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CONSTITUTION AND BYLAWS

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**Evangelical Lutheran
Church in America**

God's work. Our hands.

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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 American Lutheran.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the American Lutheran congregation is hereinafter designated as "this congregation".
- C1.03.** This congregation shall be incorporated under the laws of the state of Montana.

Chapter 2.

CONFESSION OF FAITH

- C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
 - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- C2.06.** This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and 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 of 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 confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- C3.03.** The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- C3.04.** This church, inspired and led by the Holy Spirit, participates in the Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.
- C3.05.** The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organizations to which specific references may be made herein.

Chapter 4.

STATEMENT OF PURPOSE

- C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- C4.02.** To participate in God's mission, this congregation as a part of the Church shall:
- Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - 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.
 - 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.
 - Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed and committing itself to their needs.
 - 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.
 - 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:
- Provide services of worship at which the Word of God is preached and the sacraments are administered.
 - Provide pastoral care and assist all members to participate in this ministry.

- c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for this congregation's ministry and the ministry of the other expressions of the Evangelical Lutheran Church in America.
 - h. Foster and participate in interdependent relationships with other congregations, the synod, and the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. (Such description shall be contained in continuing resolutions of the Congregation Committees.)
- C4.05.** This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.
- C4.06.** References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies or other legal relationships recognized in civil law.

Chapter 5.

POWERS OF THE CONGREGATION

- C5.01.** The powers of this congregation are those necessary to fulfill its purpose.
- C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in the congregation's governing documents is recognized. All remaining authority is retained by this congregation. This congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
 - b. terminate the call of a pastor as provided in Chapter 9;
 - c. call a minister of Word and Service;
 - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America.
 - e. Adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18.
 - f. approve the annual budget;
 - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - h. hold title to and use its property for any and all activities consistent with its purpose;
 - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - j. elect its officers, Congregation Council, and committees and require them to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
 - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

- C5.04.** This congregation shall elect or appoint from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by this congregation and other qualifications shall be as prescribed in guidelines established by the Montana Synod of the Evangelical Lutheran Church in America.
- C5.05.** This congregation shall have a mission endowment fund that will operate as specified in this congregation's bylaws. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

Chapter 6.

CHURCH AFFILIATION

- C6.01.** This congregation shall be an independent part of the Evangelical Lutheran Church in America or its successor, and of the Montana 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.** The congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community.
 - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
 - c. This congregation agrees to call pastoral leadership from the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved from the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.
 - d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in this congregation according to the procedures of the Evangelical Lutheran Church in America.
 - e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.
- C6.04.** Affiliation with the Evangelical Lutheran Church in America is terminated as follows:
- a. This congregation takes action to dissolve.
 - b. This congregation ceases to exist.
 - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America or in accordance with provisions 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.
 - d. The Montana Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to +S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.
 - e. This congregation follows the procedures outlined in C6.05.

- C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time this congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless the bishop and/or the bishop's designees are a voting members of this congregation, they shall have voice but not vote at the first meeting.
 - b. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to voting members of this congregation.
 - c. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.
 - d. If this congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds majority of the voting members present. Notice of the second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless the bishop and/or the bishop's designee are voting members of this congregation, they shall have voice but not vote at the second meeting.
 - e. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.
 - f. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case C7.04. shall apply.
 - g. This congregation shall abide by these covenants by and among the three expressions of this church:
 - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
 - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provision in C6.05., to receive synod approval before terminating their membership in this church.
 - 3) Congregations established by the Evangelical Lutheran Church in America shall be required , in addition to complying with the foregoing provisions in C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
 - h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above, or fails to achieve the required two-

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

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

Chapter 7.

PROPERTY OWNERSHIP

- C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the Montana Synod of the Evangelical Lutheran Church in America.
- C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline or pursuant to 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America, title to property shall continue to reside in this congregation.
- C7.03.** If the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of the relationship in C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Montana Synod.
- C7.04.** If the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with the congregation by the process established by the synod, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of 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. In neither case does title to this congregation's property transfer to the synod.
- C7.05.** Notwithstanding the provisions of C7.02. and C7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title or interest in the property without prior approval of the Synod Council.
 - b. Shall, upon written demand by the Synod Council, pursuant to +S13.23. of the constitution of the Montana Synod, reconvey and transfer all right, title, and interest in the property to the synod.

Chapter 8.

MEMBERSHIP

- C8.01.** Members of this congregation shall be those baptized persons on the roll of the congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- C8.02.** Members shall be classified as follows:
- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
 - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. They shall not have voted as seasonal member of another congregation of this church in the previous two calendar months.
 - d. **Associate** members are persons holding membership in other ELCA or Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
 - e. **Seasonal** members are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of the synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
 - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of this congregation;
 - 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
 - 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;
 - 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
 - 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
 - 6) they shall not, within any two-calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.
- C8.03.** All Applications for confirmed membership shall be submitted to and shall require the approval the Congregation Council.
- C8.04.** It shall be the privilege and duty of members of this congregation to:
- a. make regular use of the means of grace, both Word and sacraments;
 - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran Church; and

- c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action in accordance with Chapter 20 of the constitution and bylaws of the Evangelical Lutheran Church in America; or
- e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its bylaws.

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

Chapter 9.

ROSTERED MINISTER

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

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

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

- a. Every minister of Word and Sacrament shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care;
 - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
 - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
 - 8) speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.
- b. Each pastor with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) relate to all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council;
 - 4) with the council, administer discipline;
 - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the Montana Synod; and
 - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

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

- C9.05.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:
- a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death, or following consultation with the synod bishop and for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the pastoral office effectively in this congregation in the view of local conditions;
 - 4) inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.
 - b. When allegations of disability or incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
 - c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of the synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon resumption of the ability to conduct the office effectively the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
 - d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to this congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and , if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
 - e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, this congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

- f. If in the course of the proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church' constitution, bylaws, and continuing resolutions.
- C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- C9.07.** During the period of service, an interim pastor shall have the rights and duties in this congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
- C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- C9.11.** With the approval of the bishop of the synod the congregation may depart from C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop, shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of C9.05.a.
- C9.12.** The pastor of this congregation:
- a. shall keep accurate records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- C9.13.** The pastor shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- C9.14.** The records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in the secretary's hands in good order by a departing pastor before the installation of that pastor in another call or approval of a request for change in roster status.
- C9.15.** Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between this congregation and the pastor in a form proposed by the synod bishop and approved by this congregation.
- C9.21.** Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.

- C9.22.** Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.
- C9.23.** Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- a. Be rooted in the Word of God, for proclamation and service;
 - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
 - c. Speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;
 - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
 - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
 - f. Practice stewardship that respects God's gift of time talents, and resources;
 - g. Be grounded in a gathered community for ongoing diaconal formation;
 - h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expression of this church; and
 - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for any of the following reasons:
 - 1) mutual agreement to terminate the call or the completion of a call for a specific term
 - 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
 - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
 - 4) inability to conduct the office effectively in view of disability or incapacity of the deacon;
 - 5) suspension of the deacon through discipline for more than three months;
 - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of the church;
 - 7) termination of the relationship between this church and this congregation;
 - 8) dissolution of this congregation or the termination of a parish arrangement; or
 - 9) suspension of this congregation through discipline for more than six months.
 - b. When allegations of disability or incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
 - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
 - 2) when such allegation have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.

c. In the case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.

d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.

e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.

f. If, the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

- C9.26.** This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
- C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the document may be revised through a similar consultation.
- C9.28.** With the approval of the bishop of the synod, this congregation may depart from C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or designated representative of the bishop shall meet with the deacon and representative of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of C9.25.a.
- C9.29.** The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- C9.31.** The deacon shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

Chapter 10.

CONGREGATION MEETING

- C10.01.** This congregation shall have at least one regular meeting per year. The regular meeting of the congregation shall be held at the time specified in the bylaws. Consistent with the laws of the State of Montana, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.
- C10.02.** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation and shall be called by the president of this congregation upon the written request of 10% of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synod bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- C10.03.** Notice of all meetings of the congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting.
- C10.04.** 25% of the voting members shall constitute a quorum.
- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.
- C10.08.** This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.
- C10.09.** "Ex-officio" as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

Chapter 11.

OFFICERS

- C11.01.** The officers of this congregation shall be president; vice president; financial secretary; secretary; and treasurer.
- Duties of the officers shall be specified in the bylaws.
 - The officers shall be voting members of this congregation.
 - Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- C11.02.** The congregation shall elect its officers and they shall be the officers of this congregation. The officers shall be elected by written ballot or voice vote and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.
- C11.03.** No officer shall hold more than one office at a time. It is recommended that an elected officer shall serve no more than two consecutive terms in the same office.

Chapter 12.

CONGREGATION COUNCIL

- C12.01.** The voting membership of the congregation council shall consist of the 5 elected officers of this congregation and 6 members of the congregation. It is recommended at least one member be a youth or young adult. The pastor shall be an ex-officio member of the congregation council with no voting privilege. Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation

Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause.

Consistent with the laws of the state in which this congregation is incorporated, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

- C12.02.** The members of the congregation council, except the pastor, shall be elected by written ballot unless a motion for a voice vote is passed at the meeting to serve for 3 years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected. Newly elected Congregation Council members shall be installed at worship at a time appointed by the Congregation Council or pastor.
- 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 rostered minister 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 congregation climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.
 - g. To arrange for pastoral service during the sickness or absence of the pastor.
 - h. To emphasize support of the synod and churchwide 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.
 - j. To seek out and encourage qualified persons to be prepared for the ministry of the Gospel.
- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation, and as such, shall be responsible for maintaining and protecting its property and 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 Montana, except as otherwise provided herein.
 - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of this congregation.
 - c. The Congregation Council may enter into contracts of up to 5% of the proposed budget of the current year 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 5% of the budget in excess of the anticipated receipts only after approval

by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in collaboration with the synod and churchwide organization.

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

- C12.06.** The Congregation Council shall see that the provisions of this constitution and 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 staff of this congregation. Nothing in this provision shall be deemed to affect this congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synod bishop.
- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous aural communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 13.

CONGREGATION COMMITTEES

- C13.01.** The officers of this congregation and the pastor shall constitute the **Executive Committee**.
- C13.02.** A **Nominating Committee** shall consist of three voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council. Committee members shall be appointed by the Congregation Council for a term of one year. If possible, members of the Nominating Committee shall not serve for consecutive terms.
- C13.03.** An **Audit Committee** of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council or have any involvement in administering this congregation's finances. A term of office will be three years, with one member elected each year. Members shall be eligible for reelection.
- C13.04.** **Mutual Ministry Committee** shall be appointed jointly by the president and the rostered minister. Term of office shall be two years, with three members to be appointed each successive year.
- C13.05.** When a vacancy occurs in a position for which this congregation calls a rostered minister, a **Call Committee** of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly-elected rostered minister.

- C13.06.** Other congregational committees may be formed, as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of committees of this congregation shall be specified in the continuing resolutions.
- C13.08.** The president of this congregation shall be an *ex officio* member of all committees and boards, except for the Nominating and Audit Committees.

Chapter 14.

ORGANIZATIONS WITHIN THIS CONGREGATION

- C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation shall determine policies, guide activities, and receive reports concerning membership, work, and finances of these organizations.
- C14.02.** Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council and specified in a continuing resolution.

Chapter 15.

DISCIPLINE OF MEMBERS AND ADJUDICATION

- C15.01.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of this congregation, or willful and repeated harassment or defamation of member(s) of this congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Mathew 18:15-17, proceeding through these successive steps, as necessary: a) private council and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive committee of the Congregation Council.
- C15.02.** The process for discipline of a member of this congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two rostered ministers). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members

from the Committee on Discipline to decide the case and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members, plus the nonvoting chair, comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.

- C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
- suspension from the privileges of congregation membership for a designated period of time.
 - suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
 - termination of membership in this congregation; or
 - termination of membership in this congregation and exclusion from the church property and from all congregation activities.
- C15.06.** The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- C15.07.** No member of this congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- C15.10. Adjudication**
- C15.11.** When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in +S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

Chapter 16.

AMENDMENTS

- C16.01.** Unless provision 16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 10% of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregational Meeting called for that purpose. The Congregation Council shall notify the members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- C16.02.** An amendment to this constitution, proposed under C16.01., shall:
- be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting; and
 - be ratified without change at the next regular meeting of this congregation by a two-thirds vote of those voting members present and voting.

- C16.03.** Any amendments to this constitution that result from the processes provided in C16.01. and C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this congregation of its decision to approve or disapprove the propose changes; the changes shall go into effect upon notification that the synod has approved them.
- C16.04.** This constitution may be amended to bring any section into conform with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following the congregation's vote of approval.

Chapter 17.

BYLAWS

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

Chapter 18.

CONTINUING RESOLUTIONS

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

Chapter 19.

INDEMNIFICATION

- C19.01.** Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a Congregation Council member, officer, employee, agent, or other member of any committee of this congregation, was or is threatened to be made a party to any threatened, pending or completed civil, criminal, administrative, arbitration, or investigative proceeding.

Chapter 20.

PARISH AUTHORIZATION

- C20.01.** This congregation may unite with one or more other congregations recognized by the synod named in C6.01. to form a parish. Except as provided in C20.02. and C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.
- C20.02.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate from the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregation meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregation meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.
- C20.04.** Any one of the congregations of the parish may terminate their relationship with the pastor as provided in S14.18.d. of the synod constitution of the synod named in C6.01. In such case, the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- C20.05.** Any one of the congregations of the parish may terminate their relationship with a minister of Word and Service as provided in S14.43.d. of the synod constitution of the synod named in C6.01. In such case the other congregation(s) of the same parish shall have the right to terminate the parish agreement.
- C20.06.** Whenever a parish agreement is terminated, the call of any rostered minister serving that parish is terminated. Should any congregation that was formerly part of the parish agreement desire to issue a new call to that rostered minister, it may do so in accordance with the call process of this church.

BYLAWS FOR THE AMERICAN LUTHERAN CHURCH OF LIVINGSTON, MONTANA

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BYLAWS FOR THE AMERICAN LUTHERAN CHURCH OF LIVINGSTON, MONTANA

Chapter 1.

MEMBERSHIP (cf. Constitution, Chapter 8)

BL 1.01. Baptized Members

- a. The congregation affirms the centrality of Baptism for its life and mission. As St. Paul writes, “Do you know that all of us who have been baptized into Christ Jesus were baptized into his death? Therefore, we have been buried with him by baptism into death, so that, just as Christ was raised from the dead by the glory of the Father, so we too might walk in newness of life.” (Romans 6:3-4 NRSV). Baptized into Christ’s death, we are raised to live as the Body of Christ in the world today.
- b. The congregation is commissioned by our Lord to baptize candidates for membership into the Body of Christ with water and the Holy Spirit in the name of the Triune God. The baptized member is thereafter privileged to live in that sacrament forever.
- c. The congregation will welcome newly baptized members into the Lord’s family, receive them as fellow members of the Body of Christ, children of the same heavenly Father, and as fellow workers in the Kingdom of God.

BL 1.02. Confirmed Members

- a. “Confirmation is a pastoral and educational ministry of the church which helps the baptized child (member) through Word and Sacrament to identify more deeply with the Christian community and participate more fully in its mission.” (Joint Commission of the Theology and Practice of Confirmation, 1970, p.21)
- b. The Rite of Affirmation of Baptism, formerly known as the Rite of Confirmation, will be made available to the baptized members after satisfactory completion of courses of study and acknowledgement by the congregation council. Special consideration will be given to those with disabilities.

BL 1.03. Voting Members

The roster of voting members as described in C8.02.- c will be updated prior to the regular annual congregation meeting as described in C8.02. – c.

BL 1.04. The congregation will issue a letter of certificate of transfer to another Lutheran congregation upon a member’s request.

Chapter 2.

THE ROSTERED MINISTER (cf. Constitution, Chapter 9)

BL 2.01. After the congregation has voted to call a pastor, it shall issue a letter of call to the pastor elect in a form approved by the Evangelical Lutheran Church in America. The Letter of Call shall be signed by the president and secretary of the congregation and shall be attested by the synod bishop.

BL 2.02. If a pastor receives a Letter of Call to another ministry, the pastor will consult the congregation council or congregation before reaching a decision. Thereafter, the pastor will announce a decision to the congregation within 21 days and notify the synod bishop. Following acceptance of the call, the pastor’s ministry in this congregation shall usually terminate within an additional 45 days or an agreed length of time between the council and the pastor.

Chapter 3.

CONGREGATION MEETINGS (cf. Constitution, Chapter 10)

- BL 3.01.** The annual congregation meeting will be held during the month of January as called by the congregation council. (cf. Constitution, Chapter 10 C10.03.)
- BL 3.02.** The official roster of voting members will be available at each meeting of the congregation.
- BL 3.03.** The congregation shall elect two voting members of the congregation to serve as voting members to the synod assembly. If they are not elected at the annual meeting, they shall be appointed by the congregational council.
- BL 3.04.** Each organization of the congregation shall furnish a written report to the church secretary at the end of the calendar year to be included in the annual report. The report will include the year's activities, finances, and goals for the coming year. Members will receive a consolidated written annual report at the annual meeting.
- BL 3.05.** The agenda for the annual meeting shall be prepared by the congregation council. Items not on the agenda may be brought before the congregation under new business.

Chapter 4.

OFFICERS (cf. Constitution, Chapter 11)

- BL 4.01.** The President shall:
 - a. Preside at all meetings of the congregation and the congregation council.
 - b. Coordinate the work of the committees and be an ex-officio member.
 - c. Carry out the will of the congregation as ordered by this constitution, bylaws, and resolutions of the congregation.
 - d. Execute letters of call on behalf of the congregation.
- BL 4.02.** The Vice President shall:
 - a. Perform the duties of the President in the President's absence, incapacity, or at the President's request.
- BL 4.03.** The Secretary shall:
 - a. Record the proceedings of the congregation and congregation council; distribute copies to members.
 - b. Retain secretarial records to be filed permanently in the church office.
 - c. Keep attendance record of each congregation council meeting.
 - d. Announce all congregation and congregation council meetings.
 - e. Make a roster of voting members available at the congregation meeting; prepare directory of congregation council and committee members.
 - f. Maintain a register of congregation and congregation council resolutions and policies.
 - g. Execute letters of call on behalf of the congregation.
 - h. Be responsible for safekeeping of all official congregation documents (e.g., deeds, mortgages, articles of incorporation, constitution and bylaws, tax returns, etc.).
 - i. Notify the nominating committee of all offices to be filled 90 days prior to the annual meeting where elections are to take place.
- BL 4.04.** The Treasurer shall:
 - a. Have custody of all funds of the congregation and shall receive and disburse such funds in accordance with the decisions of the congregation or the congregation council.
 - b. Render a monthly statement of income and expense compared to budget to the congregation council.
 - c. Sign all checks or designate an approved signee to do so.

- d. Prepare and deliver an annual financial report to the congregation.
- e. Be the chairperson or serve as a member of the budget committee or finance committee.
- f. Recommend written financial policies and procedures for cash management, e.g., annual budgeting, fund accounting, and annual audit to the congregation council.

BL 4.05. The Financial Secretary shall:

- a. Recommend written financial policies and procedures for cash management, e.g., annual budgeting, fund accounting, and annual audit to the congregation council.
- b. Direct the counting, depositing, and recording of all contributions, fees collected, gifts, and bequests received, assuring that two people are involved in the counting of all funds received.
- c. Reconcile each deposit to contributors' records.
- d. Issue statements for contributors' records as directed by the council.
- e. Keep individual giving records confidential.
- f. Prepare annual report to the congregation and stewardship committee.

Chapter 5.

CONGREGATION COUNCIL (cf. Constitution, Chapter 12)

BL 5.01. Council members shall, through the power of the Gospel, lead the congregation towards its purpose and mission in their personal worship, witness, learning, service, and stewardship. Council members shall represent the people of this congregation, having been elected at large.

BL 5.02. Congregation Membership

- a. Supervise the rosters of baptized, confirmed, and voting members (cf. Constitution Chapter 8 and Bylaws Chapter 1.)
- b. Provide procedures for reception of new members and departure of members of the congregation.
- c. Activate and motivate all members of the congregation to participate in ministries of worship, learning, witness, service, fellowship, and support.
- d. Support all members through prayer, visitation, and caring ministries.
- e. Recognize the service of members to their congregation and community.

BL 5.03. Meetings

- a. The regular meetings of the congregation council shall be held once a month at a time agreed upon by the council.
- b. Special meetings of the congregation council may be called by the pastor, president, or by ½ of the members of the council. Notice of the special meeting will be given not less than 5 days prior to the meeting. In case of a disaster or emergency the 5-day notice may be waived.
- c. A quorum for any regular or special meeting of the congregation council shall be a majority of its membership.
- d. Parliamentary procedures shall be governed by *Roberts Rules of Order*, latest edition.
- e. A member of the congregation council who is absent without valid reason from two consecutive regular meetings shall be consulted by the President of the congregation. If a member is absent from four consecutive regular meeting without valid reason, the council may declare the office vacant.
- f. Congregation council members shall support each other and the decisions made by the council.

BL 5.04. Personnel

The Council shall....

- a. Secure necessary staff, other than pastor, such as organist, office secretary, etc.
- b. Review staff salaries annually, including the pastor, using synod guidelines.
- c. Consult with synod bishop if the resignation of the pastor is requested (cf. Constitution,C9)
- d. Develop and maintain written position descriptions and personnel policies for all staff, covering at least salaries, hours, and working conditions (e.g., office hours, vacations, records retention, sick leave, etc.).
- e. Provide procedures for staff support and performance evaluation.
- f. Should the office of the pastor be vacant, provide for the services of an interim pastor in consultation with the synod bishop. (cf. Constitution C9)

BL 5.05. Finance

The Council shall....

- a. Prescribe a process for developing the annual budget and recommend the budget to the congregation.
- b. Encourage the congregation members of all ages in proportionate biblical stewardship; determine congregation's proportion of income to be committed to the Montana Synod mission support and benevolence.
- c. Adopt a written audit procedure for both income-expense and balance sheet transactions; inspect all insurance policies for adequacy of coverage; report findings to congregation.
- d. Authorize all extra-budgetary appeals for funds and fund-raising events to the congregation from sources both inside and outside the congregation.
- e. Adjust allocation of funds should income fall short of expectations or expenses exceed budgeted amounts.
- f. Have the authority to enter into contracts not to exceed 5% of the proposed budget of the current year.
- g. Review and accept or decline all offers of unsolicited gifts to the congregation.

BL 5.06. Property Management

The Council shall...

- a. As the legal board of directors
 1. Except as limited by the constitution and bylaws, act as managing authority and may incur obligations (cf. Constitution Chapter 12.05) proper to the purpose of the organization – including to borrow money and settle claims, but not including radical changes which affect the corporate purpose.
 2. Act only as a body, never as individuals, at regular or special meetings upon notice, through resolutions, by a majority vote of a quorum present.
 3. Delegate authority to appointed or hired agents and servants.
 4. Be liable to the corporation for their breaches of trust or misapplication of funds, and acts in excess of corporate power, but are not liable for mere errors of judgement provided acting in good faith.
- b. Maintain the building and premises of the congregation including equipment and furnishings; keep an inventory of physical assets, maintenance records and estimated replacement dates.
- c. Approve or reject the use of congregation facilities by outside groups who have made application to the congregation council and assess usage fees and restrictions. Only groups and activities compatible with the purposes of the congregation shall be granted approval for use of its facilities.

- d. Ensure fire safety inspections are performed annually with or without the assistance of the local fire department.
- e. Prescribe a policy for building and premises security. There shall be fire extinguishers and CO2 detectors.
- f. Inspect the premises regularly for the purpose of sound maintenance, safety, accessibility, insurance, and building code compliance.

BL 5.07. Administration

The Council shall...

- a. Designate standing committees and specify their number, duties, authority, budget and accountability to the congregation.
- b. If standing committee members are not congregation council members, name a congregation council member to act as liaison to the committee.
- c. Offer opportunities to serve on congregation council task forces to members of the congregation (e.g., Lutheran Disaster Response, World Hunger, community celebration, etc.).
- d. Render annual and special reports of activities to the congregation.
- e. Support the pastor according to the letter of call.
- f. Provide an operating manual and training opportunity for each congregation council member and officer. The manual will contain at least this constitution and bylaws, directory, organization chart, and position descriptions for each staff position and standing committee.
- g. Provide for internal and external communications of the congregation. (e.g., internal-newsletter; external-advertising).
- h. Encourage fellowship and discipleship.
- i. Support auxiliary organizations; encourage representatives from each auxiliary to attend council meetings with voice but without vote.
- j. Require each organization of the congregation to be accountable to the mission statement of the congregation. (cf. Constitution, Chapter 4)
- k. Preserve historical archives of the congregation.
- l. Prepare and distribute a directory of members of the congregation every two years.
- m. Coordinate the programs and ministries of the congregation; direct ministry functions not otherwise specified to the most appropriate committee (task force, board).

BL 5.08. Spiritual Care

The Council shall...

- a. Receive notification of candidates for Affirmation of Baptism in consultation with the pastor.
- b. Receive notification of modifications in worship as recommended by the worship committee.
- c. Receive notification of membership into the congregation.
- d. Receive notification of persons to membership where there is no evidence of confirmation or no letter of transfer. A recommended period of instruction would include "What it means to be a Lutheran".

BL 5.09. Committees of the Congregation Council (cf. Constitution, Chapter 13)

- a. Each member of the congregation council may be a member of a standing committee.
- b. The congregation council shall form committees and task forces as the need requires from within or outside its membership.
- c. Each committee shall elect its own chairperson from its membership for a term of one year.

Chapter 6.

CONGREGATIONAL COMMITTEES (cf. Constitution, Chapter 13)

BL 6.01. The Nominating Committee shall:

- a. Be appointed by the congregation council; select a chairperson from their midst who will call and preside at subsequent meetings. (C13.02)
- b. Nominate one or more candidates for each office to be filled.
- c. Ask candidates to serve the full term of office if elected.
- d. Announce the nominees to the congregation with the notices of the regular and special congregational meeting.
- e. Accept nominations from the floor providing that the nominee is either present at the meeting or has consented to serve.
- f. Provide nominations for:
 1. Congregation Council members;
 2. Other offices as needed.

BL 6.02. The Audit Committee shall;

- a. Audit the financial books and procedures of records at least every two years by April 1.
- b. Follow the written audit procedures adopted by the congregation council. (C13.03)
- c. Report their findings to the congregation council in writing, signed and dated by each member of the committee and subsequently reported to the congregation.

BL 6.03. The Mutual Ministry Committee shall:

- a. Meet as needed on notification by a committee member or the pastor. (C13.04)
- b. Recommend and advocate needed changes in staff support to the church council or executive committee.
- c. Meet with staff as needed or at least once a year.

BL 6.04. The Call Committee shall:

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

Chapter 7.

HOLY COMMUNION (cf. Constitution, Chapter 8)

BL 7.01. The sacrament will be offered at least once a month during regular worship services.

BL 7.02. Members of the body of Christ are invited to participate in the sacrament.

BL 7.03. Preparation for Holy Communion will be provided, including instruction for children after consultation between the pastor(s) and the parent(s).

Chapter 8.

FELLOWSHIP

- BL 8.01.** The congregation will cooperate with any organization whose purpose is compatible with this constitution (cf. Constitution, Chapter 4).
- BL 8.02.** Ceremonies of lodges or any other organization which does not confess the Triune God and Jesus Christ as Lord and Savior shall not be permitted in the buildings or premises of this congregation. The pastor will not take part in such ceremonies inside or outside the building or premises.

Chapter 9.

CONGREGATIONAL RECORDS

- BL 9.01.** The records of the congregation shall be the property of the congregation and shall not be removed or used for commercial purposes. The records are:
- a. The roster of baptized, confirmed, and voting members;
 - b. The ministerial acts performed by the pastor;
 - c. The minutes and reports of the synod; the ELCA handbook and the yearbook of the ELCA;
 - d. The minutes of the meetings of the congregation and the congregation council.
 - e. The financial records of the congregation; all official and legal documents including this constitution and bylaws, deed, mortgages, contracts, etc.
- BL 9.02.** The pastor and/or the congregation council shall be responsible for the maintenance and security of the records.
- BL 9.03.** The pastor and congregation council shall furnish an annual congregation report to the general secretary of ELCA and a report of ministerial acts performed shall be made to the congregation.
- BL 9.04.** In the event of dissolution or cessation of ministry, the official records of the congregation shall be deposited in the archives of ELCA or its successor.

Chapter 10.

MISSION ENDOWMENT FUND

- BL 10.01.** The American Lutheran Church Mission Endowment Fund Committee.
- a. The COMMITTEE shall consist of five members, all of whom shall be voting members of American Lutheran Church. Except as herein limited, the terms of each member shall be three(3) years on a staggered rotational basis. At each annual meeting, the congregation shall elect the member(s) for a term of three(3) years. The pastor and president of the congregation council shall be advisory, non-voting members of the COMMITTEE. The nominating committee shall propose COMMITTEE members and report their nominations at the annual congregation meeting in the same manner as other church offices and committees. In the event of a vacancy on the COMMITTEE, the congregation council shall appoint a member to fill the vacancy until the next time the congregation shall elect a member to fill the term of the vacancy.
 - b. The COMMITTEE shall meet at least semi-annually, or more frequently as deemed best by the COMMITTEE in the best interest of the FUND.
 - c. A quorum shall consist of three(3) members. When only three(3) members are present a unanimous vote shall be required to carry any motion or resolution.
 - d. The COMMITTEE shall elect from its membership a chairperson, recording secretary and financial secretary.

1. The **chairperson**, or the member designated by the chairperson, shall preside at all COMMITTEE meetings.
 2. The **recording secretary** shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the COMMITTEE and to the church council.
 3. The **financial secretary** of the COMMITTEE shall work with the treasurer of the congregation in maintaining and coordinating complete and accurate accounts of the FUND and shall sign checks and all other necessary documents on behalf of the congregation in furtherance of the purposes of the FUND. The books shall be audited annually by a person who is not a member of the COMMITTEE.
- e. The COMMITTEE shall report annually to the church council and the congregation rendering a full and complete audited account of the administration of the FUND during the previous year.
 - f. The COMMITTEE may request other members of the congregation to serve as advisory members and, at the expense of the fund income, may provide for such professional counseling on investments or legal matters as it deems to be in the best interest of the FUND.
 - g. Members of the COMMITTEE shall not be liable for any losses which may be incurred upon the investments of assets of the FUND except to the extent such losses shall have been caused by bad faith or gross negligence. No member shall be personally liable as long as he or she acts in good faith and ordinary prudence. Each member shall be liable only for his or her willful misconduct or omissions, and shall not be liable for the acts or omissions of any other member. No member shall engage in any self-dealing or transactions with the FUND in which the member has direct or indirect financial interest and shall at all times refrain from any conduct in which his or her personal interest would conflict with the interest of the FUND.

BL 10.02. Administration of the FUND

- a. Recommendations to hold, sell, exchange, rent, lease, convert, invest, reinvest and in all other respects to manage and control the assets of the FUND, including stocks, bonds, debentures, mortgages, notes or other securities, as in their judgment and discretion they deem wise and prudent, are to be made by the COMMITTEE for approval by the church council, with the subsequent execution by the delegated member of the COMMITTEE. The primary investment vehicles for the FUND shall be Thrivent Financial for Lutherans, the ELCA Foundation, and the ELCA Mission Investment Fund.
- b. The congregation council may, at their discretion, designate a portion of any available funds such as non-designated memorial gifts and estate gifts for the FUND.

BL 10.03 Distributions

- a. Gifts and bequests to the FUND may accumulate until the principal amount of \$25,000 is achieved, after which distributions may begin. Annual distributions shall never exceed the amount of growth in the FUND for the year.
- b. The income from the FUND shall be distributed annually and at such other times as deemed necessary or feasible to accomplish the following purposes:
 1. Minimum of 20% for outreach into the community or synod, including, but not limited to, grants to seminaries, colleges or students attending such schools, social service agencies, institutions and agencies to which this congregation relates, and to special programs designed for those persons in our parish area who are in spiritual and/or economic need.

2. Minimum of 20% for missions in this continent and worldwide including, but not limited to, grants to the ELCA ministries for congregational development, professional leadership, ecumenism, evangelism, social ministries and capital financing.
 3. Minimum of 20% for capital improvements, debt reduction, building program, youth programs or other extraordinary ministries within the congregation.
 4. Remaining 40% distributed through any of the above categories in any proportion as determined by the COMMITTEE, or for causes and programs which at the discretion of the COMMITTEE are consistent with the FUND purpose of enhancing the mission outreach of the American Lutheran Church of Livingston.
- c. Programs for support shall be recommended by the COMMITTEE and approved by the church council for funding according to the guidelines established by the congregation.
 - d. Disbursement of income from the FUND need not occur annually in the event causes and programs have not been approved by the COMMITTEE sufficient to utilize total income available, or if in the judgment of the COMMITTEE total annual disbursement of income is not recommended.

BL 10.04. Distribution of Principal

- a. When, in the opinion of the COMMITTEE, the circumstances are so dire and of such an emergency nature that the future of the congregation is at stake, and that the only recourse seems to be the use of the FUND principal, the COMMITTEE may, upon a two-thirds majority vote, recommend such authorizing action to the congregation council. Congregation approval of the COMMITTEE/council's recommendation shall require a two-thirds vote of those present at a duly called meeting of the congregation.

BL 10.05. Amending the Mission Endowment Fund Bylaws

- a. Any amendment to these Bylaws which will change, alter or amend the purpose for which the FUND is established, shall be adopted by a two-thirds vote, rather than a majority vote, of the members present at an annual meeting of the congregation or at a special meeting called specifically for the purpose of amending these Bylaws. All other provisions of the constitution for changing bylaws shall apply.

BL 10.06. Disposition or transfer of the FUND

- a. In the event American Lutheran Church of Livingston ceases to exist either through merger or dissolution, disposition of the FUND shall be at the discretion of the church council in conformity with the approved congregation constitution.

BL 10.07. Adoption of Mission Endowment Fund Bylaws

- a. These Bylaws, recommended by the church council and approved by the congregation at duly called special meeting on March 3, 2002 are hereby adopted and revised by the American Lutheran Church congregation on March 3, 2002.