

CONSTITUTION OF

FIRST LUTHERAN CHURCH OF MANDAN, MANDAN, NORTH DAKOTA

Approved November 14, 1988 Council (updated 1/10/06)

PREAMBLE. In the name of the Father and of the Son and of the Holy Spirit, we, baptized members of the Christian Church, 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 here by adopt this "Constitution and By-Laws" and solemnly pledge ourselves to be governed by its provisions.

CHAPTER 1. NAME AND INCORPORATION

- C1.01 The name of this congregation shall be The First Lutheran Church of Mandan.
- C1.02 For the purpose of this constitution and the accompanying bylaws, the First Lutheran Church of Mandan congregation is hereinafter designated "this congregation".
- C1.03 This congregation is 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 Work of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering all 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 true witness to the Gospel, acknowledging as one with in faith and doctrine all churches that likewise accept as the teachings of the Unaltered Augsburg Confession.
- C2.06 This congregation accepts the other confessional writings in the Book on 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 this 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. This church, therefore, derives its character and powers both from the conjunction 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 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, and standing with poor and powerless, and committing itself to their needs.
- e. Nurture its members in the Work 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 Evangelical Lutheran Church in America.
- i. Foster and participate in ecumenical relationship consistent with church wide policy.

C4.04 This congregation adopts the organizational structure described herein. The congregation Council shall prepare descriptions of the responsibilities of each team, task force, or other organizational groups and shall review their actions. Such description shall be contained in a Policy Manual of the Congregation Council.

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

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 By-Laws".

C5.03 Only such authority as is delegated to the Congregation Council or other organizational units in the congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:

- a. Call a pastor;
- b. Terminate the call of a pastor;
- c. Appoint or terminate the appointment of "associates in ministry" in conformity with the applicable policy of the Evangelical Lutheran Church of America
- d. Approve the annual budget;
- e. Acquire real 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.

- g. Sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
- h. Elect its Congregation Council, and at its option, task forces, and teams and require them to carry out duties in accordance with this “constitution and By-Laws” and with any directive adopted by a vote of the congregation.
- i. Terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

CHAPTER 6 CHURCH AFFILIATION

- C6.01 This congregation shall be an interdependent part of the Evangelical Lutheran Church in America, 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 clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the recommendation of the bishop of the synod.
 - d. This congregation agrees to consider associates in ministry for appointment to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
 - e. This congregation agrees to file a copy of this “Constitution and By-Laws” and any subsequent changes made thereto with the synod for review to ascertain that all of its provisions are in agreement with the constitution and by laws of the Evangelical Lutheran Church in America or 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 procedure 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 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 voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod shall be invited to consult with this congregation during a period of at least 90 days.
- d. If this congregation, after consultation, still desires to terminate its relationship, such action may be taken at a 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 invited to be present. Notice of the meeting shall be mailed to all voting members at least 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 Evangelical Lutheran Church in America shall be terminated.
- f. It is expected that the notice of termination will be forwarded by the synodical bishop to the secretary of the Evangelical Lutheran Church

in America and will be published in the periodical the Evangelical Lutheran Church in America.

- C6.06 If this congregation is considering relocation, it shall confer with the bishop of the synod 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 undisclosed 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, title to property shall continue to reside in this congregation.
- C7.03 If a two-thirds majority of the voting members of this congregation present at a regularly 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 church body, it shall consult with representatives of the Western North Dakota Synod.
- C7.04 If a two-thirds majority of the voting members of this congregation present at a regularly 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 the 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 Membership of this congregation shall be those baptized persons on the roll of the congregation at the time that this “Constitution and By-Laws” 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 By-Laws”.
- 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 baptized persons received by affirmation of faith.
- b. Confirmed members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations or baptized persons received by affirmation of faith.
- c. Voting members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation. Those who have not communed or made a contribution of record for two years and who in the judgment of the Congregation Council appear to have no interest in attending church services shall be presumed to no longer desire membership shall lose the right to vote and shall not be counted in the membership statistics of this congregation. However, the name and record of such person shall be retained in the files and shall be encouraged to participate in the congregational life, or to transfer elsewhere as the situation may indicate to be advisable. If active participation has not been restored in the five-year period, that person shall be dismissed from the congregation and if possible notified accordingly.
- 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. They have all the privileges and duties of membership except voting rights and eligibility for elected office of this congregation.

C8.03 All applications for confirmed membership shall be submitted to and shall require 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 and 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 by the Congregation Council or
 - e. Removal from the roll due to inactivity as defined in C8.02.c. 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 vested in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting regularly called for that purpose. Before a call is issued, the officers, or a team appointed by 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 who has been recommended for it 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, every ordained minister shall preach the Word, administer the sacraments, conduct public worship, provide pastoral care, and shall speak publicly to the work in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world. Each ordained minister with a congregational call shall, within the congregating, offer instruction, confirm, marry, visit the sick and distressed, and bury the dead; supervise all schools and organizations of the congregation; shall install regularly elected members of the Congregation Council, and with the council administer discipline. Every pastor shall seek out and encourage qualified persons to prepare for the ministry of the Gospel and strive to extend the Kingdom of God in the community, in the nation, and abroad; shall impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and shall endeavor to increase the support given by the congregation to the work of the Evangelical Lutheran Church in America and of the synod of the Evangelical Lutheran Church in America.

C9.04

- 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 or the completion of a call for a specific term of years;
 2. resignation of the pastor;
 3. inability to conduct the pastoral office effectively in the congregation.
 4. the physical or mental incapacity of the pastor;
 5. disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 6. the dissolution of the congregation
- b. In the case of alleged physical or mental incapacity of the pastor or ineffective conduct of the pastoral office, it shall be the responsibility of the bishop of the synod, when such difficulties are personally known or have been brought to the synod's attention by an official recital of allegations by the congregating council, or by a petition signed by at least one-third of the voting members of the congregation.
- c. In case of alleged physical or mental incapacity competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry either in the congregation last served or in another field of labor.
- d. In the case of alleged ineffective conduct of the pastoral office, all concerned persons shall be heard, after which the bishop of the synod shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor by a two-thirds majority vote of the voting members present at a regularly called meeting after consultation with the bishop.
- e. The foregoing procedure shall never be invoked when questions of doctrine, morality, or continue neglect of duty are involved, all such cases being treated as disciplinary matters.

- f. If in the course of the proceedings, it should become apparent that the pastoral office cannot be conducted effectively in the congregation being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation without prejudice and with pay provided through a joint churchwide/synod fund and with housing provided by the congregation.
- C9.05 At a time of pastoral vacancy, an interim pastor may be appointed by the bishop of the synod with the consent of this congregation and the Congregation Council.
- C9.06 During the period of service, an interim pastor shall have the rights and duties 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, this congregation and Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
- C9.07 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.
- C9.08 When more than one pastor has been called to serve this congregation, the privileges and responsibilities of each pastor shall be specified in writing by the Congregation Council. As occasion requires, the privileges and responsibilities may be revised by mutual agreement.
- C9.09 With the approval of the bishop of the synod the congregation may depart from C9.04.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 the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with provisions of C9.04.a
- C9.10 The pastors shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, and shall submit a summary of such statistics annually to the congregation and the synod office.
- C9.11 When required by the bishop, the pastors shall submit a report of their ministry to the bishop of the synod at the time specified.

- C10.01 The annual meeting of this congregation shall be held at a time and place specified by the Congregation Council of a Sunday in the month of January.
- C10.02 A special Congregation Meeting may be called by the pastors jointly, by the Congregation Council, or by the president of this congregation and shall be called at the written request of ten or more voting members. The call for each special meeting shall specify the purpose of which it is to be held and no other business shall be transacted at the meeting.
- C10.03 Notice of all meetings of this congregation shall be posted prominently in the narthex of the church for not less than two weeks prior to the meeting and shall be publicly announced at all services of worship during that period or may be given by mail to all voting members at least ten days in advance of the date of the meeting. The depositing of a notice in the regular mail, with postage affixed or paid, sent to the last known address of voting members shall be deemed sufficient notice.
- C10.04 Fifty voting members 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 of those present and voting except as otherwise provided in this “Constitution and By-Laws”.
- C10.07 When procedure is not otherwise specified herein, Robert’s Rules of Order 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. Appointment of parliamentarian
 - c. Approval of minutes
 - d. Reports of the pastors, the Congregation Council, the treasurer, teams, and others.
 - e. Elections.
 - f. Approval of budget.
 - g. Unfinished business.
 - h. New business.

- i. Closing prayer.

C10.09 In the following cases voting shall be by written ballot:

- a. To elect members of the church council
- b. To adopt or amend the Constitution or By-Laws of this congregation.
- c. To call a pastor or to request the pastor's resignation.
- d. To dispose of, encumber or purchase real property.
- e. When requested by ten or more voting members who are present at the meeting.

CHAPTER 11 OFFICERS

C11.01 The officers of this congregation shall be a president, vice president, and secretary, elected by the Congregation Council from its membership.

- a. Duties of the officers shall be specified in the bylaws, and operating policy manual.
- b. the officers shall be voting members of the congregation.
- c. Officers of this congregation shall serve the same offices of the Congregation Council and shall be voting members of the Congregation Council.

C11.02 Except for the treasurer, the Congregation Council officers shall be elected by written ballot and shall serve for one year. Their terms shall begin the close of the annual meeting at which they are elected.

C11.03 No officer shall hold more than one office at a time except for the treasurer. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

C11.04 If present, the president shall preside over all meetings of the congregation and of the Congregation Council unless the meeting shall decide otherwise.

C11.05 The vice-president shall preside in the absence of the president unless the meeting shall decide otherwise.

C11.06 The secretary shall be responsible for keeping the minutes of congregational meetings and special meetings of Congregation Council.

C11.07 The Treasurer shall be bonded in such amount as deemed appropriate by the Congregational Council. The Treasurer shall be custodian of all funds except those that belong to the First Lutheran Church Women of the Evangelical Lutheran Church in America. Funds held by the treasurer shall be expended and disbursed only in accordance with decisions of the Congregation or the Congregation Council. The treasurer shall present duly audited financial reports to the congregations annual meeting and such additional reports as may be required by the Congregation Council.

CHAPTER 12 CONGREGATIONAL COUNCIL

C12.01 The membership of the Congregation Council consists of each of the called pastors, ex-officio and non-voting, and eighteen voting members of the congregation elected by the congregation. Any voting member of the congregation may be elected to the Congregation council for staggered terms of three years but may not be re-elected to succeed himself or herself. 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.
- b. is absent from three successive regular meetings of the Congregation Council without cause.

C12.02 The Church council shall consist of fifteen (15) members from the congregation of First Lutheran Church during the 2002 Church Year, twelve (12) members during the 2003 church year, and nine (9) members during the 2004 church year, and thereafter, who are voting members as prescribed by the constitution of First Lutheran Church of Mandan, North Dakota. The election of Church Council members will occur during the congregation's annual meeting, held in January.

C12.03 Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor to serve out the remainder of the term.

C12.04 The Congregation Council has 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, appointment, 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 church-wide units 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.

C12.05 The Congregation Council is responsible for the financial and property matters of this congregation.

- a. The Congregation Council is the board of directors of the congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It has the powers and is subject to the obligations that pertain to such boards under the laws of the State of North Dakota, 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 is responsible for the preparation of an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption,

but may not incur obligations or expend funds in excess of the total budgeted nor in excess of anticipated income unless approved at a special congregation meeting called for that purpose. 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 church wide organizations.

- d. The congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- e. The Congregation Council is responsible for this congregation's investments and its total insurance program.

C12.06 The Congregation Council shall see that the provisions of this "Constitution and By-Laws" and of the operating policy manual 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 appointment of, and shall provide for the 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.

C12.10 The Congregation Council shall have its regular meeting on the third Monday of every month unless cancelled by order of the president. Special meetings may be called by a pastor by the president or at the request of five or more members. Notice of each special meeting shall be given to all who are entitled to be present.

C12.11 A quorum for the transaction of business shall consist of a majority of the Congregation Council.

CHAPTER 13 CONGREGATIONAL TEAMS

C13.01 The officers of this congregation and the pastor(s) shall constitute the Executive Team.

C13.02 A Nominating Team of five voting members of this congregation, two of whom shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Team are not eligible for consecutive reelection. The pastor(s) shall be an advisory member of this team.

- C13.03 An Audit Team of three voting members shall be elected by the Congregation Council. Audit team members shall not be members of the Congregation Council. Term of office will be three years, with one member elected each year. Members shall be eligible for reelection.
- C13.04 A Call Team of six voting members shall be appointed by the Congregation Council when a pastoral vacancy occurs. Term of office will terminate at installation of the newly called pastor.
- C13.05 Other congregational teams may be formed by decision of the Congregation Council.
- C13.06 Duties of congregational teams shall be specified by the By-Laws.

CHAPTER 14 ORGANIZATIONS WITHIN THE CONGREGATION

- C14.01 All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all person 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 meetings shall from time to time determine their policies, guide their activities, and receive reports concerning their membership, work and finances.
- C14.02 Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregational Council.

CHAPTER 15 DISCIPLINE OF MEMBERS

- C15.01 Denial of Christian faith as described in this "Constitution and By-Laws" or conduct grossly unbecoming a member of the Christian Church are sufficient cause of 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 or three witnesses
 - c. Citation to appear before the Congregation Council
- C15.02 A member charged with the offense shall appear before the Congregation Council having received a written notice, specifying the exact charges that have been made against the member, at least 10 days prior to the meeting.

- C15.03 Should the allegation be sustained by a two-thirds majority vote of the Congregation Council, the council shall impose one of the following disciplinary actions.
- a. Censure before the council or congregation.
 - b. Suspension for membership for a definite period of time.
 - c. Exclusion from membership in this congregation.
 - d. Disciplinary actions b and c shall be delivered to the member in writing.
- C15.04 The members 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.
 - b. Evidence of repentance and amendment.

CHAPTER 16 BYLAWS

- C16.01 This congregation may adopt By-Laws. No By-Laws may conflict with this constitution.
- C16.02 By-Laws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those members present and voting.
- C16.03 Changes to the By-Laws may be proposed by any voting member provided, however, 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 and that the Congregation Council notify the members of the proposal with its recommendations at least 30 days in advance of the congregation meeting.
- C16.04 Approved changes to the By-Laws shall be sent to the synod.
- C16.05 ARTICLE III Section 5. The Trust Fund Committee will receive funds through the Church, including gifts, bequests, insurance proceeds, wills, estates, and 80% of memorials with the exceptions of dedicated funds, from any individual,

corporation, or organization in cash or in any property acceptable to them. All trust funds and property shall be kept and maintained separate, distinct and independent from the funds and property, and shall be considered as assets of the Trust Fund, and not as part of the general fund of the church, unless otherwise specifically designated by the donor. **(THIS MAY HAVE TO BE MOVED-C16.05)....NOT SURE IF IT GOES UNDER BYLAWS!**

CHAPTER 17 AMENDMENTS

C17.01 A proposed amendment to this “Constitution and By-Laws” may

- a. Be approved without change at a properly called and conducted meeting according to this “Constitution and By-Laws” by a majority vote of those voting members present and voting; or
- b. If rejected for lack of majority approval, be further amended for further consideration and approval at a subsequent legally called special meeting not less than 30 days thereafter.

C17.03 No amendment to this “Constitution and By-Laws” shall become effective until at least 60 days after notice of its approval has been mailed to the bishop of the synod. If the bishop gives the congregation notice that the amendment has been found to be in conflict with the Constitution and By-Laws of the Evangelical Lutheran Church in America or with the constitution of the Western North Dakota Synod, the amendment shall be thereafter deemed invalid and rejected.

CHAPTER 18 OPERATING POLICY MANUAL

C18.01 The Congregation Council shall enact an Operating Policy Manual containing written policies relating to the functions and membership of the various teams and organizations of this congregation and relating to all specific standard operating procedures of continuing concern to the functions and ministry of this congregation.

C18.02 The procedure described in any of the Operating Policies may be amended by majority vote of the Congregation Council as the circumstances may require.