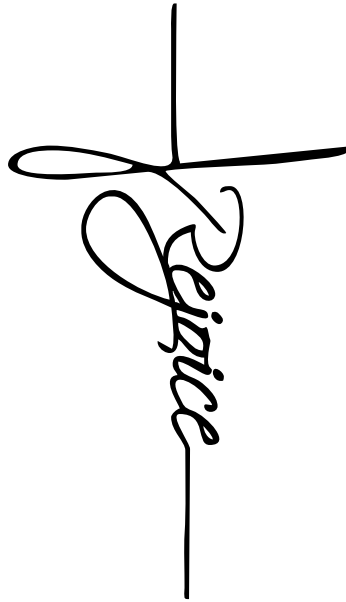


Constitution of Rejoice Lutheran Church



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NOTES	
Note from the ELCA Model Constitution for Congregations 2019	You will notice that certain numbers are missing from the numbering sequence in some chapters. These omissions are intentional. For example, in some chapters the number “.10.” and multiples thereof have been reserved for possible use as section headings in future editions.
Guidelines for the Constitution	<p>The numbers of all provisions in the Model Constitution for Congregations are prefaced with “C” to distinguish these provisions from comparable ones in the synod and churchwide constitutions.</p> <p>An asterisk (*) preceding the “C” indicates that the provision is a required one.</p> <p>The asterisk should be retained in the congregation’s constitution to indicate that the particular provision is required.</p>
Numbering Constitution vs. Bylaws	<p>Major sections are designated as chapters. The chapter becomes the first number in the sequence and is followed by a period. Example: “Chapter 8. Membership,” has the designation “*C8.”</p> <p>Constitutional provisions have two sets of numbers: the chapter number and a two-digit number preceding the second period. Example: “Membership” has the designation *C8.02.</p> <p>Bylaws have three sets of numbers: the chapter number, the related constitutional number & a two-digit number. The bylaw related to “Membership” would be C8.02.01.</p>

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CONSTITUTION
OF
REJOICE LUTHERAN CHURCH

PREAMBLE

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

Chapter 1

NAME AND INCORPORATION

- C1.01 The name of this congregation shall be Rejoice Lutheran Church.
- C1.02 For the purpose of this constitution and the accompanying bylaws, the congregation of Rejoice Lutheran Church is hereinafter designated as "this congregation."
- C1.03 This congregation shall be incorporated under the laws of the State of Minnesota.

Chapter 2

CONFESSION OF FAITH

- *C2.01 This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- *C2.02 This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
- A. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - B. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.

- C. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- *C2.03 This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- *C2.04 This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- *C2.05 This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- *C2.06 This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07 This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3

NATURE OF THE CHURCH

- *C3.01 All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02 This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- *C3.03 The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful.

In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

- *C3.04 This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.
- *C3.05 The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

Chapter 4

STATEMENT OF PURPOSE

- *C4.01 The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02 To participate in God's mission, this congregation as a part of the Church shall:
 - A. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - B. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - C. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - D. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, standing with the poor and powerless, and committing itself to their needs.
 - E. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.

- F. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

*C4.03 To fulfill these purposes, this congregation shall:

- A. Provide services of worship at which the Word of God is preached and the sacraments are administered.
- B. Provide pastoral care and assist all members to participate in this ministry.
- C. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation
- D. Teach the Word of God.
- E. Witness to the reconciling Word of God in Christ, reaching out to all people.
- F. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
- G. Motivate its members to provide financial support for this congregation's ministry and the ministry of the other expressions of the Evangelical Lutheran Church in America.
- H. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
- I. Foster and participate in ecumenical relationships consistent with churchwide policy.

*C4.04 This congregation shall develop an organizational structure to be described in the bylaws. The Congregational Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. Such descriptions shall be contained in continuing resolutions in the section on the Congregational Committees.

*C4.05 This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.

- *C4.06 References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

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 Congregational Council or other organizational units in this congregation’s governing documents is recognized. All remaining authority is retained by the congregation. This 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, Congregational Council and boards and require them to carry out their duties in accordance with the constitution, 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 elect 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 this congregation and other qualifications shall be as prescribed in guidelines established by the Southwestern Minnesota Synod of the Evangelical Lutheran Church in America.

C5.05 This congregation shall have a mission endowment fund. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

C5.05.01 An endowment fund, to be named Rejoice Lutheran Church Endowment Fund (hereafter called the Fund), whose purpose, governance, and operational procedures shall be defined by special resolution adopted by the congregation, shall be established.

- A. Christians can give to the work of the church through bequests in wills, assignment of life insurance, charitable gift annuities, charitable remainder and other trusts, assignment of certificate of deposit, and transfers of property (cash, stocks, bonds, real estate); and
- B. It is the desire of Rejoice Lutheran Church to encourage, receive, and administer these gifts in a manner consistent with loyalty and devotion to our Lord, expressed by the donors and in accord with the policies of the congregation.
- C. The purpose of the Fund is to enhance the mission outreach of Rejoice Lutheran Church apart from the general operation of the congregation; that no portion of the income generated by the Fund shall be used for the annual operating budget of the congregation, except under certain circumstances as hereafter described.
- D. The Rejoice Lutheran Church Endowment Fund Committee (hereinafter called the Committee) shall be the custodian of the Fund.

C5.05.02 Distribution of endowment fund income:

- A. The Committee shall determine what is principal and income according to accepted accounting procedures.

- B. Gifts and bequests to the Fund shall accumulate until the principal amount of \$10,000.00 is achieved, after which the income generated from the investment of principal may be expended.
 - C. Income from the Fund may be distributed annually and at such other times as deemed necessary and/or feasible to accomplish the following purpose:
 - 1. Twenty percent (20%) for capital improvements, debt reduction, or building program of Rejoice Lutheran Church.
 - 2. Twenty percent (20%) for ministry within the congregation and outreach to the communities served by Rejoice Lutheran Church, including, but not limited to, grants to college and seminary students, education events, special worship services, support for local social agencies, or special outreach to those persons who are in spiritual and/or economic need.
 - 3. Twenty percent (20%) for ministry outside our community, including but not limited to, grants to ELCA seminaries, colleges, or bible camps, support for new or developing congregations, missionary sponsorship, or support of hunger and relief agencies.
 - 4. Ten percent (10%) for reinvestment to be added to the principal amount of the Fund annually.
 - 5. Thirty percent (30%) for any and all of the above designated areas in any proportion as determined by the Committee, or for causes and programs which at the discretion of the Committee are consistent with the fund purpose of enhancing the ministry of Rejoice Lutheran Church.
 - D. Programs for support shall be recommended and approved by the Committee for funding according to the guidelines established by the congregation.
 - E. Disbursement of income from the Fund need not occur annually in the event causes and programs have not been approved by the Committee sufficient to utilize total income available, or if in the judgment of the Committee total disbursement of income is not recommended.
- C5.05.03 Distribution of endowment fund principal: When in the opinion of the committee circumstances are so dire and of such an emergency nature that the future of the congregation is at stake, and that the only recourse seems to be the use of the Fund principal to alleviate such emergency, the Committee may, upon a four-fifths majority vote, recommend such authorizing action to the congregation.

C5.05.04 Be it further resolved that in the event Rejoice Lutheran Church ceases to exist either through merger or dissolution, disposition or transfer of the Fund shall be at the discretion of the church council in conformity with the approved congregational constitution and in consultation with the bishop of the synod to which this congregation belongs at such time. Consultation with the Evangelical Lutheran Church in America may be desirable for continuation of Endowment Fund obligations.

Chapter 6

CHURCH AFFILIATION

*C6.01 This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Southwestern Minnesota Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

*C6.02 This congregation accepts the Confession of Faith and agrees to the purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.

*C6.03 This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:

- A. This congregation agrees to be responsible for its life as a Christian community.
- B. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- C. This congregation agrees to call pastoral leadership from the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
- D. This congregation agrees to consider ministers of Word and Service for call to other staff positions in this congregation according to the procedures of the Evangelical Lutheran Church in America.
- E. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in

agreement with the *constitution and bylaws of the Evangelical Lutheran Church in America* and with the constitution of the synod.

*C6.04 Affiliation with the Evangelical Lutheran Church in America is terminated as follows:

- A. This congregation takes action to dissolve.
- B. This congregation ceases to exist.
- C. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America or in accordance with provision 9.23 of the *constitution and bylaws of the Evangelical Lutheran Church in America*.
- D. The Southwestern Minnesota Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.

This congregation follows the procedures outlined in C6.05.

*C6.05 This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:

- A. A resolution indicating the intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time this congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregational Council. Unless he or she is a voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the first meeting.
- B. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to voting members of this congregation.
- C. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days

- after receipt by the bishop of the attestation and certification as specified in paragraph b. above.
- D. If this congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the second meeting.
- E. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs F. and G. below.
- F. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case *C7.04. shall apply.
- G. This congregation shall abide by these covenants by and among the three expressions of this church:
1. Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in *C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
 2. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synod approval before terminating their membership in this church.
 3. Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in C6.05., to satisfy all financial obligations to this church and receive Synodical Council approval before terminating their membership in this church.
- H. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above or fails

to achieve the required two-thirds vote of voting members present at this congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of *C6.05. and may begin no sooner than six months after the meeting at which the two-thirds vote was not achieved.

- *C6.06 If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is taken.
- *C6.07 If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

Chapter 7

PROPERTY OWNERSHIP

- *C7.01 If this congregation ceases to exist, title to undisposed property shall pass to the Southwestern Minnesota 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 or pursuant to 9.23 of the *constitution and bylaws of the Evangelical Lutheran Church in America*, title to property shall continue to reside in this congregation.
- *C7.03 If 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 Southwestern Minnesota Synod.
- *C7.04 If 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 process established by the synod, 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. In neither case does title to this congregation's property transfer to the synod.

*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 Southwestern Minnesota Synod — reconvey and transfer all right, title, and interest in the property to the synod.

Chapter 8

MEMBERSHIP

*C8.01 Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.

*C8.02 Members shall be classified as follows:

- A. *Baptized* members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
- B. *Confirmed* members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
- C. *Voting* members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of

voice and vote at every regular and special meeting of this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.

- D. *Associate* members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
- E. *Seasonal* members are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregational Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the synod council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
1. They shall not be eligible for elected office in, or for membership on the Congregational Council or on a call committee of, this congregation;
 2. They shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
 3. They shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;
 4. They shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
 5. They shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
 6. They shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.

*C8.03 All applications for confirmed membership shall be submitted to and shall require the approval of the Congregational Council.

*C8.04 It shall be the privilege and duty of members of this congregation to:

- A. Make regular use of the means of grace, both Word and sacraments;

- B. Live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
- C. Support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

*C8.05 Membership in this congregation shall be terminated by any of the following:

- A. death;
- B. resignation;
- C. transfer or release;
- D. disciplinary action accordance with chapter 20 of the *Constitution and Bylaws of the Evangelical Lutheran Church in America*; or
- E. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.

Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

8.06.01 The congregation shall, in the event of the removal of a member from our church membership roster, encourage the member to request a transfer to a Lutheran congregation which can serve them effectively. Should the member fail to request a transfer, a Lutheran congregation in the community of his/her residence may be notified.

8.06.02 A confirmed member in good standing desiring to change his/her membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.

8.06.03 A confirmed member who does not, for a period of one year, partake of Holy Communion, support the church with his/her offerings, and does not appear to desire to participate in the life and worship of the congregation shall be visited by the pastor and/or a representative of the congregation and be encouraged to active membership. If, during the second year, the confirmed member does not actively participate, that member's name shall be removed from the membership roster by the Congregational Council, but be retained on a responsibility list as one who is in special need of the congregation's prayer and concern and shall be welcome at all times.

Chapter 9

ROSTERED MINISTER

*C9.01 Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregational Council to recommend the call, shall seek the advice and help of the bishop of the synod.

*C9.02 Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod bishop may be called as a pastor of this congregation.

*C9.03 Consistent with the faith and practice of the Evangelical Lutheran Church in America,

A. Every Minister of Word and Sacrament shall:

1. preach the Word;
2. administer the sacraments;
3. conduct public worship;
4. provide pastoral care;
5. seek out and encourage qualified persons to prepare for the ministry of the Gospel;
6. impart knowledge of this church and its wider ministry through available channels of effective communication;
7. witness to the Kingdom of God in the community, in the nation, and abroad; and
8. speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.

B. Each pastor with a congregational call shall, within the congregation:

1. offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
2. relate to all schools and organizations of this congregation;
3. install regularly elected members of the Congregational Council;

4. with the council, administer discipline.
5. endeavor to increase the support given by the congregation to the work of the churchwide organization of the Southwestern Minnesota Synod; and
6. encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

*C9.04 The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.

*C9.05 The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:

- A. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for the following reasons:
 1. mutual agreement to terminate the call or the completion of a call for a specific term;
 2. resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 3. inability to conduct the pastoral office effectively in this congregation in view of local conditions;
 4. physical disability or mental incapacity of the pastor;
 5. suspension of the pastor through discipline for more than three months;
 6. resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 7. termination of the relationship between this church and this congregation;
 8. dissolution of this congregation or the termination of a parish arrangement; or
 9. suspension of this congregation through discipline for more than six months

- B. When allegations of physical disability or mental incapacity of the pastor under paragraph A.4 above, or ineffective conduct of the pastoral office under paragraph A.3 above, have come to the attention of the bishop of this synod,
1. the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or,
 2. when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregational Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- C. In case of alleged physical disability or mental incapacity under paragraph A.4 above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- D. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph A.3 above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to this congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- E. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, this congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

- F. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's *constitution, bylaws, and continuing resolutions*.
- *C9.06 At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregational Council.
- *C9.07 During the period of service, an interim pastor shall have the rights and duties in this congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregational Council. The interim pastor and any rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- *C9.08 This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
- *C9.09 When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregational Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.11 With the approval of the bishop of the synod, this congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
- *C9.12 The pastor of this congregation:
- A. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;
 - B. shall submit a summary of such statistics annually to the synod; and

- C. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- *C9.13 The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- *C9.14 The parochial records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another call or approval of a request for change in roster status.
- C9.15 Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between this congregation and the pastor in a form proposed by the synod bishop and approved by this congregation.
- *C9.21 Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregational Council to recommend the call, shall seek the advice and help of the bishop of the synod.
- *C9.22 Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.
- *C9.23 Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- A. Be rooted in the Word of God, for proclamation and service;
 - B. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - C. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;

- D. Equip the baptized for ministry in God's world that affirms the gifts of all people;
 - E. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
 - F. Practice stewardship that respects God's gift of time, talents, and resources;
 - G. Be grounded in a gathered community for ongoing diaconal formation;
 - H. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
 - I. Identify and encourage qualified persons to prepare for ministry of the gospel.
- *C9.24 The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.25 The provisions for termination of the mutual relationship between a minister of Word and Service and this congregation shall be as follows:
- A. The call of this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for the following reasons:
 - 1. mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2. resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3. inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
 - 4. physical disability or mental incapacity of the deacon;
 - 5. suspension of the deacon through discipline for more than three months;
 - 6. resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
 - 7. termination of the relationship between this church and this congregation;

8. dissolution of this congregation or the termination of a parish arrangement; or
 9. suspension of this congregation through discipline for more than six months.
- B. When allegations of physical disability or mental incapacity of the deacon under paragraph A.4 above, or ineffective conduct of the office of minister of Word and Service under paragraph A.3 above, have come to the attention of the bishop of this synod:
1. the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 2. when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregational Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- C. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- D. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph A.3 above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.
- E. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the

committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

- F. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- *C9.26 This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
- *C9.27 When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregational Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.28 With the approval of the bishop of the synod, this congregation may depart from *C9 and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.25.a
- *C9.29 The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- *C9.31 The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

Chapter 10

CONGREGATIONAL MEETINGS

- C10.01 This congregation shall have at least one regular meeting per year. Consistent with the laws of the State of Minnesota, the Congregational Council shall designate one regular meeting per year as the annual meeting of this congregation. The annual meeting of the congregation shall be held within two weeks (before or after January 31st of every calendar year. The church council shall identify the exact date no later than its regular meeting in October of the preceding year.
- C10.01.01 The congregation shall receive reports from all of the organizations of the congregation. A financial report will be issued by the Congregational Council following the close of the fiscal year. The reports will include the year's activities, finances, and mission plans for the coming year.
- C10.02 A special Congregation meeting may be called by the pastor, the Congregational Council, or the president of this congregation, and shall be called by the president of this congregation upon the written request of twenty-five of the voting members. The president of the Congregational Council shall call a special meeting upon request of the synod bishop. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.
- C10.03 Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting.
- C10.04 A quorum for any regular or special meeting shall be those voting members present.
- C10.05 Voting by proxy or by absentee ballot shall not be permitted.
- C10.06 All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07 Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of this congregation.
- C10.08 This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication. To the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 11

OFFICERS

C11.01 The officers of this congregation shall be a president, vice president, secretary and treasurer/financial secretary.

- A. The congregation shall elect its officers, the president, vice president, and secretary from the membership of the congregation.
- B. The officers shall be voting members of this congregation.
- C. Officers of this congregation shall serve similar offices of the Congregational Council and shall be voting members of the Congregational Council.
- D. If the treasurer/financial secretary is not elected by the congregation, the Congregational Council shall select the treasurer/financial secretary.
- E. If the treasurer/financial secretary is selected by the Congregational Council, the treasurer shall have voice but not vote at the meetings of the Congregational Council.

C11.02 Congregational Council officers shall have signature authority for all church related business and legal documents.

C11.03 The officers shall be elected by written ballot and shall serve for a three-year term or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

C11.04 No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

C11.05 The president shall:

- A. Preside at all meetings of the congregation, the Congregational Council and the executive committee.
- B. Carry out the will of the congregation as ordered by this constitution and bylaws.
- C. Deliver a report to the congregation at each annual meeting.

C11.06 The vice president shall:

- A. Perform the duties of the president in the president's absence, incapacity or at the president's request.
- B. Coordinate the work of committees and ministry teams.
- C. Assist the president on agenda items, calling to attention matters deferred or referred to committees or ministry teams for further study and recommendations.

C11.07 The secretary shall:

- A. Record proceedings of the congregation and church council; distribute copies to members.
- B. Retain and codify secretarial records to be filed permanently in the church office; keep duplicate personal sets of records which shall be turned over to their successor.
- C. Keep attendance record of each council meeting.
- D. Be responsible for safekeeping of all official congregational documents.

C11.08 The treasurer shall:

- A. Supervise the financial procedures, records and investments of the congregation.
- B. Sign all checks and/or approval electronic transactions. In the absence of the treasurer, the president may sign checks.

Chapter 12

CONGREGATIONAL COUNCIL

C12.01 The voting membership of the Congregational Council shall consist of the pastor(s), the officers of this congregation, and six to ten members of this congregation. Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregational Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregational Council without cause. Consistent with the laws of the state in which this congregation is incorporated, this congregation may adopt procedures for the removal of a member of the Congregational Council in other circumstances.

C12.02 The members of the Congregational Council except the pastor, shall be elected by

written ballot to serve for 3 years or until their successors are elected. Members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.

C12.03 Provide a manual for each Congregational Council member. The manual will contain at least the constitution, bylaws, and church directory.

C12.04 Should a member's place on the Congregational Council be declared vacant, the Congregational Council may elect, by majority vote, a successor until the next annual meeting.

C12.05 The Congregational Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregational Council shall include the following:

- A. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- B. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- C. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- D. To maintain supportive relationships with the rostered minister(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- E. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- F. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- G. To arrange for pastoral service during the sickness or absence of the pastor.
- H. To emphasize support of the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
- I. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.

- J. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.06 Church council members will publicly support decisions made regardless of how they voted.
- C12.07 Designate special committees or ministry teams and appoint members specifying their number, duties, authority, budget and accountability to the Congregational Council. Special committees or ministry teams will terminate upon completion of the task assigned to the committee.
- C12.08 Each committee and ministry team will have a representative of the Congregational Council on it. It will be the responsibility of the Congregational Council representative to be a liaison between the council, the committee and ministry team. All members of each committee and ministry team shall be acknowledged by the Congregational Council.
- C12.09 Offer opportunities to serve on special-purpose Congregational Council task forces to members of the congregation (e.g., hunger appeal, community celebration, tax hearing, etc.).
- C12.10 Provide for internal and external communications of the congregation (e.g., internal newsletter, external advertising).
- C12.11 Encourage community through groups within and outside of the congregation.
- C12.12 Support auxiliary organizations.
- C12.13 Appoint or assign a task force to evaluate present programs and recommend long-range plans to the Congregational Council.
- C12.14 Require each organization of the congregation to be accountable to the mission statement of the congregation.
- C12.15 Preserve historical archives of the congregation, appoint congregational historian, prepare and distribute a written history of the congregation, celebrate anniversaries and historic events.
- C12.16 Prepare and distribute a directory of members of the congregation at least triennially.
- C12.17 Coordinate the programs and ministries of the congregation, direct ministry functions not otherwise specified to the most appropriate committee or ministry team. Appoint delegates to conference and other conventions as required.

- C12.18 Acknowledge candidates for the rite of confirmation in consultation with the pastor.
- C12.19 Determine the age for baptized members to receive their first holy communion in consultation with the pastor.
- C12.20 Exercise general oversight of the spiritual life, mission, and ministry of the congregation that all may be done according to the word of God and this constitution.
- C12.21 Approve modifications in worship as recommended by the Worship, Music and Arts committee.
- C12.22 Approve membership into the congregation.
- C12.23 Admit persons to membership where there is no evidence of confirmation and there is no letter of transfer.
- C12.24 Render annual and special reports of activities to the congregation.
- C12.25 Support the pastor according to the letter of call/job description responsibilities and maintain supportive relationships with staff members.
- C12.26 The Congregational Council shall be responsible for the financial and property matters of this congregation.
- A. The Congregational Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and managing its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Minnesota, except as otherwise provided herein.
 - B. The Congregational Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of this congregation.
 - C. The Congregational Council may enter into contracts of up to \$12,000 for items not included in the budget.
 - D. The Congregational Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than \$12,000.00 in excess of the anticipated receipts only after approval by a congregational meeting. The budget shall include this congregation's full indicated share in support of the

wider ministry being carried on in collaboration with the synod and churchwide organization.

- E. The Congregational Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of mission support monies to the synod treasurer.
- F. The Congregational Council shall be responsible for this congregation's investments and its total insurance program.

C12.27 The Congregational Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions are carried out.

C12.28 The Congregational Council shall provide for an annual review of the membership roster.

C12.29 The Congregational Council shall be responsible for the employment and supervision of the staff of this congregation. Nothing in this provision shall be deemed to affect this congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

C12.30 The Congregational Council shall submit a comprehensive report to this congregation at the annual meeting.

C12.31 The Congregational Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.

C12.32 The Congregational Council will meet as soon as possible following the annual meeting for the purpose of organizing and election of a vice president for the following year.

C12.33 The date, time, and place for regular meetings of the Congregational Council shall be set by the Congregational Council.

C12.34 A quorum for the transaction of business shall consist of a majority of the members of the Congregational Council, including the pastor/s or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregational Council, following consultation with the synod bishop.

- C12.35 The Congregational Council and its committees may hold meetings by remote communication, including electronically and by telephone conference and, to the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 13

CONGREGATION COMMITTEES/MINISTRY TEAMS

- C13.01 The officers of this congregation and the pastor(s) shall constitute the Executive Committee.
- C13.02 The Executive Committee may designate another person to be financial signatory.
- C13.03 Nominating Committee:
- A. A Nominating Committee of four voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregational Council, shall be elected at annual meeting for a term of three years. Members of the Nominating Committee are not eligible for consecutive re-election.
 - B. Be convened by the pastor and/or Congregational Council president as advisor; elect a chairperson from their midst who will call and preside at subsequent meetings.
 - C. Nominate one or more candidates for each office to be filled.
 - D. Ask candidates to serve the full term of office if elected.
 - E. Provide each candidate with an accurate job description and a copy of the duties for the office for which he or she is nominated.
 - F. Announce the nominees and their qualifications to the congregation with the notices of the regular or special congregational meeting.
 - G. Provide nominations for:
 - 1. Congregational Council members
 - 2. Nominating committee members
 - 3. Synod delegates

4. Other offices which may be specified in bylaws

- H. Members of the nominating committee are eligible to be nominated for an elected position. Whenever a member of the nominating committee is nominated for an elected position, there must be at least one other name included on the congregational ballot for the same position.

C13.04 Finance, Stewardship and Audit Ministry Team:

- A. A Finance, Stewardship and Audit Ministry Team of three to five voting members shall be approved by the Congregational Council.
- B. Are liable to the congregation for their willful breaches of trust or misapplication of funds, and acts in excess of corporate power, but are not liable for mere errors of judgment provided acting in good faith.
- C. Prescribe a process for developing the annual budget and recommend the budget to the congregation.
- D. Authorize expenditures, loans, or use of restricted funds in accordance with the constitution, chapter 12.
- E. Encourage the congregation members of all ages to proportionate biblical stewardship; determine the congregation's proportion of income to be committed to the Evangelical Lutheran Church in America.
- F. Adopt a written audit procedure for both income, expense, and balance sheet transactions; inspect all insurance policies for adequacy of coverage; report findings to the congregation.
- G. Authorize all extra-budgetary appeals for funds and fundraising events to the congregation from sources both inside and outside the congregation.
- H. Adjust allocation of funds should income fall short of expectations or expenses exceed budgeted amounts; provide for contingency or emergency funds.
- I. Prepare and adopt a capital budget for improvements or major repairs; provide a capital growth fund in a foundation, trust, or endowment to receive bequests, special or deferred gifts to the congregation; review and accept or decline all offers of unsolicited gifts to the congregation.
- J. Approve all depositories and investments of congregational funds.

- K. Provide a fidelity bond for the treasurer/financial secretary, and others who have access to congregational funds (as provided by the ELCA).
- L. Appoint a financial secretary from either within or outside of the council membership.
- M. Oversee money-counting policy.
- N. Audit responsibilities:
 - 1. Audit the financial books and procedures of records upon the close of the fiscal year.
 - 2. Follow the written audit procedures adopted by the Congregational Council.
 - 3. Include their findings to the congregation in the annual report.

C13.05 Personnel and Staff Support Ministry Team:

- A. This team shall be approved by the Congregational Council.
- B. After a call has been extended to a candidate, the personnel team will negotiate a contract/letter of call defining specific responsibilities and benefits, including compensation. When agreement has been met, the candidate and council president will sign and forward it to the synod office for the bishop's approval and signature.
- C. Responsibilities of this team are to:
 - 1. Secure the necessary staff, other than the pastor, and set their compensation.
 - 2. Review staff compensation annually, including the pastor, using synod guidelines.
 - 3. Consult with the synod bishop if the resignation of a rostered staff person is requested, in accordance with chapter 11 of the constitution.
 - 4. Develop and maintain written position descriptions and personnel policies for all staff to be approved by the Congregational Council. These job descriptions and policies are to include compensation, benefits, hours, and work expectations.
 - 5. It is the responsibility of the personnel team to discipline employees if needed and document all discipline actions.

6. Adopt office policies for the church office and staff (e.g., office hours, paid time off, etc.).
- D. In the absence of a staff support committee, the duties shall be fulfilled by the executive committee.
 - E. The Staff Support team shall:
 1. Be appointed by the Personnel and Staff Support ministry team leader (in the absence of a staff support team, the duties shall be fulfilled by the executive committee).
 2. Meet at least once a year and more often as needed, as called by the team leader.
 3. Provide support for the pastor (and other staff members) as specified in the letter of call, including such matters as housing, health, continuing education, pensions, salaries, communications, etc.
 4. Recommend and advocate needed changes in staff support to the Congregational Council or executive committee.
 5. Meet with staff both individually or in groups, as required by the personnel policies and/or as needed.
 6. Listen to concerns of members regarding leadership and performance of staff and add to the agenda of subsequent meetings.

C13.06 Buildings and Property Ministry Team:

- A. This team shall be approved by the Congregational Council.
- B. Except as limited by the constitution, act as managing authority and may make contracts proper to the purpose of the organization.
- C. Are liable to the congregation for their willful breaches of trust or misapplication of funds, and acts in excess of corporate power, but are not liable for mere errors of judgment provided acting in good faith.
- D. Maintain the building(s) and premises of the congregation including equipment and furnishings; keep a record inventory of physical assets, maintenance performed thereon; and estimated replacement date.

- E. Prescribe a policy for building and premises security:
 - 1. Distribution of keys
 - 2. Fire extinguishers
 - 3. Alarm systems
 - 4. Smoke and heat detectors
 - 5. Responsibility for locking the buildings following various events, especially for evenings and weekends
- F. Inspect the premises regularly for the purpose of sound maintenance, safety, accessibility, insurance and building code compliance.

C13.07 Ministry teams of the congregation are active (as needed), and have representation on the Congregational Council, including:

- A. Community outreach:
 - 1. New members
 - 2. Community and holiday events
 - 3. Young@Heart
 - 4. Yoga
 - 5. AA meetings
 - 6. Stitch & Pray
 - 7. LuMin (Lutheran ministries at St. Cloud State University)
 - 8. Reborn Lao partnership
- B. Education:
 - 1. Adult education (bible study, specialty classes/book studies, etc.)
 - 2. Sunday school
 - 3. First communion

4. Faith formation
 5. Vacation Bible School
 6. Confirmation
 7. Youth & family
- C. Social concerns:
1. Food backpack program
 2. Food shelf
 3. Food rescue program
 4. Noisy offering support
 5. Guest speakers
 6. Christmas giving tree

C13.08 Call Committee:

- A. When a vacancy occurs, in a position for which this congregation calls a rostered minister, a Call Committee of five to seven voting members and one alternate shall be elected by the Congregational Council. Term of office will terminate upon installation of the newly called rostered minister.
- B. Elect a chairperson from within the committee.
- C. Study the congregation's mission and pastoral needs; share results with synod.
- D. Gather descriptive information about the congregation, e.g., history, pictures of church building, directory, map, congregational reports, annual report, etc.
- E. Receive recommendations of nominees from the synod bishop or synod call committee for study.
- F. Evaluate pastoral candidates by interview and other means; furnish information about the congregation and its mission to each candidate.

- G. Recommend one candidate to the congregation at a special meeting called to vote on calling that candidate.
- C13.09 Other committees or ministry teams of this congregation may be formed, as the need arises, by decision of the Congregational Council.
- C13.10 The pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of this congregation, except the Nominating Committee.

Chapter 14

ORGANIZATIONS WITHIN THIS CONGREGATION

- C14.01 All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.
- C14.02 The congregation welcomes cooperation with other organizations whose purposes are compatible with this constitution.
- C14.03 The use of the building and facilities of this congregation shall be limited to this congregation's activities and those of outside groups, approved by the Congregational Council or staff, who meet the provision above, and in accordance with the building use policy.
- C14.04 Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregational Council and specified in a continuing resolution.

Chapter 15

DISCIPLINE OF MEMBERS AND ADJUDICATION

- *C15.01 Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of this congregation, or willful and repeated harassment or defamation of members of this congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted

following Matthew 18:15-17, proceeding through these successive steps as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, and c) written referral of the matter by the Congregational Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregational Council.

- *C15.02 The process for discipline of a member of this congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to *C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregational Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- *C15.03 If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregational Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members, plus the nonvoting chair, comprise the discipline hearing panel for deciding the case. The Congregational Council and the accused member(s) are the parties to the case.
- *C15.04 The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- *C15.05 By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:

- A. Suspension from the privileges of congregation membership for a designated period of time;
- B. Suspension from the privileges of congregation membership until the pastor and Congregational Council receive evidence, satisfactory to them, of repentance and amendment of life;
- C. Termination of membership in this congregation; or
- D. Termination of membership in this congregation and exclusion from the church property and from all congregation activities.

*C15.06 The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member And the Congregational Council as required by the *Constitution, Bylaws, and Continuing Resolutions* of the Evangelical Lutheran Church in America. The decision of the discipline hearing panel shall be implemented by the Congregational Council and recorded in the minutes of the next council meeting.

*C15.07 No member of this congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.

*C15.10 Adjudication

*C15.11 When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council, for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

Chapter 16

AMENDMENTS

*C16.01 Unless provision *C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments

may be proposed by at least five voting members or by the Congregational Council. Proposals must be filed in writing with the Congregational Council 60 days before formal consideration by this congregation at a regular or special Congregation meeting called for that purpose. The Congregational Council shall notify this congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

*C16.02 An amendment to this constitution, proposed under *C16.01., shall:

- A. be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting;
- B. be ratified without change at the next regular meeting of this congregation held pursuant to C10.01 by a two-thirds vote of those voting members present and voting; and

have the effective date included in the resolution² and noted in the constitution.

*C16.03 Any amendments to this constitution that result from the processes provided in *C16.01. and *C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.

*C16.04 This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregational Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregational Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

² Such an effective date must be stated in relation to the requirements of *C16.03. to allow time for synod review of the amendment.

Chapter 17

BYLAWS

- *C17.01 This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- *C17.02 Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds vote of those voting members present and voting.
- *C17.03 Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregational Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregational Council shall notify this congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- *C17.04 Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 18

CONTINUING RESOLUTIONS

- *C18.01 This congregation in a legally called meeting or the Congregational Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- *C18.02 Continuing resolutions shall be enacted or amended by a majority vote of a meeting of this congregation or a two-thirds vote of all voting members of the Congregational Council.
- *C18.03 Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

Chapter 19

INDEMNIFICATION

- *C19.01 Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for

each person who, by reason of the fact that such person is or was a Congregational Council member, officer, employee, agent, or other member of any committee or ministry team of this congregation, was or is threatened to be made a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding.

Chapter 20

PARISH AUTHORIZATION

[Required provisions when congregation is part of a parish]*

- *C20.01 This congregation may unite with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C19.02. and *C19.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.
- *C20.02 One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- *C20.03 One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- *C20.04 Any one of the congregations of the parish may terminate their relationship with the pastor as provided in †S14.18.d. of the synod constitution of the synod named in *C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.

- *C20.05 Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in †S14.43.d. of the synod constitution of the synod named in *C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- *C20.06 Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.

CHAPTER 21

HOLY COMMUNION

- C21.01 The sacrament will be offered at least once each month during regular worship services.
- C21.02 Members and visitors are invited to participate in the sacrament and will be advised of the Lutheran teachings regarding preparation and worthiness.
- A. Acceptance of the real presence in, with, and under the bread and wine.
 - B. Firm belief in the words “given and shed for you for the forgiveness of sins.”
- C21.03 Preparation for Holy Communion will be provided for baptized members as early as second grade.
- C21.04 A record of participation in Holy Communion shall be maintained for all members.

Chapter 22

CONGREGATIONAL RECORDS

- C22.01 The records of the congregation shall be the property of the congregation and shall not be removed or used for commercial purposes. The records are the:
- A. Roster of baptized, confirmed, associate, and voting members
 - B. Ministerial acts performed by the pastor
 - C. Minutes and reports of the conference and synod
 - D. Minutes of the meetings of the congregation and Congregational Council

- E. Financial records of the congregation; all official and legal documents including this constitution and bylaws, deeds, mortgages, contracts, etc.

C22.02 The congregational secretary shall be responsible for the maintenance and security of the records.

C22.03 The pastor and Congregational Council shall furnish an annual congregational report to the general secretary of the ELCA and a report of ministerial acts performed shall be made to the congregation.

C22.04 In the event of dissolution or cessation of ministry, the official records of the congregation shall be deposited in the archives of the ELCA or its successor.