

# CONSTITUTION and BYLAWS

## First Evangelical Lutheran Church of Rush City, Minnesota

Current as of January 2025

This is a “living” document, meaning it changes as we need it to. Be aware that it will most likely need further revision and updates. Interim Pastors as well as Called Pastors are able to assist with this process.

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# CONSTITUTION

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FIRST EVANGELICAL LUTHERAN CHURCH - RUSH CITY, MN

# CONSTITUTION

## \*PREAMBLE

We, the 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 First Evangelical Lutheran Church of Rush City, MN.

C1.02.

For the purpose of this constitution and accompanying bylaws, and continuing resolutions, the congregation of First Evangelical Lutheran Church of Rush City, Minnesota is hereinafter designated as "this congregation".

C1.11.

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 all of 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 teaching of the Unaltered Augsburg Confession.

\*C2.06.

This congregation accepts the other confessional writing 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 Scriptures 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 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.

**\*C.4.02**

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, justice, and equality for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed 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 the 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 Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions.

\*C4.05.

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

C4.05.01.

As a congregation of the Evangelical Lutheran Church in America, and faithful to its teachings/traditions, the purpose of First Evangelical Lutheran Church of Rush City, Minnesota is to bring the word of God to people by faithful preaching of the Gospel and administration of the Sacraments. To this end this congregation will seek to:

- a. Gather in welcoming, vibrant worship.
- b. Provide creative Christian Education opportunities.
- c. Minister to the needs of all people in a caring, sensitive manner.
- d. Actively witness in word and deed to God's love.
- e. Give our resources generously in support of the extended ministries in the community and world.

\*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 THIS 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 Congregation Council or other organizational units in the congregation's governing documents is recognized. All remaining authority is retained by this 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 Congregation Council, boards, committees, and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions;

- k. Terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

\*C5.04.

This congregation or the Congregation Council shall elect from among the voting members of the congregation 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 elected and other qualifications shall be as prescribed in guidelines established by the Saint Paul Area Synod of the Evangelical Lutheran Church in America.

C5.05.

This congregation shall have an endowment fund that will operate as specified in this congregation's bylaws and/or continuing resolutions. The purpose of the endowment fund is to provide for mission work beyond the operational budget of this congregation.

C5.05.01.

The purpose of the Endowment Fund is to promote and manage permanent gifts to First Evangelical Lutheran Church, Rush City.

C5.05.02.

Definition of Endowment Fund:

- A. Permanent gifts to the Church, whereby the principal remains in the fund and only the earnings/proceeds are spent each year.
- B. Proceeds are to be used for the good of the Church as determined by this congregation council each year.
- C. The principle will not be used except in the event of extraordinary circumstances. In this case, the approval by congregational vote is required at a legally called meeting of the congregation.
- D. Endowment funds shall be kept separate from other funds belonging to the church.

C5.05.03.

The Endowment Fund will be promoted and managed by the council.

## **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 Saint Paul Area Synod of the Evangelical Lutheran Church in America , or its successor. 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 in 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 the 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 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 may be 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 of 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 Saint Paul Area 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.
- e. 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 Congregation Council. Unless the bishop and/or the bishop's designees are voting members of this congregation, they 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 the bishop and/or the bishop's designees are voting members of this congregation, they 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 Synod 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 Saint Paul Area 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 relate 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 relate to another Lutheran Church body, it shall consult with representatives of the Saint Paul Area 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 of 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 9.71a. 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 Saint Paul Area 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 provision 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 Congregation 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 Congregation 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 the 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 Congregation 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.

C8.04.01

Responsibilities of this congregation for fostering faithful membership shall include:

- a. Proper instruction in the Word of God and the teaching of the Lutheran Church prior to reception as confirmed members.
- b. Encouraging members, who move from the community which the congregation services, to transfer to a Lutheran congregation which can serve them effectively.
- c. Continuing concern and conscientious pastoral care for members, by encouraging participation in the life and worship of this congregation.
- d. Other responsibilities as described in C4.03 and C8.04 of this Constitution.

\*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 in 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.

C8.05.01

Discontinuance of Membership

- a. Any confirmed member in good standing desiring to change his/her membership to another church shall, upon request, be entitled to a Letter of Transfer.
- b. Members who have failed to receive Holy Communion or to make a contribution of record for a period of two consecutive calendar years, may be removed from the roll of members of this congregation by this Congregation Council. This procedure will take place only when there is a pastor under call to service this congregation or with the approval of the bishop of the synod and after such members have been counseled about the matter, if possible. Such persons who have been removed from the roll of members of this congregation shall remain persons for whom the church has a continuing pastoral concern.

## **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 this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.

\*C9.02.

This congregation may call as a pastor only:

- a. A member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America; or
- b. A candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod bishop.

\*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, proclaiming God's love for the world, advocating dignity, justice and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.

- 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 Congregation Council;
  - 4) With the council, administer discipline
  - 5) Endeavor to increase the support given by the congregation to the work of the churchwide organization and of the Saint Paul Area 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 any of 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) Inability to conduct the pastoral office effectively in view of disability or 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 disability or 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, who has 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 congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged disability or incapacity under paragraph a. iv. 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 resumption of the ability to conduct the office effectively, 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. iii. 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 the 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 the time of pastoral vacancy, an interim pastor may be appointed by the bishop of the synod with the consent of this congregation or the Congregation 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 Congregation 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 Congregation 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 C9.05a.

\*C9.12.

The pastor of this congregation:

- a. shall keep accurate 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 ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

\*C9.14.

The 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 the secretary's 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 official 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 [this congregation][the Congregation Council] to recommend the call, shall seek the advice and help of the bishop of the synod.

\*C9.22. This congregation may call as a deacon only:

- a. a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America; or
- b. a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop.

\*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 this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.

\*C9.22.

This congregation may call a deacon only:

- a. A member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America; or
- b. A candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop.

\*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, proclaiming God's love for the world, advocating dignity, justice and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;

- 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 expression 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 of 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 any of 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) Inability to conduct the office effectively in view of disability or 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 disability or incapacity of the deacon under paragraph a.4 above, or ineffective conduct of the office of minister of Word and Service under paragraph a. lii above, have come to the attention of the bishop of this synod,
  - 1) The bishop, who has 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 Congregation 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 lay person.
- c. In case of alleged disability or incapacity under paragraph a.iv. 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 Minister of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, 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 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 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 to be drafted in consultation involving the rostered ministers, the Congregation 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 C9.25.a 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 ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

## **CHAPTER 10 - CONGREGATION MEETING**

### **C10.01.**

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.

#### **C10.01.01**

The Annual Congregational Meeting shall be held during the month of January at such time and date as determined by this Congregation Council. Notice of the annual meeting shall be given as provided in C10.03 of the Constitution.

### **C10.02.**

A Special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of this congregation upon the written request of 20% of the voting members. The president of the Congregation 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.

#### **C10.03.01**

When necessary to complete the business of the meeting, a congregational meeting may, by majority vote, recess to reconvene at a specified time and place. A congregational meeting may also decide to recess to reconvene upon call, but the time and place of such a reconvened meeting must then be announced according to C10.03 of this Constitution.

#### **C10.04.**

20% of the voting members shall constitute a quorum. If a quorum is not achieved, the meeting will be rescheduled within 30 days, allowing for the notice requirements noted in C10.03.

C10.04.01

The current roster of voting-members shall be available at each meeting of this congregation.

C10.04.02

At each Congregational Annual meeting, a booklet of reports shall be available. All committees and organizations handling funds within this congregation shall submit accounts at the close of the year represented. These reports shall be included in the booklet of reports. The Pastor(s), staff members, the President of this Congregation Council, all chairpersons of council committees of this congregation and all organizations not a part of this Congregation Council, shall submit written yearly reports for publication in the annual report of this congregation.

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.

C10.07.02

In the following cases voting shall be by Congregational ballot:

- a. To elect this Congregation Council and the Call Committee (when needed) and Cemetery Board Members.
- b. To adopt or amend the constitution or bylaws of this congregation.
- c. To call a pastor or request for a resignation.
- d. To sever membership from the Evangelical Lutheran Church in America or its successors.
- e. To dispose of, encumber, or purchase real property.
- f. When requested by ten or more voting members present.

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 or its equivalent. To the extent permitted by state law, notice of all meetings shall be given according to C10.03.

C10.09.

*“Ex officio”* as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

## CHAPTER 11 - OFFICERS

C11.01.

The officers of this congregation council shall be a president, vice president, secretary and treasurer.

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of this congregation.
- c. If the Congregation Council elects its officers; the president, vice president, and secretary must be selected from the elected membership of the Congregation Council.

C11.01.01

This Congregation ***Council President:***

To lead by example to bring the word of God to people; illustrating God’s love in this congregation and community shall:

- a. Participate in committees of interest to fit their talents.
- b. Build and maintain quality relationships with Pastor, Council members, Congregation and other Committee members.
- c. Provide concepts, proposals and drafts to Pastor and Council members prior to submitting to council, committees and congregation.
- d. Motivate and unite the council, committee and members of this congregation on an ongoing basis to enhance involvement within the Church and community.
- e. Stay abreast of congregational conditions and needs regarding worship, membership, property, personnel, committees and community.
- f. Consistently review budget to determine accuracy, committee compliance and suggest investment opportunities to Pastor and Council members.
- g. Attend church, council meetings, conferences, assemblies, training seminars, standing committee meetings, church events,etc as their schedule allows.
- h. Address this congregation during worship as needed.

- i. Prepare an agenda, preside over all meetings of this Congregation Council and this Congregation (unless the meeting decides otherwise) and provide Council members with updates.
- j. Submit a summary of this Congregational Council business to the Church Secretary to be included in the Annual Meeting Report Book at the Annual Congregational Meeting in January.
- k. Communicate information that is provided by committees, this congregation and community to Pastor and Council members to ensure that needs are met.
- l. Prepare written proposals to include quotes and assessments of all suggestions made from committees, this congregation and community.
- m. Review and resolve council, committee, this congregation and community ideas and/or suggestions in a professional and timely manner as directed by the Pastor, council members and/or members of this congregation.
- n. Process and submit documentation for approval to Pastor, Council members and/or members of this congregation prior to releasing.
- o. Represent this Church in a professional manner at all times.
- p. Perform other related duties as assigned.

#### C11.01.02

##### This Congregation Council **Vice President:**

To lead by example to bring the word of God to people, illustrating God's love in this congregation and community shall:

- a. Participate in the Personnel Committee and other committees of interest that fit their talents.
- b. Build and maintain quality relationships with Pastor, Council members, Congregation and other Committee members.
- c. Provide concepts, proposals and drafts to Pastor and Council members prior to submitting to council, committees and congregation.
- d. Motivate and unite the council, committee and members of this congregation on an ongoing basis to enhance involvement within the Church and community.
- e. Stay abreast of congregational conditions and needs regarding worship, membership, property, personnel, committees and community.
- f. Consistently review budget to determine accuracy, committee compliance and suggest investment opportunities to Pastor and Council members.
- g. Attend church, council meetings, conferences, assemblies, training seminars, standing committee meetings, church events,etc as their schedule allows.
- h. Address this congregation during worship as needed.

- i. In the absence of the Congregation Council President, preside over all meetings of this Congregation Council and this Congregation (unless the meeting decides otherwise) and provide Council members with updates.
- j. Communicate information that is provided by committees, members of this congregation and community to Pastor and Council members to ensure that needs are met.
- k. Prepare written proposals to include quotes and assessments of all suggestions made from committees, members of this congregation and community.
- l. Review and resolve council, committee, congregation and community ideas and/or suggestions in a professional and timely manner as directed by the Pastor, council members and/or members of this congregation.
- m. Process and submit documentation for approval to Pastor, Council members and/or members of this congregation prior to releasing.
- n. Represent this Church in a professional manner at all times.
- o. Perform other related duties as assigned.

#### C11.01.03

This Congregation ***Council Secretary*** shall:

- a. Keep the minutes of this Congregation Council and of this congregation. Copies of such minutes shall be made available for the congregation's information, given to each Council Member upon request, given to the Pastor, and any other person as directed by the Congregation Council.
- b. Preserve the minutes in the archives by submitting them to the church secretary, along with any other documentation from the year.
- c. Perform other duties as described in C9.14, C16.03, C16.04, C17.04 and C18.03 of this Constitution.

#### C11.01.04

This Congregation ***Council Treasurer*** shall:

- a. Be custodian of funds of this congregation
- b. Oversee all disbursements of funds in accordance with the decisions of this congregation and of this Congregation Council.
- c. Each year, lead the budget planning process at the direction of the council. The budget planning process shall include those ministry leaders, staff, or persons identified as necessary to plan a budget for the coming fiscal year.
- d. Include the coming year's proposed budget, a financial summary of the past year, and the balance sheet in the written annual report.

- e. Present the council's proposed budget for the coming year to the congregation at the annual congregation meeting.
- f. Send the approved budget and any salary updates for this congregation to the accountant.
- g. Update all bank forms for authorized signers for new officers.
- h. Establish yourself as the "Authorized Representative" with all of the congregation's financial institution partners.
- i. Update Portico with eligible staff's current salary and benefits package each year.
- j. Review the monthly financial reports from the accountant for accuracy. Verify and correct any discrepancies.
- k. Prepare a current monthly financial summary to be reviewed at each Congregation Council meeting
- l. Report on the financial status at each Congregation Council meeting and advise this Congregation Council on spending decisions, sources of funds for projects, etc.
- m. Complete required forms, by supplying appropriate financial information needed to banks, government reports, etc.
- n. Contract with an outside professional to conduct a financial audit every 6 years.

C11.02.

The officers shall be elected by written ballot at the regular / organizational Council meeting and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the organizational meeting at which they are elected.

C11.03.

No officer shall hold more than one office at a time.

## **CHAPTER 12 - CONGREGATION COUNCIL**

C12.01.

The voting membership of the Congregation Council shall consist of not more than 7 members of this congregation. Any voting member of this congregation may be elected, subject only to the limitation of the length of continuous service permitted in that office. A member's place on the Congregation 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 Congregation 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 Congregation Council in other circumstances.

C12.01.01

Meetings of the Congregation Council shall be held on the same day each month as established by the Council at its organizational meeting, unless a different date is agreed upon by a majority vote of this Congregation Council.

C12.01.02

Special meetings may be called by the pastor or the president, or 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.

C12.01.03.

Any member having two consecutive, unexcused absences from regular meetings shall be notified by this council president or this council secretary. Further absences will be handled as noted in section C12.01 and C12.03.

C12.02.

The members of the Congregation Council except the pastor(s), and deacon(s) shall be elected by written ballot at the legally called annual meeting of this congregation. Two to three members may be elected annually. Their term of office shall be for three years, with the term of office beginning on February 1st and ending on January 31st. Such members shall be eligible to serve no more than two full terms consecutively. One full term must transpire before such person could be re-elected to the Congregational Council. Newly elected Congregation Council members shall be installed at worship at a time appointed by the Congregation Council.

C12.03.

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

C12.04.

The Congregation 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 Congregation Council shall include the following:

- a. Model a Christian lifestyle through faithful participation in worship service and other church activities.
- b. Promote a congregational climate of peace and goodwill and try to foster mutual understanding when differences or conflicts arise, according to Matthew 18:15-17.
- c. Do long-range planning, set goals and priorities, and evaluate activities based on the mission and goals of this congregation.
- d. Involve members of this congregation in worship, witness and service to others; and encourage and support members who are interested in the ministry.
- e. Oversee and provide for the functioning of this congregation, enabling it to fulfill its mission.
- f. Approve needed positions in order to carry on the work of this congregation such as parish workers, organists, choir directors, secretaries, etc and approve job descriptions of those positions. Nothing in this provision shall be deemed to affect this congregation's responsibility for the call, terms of call, or termination of the call of any employees who are on a roster of this church.
- g. Maintain supportive relationships with the pastor and staff and assist the personnel committee if needed to evaluate the fulfillment of their calling, appointment or employment.
- h. Work with the pastor to arrange for pastoral service during sickness or absence of the pastor.
  - i. Provide for an annual review of the membership roster.
  - j. Be responsible for the financial and property matters of this congregation by maintaining and protecting its property, management of its business and fiscal affairs, and oversight of investments and insurance.
- k. Establish committees in C13.02 at the first regularly scheduled Congregation Council meeting after the members assume office.
- l. Maintain data privacy and confidentiality for all members and staff of this congregation for electronic, oral or written records.
- m. Emphasize support of the synod and churchwide organization of the ELCA as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the ELCA.
- n. Approve Membership applications.

The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation 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 Congregation 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 Congregation Council may enter into contracts of up to \$5,000.00 for items not included in the budget.
- d. The Congregation 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.

#### C12.05.01

This Congregation Council shall oversee the use of this congregation's property and equipment according to these guidelines:

- a. The property of this congregation shall be for the use of this congregation in its normal function as a Lutheran Church and shall not be used in any way not in harmony with the purpose of this congregation.
- b. Buildings, furnishings, and equipment which are the property of this congregation shall not be lent or rented or be used by any group or individual not affiliated with this congregation unless application for such use has been approved by this Congregation Council by a majority vote for occasional use. Regarding requests for regular use, a majority vote of this Congregation Council must be obtained. Any authorized use shall be in accordance with the rules and regulations as this Congregation Council shall establish and communicate.

#### C12.12.

A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor 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 Congregation Council, following consultation with the synod bishop.

C12.13.

The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

C12.14.

The Congregation Council shall see that the provision of this constitution, any bylaws or continuing resolutions are carried out.

## **CHAPTER 13 - CONGREGATION COMMITTEES**

C13.01.

The officers of this Congregation Council and the pastor shall constitute the Executive Committee. Election and terms of office will coincide with their elected office as described in Chapter 11 of this Constitution.

C13.01.01

The Executive Committee shall:

- a. Follow the congregation's directions in loans and purchase of property.
- b. Deal with critical and confidential matters of this congregation.
- c. Shall function as this Congregation's Personnel Committee if there are no members serving on the Personnel Committee.
- d. Meet with the Synod on behalf of the Congregation as necessary.
- e. Meet as often as necessary at a mutually agreed upon day and time.

C13.02

This Congregation Council shall establish the following committees: Cemetery Board, Property Committee, Personnel Committee, Scholarship Committee, Kitowo Committee, Faith Formation Committee, and Call Committee (when needed).

C13.02.01

This Congregation Council may invite the full membership of its committees to review and set goals for the entire ministry of this congregation.

## C13.02.02

The Property Committee shall consist of 5 members. Members shall serve a term of 2 years and may serve unlimited consecutive terms.

### C13.02.02.A25

The Property Committee shall:

- a. Have special responsibility for annual care and maintenance of all equipment, furnishing , buildings and grounds which are property of this congregation as outlined in the budget.
- b. Make recommendations of capital improvements to the Congregation Council for approval.
- c. Make recommendations to the council for adequate property and liability insurance programs.

## C13.02.03

The Cemetery Board shall consist of 5 to 9 people, members of the congregation, who are elected by the congregation for terms of three years. Cemetery Board members may serve multiple terms. The Cemetery Board shall elect a chairperson from its own members and may designate people to serve as secretary and treasurer.

### C13.02.03.A25

The Cemetery Board shall conduct the management and business affairs of the First Lutheran Cemetery with the aim of making the cemetery a quiet, beautiful, resting place for the dead, where well kept turf and varied foliage of trees and shrubbery shall provide a sense of repose. The Cemetery Board shall be authorized to make and modify rules and regulations regarding:

- a. The maintenance and safe use of the cemetery grounds
- b. Laying out or altering avenues or walks
- c. Planting and removing shrubbery or trees
- d. Erection of monuments or markers
- e. Excavations, curbing and foundations
- f. Other matters which enhance the appearance or use of the cemetery

Rules and Regulations will be defined and laid out in the First Evangelical Lutheran Church Cemetery Rules and Regulations.

C13.02.03.B25

The Cemetery Board shall meet at least once annually or when needed as determined by the chairperson, or at the request of at least two of its members. The Cemetery Board chair shall preside at meetings or arrange for another Cemetery Board member to preside if the chair is unable to do so.

C13.02.03.C25

The Cemetery Board may secure help from volunteers or church staff to accomplish the following:

1. Ensure safe keeping of all cemetery records, books, files and papers, including a cemetery map with lot numbers and assignments. Upon request, share this information with the church council.
2. Manage the sale of cemetery lots and keep a record of all conveyances of lots, showing the lot number, to whom and when conveyed, and the price paid of the cemetery.
3. Withdrawals from the fund may be made at the discretion of the Cemetery Board. Any unused funds from a withdrawal may be reinvested.
4. Manage and keep a record of all interments in the cemetery. Interment records shall include
  - a. Name and age of person interred
  - b. Place, time, and date of death
  - c. Mortuary notes and records
  - d. Whether cremated or whole burial
  - e. Date of burial
  - f. If a body is disinterred, a note of such disinterment and if re-interment is made in another lot, the place of such re-interment.
5. Manage and keep records of all monument placements.
6. Manage, with the church treasurer if needed, a correct account of all sales, receipts, and disbursements related to the cemetery.
7. Provide a report including sales of lots, interments, and all receipts and disbursements to the congregation annually.

C13.02.03.D25

The Cemetery Board shall establish and manage a Permanent Fund, according to the laws of the state of Minnesota, the income of which shall be devoted to the care, maintenance, and improvement of the cemetery.

1. All funds paid for sale, services, permanent care, and maintenance of lots shall be deposited into the fund.

2. The permanent fund shall be invested for the long-term stewardship

C13.02.04

The Personnel Committee shall consist of 2 persons appointed by the council, the council vice president and the pastor. Members of the committee shall serve a term of 3 years and may serve up to 2 terms consecutively. The committee shall meet at least quarterly at a mutually agreed upon date and time.

C13.02.04.A25

The Personnel Committee members must be voting members of the congregation at least 18 years of age at time of appointment. Members of the personnel committee shall not be related to one another or any member of staff.

C13.02.04.B25

The Personnel Committee shall:

- a. Develop personnel policies for the congregation consistent with the church constitution and bylaws and mission.
- b. Develop and maintain an employee handbook.
- c. Recommend these policies to the Congregation Council for implementation.
- d. Develop and maintain job descriptions for the hired and elected positions of the Church.
- e. Review job descriptions every 3 years or sooner if needed.
- f. Check-in with each member of staff twice a year to discuss job responsibilities and how they are doing.
- g. Establish a process to assess, monitor, and track employee performance.
- h. Ensure policies, procedures, and processes are in place to support church staff.
- i. Make recommendations for pay adjustments, job descriptions or new positions to the Congregation Council for approval.
- j. Maintain confidentiality and create a safe space for issues/situations to be resolved.
- k. Mediate conflict between staff as needed.
- l. Develop and recommend policies and processes for contract and vendor relationships.
- m. Manage background checks on staff.
- n. Make recommendations for volunteer background checks.
- o. Manage workman's compensation claims.

C13.02.05

The Council may appoint a Scholarship Committee of up to 5 people. Members will serve for a one-year term and may serve unlimited consecutive terms.

**C13.02.05.A25**

The Scholarship Committee shall:

- a. Elect their own chairperson to convene and facilitate meetings from among their members.
- b. Determine the amounts of scholarship fund distributions.
- c. Determine the application process and qualifications of scholarship recipients.
- d. Award scholarships on behalf of the congregation to qualified recipients.

**C13.02.07**

The Faith Formation committee shall consist of no more than 5 members, at least 1 of whom shall be a voting member of this congregation. All members shall serve a term of 2 years and may serve unlimited consecutive terms.

**C13.02.07.A25**

The Faith Formation committee shall:

- a. Discern appropriate ministry with children, youth and their families for the year that fosters spiritual growth and formation of faith.
- b. Draft a budget for the year's planned activities.
- c. Promote the planned ministries within a year.
- d. Recruit and thank volunteers for planned activities.
- e. Encourage and assist children and youth engagement and participation in worship.

**C13.02.08**

The Kitovo committee shall be made up of no more than 7 persons, at least one of whom shall be a voting member of the congregation. Members shall serve for a term of one year and may serve unlimited consecutive terms.

**C13.02.08.A25**

The Kitovo committee shall manage and promote the relationship with our Kitovo parish ministry partners in Tanzania through the Bega Kwa Bega program of the St. Paul Area Synod.

**C13.02.09**

The council shall appoint a finance secretary who shall be a voting member of this congregation. The finance secretary shall serve a term of one year and may serve unlimited consecutive terms.

**C13.02.09.A25**

The finance secretary shall:

- a. Order giving envelopes
- b. Coordinate with council to determine special giving for the year
- c. Recruit, train, and manage counters
- d. Enter all donations into the giving software Realm
- e. Distribute giving receipts at least annually to all donors
- f. Report to the council as requested and report to the congregation annually

**C13.03**

A Call Committee of up to six voting members shall be elected by the congregation when a pastoral vacancy occurs. The term of office will terminate upon installation of the newly-called rostered minister.

**C13.04**

Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

**C13.05**

Duties of the committees of this congregation shall be specified in the continuing resolutions.

**C13.06**

The pastor of this congregation shall be an *ex officio* member of all committees and boards of this congregation. The (President / Vice President) of this congregation shall be an *ex officio* member of all committees and board of this congregation.

**C13.07**

The Congregation Council shall approve the membership and scope of all other committees and groups not elected by the congregation.

## **CHAPTER 14 - ORGANIZATIONS WITHIN THIS CONGREGATION**

**C14.01.**

All organizations within this congregation shall exist to aid in its 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.

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 member(s) 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 council and admonition by the pastor,
- b. Censure and admonition by the pastor in the presence of two or three witnesses,
- c. Written referral of the matter by the Congregation 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 a. and b. hereof, those steps may be performed by another pastor chosen by the executive Committee of the Congregation 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 Congregation 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 rostered ministers). 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 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 Congregation 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 Congregation 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 Congregation 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(s), and the Congregation 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 Congregation 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 \*C9.05.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 10 voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation 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; and
- b. Be ratified unchanged at the next regular meeting of this congregation by a two-thirds vote of those voting members present and voting.

\*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 Congregation 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 voting members of this congregation, the Congregation 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 the congregation's vote of approval.

#### C16.04.01

Any amendment to this Constitution, bylaws or continuing resolutions need to be approved by Congregational vote at a legally called meeting of the Congregation. Voting requirements to follow the Constitution of this Congregation.

## **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 Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation 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 Congregation 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 Congregation 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 provision providing indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a part of any threatened, pending or completed civil, criminal, administrative, arbitration, or investigative proceeding.

## **CHAPTER 20 - PARISH AUTHORIZATION**

\*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 C20.02. and C20.03., 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 congregation 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 congregation 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 \*C9.05.d. 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 \*C9.25.d. 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.