

# **THE CONSTITUTION OF TRINITY EVANGELICAL LUTHERAN CHURCH WELCOME, MINNESOTA**

\*Required Provision

## **\*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 *Trinity Evangelical Lutheran Church of Welcome, Martin County*.

**C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of *Trinity Evangelical Lutheran Church* is hereinafter designated as "this congregation."

**C1.03.** This congregation shall be incorporated under the laws of the state of *Minnesota*.

## **CHAPTER 2**

### **CONFESSION OF FAITH**

**\*C2.01.** This congregation confesses the Triune God, Father, Son and Holy Spirit.

**\*C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.

- a. Jesus Christ is the Word 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 word of Jesus Christ.
- c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.

**\*C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.

**\*C2.04.** This congregation accepts the Apostles', Nicene and Athanasian Creeds as true declarations of the faith of this congregation.

**\*C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.

**\*C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise,

the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.

- \*C2.07.** This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

### **CHAPTER 3**

#### **NATURE OF THE CHURCH**

- \*C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- \*C3.02.** 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.

### **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 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, and 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 the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
- h. Foster and participate in interdependent relationships with other congregations, the synod, and the church wide organization of the Evangelical Lutheran Church in America.
- i. Foster and participate in ecumenical relationships consistent with church wide 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. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Council.]

**\*C4.05.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.

## **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 Congregational 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 the congregation. The 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 or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
- d. approve the annual budget;
- e. acquire real and personal property by gift, devise, purchase, or other lawful means;
- f. hold title to and use its property for any and all activities consistent with its purpose; sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- g. elect its [officers] [and] Congregation Council, [boards, and committees,] and require [them] [the members of the council] to carry out their duties in accordance with the constitution [,] [and] bylaws [,] [and continuing resolutions]; and
- h. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

**\*C5.04.** This congregation shall choose 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 the congregation and other qualifications shall be as prescribed in guidelines by this synod.

## **CHAPTER 6**

### **CHURCH AFFILIATION**

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

Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America

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

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

- a. This congregation agrees to be responsible for its life as a Christian community;
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop if the synod.
- d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for all to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to the 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 may be terminated as follows:

- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
- d. 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 desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present.
- b. The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to the voting members of this congregation. This notice shall be submitted with ten [10] days after the resolution has been adopted.
- c. The bishop of the synod shall consult with this congregation during a period of at least ninety [90] days.
- d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at legally called and conducted special meeting by a two-thirds majority of the voting members present, at which meeting the bishop of the synod or an authorized representative shall be present. Notice of the meeting shall be mailed to all voting members at least ten [10] days in advance of the meeting.
- e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the Evangelical Lutheran Church in America shall be terminated
- f. Notice of this termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

- g. If this congregation was a member of the Lutheran Church in America, it shall be required, in addition to the foregoing provisions in \*C6.05., to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.
- h. If this congregation was established by the Evangelical Lutheran Church in America, it shall be required, in addition to the foregoing provisions in \*C6.05., to receive synodical approval before terminating its membership in the Evangelical Lutheran Church in America.

**\*C6.06.** If this congregation is considering relocation, it shall confer with the bishop of the synod win which it is territorially located before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is effected.

## CHAPTER 7

### PROPERTY OWNERSHIP

- \*C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the *Southwestern Minnesota Synod* of the Evangelical Lutheran Church in America.
- \*C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in the congregation.
- \*C7.03.** If a two-thirds majority of 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. Before this congregation takes action to transfer to another Lutheran body, it shall consult with representatives of the *Southwestern Minnesota Synod*.
- \*C7.04.** If a two-thirds majority of 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, 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 established synodical process, 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.

## CHAPTER 8

### MEMBERSHIP

- \*C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- \*C8.02.** Members shall be classified as follows:
  - a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran Congregations or by affirmation of faith

- b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized members received by affirmation of faith.
- c. **Voting** members are confirmed members who have attained the age of eighteen [18] years. Such confirmed members shall have communed and made a contribution of record during the current or preceding year.
- d. **Associate** members are persons holding membership in other [Lutheran] [Christian] Congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

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

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

- a. make regular use of the means of grace, both Word and sacraments;
- b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran Church; and
- c. support the work of this congregation, synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action but the Congregation Council; or
- e. removal from the roll due to inactivity as defined in the bylaws. Such persons who have been removed from the roll of members shall remain persons for whom the church has a continuing pastoral concern.

## **CHAPTER 9**

### **THE PASTOR**

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

**\*C9.02.** Only a member of the clergy roster of the Evangelical Lutheran Church in America, or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical 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 ordained minister shall:
  - 1) preach the Word
  - 2) administer the sacraments
  - 3) conduct public worship
  - 4) provide pastoral care; and

- 5) speak publicly to the world in solidarity with the poor and oppresses, calling for justice and proclaiming God's love for the world.
- b. Each ordained minister with a congregational call shall, within the congregation:
  - 1) offer instruction, confirm, marry, visit the sick and distressed and bury the dead;
  - 2) supervise all schools and organizations of this congregation;
  - 3) install regularly elected members of the Congregation Council
  - 4) with the council, administer discipline.
- c. Every pastor shall:
  - 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
  - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
  - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
  - 4) endeavor to increase the support given by the congregation to the work of the worldwide organization of the Evangelical Lutheran Church in America [ELCA] and of the *Southwestern Minnesota Synod* of the ELCA.

**\*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. a)** The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
  - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, thirty (30) days after the date on which it was submitted;
  - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
  - 4) the physical or mental incapacity of the pastor;
  - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continual neglect of duty;
  - 6) the dissolution of the congregation; or
  - 7) suspension of the congregation as a result of discipline proceedings.
- b. If in the judgment of the congregation, the pastor is no longer able to serve it satisfactorily, he may be requested to resign. However, before the resignation is requested, the matter shall first be carefully considered at a meeting of the Congregation Council and in consultation with the synod bishop. A resolution requesting the pastor's resignation must be adopted by not less than two-thirds majority of those present and voting at a meeting of the congregation especially called to consider such a resolution. Not less than ten[10] days notice of such a meeting must be given. When the pastor's resignation has been requested in the manner here specified, he shall vacate the office at such a time as the congregation shall specify. This action should follow the guidelines provided in the constitution and bylaws of the Evangelical Lutheran Church in America.

**\*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 the 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 ordained pastor providing assistance shall refrain from exerting Influence in the selection of a pastor.

- \*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.
- \*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, the congregation may depart from \*C9.05.a. and call a pastor for a specific term. Details of such calls 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 the congregation for a review of a call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C.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 the 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 ninety [90] days prior to each regular meeting of the Synod Assembly.

## **CHAPTER 10**

### **CONGREGATION MEETING**

- \*C10.01** The [annual] [semi-annual] meeting of this congregation shall be held at a time specified in the by-laws.
- \*C10.02** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon written request of ten [10%] [percent] of the voting members. The call for each special meeting shall specify the purpose for which it is 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 in the preceding two consecutive Sundays and by mail to all [voting] members at least ten [10] days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.
- \*C10.04.** *Twenty percent* [20%] voting members present at meeting shall constitute a quorum.
- \*C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- \*C10.06.** All actions by the congregation shall be by majority vote except as otherwise provided in this constitution.



- \*C10.07.** Robert's Rule of Order, latest edition, shall govern parliamentary procedure of all meetings of this congregation.
- \*C10.08.** The order of business at the annual meeting shall be:
  - a. Opening devotion;
  - b. Approval of the minutes of the previous meeting;
  - c. Reports of the Pastor, Congregation Council, Treasurer, committees and others;
  - d. Elections;
  - e. Approval of the budget;
  - f. Unfinished business;
  - g. New business;
  - h. Closing prayer.
- \*C10.09.** In the following cases voting shall be by written ballot;
  - a. To elect the members of the Congregation Council;
  - b. To adopt or amend the articles of incorporation, constitution or bylaws of the congregation;
  - c. To call a pastor or to request his/her resignation;
  - d. To excommunicate a member from the congregation or to remove a member from office in the congregation;
  - e. To sever membership in the Evangelical Lutheran Church in America;
  - f. To dispose of, encumber, or purchase real property;
  - g. When requested by ten [10] or more voting members present.
- \*C10.10.** No one shall be declared elected unless he/she has received a majority of the votes cast.
- \*C10.11.** If more than one ballot is required in an election, a motion shall be in order to limit the balloting after the first ballot to the three [3] candidates receiving the highest number of votes on the first ballot; and after the second ballot to limit the balloting to the two [2] candidates receiving the highest number of votes.

## **CHAPTER 11**

### **OFFICERS**

- \*C11.01.** The officers of this congregation shall be the president, vice president, secretary, treasurer, and the financial secretary.
  - a. Duties of the officers shall be specified in the bylaws.
  - b. The officers shall be voting members of the congregation.
- \*C11.02.** The [congregation] [Congregation Council] shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve for one year, except the treasurer and financial secretary who shall serve three [3] years; or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they were elected.

## **CHAPTER 12**

### **CONGREGATION COUNCIL**

- \*C12.01.** Any voting member of the congregation may be elected, subject only to the limitation on the length of a 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 [4] successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which the congregation is incorporated, the congregation may adopt procedures for the removal of a

member of the Congregation Council in other circumstances.

- \*C12.02.** The members of the Congregation Council except the pastor[s] and officers, shall be elected by written ballot to serve for three [3] years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. The provision concerning consecutive terms may be temporarily suspended by majority vote of council for an individual in one of the following offices: secretary, treasurer, and financial secretary. Their terms shall begin at the close of the annual meeting at which they are elected.
- \*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.
- \*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 pastor[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 partnership with 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 Evangelical Lutheran Church in America.
  - i. To recommend and encourage the use of program resources 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.
- \*C12.05.** The congregation Council shall be responsible for the financial and property matter of this congregation:

  - a. The Congregation Council shall be the board of trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of *Minnesota*, except as otherwise provided herein.
  - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
  - c. The Congregation Council may enter into contracts of up to five hundred dollars [\$500.00] 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 one thousand dollars [\$1000.00] in excess of the anticipated receipt 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 partnership with the synod and churchwide organization.

- f. The Congregation Council shall be responsible for this congregations' investments and its total insurance program.
  - g. Make necessary adjustments in the salary of the pastor and other staff members. Any change in the pastor's salary must have the approval of the congregation.
- \*C12.06.** The Congregation Council shall see that the provisions of this constitution [,] its bylaws [,] [and the continuing resolutions] 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 salaried lay workers of this congregation.
- \*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.
- \*C12.12.** A quorum for the transaction of business shall consist of one-half of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

## **CHAPTER 13**

### **DUTIES OF OFFICERS AND BOARDS**

- \*C13.01.** The following is a description of the duties of the Congregation Council officer and boards:
- a. President, who shall be a leader of the church and preside over meetings of the Congregation Council and this congregation.
  - b. Vice-President, who shall preside over meetings of the Congregation Council and congregation in the president's absence.
  - c. Secretary, who shall keep the minutes of the meetings of the Congregation Council and congregation and preserve its archives. The church secretary shall see to it that every confirmed member receive offering envelopes.
  - d. Treasurer, who shall be custodian of all funds of the congregation. The treasurer shall disperse all such funds in accordance with the decisions of the congregation or council, or its Board of Trustees, and shall present an audited report to the congregation annually and to The Board of Trustees at such times as it may decide. The treasurer may be bonded.
  - f. Financial Secretary, who shall keep a careful record of all receipts, whether made by envelope loose offering, or sum contributions. The financial secretary shall deposit all moneys thus received and present a report of the receipts and deposits to the treasurer. The Financial Secretary shall issue a quarterly receipt to each contributing member and prepare a complete Annual report of every member's standing at the end of the fiscal year.
- \*C13.02.** Other duties of the officers shall be those prescribed in the bylaws or decided by the congregation.

**\*C13.03.** There shall be a Board of Trustees of six [6] members, elected by the annual meeting in such a way that the terms of approximately one-third of the members expire each year. The term of office shall be three [3] years, and no member shall be eligible for election to more than two [2] consecutive terms. One [1] of the Trustees shall be appointed Chairperson and represent the Board of Trustees as a voting member of the Congregation Council. The remaining five [5] members of the Board of Trustees along with the Trustee Chairperson will have equal voting authority on the board of Trustees. The pastor and the president of the congregation shall be advisory members of the Board of Trustees. The Board of Trustees shall have charge of the general management and control of the business affairs of the congregation. The President and the Secretary of the congregation have the authority to sign legal documents.

**\*C13.04. The Board of Trustees:**

In addition to the duties prescribed in the constitution, the Board of Trustees shall:

- a. Elect from its own membership a chairperson.
- b. Conduct regular meetings at such time and place as the Board itself may determine.
- c. Appoint an audit committee composed of three [3] persons, not members of the Board. The audit committee shall review all financial records of the congregation proper, and present its report to the annual meeting in writing.
- d. Be responsible for the care and upkeep of the material properties of the congregation. The congregation requires that its Board of Trustees observe the following rules regarding the use of its property.
  1. The property of the congregation shall be for the use of the congregation in its normal function as a Lutheran Church and shall not be used in any way not in harmony with the purpose of the congregation.
  2. Be responsible for the buildings and premises of the congregation so that their use is normally limited to functions of the congregation. Should groups or individuals not associated with the congregation desire to use such property, application shall be made to the Congregation Council for its approval per guidelines as established but he Board of Trustees.
- e. Appoint a budget committee to prepare an annual budget for submission to the annual mtg.
- f. Appoint and direct the activities of such committees as may from time to time be necessary.
- g. Report its activities to the annual meeting of the congregation and at such other times as the congregation may decide.
- h. Be the legal representatives of the congregation.

**\*C13.05.** There shall be a Board of Deacons of six [6] members, elected by the annual meeting in such a way, that the terms of approximately one-third of the members expire each year. The term of office shall be three [3] years and no member shall be eligible for election to more than two [2] consecutive terms. One [1] of the Deacons shall be appointed Chairperson and represent the Deacons as a voting member of the Congregation Council. The remaining five [5] members of the Deacons along with the Deacon Chairperson will have equal voting authority on the Board of Deacons. The pastor shall be ex officio a member of the Board of Deacons; the president of the congregation shall be an advisory member. The Board of Deacons shall be responsible, under the leadership of the pastor, for the spiritual life and concern of the congregation.

**\*C13.06. The Board of Deacons:**

In addition to its duties prescribed in the constitution, the Board of Deacons shall:

- a. Elect from its own membership a chairperson. The chairperson shall be in charge of the Holy Communion supplies.

- b. Conduct regular meetings at such time and place as the Board itself may determine.
- c. Develop a sound program of Evangelism and Stewardship.
- d. Consider matter relating to the worship of the congregation and make recommendations to the annual meeting.

**\*C13.07.** There shall be a Board of Parish Education of a minimum of five [5] members elected by the annual meeting in such a way that the terms of approximately one-third of the members expire each year. The terms of office shall be three [3] years. One [1] of the Board of Parish Education members shall be appointed Chairperson and represent the Board of Parish Education as a voting member of the Congregation Council. The remaining four [4] members of the Board of Parish Education along with the chairperson will have equal voting authority on the Board of Parish Education. The pastor shall be an advisory member of the Board of Parish Education. The Board of Parish Education shall be responsible for the leadership and supervision of the educational program of the congregation.

**\*C13.08. The Board of Parish Education:**

The objectives of the Board of Parish Education shall be:

- a. To initiate and develop the best policy and program of parish education by setting up and strengthening the agencies needed.
- b. Provide for training of and appointment of administrative and teaching personnel required by each education agency, define their duties, assist in discipline.
- c. Explore and arrange for adequate space and equipment for the efficient operation or parish education.
- d. Review and recommend an adequate annual budget for the educational program and approve all expenditures.
- e. Study and plan courses to be offered, establish standards, and promote wider participation in the church's education program.
- f. The Board will have a minimum of five [5] elected members each serving a three [3] year term. A chairperson will be selected from among the group.
- g. The Chairperson's duties will be to:
  - 1. Provide an agenda;
  - 2. Decide as to meeting time; and
  - 3. Keep minutes of the meeting.
- h. Board members will select and recruit teachers for all classes in the Sunday School. Teachers shall be confirmed members of the Lutheran Church.
- i. Board members will select and recruit teachers for Vacation bible School and decide suitable time for the program,
- j. Approve Sunday School and Vacation Bible School material with guidance from the pastor.
- k. Report to the Congregation Council pertinent information and needs of the Sunday School.
- l. Have as an advisory member at the meetings the pastor.
- m. The Board of Parish Education will:
  - 1. Organize the Sunday School and Vacation Bible School;
  - 2. Handle all classroom problems as the arise;
  - 3. Be in charge of offering and attendance;
  - 4. Select material for Sunday School and Vacation Bible School with cooperation of staff;
  - 5. Select and organize the annual Christmas program for the Sunday School;
  - 6. A representative of the Board of Parish Education shall attend Congregation Council meetings;
  - 7. Prepare a monthly financial statement for Congregation Council meetings.

- \***C13.09.** The elected officers and the members of the boards, together with the pastor, TWELCA President, and Luther League President, shall constitute the Congregation Council. The President of the congregation shall be its chairperson and the secretary of the congregation its secretary.
- \***C13.10.** The officers and boards shall exercise only such authority as may be delegated by the congregation, and this authority shall be exercised in accordance with the constitution, bylaws, and resolutions of the congregation.

## CHAPTER 14

### CONGREGATION COMMITTEES

- \***C14.01.** The officers of this congregation and the pastor shall constitute the **Executive Committee**.
- \***C14.02. Nominating Committee:**
  - a. The nominating committee shall be composed of five [5] members, two of whom shall be elected by the Congregation Council from its own membership and three of whom shall be elected by the annual meeting from nominations made on the floor. The Pastor shall serve as convener and as an advisory member.
  - b. The members of the of the nominating committee shall serve for the following their election. They shall nominate one or more candidates for each office to be filled and shall secure the consent of each candidate to serve if elected. No one may be nominated who is not a voting member.
  - c. Shall inform the candidate of their respective duties of office.
  - d. The candidates of the nominating committee shall be made known to the congregation in conjunction with the announcements of the special or annual meeting at which the election is to take place.
  - f. A vacancy in the congregational elected membership of the nominating committee shall be filled at a Congregation Council meeting.
- \***C14.03. Audit Committee:**
  - a. see responsibilities, C13.04.
- \***C14.04. Pastor-Parish Relations Committee**
  - a. Committee shall consist of six [6] members of the congregation. They shall serve a three [3] year term and may succeed themselves for one [1] additional term. Suggested terms to be rotated, so no more than one-third of the committee should change at any one time.
  - b. There shall be two [2] congregation members selected by the Pastor, three [3] at large congregation members selected by the Board of Deacons, and one [1] member of the Board of Deacons. All members shall be approved by the Congregation Council.
  - c. Shall meet bi-monthly or as need arises.
  - d. Shall serve under the guidance of the Board of Deacons.
- \***C14.05.** When a pastoral vacancy occurs, a **Call Committee** of six [6] voting members shall be elected by this congregation. Term of offices will terminate upon the installation of the newly called Pastor.
- \***C14.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

- \*C14.07.** Duties of committees of this congregation shall be specified in the [bylaws]  
[continuing resolutions].
- \*C14.08.** Organizations within the congregation
  - a. 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 by 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.
- \*C14.09.** Special interest groups, other than those of official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council [and specified in a continuing resolution]

## **CHAPTER 15**

### **DISCIPLINE OF MEMBER AND ADJUDICATION**

- \*C15.01.** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation, are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two [2] or three [3] witnesses, and c) citation to appear before the Congregation Council. If for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice-president shall administer such admonitions.
- \*C15.02.** The process for discipline of a member of the 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. A member charged with the offense shall appear before the Congregation Council after having received a written notice, at least ten [10] days prior to the meeting, specifying the exact charges that have been made against the member.
- \*C15.03.** Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation council are disqualified from voting upon the guilt of the accused member. Should the allegations be sustained by two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
  - a. censure before the council or congregation;
  - b. suspension from membership for a definite period of time; or
  - c. exclusion from membership of this congregation.
- \*C15.04.** The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- \*C15.05.** Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt of a) evidence that injustice has been done or b) evidence of repentance and amendment.
- \*C15.10. Adjudication**

- \*C15.11.** When there is disagreement among factions within this congregation on a substantive issue that cannot resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue[s], the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue[s], the matter shall be referred to the Synod Council, who decision shall be final.

## **CHAPTER 16**

### **BYLAWS**

- \*C16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- \*C16.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with with a quorum present by a majority vote of those voting members present and voting.
- \*C16.03.** Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Congregation Council at least sixty [60] days before a regular or special Congregation Meeting called for that purpose and that the Congregation Council notify the members of the proposal with its recommendations at least thirty [30] days in advance of the Congregation Meeting.
- \*C16.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

## **CHAPTER 17**

### **AMENDMENTS**

- \*C17.01.** Amendments to this constitution may be proposed by at least twenty percent [20%] voting members or by the Congregation Council . Proposals must be filed in writing with the Congregation Council sixty [60] days before formal consideration by this congregation at its regular or special meeting called for that purpose. The Congregation Council shall notify the members of the proposal with the council's recommendation at least thirty [30] days in advance of the meeting.
- \*C17.02.** A proposed amendment to this constitution shall:
- a. be approved at a legally called meeting according to this constitution by a majority vote of those present and voting;
  - b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
  - c. have the effective date included in the resolution\* and noted in the constitution. \*[Such an effective date must be stated in relation to the requirement of \*C17.03. to allow time for synodical review of the amendment.]
- \*C17.03.** Any amendments to this constitution shall be sent by the secretary of this congregation to the synod. The amendment shall become effective within one hundred twenty [120] days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the *Southwestern Minnesota Synod* of the ELCA.
- \*C17.04.** Whenever the Model Constitution for congregations is amended by the Churchwide Assembly, this constitution may be amended to reflect any such amendment by a simple



majority vote at any subsequent meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail notice to the congregation of such an amendment or amendments at least thirty [30] days prior to the meeting. Following the adoption of an amendment, the secretary of the congregation shall submit a copy there-of to the synod, consistent with \*C17.03.

## **CHAPTER 18**

### **CONTINUING RESOLUTIONS**

- \*C18.01.** The Congregation Council may enact continuing resolutions which describe the function of the various committees or organizations of this congregation.
- \*C18.02.** Continuing resolutions shall be enacted or amended by a two-thirds vote of all voting members of the Congregation Council.

## **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 of the fact that such person is or was a Congregation council member, officer, employer, 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 investigated proceeding.

## **CHAPTER 20**

### **PARISH AUTHORIZATION**

- \*C20.01.** This congregation may unite in partnership 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 a Parish Council.
- \*C20.02.** Whenever a letter of call is being recommended for extension to an ordained minister to serve the congregations of a parish, such letter of call shall be first approved by two-thirds vote at congregational meetings of each congregation forming the parish. If any congregation of the parish shall fail to approve extending this call, the other congregation[s] in the same parish shall have the right to terminate the parish arrangement.
- \*C20.03.** Any one of the congregations of a parish may terminate the call of a pastor as provided in S14.13.d. of the Synod Constitution of the synod named in \*C6.01.. In such case, the other congregation[s] in the same parish shall have the right to terminate the parish arrangement.

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\*\*\*Shows Constitution amendments from 2006. \*C13.03. \*C13.05. \*C13.07.  
Congregation voted 35 yes, 17 no at Semi-Annual meeting on July 23, 2006