

**CONSTITUTION
BYLAWS AND CONTINUING RESOLUTIONS
of
Peace Lutheran Church of
LINCOLN, NORTH DAKOTA**

***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 Peace Lutheran Church of Lincoln, North Dakota.
C1.02. For the purpose of this constitution and the accompanying bylaws, the congregation of Peace Lutheran Church of Lincoln, North Dakota is hereinafter designated as "this congregation."
C1.11. This congregation shall be incorporated under the laws of the State of North Dakota.

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.

C#.#CONSTITUTION

C#.#.# BYLAW

C#.#.#(A,B,C),YR CONTINUING RESOLUTION

* Synod-required provision

***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 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.
- *C4.06.** 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 Congregation Council or other organizational units in this 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 officers, and Congregation Council, boards, and committees as required, and require them to carry out their duties in accordance with the constitution, bylaws, and/or 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 Western North Dakota Synod of the Evangelical Lutheran Church in America.

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 Western North Dakota 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 Western North Dakota 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 †§13.24. 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 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 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 Western North Dakota 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 Western North Dakota 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 †§13.23. of the constitution of the Western North Dakota 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.
 - C8.02a.01 The congregation is commissioned to baptize candidates for membership into the Body of Christ with water and the Holy Spirit in the name of the Triune God. The Baptized Member is thereafter privileged to live in that Sacrament forever.
 - C8.02a.02 The congregation will welcome newly Baptized Members into the Lord's family, receive them as fellow members of the Body of Christ and fellow workers in the Kingdom of God.
 - C8.02a.03 Communing Members are Baptized Members who have received the Sacraments of Holy Communion at least once within the preceding calendar year.
 - 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.
 - C8.02b.01 The Rite of Confirmation will be made available to Baptized Members after satisfactory completion of courses of study and acknowledgment by the Congregation Council.
 - 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.
 - C8.02c.01 The roster of Voting Members will be reviewed prior to the regular Annual Congregational Meeting.
 - 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.
 - C8.02d.01 The roster of Associate Members will be reviewed annually.
 - 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 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.

C8.02e.01 The roster of Seasonal Members will be reviewed annually

***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.

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

- a. death;
- b. resignation;
- c. transfer or release;

C8.05c.01 The congregation will issue a letter or certificate of transfer to another Lutheran congregation upon a member's request. Should a member having moved to a distant community, fail to request a transfer, a Lutheran congregation in or near that community shall be notified.

- 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.

C8.05e.01 A member who elects not to fulfill the provisions of membership as described in this constitution for one year shall be contacted by the Pastor and/or representatives of this congregation towards restoring active membership. If, during the second year, the member does not respond, that member's name shall be removed from the active roster but retained on a responsibility list as a person for concern for another year.

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.

- C9.01.01** After the congregation has voted to call a Pastor; it shall issue a letter of call to the Pastor-elect in a form approved by the Evangelical Lutheran Church in America (or its successor). The letter of call shall be signed by the President and the Secretary of the congregation and shall be attested by the Synodical Bishop.
- *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 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 Western North Dakota 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;
- C9.05a1).01** If a Pastor receives a letter of call to another ministry; the Pastor will consult the Congregation Council or congregation before reaching a decision. Therefore, the Pastor will announce a decision to the congregation within 21 days and notify the Synodical Bishop. Following acceptance of the call, the Pastor's ministry in this congregation shall usually terminate within an additional 45 days.
- 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 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 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 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 *C9.05.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 Congregation 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 a 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 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 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 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 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.

CONGREGATION MEETING

- C10.01.** This congregation shall have at least one regular meeting per year. The regular meeting(s) of the congregation shall be held at the time(s) specified in the bylaws. Consistent with the laws of the State of North Dakota, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.

C10.01.01 The agenda for the Annual Meeting shall be prepared by the Executive Committee. Any Confirmed Member may petition the President to propose an agenda item. The agenda may consider the below as guidelines for agenda items, but are not limited to these topics:

- Opening Worship
- Secretary's report (minutes and membership roster)
- Pastor's report
- Treasurer's report
- Election of officers - committees and governing board
- Adoption of budget
- President's report
- Resolutions
- Benediction

C10.01.02 The congregation shall at the Congregational Meeting determine the congregation's proportion of income to be committed to the Evangelical Lutheran Church in America (or its successor) Mission Support and benevolence.

C10.02. A special Congregation Meeting may be called by the senior 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 ten (10) or more 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 who have provided the congregation a physical and/or electronic mailing address, at least 10 days in advance of the date of the meeting. One notification to a household with multiple voting members is sufficient. Notifications by US Mail may also only be sent to those voting members/households without an electronic mail address on file with the church so long as electronic mail notifications are sent to those with electronic mail addresses on file.

Meetings of the congregation originally noticed per the provisions of this section may be postponed to a later date by the senior pastor, the Congregation Council, or the president of this congregation without need to follow the full notification provisions of this section so long as the original agenda is not changed. Electronic notice only is sufficient for such date changes without an agenda change, and such meetings may be rescheduled within a 10 day window from the original meeting without need to announce the new date at subsequent Sunday services. If the agenda is changed, the full notification requirements of this section will apply in order to set a new meeting date. In either case the Congregation shall operate under a continuing resolution for fiscal purposes and any expiring terms of council members shall be extended until such time as a congregational meeting can be held.

Should the senior pastor, the Congregation Council, or the president of this congregation deem that an emergency exists which impacts or may impact church governance and/or church operations, they may call an emergency meeting of the voting members of the congregation for purposes of addressing the emergency and assuring the continuity of church governance and operations. Notification may be by any safe and reasonable means necessary, and within any reasonable timeframe that allows for the widest dissemination of meeting information (including agenda) possible based on the emergency circumstances while assuring the church can address the needs of an emergency in a timely manner. Only those matters necessary to address

the emergency and assure continuity of church governance and operations may be addressed in such an emergency meeting.

- C10.04.** Fifteen (15) percent of the voting members shall constitute a quorum. NDCC 10-33-76 defines other requirements to be followed related to a quorum for church meetings. Should an emergency impact the availability and/or capability of voting members to participate in an emergency meeting as detailed in C10.03, then the quorum for such a meeting will be based upon fifteen percent of those voting members who are available for and/or capable of meeting participation.
- C10.05.** Voting by proxy or absentee ballot (while generally discouraged) may be allowed in special circumstances in which a member cannot attend because of illness or hardship. Requests shall be made to the Church Council Secretary at least one week in advance or in the case of illness as soon as possible. A determination must be made whether good cause exists by the Church Council President. He then will approve or disapprove the request. A written record of all requests and their respective decisions shall be recorded in the minutes of the congregational meeting.
- 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, and all such meetings shall be conducted in compliance with state law. The congregation may adopt in their bylaws standing modifications to *Robert's Rules of Order* for application to church meetings, and suspend the rules for a meeting or portions thereof in accordance with *Robert's Rules of Order* and in compliance with state law
- 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 will be set in the bylaws by the Congregation. The number and composition shall comply with NDCC 10-33 and any other state law requirements for a Board of Directors.
- a. Duties of the officers shall be specified in the bylaws.
- C11.01a.01** The Congregation will have a President, who shall:
- Preside at all meetings of the congregation, the Congregation Council, and Executive Committee.
 - Coordinate the work of the committees (boards).
 - Carry out the will of the congregation as ordered by this constitution, bylaws, and resolutions of the congregation.
 - Deliver an annual report to the congregation.
 - Execute letters of call and sign checks in absence of the Financial Secretary on behalf of the congregation.
 - Be a voting member of the Congregational Council and Executive Committee
- C11.01a.02** The Congregation will have a Vice-president, who shall:
- Starting in 2023, be elected every year at the annual meeting to serve for one year as Vice-president starting at the conclusion of that annual meeting. They will then become the President for one year at the conclusion of the next year's annual meeting. They may not be elected to serve a second consecutive Vice-president to President term.

- Shall perform the duties of the President in the President's absence, incapacity, or at the President's request. They shall work closely with the President in order to learn the responsibilities of that office and the processes of the Congregational Council and Congregation so they are ready to assume the duties of President the following year.
 - Be a voting member of the Congregational Council and Executive Committee
- C11.01a.03** The Congregation will have a Secretary, who shall:
- Be elected to office in odd numbered years at the annual meeting, serving a two year term for no more than two consecutive terms.
 - Record proceedings of the congregation and Congregation Council and make copies available to members.
 - Retain and codify secretarial records to be filed permanently in the church office and keep a duplicate personal set of records which will be turned over to their successor.
 - Keep an attendance record of each council meeting, advise the President of absentees and their reason for absence, and notify members having two unexcused absences.
 - Announce all congregational and council meetings and arrange for meeting places.
 - Maintain membership records, make a roster of Voting Members available at each congregational meeting, and prepare a Directory of Congregation Council and committee members.
 - Assist the President on agenda items, to include calling attention to matters deferred or referred to committees for further study and recommendations.
 - Maintain a register of congregational and church resolutions and policies; recommend closure when appropriate.
 - Be responsible for safekeeping of all official congregational documents (e.g. deeds, mortgages, articles of incorporation, constitution and bylaws, tax returns, etc).
 - Compile and distribute the annual report of the congregation and the congregational report to the Evangelical Lutheran Church in America (or its successor).
 - Notify the Nomination Committee of all offices to be filled 30 days prior to the annual meeting where elections are to take place.
 - Be a voting member of the Congregational Council and Executive Committee.
- C11.01a.04** The Congregation will have a Treasurer, who shall:
- Be elected to office in even numbered years at the annual meeting, serving a two year term for no more than two consecutive terms.
 - Supervise the financial procedures, records, and investments of congregation.
 - Render a monthly statement of income and expense compared to the budget of the Congregation Council.
 - Deliver an annual financial report to the congregation.
 - Assist in developing the ministry plan.
 - Recommend written financial policies and procedures for cash management, (e.g. annual budgeting, fund accounting, and annual audit) to the Congregation Council.
 - Direct the counting, depositing, and recording of all contributions, fees collected, gifts, and bequests received.
 - Reconcile each deposit to contributor's record.
 - Issue an annual statement to contributors or at request of contributors.
 - Keep individual giving records confidential.
 - Be a voting member of the Congregational Council and Executive Committee
- b. The officers shall be voting members of this congregation.

- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- C11.02.** The congregation shall elect its officers and they shall be the officers of this congregation. The officers shall be elected by electronic or written ballot, or voice or hand vote, and shall serve for a term as defined in the bylaws or until their successors are elected. Their terms shall begin at the close of the annual or other meeting of the congregation at which they are elected.
- C11.03.** No officer shall hold more than one office at a time, although an officer may perform the duties of another officer in addition to their own in the event of an officer vacancy or the unavailability or inability of an officer to fulfill their duties. No elected officer shall be eligible to serve more than two consecutive terms in the same office. If, upon the conclusion of an officers second consecutive term a successor is not found pursuant to the provisions of C11.02, then that officer's current term shall be extended until a successor can be found. Such an extension shall not be considered a new term.

If an individual succeeds an officer midterm, the time served by the new officer in the remainder of that term is considered to be serving out the term of the previous officer. The new officer is eligible to be elected to serve up to two consecutive terms of their own once they have served out the time of the officer they succeeded.

Chapter 12.

CONGREGATION COUNCIL

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the deacon(s), the officers of this congregation, and a number of voting members of the congregation set in the bylaws. 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 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** Council Members shall, through the power of the Gospel, lead the congregation towards its purpose and mission in their personal Worship, witness, learning, service, and stewardship. Council Members shall represent the people of this congregation, not just its programs, having been elected at large. Starting in 2023, two members shall be elected each year to serve a two year term. Council Members shall be a total of four by 2024. Council Members shall serve no more than two terms consecutively.
- C12.02.** The members of the Congregation Council except the pastor(s) and the deacon(s) shall be elected by electronic or written ballot or by voice or hand vote to serve terms as prescribed in the bylaws, or until their successors are elected. Such 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. 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 shall elect, by majority vote, a successor until the next annual meeting, or may call a special meeting of the congregation per the provisions of this constitution for purposes of electing a new member(s) to serve out any vacancy.
- 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. 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.

C12.04.01 In addition, the duties of the Congregational Council shall be:

- Name delegates to conference, district, and other conventions as required.
- Provide procedures for the reception of new members and the departure of members of the congregation.
- Activate and motivate all members of this congregation to participate in ministries of Worship, learning, witness, service, fellowship and support.
- Support the once-active (inactive) member through prayer, visitation, and caring ministries.
- Recognize the service of members to congregational and community ministry.
- Secure necessary staff other than the Pastor, such as Education Director, Organist, Office Secretary, or Business Administrator, and set their salaries.
- Review staff salaries annually, including the Pastor, using Synod guidelines.
- Adopt policies for the church office and staff (e.g. office hours, vacations, record retention, sick leave, etc.)

C12.05. 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 North Dakota, except as otherwise provided herein.

C12.05a.01 As a legal board of trustees:

- Except as limited by the constitution and bylaws, act as managing authority and may make contracts proper to the purpose of the organization; including to borrow money, pledge or mortgage property, and settle claims, but not including radical changes which affect the corporate purpose.
- Act only as a body, never as individuals, at regular or special meetings upon notice, through resolutions, by a majority vote of quorum present.

- Are liable to the corporation for their willful breaches of trust or misapplication of funds, and acts in excess of corporate power, but not liable for mere errors of judgment provided acting in good faith.
- C12.05a.02** Maintain the buildings, parsonages, and premises of the congregation including equipment and furnishings; keep a record of inventory of physical assets, maintenance performed thereon; and estimated replacement date.
- C12.05a.03** Approve or reject the use of the congregational facilities by outside groups who have made a request to the Congregation Council and assess usage fees and restrictions.
- C12.05a.04** Inspect the premises regularly for the purpose of sound maintenance, safety, accessibility, insurance, and building code compliance.
- C12.05a.05** With regard to finance, the Congregational Council shall:
- Prescribe a process for developing the annual Ministry Plan and recommend the Ministry Plan to the congregation.
 - Encourage the congregation members of all ages to proportionate biblical stewardship.
 - Adopt a written audit procedure for both income-expense and balance sheet transactions; inspect all insurance policies for adequacy of coverage; report findings to congregation.
 - Authorize all extra-Ministry Plan appeals for funds and fund-raising events to the congregation from sources both inside and outside the congregation.
 - Adjust allocations of funds should income fall short of or exceed expectations or expenses fall short of or exceed budgeted amounts; and provide for contingency or emergency funds. Adjustments for income shortfalls may be based on potential expectations or actual performance. Adjustments due to incomes exceeding expectations shall be based on actual incomes
 - 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.
 - Approve all depositories of congregational funds.
 - May enter into contracts and incur obligations not to exceed a sum total of ten percent (10%) of the approved overall Ministry Plan for items and services not included in that plan.
 - May authorize spending in excess of the anticipated receipts of the approved Ministry Plan by amounts not to exceed a sum total of ten percent (10%) of those anticipated receipts.
 - May change the approved Ministry Plan as required in times of emergency.
 - May delegate spending authorities for select portions of the Ministry Plan to officers, committee members, and individual church members. The Congregation Council shall specify at a minimum the time, purpose, and amount for these delegations in Continuing Resolutions. These delegations may be withdrawn or suspended at any time by vote of the Executive Committee until such time as the Congregation Council can meet to reconsider these delegations.
 - Appoint a Financial Secretary, whose duties and responsibilities shall be defined in a continuing resolution but which shall include signing checks and paying bills promptly or as directed by the Congregation Council.
- C12.05a.06** With regard to administration, the Congregational Council shall:
- Designate standing committees and specify their number, duties, authority, budget, and accountability to the Congregation Council (e.g. Worship and Music, Engagement, Community Cupboard, Education, Deacons, Trustees).

The committees of the congregation may be set by the Council or Congregation through continuing resolution. The Council or Executive Committee may form temporary committees and task forces as the need requires from within or outside the membership of the Church.

- Appoint members of standing committees of the Congregation Council.
- Offer opportunities to serve on special-purpose Congregation Council task forces to members of the congregation (e.g. Hunger Appeal, Community Celebration, Tax Hearing, etc.).
- Render annual and special reports of activities to the congregation.
- Support the pastor according to the letter of call.
- Provide an operating manual and training opportunity for each Council Member and Officer.
- Provide for internal and external communications of the congregation (e.g. internal-newsletter, external-advertising).
- Encourage fellowship (e.g. couples' club, youth activities, singles, etc.) and shepherding (neighbor) groups in the congregation.
- Support auxiliary organization; invite a representative from each auxiliary to attend council meetings with voice but not vote.
- Appoint or assign planning function to recommend long-range plans to the council and to evaluate present programs.
- Preserve historical archives of the congregation, appoint (elect) a congregation historian, prepare and distribute a written history of the congregation, celebrate anniversaries and historic events.
- Prepare and distribute a directory of members of this congregation, triennially.
- Coordinate the programs and ministries of the congregation, direct ministry functions not otherwise specified to the most appropriate committee (task force board).

12.05a.07 With regard to Spiritual Care, the Congregational Council shall:

- Acknowledge candidates for the Rite of Confirmation in consultation with the Pastor.
- Determine the age for baptized to receive their first Holy Communion in consultation with the Pastor.
- 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.
- Approve modifications in Worship as recommended by the Worship and Music Committee.
- Approve applications for membership into the congregation.
- Admit persons to membership where there is no evidence of confirmation and there is no letter of transfer.
- Provide for spiritual care of the congregation members.
- Offer Holy Communion at least twice each month during Regular worship services. Preparation for Holy Communion will be provided for baptized members. A record of participation in Holy Communion shall be maintained for all members. Members and visitors shall be invited to participate in the Sacrament and will be advised of the Lutheran teaching regarding preparation and worthiness:
 - Acceptance of the real presence in, with, and under the bread and the wine.
 - Firm belief in the words, "given and shed for you for the remission of sins".

12.05a.08 With regard to fellowship, the Congregational Council:

- May cooperate with other organizations whose purposes are not in conflict with the Church and it's mission.

- Limit the use of the building and facilities of this congregation to this congregation's activities and those of outside groups, approved by the Congregation Council or their designee(s), who meet the provisions above.
 - Shall not permit ceremonies, meetings, or other gatherings of any organization or group of individuals which may conflict with the Church and its mission in the building or premises of this congregation. The Pastor will not take part in such ceremonies inside or outside the building or premises.
- 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 not to exceed amounts designated in the bylaws for items not included in the budget.
 - d. The Congregation 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 amounts designated in the bylaws in excess of the anticipated receipts only after approval by a Congregation 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.

The Congregation Council may delegate and decentralize the execution of portions of the annual budget and other special budgets to committees or church members who are responsible for programs and activities supported by those portions of the annual budget which are delegated and decentralized. The Congregation Council will clearly define the timeframe funding can be expended, the purpose(s) which funding can be expended for, the total overall amount that can be expended, and the maximum amounts per occurrence which may be expended without Congregational Council approval. Expenditures outside these parameters must be approved by the Congregational Council. The Congregational Council may place any other limitations on delegation and decentralization of the budget they deem appropriate, and may remove authority from committees and individuals as they see fit at any time

- e. 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 treasurer.
 - f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
- C12.06.** The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions as adopted are carried out.
- C12.07.** The Congregation Council shall provide for an annual review of the membership roster.
- C12.08.** The Congregation 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.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation 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.
- C12.11.01** In addition,

- The date, time, and place for regular meetings of the Congregation Council shall be set by the Congregation Council.
 - Congregation Council members will support each other, the decisions made, and participate in open debate to the avoidance of conflict of interest.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council. Should an emergency exist that impacts the availability and/or capability of Congregational Council members to meet in a regular or special meeting, then the quorum for such a meeting will be based upon a majority members who are available for and/or capable of meeting participation. The Congregational Council shall make all safe and reasonable efforts to re-establish the composition of a full council in the event a Council member(s) will be unavailable or incapable of serving on a long term or permanent basis.
- C12.13.** The Congregation 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

C13.01. The officers of this congregation as defined in the bylaws and the pastor shall constitute the **Executive Committee**. One at large member may be elected to the Executive Committee by other at large members in the event an even number of Executive Committee members exists.

C13.01.01 The **Executive Committee** shall:

- Be comprised of the President, Vice-President, Treasurer, Secretary, and Senior Pastor; along with other Council Members elected in accordance with the Constitution.
- Unless otherwise provided herein, supervise support of the Pastor according to the letter of call.
- Prepare the agenda for the regular and special congregational meetings.
- Develop and recommend a mission statement to the congregation.
- Act as Personnel Committee in absence of a separate committees for that purpose.
- Act as budget and planning committee in the absence of separate committees for those purposes.
- Interpret and publicize the work of the congregation to the community and its leaders; listen to and report community needs for Christian service to the congregation.
- Perform other duties and address other needs of the Congregational Council and Congregation as required.

C13.02. A **Nominating Committee** shall be established by the congregation; the duties, composition, and terms of which shall be set in the bylaws or by continuing resolution. The duties shall be fulfilled by the executive committee in the absence of a nominating committee.

C13.02.01 The Nominating Committee shall:

- Be convened by the Pastor as advisor, elect a chairperson from their midst who will call and preside at subsequent meetings.
- Be comprised of no more than six voting members of this congregation, two of whom if possible should be outgoing members of the Congregation Council. They shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive re-election.
- Nominate one or more candidates for each office to be filled.

- Announce the nominees to the congregation with the notices of the regular or special meetings.
- Accept nominations from the floor providing the nominee is present at the meeting to deliver the consent to serve.
- Ask candidates to serve the full term of office if elected.
- Provide nominations for;
 - Church Officers
 - Congregation Council members; and
 - other offices which may be specified in these bylaws as revised.

C13.03. An **Audit Committee** shall be established by the congregation; the duties, composition, and terms of which shall be set in the bylaws or by continuing resolution. The duties shall be fulfilled by an external auditor or certified public accountant unassociated with the church in the absence of an audit committee. The council or congregation may also request an external audit be performed by an external auditor or certified public accountant unassociated with the church through a continuing resolution. This external audit may be in lieu of that performed by the Audit Committee or in conjunction with an audit performed by this committee.

C13.03.01 The Audit Committee shall:

- Audit the financial books and procedures prior to the annual meeting.
- Be comprised of three voting members elected by the Congregation. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.
- Follow the written audit procedures adopted by the Congregation Council.
- Report their findings to the congregation in writing and include with them the annual report, signed and dated by each member of the committee.
- Cooperate and assist with any external audit ordered in accordance with the Constitution

C13.04. **Mutual Ministry Committee(s)** shall be appointed jointly by the president and the senior pastor; the duties, composition, and terms of which shall be set in the bylaws. The duties shall be fulfilled by the executive committee in the absence of a mutual ministry committee.

C13.05. When a vacancy occurs in a position for which this congregation calls a rostered minister, a **Call Committee** of six voting members shall be elected by this congregation. Term of office will terminate upon installation of the newly called rostered minister.

C13.05.01 The Call Committee shall:

- When a pastoral vacancy occurs, notify the Synodical Bishop who will assist them in providing interim pastoral service and the call process.
- Study the congregation's mission and pastoral needs; share results with the Synod.
- Gather descriptive information about the congregation, (e.g. history, pictures of the church building, directory, map, congregational reports, etc.)
- Receive recommendations of nominees from the Synodical Bishop or Synod Call Committee for study.
- Evaluate pastoral candidates by interview and other means; furnish information about the congregation and its mission to each candidate.
- Recommend one candidate to the congregation at a special meeting called for that purpose.

C13.06. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

¹ For use if the pastor is president of the congregation under two of the options in C11.02.

- C13.07.** Duties of committees of this congregation shall be specified in the bylaws and/or continuing resolutions.
- C13.08.** The senior pastor and council president of this congregation shall be ex officio members 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.** 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 Congregation Council.

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 counsel 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 paragraphs 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 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 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 †§14.18.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 ten (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;
 - 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
 - c. 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 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 (2) 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 a vote of approval.

Chapter 17. BYLAWS

- *C17.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- C17.01.01** This Congregation has adopted the below additional bylaws, which do not have a clear alignment to other portions of this governing document:
- With regard to the **Congregational Record**,
 - the records of the congregation shall be property of the congregation and shall not be removed or used for commercial purposes. The records include but are not limited to;
 - the roster of Baptized, Confirmed, Associate, and Voting Members;
 - the ministerial acts performed by the pastor;
 - the minutes and reports of the conference and Synod;
 - the minutes of the meetings of the congregation and congregation council;
 - the financial records of the congregation; all official and legal documents including this constitution and bylaws, continuing resolutions, policies, deeds, mortgages, contracts, etc.
 - The Pastor shall be responsible for the maintenance and security of the records, except as provided herein.
 - The Pastor and Congregation Council (or Executive Committee) shall furnish an annual congregational report to the General Secretary of the Evangelical Lutheran Church in America (or its successor) and a report of ministerial acts performed shall be made to the congregation.

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.

- In the event of dissolution or cessation of ministry, the official records of the congregation shall be deposited in the archives of the Evangelical Lutheran Church in America (or its successors).
- *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 provisions 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 party to 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 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 †§14.18.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 †§14.43.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.

History:

Synod Attorney Murray Sagsveen, on behalf of the Western North Dakota Synod, pre-approved the proposed constitution on January 12, 2022, and reviewed the final document with bylaws on September 24, 2022. This constitution is based on the 2019 version of the *Model Constitution for Congregations*. Adopted by the congregation on February 27th, 2022.