall be responsible for the management of the current affairs of the Church according to the instructions and under the supervision of the Church Council. It represents the Church to third parties and engages the Church by joint signature of two of its members.

The Executive Committee can also give general or specific authority to other persons that may only be exercised together with another member of the Executive Committee.

13. The Executive Committee shall submit an annual financial report, including a balance sheet and a statement of income and expenditure, to the Church Council, not later than 30 April of the following year. The members of the Executive Committee shall abstain in the vote on discharge.

### **The Auditors**

14. An auditor or auditors shall be elected annually by the Congregational Committees to examine the accounts and the annual financial report of the Church.

The audited financial report shall be available for inspection to all members of the Church.

## **V. FINANCIAL RESOURCES AND ACCOUNTS**

1. The income of the Church shall consist of:
  - a) contributions of the member congregations;
  - b) the earnings of the Church's assets; and

- c) other receipts designated for the Church.
- 2. The fiscal year shall close on 31 December.
- 3. The congregations shall contribute to the expenses of the Church.

The proportion of contribution from the member congregations shall be determined by the Church Council and reviewed every three years. In determining proportions, the Church Council shall consider the financial situation of the congregations and the degree to which they use the church building.

## **VI. AMENDMENTS TO THE CONSTITUTION**

### **- WITHDRAWAL OF A CONGREGATION - DISSOLUTION OF THE CHURCH**

- 1. All proposals to amend this Constitution shall be published by the same means and at the same time as a proposal to convene a General Assembly (see IV. 3.). A copy of the proposal shall also be available to all voting members in the premises of the Church, between the time of notice and the time of voting.
- 2. A congregation may, by the decision of its Assembly, declare its withdrawal from the Church. This declaration shall be made not later than 31 December of any year to become effective 31 December of the following year.

Individual members of a withdrawing congregation shall have the right to affiliate with another congregation of the Church, which may not refuse to grant such membership, without a waiting period for voting.

- 3. The Church may be dissolved by action of the General Assembly. Any such action must be confirmed by a second General Assembly convened not less than six months after the date of the first action.
- 4. In case of dissolution of the Church, liquidation shall be carried out by the Executive Committee under the supervision of the Church Council.

The net assets of the Church, after payment of all debts and payment of obligations to employees of the Church and of its congregations, shall be applied, upon decision of the General Assembly, to an organization of public interest, wherever it may be located, whose purpose is analogous to that of the Church and is tax exempt. In no case shall any net assets be returned to the founders or members of the Church nor shall they be used to their personal gain whatsoever in whole or in part.

In consideration of the fact that German Churches provided the Church building and contributed to its maintenance over a long period, the Church Office of the Evangelical Church in Germany (EKD) shall be consulted in this matter.

## **VII. USE OF PROPERTY**

In view of the fact that the apartment immediately above the Sanctuary has, since the building was erected, always been the home of the German-speaking pastor, it shall continue to be used for that purpose.

## **VIII. OFFICIAL NOTICES**

The official media of publicity of the Church are the regular periodicals of the congregations. In the case a congregation does not publish a periodical or publishes too infrequently to meet the announcement requirements of this Constitution, official notices shall be addressed to members concerned by ordinary mail.

In any case where law demands that a notice be published in an official medium, that medium shall be the “Feuille d’avis officielle de la République et Canton de Genève”.

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