

BY-LAWS - MONTCLAIR UNITED PRESBYTERIAN CHURCH OF OAKLAND, CALIFORNIA

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ARTICLE I - GENERAL

Section 1.1 - The name of this church shall be the Montclair United Presbyterian Church. This church was organized on March 31, 1930 and incorporated by the State of California on September 12, 1935.

Section 1.2 - This church is a particular congregation of the Presbyterian Church (U.S.A.) and therefore is subject to its Constitution and laws.

Section 1.3 - This church shall operate under the "unicameral" system, i.e., there shall be one governing board, the Session.

Section 1.4 - This principal office for the transaction of business of the congregation and corporation shall be the church edifice, 5701 Thornhill Drive, Oakland, California.

Section 1.5 - The fiscal year shall begin on July 1 and end on June 30. Terms of office shall begin on the date of installation in April and end on that same date.

ARTICLE II - MEETINGS OF THE CONGREGATION

Section 2.1 - There shall be an annual meeting of the congregation and corporation in the church edifice in September on a day and time specified by Session for the transaction of any business which may properly come before it.

Section 2.2 - Special meetings may be called by the Session or the Presbytery. Such calls shall state clearly the purpose of such special meetings, and no other matter save that specified in the call may be considered.

Section 2.3 - All meetings shall be announced at two successive Sunday celebrations preceding the meeting.

Section 2.4 - All congregational meetings are also corporation meetings and therefore may deal with both corporate and ecclesiastical matters.

Section 2.5 - The moderator shall preside. The Clerk of Session shall act as clerk, or if unavailable, a substitute clerk shall be designated by Session.

Section 2.6 - A quorum shall consist of the Moderator, the Clerk and 25 members.

Section 2.7 - Communicant members of whatever age, shall be eligible to vote upon all matters that come before the congregation. Proxy votes are not allowed.

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Section 2.8 - The minutes of congregational meetings shall be referred to the Session for approval and upon approval shall be incorporated in Session records.

ARTICLE III - NOMINATION AND ELECTION OF CHURCH OFFICERS

Section 3.1 - There shall be a Church Nominating Committee composed of eight members. Five, plus two alternates, none of whom shall be members of Session, shall be elected by the congregation. The three other members shall be designated by and from Session. The Pastor and the Human Resources Coordinator shall be ex officio members without vote.

Section 3.2 - The Session shall designate one of its members as Chairperson, another as Vice-Chairperson, ordinarily to be Chair-person the following year.

Section 3.3 - The Nominating Committee shall be elected at the Annual Meeting and shall serve for one year starting October 1st. An alternate shall only substitute for a congregationally-elected member, and once used shall replace that member for the balance of the term.

Section 3.4 - The Committee shall nominate one person only for each position to be filled on Session, two auditors, and five members plus two alternates for the succeeding nominating committee. It shall not nominate any of its members; however, alternates who have not served are eligible. Additional nominations may be made from the floor by any eligible voter during election meetings. Prior consent of nominees is required.

ARTICLE IV - THE SESSION

Section 4.1 - There shall be 15 ruling elders, divided into three equal classes, one of which shall be elected each year for a 3-year term. Members may be elected for shorter periods to fill unexpired terms. An elder having served for a full term shall be ineligible to serve for a further term until one year has lapsed. Elders completing partial terms are eligible for re-election to a further term, providing the total consecutive service does not exceed five years.

Section 4.2 - Session shall elect three of its ruling elder members to act as Trustees of the corporation and to fill the offices of President, Vice-President and Secretary.

Section 4.3 - For good cause, an elder may resign from office with the consent of Session. Vacancies on the Session may be filled at a special meeting of the congregation or at the annual meeting, as Session may determine.

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Section 4.4 - The Session shall ordinarily meet monthly. A quorum shall consist of the moderator, and more than one-third of the total number of ruling elders serving.

ARTICLE V - AMENDMENTS

Section 5.1 - These by-laws may be amended subject to the Articles of Incorporation, the laws of the State of California, and the Constitution of the Presbyterian Church (U.S.A.) at any annual meeting or at any special meeting of the congregation called for that purpose by a majority of the eligible voters present.

ARTICLE VI - ADOPTION

The above by-laws of the Montclair Presbyterian Church of Oakland were adopted by the congregation on January 18, 1976.