

CONSTITUTION AND BYLAWS

FOR



201 FALCON AVE. BENSON (SWIFT FALLS), MN 56215

REVISED JUNE 11, 2018

Member of the
EVANGELICAL LUTHERAN
CHURCH IN AMERICA[®]

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PREAMBLE

Bold headings under each chapter are required per ELCA
Italicized headings under each chapter are specific to SOTH

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 Shepherd of the Hills Lutheran Church.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of Shepherd of the Hills Lutheran Church is hereinafter designated as "this congregation."
- C1.03.** This congregation shall be incorporated under the laws of the State of Minnesota.

Chapter 2. CONFSSION 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 the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- C2.07.** This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3. NATURE OF THE CHURCH

- C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- C3.02.** 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.
- C3.03.** The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

Chapter 4. STATEMENT OF PURPOSE

- C4.01.** The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- C4.02.** To participate in God's mission, this congregation as a part of the Church shall:
- 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 and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
 - 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.
 - Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - Teach the Word of God.
 - Witness to the reconciling Word of God in Christ, reaching out to all people.
 - Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
 - Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
 - 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 descriptions shall be contained in continuing resolutions in the section on the Congregation Committees.]
- C4.05.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.
- C4.06.** References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God's mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

Chapter 5. POWERS OF THE CONGREGATION

- C5.01.** The powers of this congregation are those necessary to fulfill its purpose.
- C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.

- C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
 - b. terminate the call of a pastor as provided in Chapter 9;
 - c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
 - d. adopt amendments to the constitution, as provided in Chapter 17, amendments to the bylaws, as specified in Chapter 16, and continuing resolutions, as provided in Chapter 18.
 - e. approve the annual budget;
 - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - g. hold title to and use its property for any and all activities consistent with its purpose;
 - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - i. elect its officers, congregation council, boards, and committees, and require them to carry out their duties in accordance with the constitution, bylaws, and any continuing resolutions; and
 - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- C5.04.** This congregation shall choose from among its voting member's laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Southwest Minnesota Synod of the Evangelical Lutheran Church in America.
- C5.05.** This congregation may 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 interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Southwest Minnesota Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community.
 - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
 - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a candidate approved for the roster of ordained ministers of the Evangelical Lutheran Church in America or to contracting for pastoral services with an ordained minister 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 associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
 - e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.
- C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
- a. This congregation takes action to dissolve.
 - b. This congregation ceases to exist.
 - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
 - d. This congregation follows the procedures outlined in *C6.05.
- C6.05.** A congregation may terminate its relationship with this church by the following procedure:
- a. A resolution indicating the intent to terminate its relationship must be adopted at a legally called and conducted special meeting of the congregation by a two-thirds vote of the voting members present. 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 the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.

- b. The secretary of the 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 mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod and the congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
- d. If the congregation, after such consultation, still seeks to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- e. A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
- f. Notice of termination shall be forwarded by the bishop to the secretary of this church, who shall report the termination to the Churchwide Assembly.
- g. 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.
- h. Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in *C6.05., to receive synodical approval before terminating their membership in this church.
- i. 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.
- j. If a congregation fails to achieve the required two-thirds vote of voting members present at the congregation's first meeting as specified in paragraph a. above, another special meeting to consider termination of relationship with this church may be called no sooner than six months after that first meeting. If a congregation fails to achieve the required two-thirds vote of voting members present at the 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 that second meeting.

C6.06. If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is affected.

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 Southwest Minnesota Synod of the Evangelical Lutheran Church in America.

C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.

- C7.03.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation, provided the process for termination of relationship in C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Southwest Minnesota Synod.
- C7.04.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body and have followed the process for termination of relationship in *C6.05., title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.
- C7.05.** Notwithstanding the provisions of C7.02. and C.7.03. 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 *Southwest Minnesota Synod*—reconvey and transfer all right, title, and interest in the property to the synod.
- C7.06.** The property of the congregation shall be for the use of the congregation in its normal functions as a Lutheran church and shall not be used in any way not in harmony with the purposes of the congregation. Buildings which are the property of the congregation shall not be lent or rented to any group or individual not affiliated with the congregation or with the Evangelical Lutheran Church of America unless application for such use has been approved by the Executive Council by a two-thirds majority in the case of a request for occasional use, or by a two-thirds majority vote of the congregation in the case of a request for regular use.
- C7.07.** Real property shall not be purchased, disposed of, or encumbered in any manner except by resolution adopted by not less than a two-thirds majority vote of the members present and voting at a legally called meeting of the congregation for that purpose.

Chapter 8. MEMBERSHIP

- C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- C8.02.** Members shall be classified as follows:
- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
 - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
 - d. **Associate** members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.
- C8.02.01** Voting members must be at least 18 years of age in order to vote on issues which require legally contractual agreements to be enacted.
- C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.

- C8.04.** It shall be the privilege and duty of members of this congregation to:
- a. make regular use of the means of grace, both Word and sacraments;
 - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
 - c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
- C8.05.** Membership in this congregation shall be terminated by any of the following:
- a. death;
 - b. resignation;
 - c. transfer or release;
 - d. disciplinary action in accordance with ELCA constitutional provision 20.40. and the accompanying bylaws; or
 - e. removal from the roll due to inactivity as defined in the bylaws.
- Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.
- C8.05.01.** A confirmed member is considered to be inactive if the member has not communed, has not made a contribution of record, and has not participated in some way in the life and worship of the congregation during the current or preceding year. The senior pastor is responsible to ensure the following steps are accomplished:
- a. If a member is inactive, a pastor or a pastor's appointee shall attempt to make personal contact with the member to encourage participation in the life and worship of the congregation and to inquire about the member's desire to participate.
 - b. If personal contact is made and the member indicates a desire to participate, a pastor or pastor's appointee shall seek ways to include the member in the life and worship of the congregation.
 - c. If personal contact is made and, despite encouragement, the member indicates no desire to participate in the life and worship of the congregation, a pastor or Executive Council representative shall advise the member that the member's name will be removed from the roll of members due to inactivity. A pastor or Executive Council representative shall offer the person encouragement and assistance in finding fellowship in another congregation.
 - d. If attempts to make personal contact are not successful, the Executive Council may conclude that the member does not wish to participate in the life and worship of the congregation and the member's name may be removed from the roll. Reasonable attempts shall be made to inform the person of this action.
 - e. If attempts to make personal contact are not successful and there are circumstances which may explain the member's inactivity and the difficulty making contact, the Executive Council may conclude that, despite the inactivity, the member wishes to remain a member. In that case, the member's name shall remain on the roll and periodic attempts to contact the member shall be made when appropriate.
 - f. This bylaw section is intended to permit but not direct the Executive Council to remove the names of inactive members from the roll.
 - g. The Executive Council shall provide for an annual review of the church membership roster.

Chapter 9. THE PASTOR

- C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting 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.
- C9.02.** Only a member of the clergy roster of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- C9.02.01** A Diaconal Minister or Associate in Ministry may be called to perform the pastoral duties of an ordained clergy through pre-approval of the Synodical Bishop.
- C9.02.02** If a Diaconal Minister or Associate in Ministry is approved to be called to this congregation, the Diaconal Minister or Associate of Ministry will follow the same guidelines as required by a Pastor called by this congregation per its constitution and by-laws.
- C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every ordained minister shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care; and

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

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

C9.05. a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by death or, following consultation with the synodical bishop, for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
 - 2) resignation of the 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 the congregation in view of local conditions;
 - 4) physical disability or mental incapacity of the pastor;
 - 5) suspension of the pastor through discipline for more than three months;
 - 6) resignation or removal of the pastor from the roster of ordained ministers of this church;
 - 7) termination of the relationship between this church and the congregation;
 - 8) dissolution of the congregation or the termination of a parish arrangement; or
 - 9) suspension of the congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two ordained 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 the congregation, the bishop personally shall investigate such conditions together with a committee of two ordained ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant and the pastor shall be listed on the clergy roster as disabled. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of the 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 the 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 the 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, the congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority 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 simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
- f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning

disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.

- C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of the Congregation Council.
- C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor. 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 related to the Evangelical Lutheran Church in America.
- 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 parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- C9.13.** The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- C9.14.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.
- C9.15** Reserved
- C9.16** Reserved
- C9.17** Reserved
- C9.18** Reserved
- C9.19** Reserved
- C9.20** Reserved
- C9.21.** Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister 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 the congregation and the ordained minister in a form proposed by the synodical bishop and approved by the congregation.

Chapter 10. CONGREGATION MEETING

- C10.01.** The annual meeting of this congregation shall be held in January of each year as determined by the congregation council.
- C10.02.** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of 10 percent of the voting members. The president of the Congregation Council shall call a special meeting upon request of the synodical bishop. The call for each special meeting shall specify the purpose for which it is to be held, and no other business shall be transacted.
- C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and/or 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.** 20 voting members shall constitute a quorum.

- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions approved by the 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.

Chapter 11. OFFICERS AND BOARDS

- C11.01.** The officers of this congregation shall be a president, vice president, secretary, treasurer, and financial secretary.
 - a. Duties of the officers shall be specified in the bylaws.
 - b. The officers shall be voting members of the congregation.
 - c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
 - C11.01.01** The president shall preside at the meetings of the Church Council and of the congregation and act as an advisory/ex-officio non-voting member of all boards and committees of this congregation, except the audit committee. In the event of a tie, the President shall be allowed to vote.
 - C11.01.02** The vice-president shall reside over any meeting in which the president is absent and chair the worship committee.
 - C11.01.03** The secretary shall be responsible for the recording of the minutes and preserving of the documents of all meetings of the congregation and executive council and for preserving the archives of the congregation.
 - C11.01.04** The treasurer shall have custody of all funds of the congregation. He/she shall receive and disburse such funds in accordance with the decisions of the congregation and congregation council.
 - C11.01.05** The financial secretary shall maintain records of all contributions and submit regular reports to the church council and to the members as required by the congregation council.
 - C11.01.06** Officers of this congregation must be 18 years of age.
- C11.02.** The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve for one year 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. No elected officer shall be eligible to serve more than three consecutive terms in the same office.
- C11.05.** The boards of this congregation shall be the Board of Deacons, Board of Trustees, and the Board of Education. Duties of these boards are found in this congregation's bylaws.
 - C11.05.01** ***The Board of Deacons*** shall provide spiritual leadership in the congregation and guide the work, witness, worship, and service of the congregation. They shall also hold a position on the congregation council, implement and initiate witness and service in the community, develop a program of evangelism, and consider matters relating to the worship of the congregation and through those matters make recommendations to the congregation council and congregation.
 - C11.05.02** ***The Board of Trustees*** shall have charge of the general management of all matters relating to legal and corporate affairs and to supervise the maintenance of the properties of the congregation, including establishing and supervising the cemetery committee. All legal documents shall be signed by two members of the Executive Committee.
 - C11.05.03** ***The Board of Education*** shall provide leadership and supervision of the educational program of the congregation.
 - C11.05.03A03** The Board of Education shall also:
 - A. Develop effective teaching ministry which includes the training of teachers and leaders and provide opportunity for study by every member of the congregation through its teaching agencies.
 - B. Nominate candidates for Sunday School Superintendent and Assistant Sunday School Superintendent to the congregation council.
 - 1. The term of office of each shall be two years.
 - 2. The Sunday School Superintendent shall be a voting member of church council.
 - 3. A member on the committee of the Board of Education may also act as Sunday School Superintendent, in which case the seat on the congregation council for that position will remain vacant.
 - C. Report activities to the annual meeting and congregation council and at other times as the congregation and/or council may decide.

- C11.06.** The congregation shall elect one third of its boards at the annual meeting and they shall hold a position on the congregation council of the congregation. The board members shall be elected by written ballot and shall serve for three years or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.
- C11.07.** No board member shall hold more than one congregation council position at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same board position.

Chapter 12. CONGREGATION COUNCIL

- C12.01.** The voting membership of the Congregation Council shall consist of the officers of the congregation (with exception of President, unless to break a tie vote), the elected board members of the congregation as stated in the by-laws, and the Sunday School Superintendent. It is recommended that one youth member also have a seat on the congregation council. Any voting member of the 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, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances
- C12.02.** The members of the Congregation Council except the pastor(s), executive positions, and Sunday School Superintendent shall be elected by written ballot to serve for 3 year terms 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.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.
- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:
- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
 - b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
 - c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
 - d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
 - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
 - f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
 - g. To arrange for pastoral service during the sickness or absence of the pastor.
 - h. To emphasize partnership with the synod and church wide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
 - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
 - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.05.** 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 Minnesota, except as otherwise provided herein.
 - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
 - c. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.

- d. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer.
- e. The Congregation Council 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 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 the 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. 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.
- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, and, to the extent permitted by state law, notice of all meetings may be provided electronically.

Chapter 13. CONGREGATION COMMITTEES

- C13.01.** The officers of this congregation shall constitute the Executive Committee.
 - C13.01.01** Business requiring immediate decisions that cannot wait until the next regularly scheduled congregation council meeting can be approved by a majority vote of the Executive Committee on behalf of the congregation council and the congregation as a whole.
- C13.02.** A Nominating Committee of three voting members of this congregation shall be elected at the annual meeting for a term of three years. Term of office shall be three years, with one member elected each year. Members of the Nominating Committee are not eligible for consecutive re-election.
 - C13.02.01** The Nominating Committee is responsible for finding members of this congregation to fill vacant roles of the congregation council, Audit Committee, Nominating Committee, and Cooperative Parish Committee (if needed) each year that are left open due to term expirations in time for a vote at the annual meeting.
- 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. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election, but not consecutive terms.
 - C13.03.01** The Audit Committee is responsible for reviewing all financial transactions as well as all funds on behalf of the congregation. After review, a written report is made to the congregation council for submission into the annual report.
 - C13.03.02** The Audit Committee may be commissioned to review the financial transactions of the cemetery funds if needed.
- C13.04.** A Mutual Ministry Committee (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president and the pastor. Term of office shall be two years, with three members to be appointed each successive year.
- C13.05.** When a pastoral vacancy occurs, a Call Committee of three voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.
- C13.05.01** The Call Committee is responsible for securing the call of a new pastor for the congregation and all duties as specified by the congregational council.
- C13.06.** A Cemetery Committee of at least three voting members shall be formed for the cemeteries associated with Shepherd of the Hills Lutheran Church. The Cemetery Committee shall be established by the Board of Trustees and communicate to the congregation council and congregation through the Board of Trustees. One person shall be identified as the secretary-treasurer of the committee and another Chairperson. A formal agreement, approved by the congregation's council, may be made with the Church Treasurer to also act as the fiscal agent for the cemetery committee and Church Secretary for management and record keeping, both holding all duties and responsibilities laid out in the congregation's constitution and by-laws for the secretary-treasurer of the cemetery committee.

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

- C13.06.01** The Cemetery Committee shall have full responsibility, subject to review by the Board of Trustees, for the operation, supervision, maintenance, and development of the cemeteries of the congregation.
- C13.06.02** The cemeteries of this congregation include Rolling Forks Cemetery, St. Pauli Cemetery, and the Swift Falls Cemetery.
- C13.06.03** The cemetery committee shall meet as often as necessary by call of the Chairperson and if not in attendance, report any relevant information to the Board of Trustees.
- C13.06.04** The cemetery committee shall maintain a perpetual care fund, raise and receive money or property of value for such a fund, and shall be responsible for the proper handling and investment of such a fund. The cemetery committee shall also establish and maintain an operating fund out of which current expenditures shall be made.

C13.06.04A01 Cemetery Funds

- A. There shall be two funds established: A perpetual fund and an operating fund.
 - B. The perpetual care fund shall be the accumulation of income for which specific dollars are designated by the giver or by request of transfer from operating fund by congregation council or cemetery treasurer. The cemetery committee may invest funds in the ELCA's Investment and Loan Fund or its successor. This will act as a savings account for care of cemetery grounds.
 - C. All income not designated to go into perpetual care shall be deposited into the operating fund. The function of the operating fund is for general maintenance, repair and improvement of the cemeteries as deemed necessary by the cemetery board and/or congregation council. The cemetery committee shall be responsible for the proper banking and safety of both funds through its secretary-treasurer.
- C13.06.05** The cemetery committee shall keep accurate records of all the affairs of the cemeteries. It shall present properly audited reports at the annual meeting of the congregation. Plat maps and records of individual grave-lot usage shall be recorded in duplicate and a set to be kept in each of two different locations in a manner acceptable to the Board of Trustees.

C13.06.05A01 Management and Records

- A. The cemetery committee shall manage the affairs of the cemeteries in accordance with the congregations constitution, by-laws, and such other rules and regulations as approved by the Board of Trustees. The cemetery committee may recommend to the Board of Trustees changes or additions to these rules and regulations as circumstances may suggest. Any changes or additions shall be known to the congregation and to all lot holders.
 - B. A master map of the cemetery shall be prepared, one copy of which shall be filed with the Register of Deeds in Pope and Swift counties, one copy placed in a safe location acceptable by the Board of Trustees, and one kept by the secretary-treasurer of the cemetery committee as a working reference. Besides this map, separate cards or forms shall be kept for each lot showing the location and number, the owner's name, and all amounts paid towards the Care Fund, annual fees paid, or any other transaction made including all dates of transactions or payments. Such forms shall be kept in a location within the church grounds with a copy being located at the secretary-treasurers residence.
 - C. The secretary-treasurer shall complete records of all lots of the cemetery as outlined in C13.06.04.01, issue deeds and contract agreements, keeping a duplicate on file; make any reports and perform any acts required by law; collect any money and fees from all sources on behalf of the congregation for the cemeteries and make properly audited accounts thereof to the annual meeting each year; keep complete records of all receipts and disbursements of the two funds; keep accurate and complete minutes of all cemetery committee meetings; perform all correspondence for the committee; pay all current expenses and bills previously approved by the cemetery committee. He/she shall be bonded at the expense of the cemetery operating fund.
- C13.06.06** The cemetery committee may establish rules and regulations and publish the same, as may be necessary for the operation and maintenance of the cemeteries.

C13.06.06A01 Obtaining and Maintaining Cemetery lots

- A. There will be a \$200 charge to members of this congregation for a parcel of ground in its cemetery to be used solely for the burial of the human dead.
- B. Non-members of this congregation may have the same privileges as members if full price is paid in cash at the time of contract agreement.
- C. Burial Fees
 1. Member burial fee: \$200
 2. Non-member burial fee: \$1,000
 3. Cremation urn on top of an existing grave: \$150 fee

D. In order that there shall be no incomplete contract agreements resulting in abandoned or unused grave spaces, the congregation is entitled to cancel the defaulted contract agreement and to reclaim the unused spaces for reassignment or sale when a scheduled payment becomes one year overdue, such action to take place only after the delinquent party has been notified concerning this regulation and his/her intentions ascertained or if it appears beyond any reasonable doubt that no further payments will be forthcoming.

E. Grave spaces purchased, but unused with reason to believe by cemetery board and or congregation council that the spaces will ever be claimed may be resold if current owners are notified using last current address and or by placing a notice in the Swift County Monitor stating that unless re-claimed, burial location will be re-sold.

F. A deed or contract agreement certification shall be issued to the party entering into a contract agreement for a burial lot, but only after the initial fees have been paid in full. In the sale or granting of lots it is understood that the fee title to the lots remain with the congregation and that deed to a lot only conveys easement for burial and care of lot, and does not constitute the sale of real estate as that term is usually understood.

C13.06.06A02 Placing monuments or markers

A. No monuments or markers shall be placed without approval of the cemetery committee or its appointed representative. Monuments and markers wrongly placed may be moved by the committee at the owners expense.

B. Concrete footings for all monuments and markers shall be constructed according to the specifications established by the cemetery committee. Permanent stability of stature and facility in keeping the grass mowed will be prime considerations.

C. Only markers set flush with the ground will be permitted. They shall be made of either granite or cast bronze.

C13.06.06A03 Interments

A. No grave shall be opened for either burial or removals of remains without an order from the Secretary-Treasurer or other persons designated by the cemetery committee. No interment may be made unless the body is accompanied by any permits required by state law.

B. At least one days' notice shall be required for the preparation of a grave.

C. No interment shall be permitted until an acceptable contract agreement has been negotiated or other suitable arrangements made.

C13.06.06A04 Care of Cemeteries

A. It shall be the duty of the cemetery committee to see that all cemeteries are kept presentable at all times, that all grass be trimmed and noxious weeds controlled.

B. The cemetery committee shall have the right to remove shrubbery or other items deemed nuisance in the care and upkeep of the cemetery. If perennials are involved, the committee shall attempt to notify the owner before removal. Plants, flowers, ornaments, etc, will be removed by the caretaker by July 1 of each year or whenever it becomes unsightly or a nuisance. He/she will not be responsible for containers or other items not claimed by the owner within a month of removal.

C13.06.07 All improvements and maintenance costs shall be met from earnings of the perpetual care fund, except that, as such earnings are inadequate. The congregation shall include a subsidy in its annual budget. The cemetery committee shall annually prepare a plan of operation for eh ensuing year, including estimated resources, needs and expenditures. Such a plan is to be presented to the Board of Trustees in time for its preparation of the annual congregational budget.

C13.07. Other committees as designated in by-laws.

C13.07.01 A ***Worship Committee*** may be formed to assist and notify pastoral leadership of traditional worship activities of this congregation and make suggestions regarding worship services.

C13.07.01A01 This committee shall have a maximum of five persons with one being the Chairperson and another Vice President of the Church, others may be volunteers.

C13.07.01A02 It shall meet at the discretion of the Chairperson, by interest in one of the other committee members, or through regular meeting times established by the committee.

C13.07.01A03 Suggestions or requests resulting from this committee shall be shared directly with the pastor/s of this congregation through the Chairperson and if agreed upon by the committee and pastor/s, any needed notifications to the congregation will be given to the church secretary through the Chairperson.

C13.07.01A04 There shall be no term limits for members of this committee and this committee shall not be official members of the congregational council.

C13.07.02 A Cooperative Parish Committee may be formed if Shepherd of the Hills Lutheran Church joins into a parish agreement with another ELCA church. This committee will have three members decided by vote of the congregation at the annual meeting to represent the congregation.

C13.07.02A01 The Cooperative Parish Committee is responsible for communicating and working with the committee members of the sister church/es and Pastor/s to develop and nurture the partnership for the wellbeing of participating church/es.

C13.07.02A02 The Cooperative Parish Committee will meet as needed per decision of the committees of all participating churches.

C13.07.02A03 The cooperative parish committee shall act accordingly as specified in any formal agreement between member churches and perform duties as provided there in.

C13.07.03 A Fundraising Committee may be formed to chair fundraising efforts that benefit the church as a whole.

C13.07.03A01 This does not include fundraising efforts initiated by organizations/groups/families/committees within the congregation that desire to plan and coordinate fundraisers on their own accord for purposes decided by them.

C13.07.03A02 Fundraising Committee members shall not be members of the Congregation Council, but shall make recommendations and report recommendations/progress to the congregation council as needed.

C13.07.03A03 Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.

C13.07.03A04 This committee shall also be responsible for finding opportunities for matching funds through organizations like Thrivent for all church fundraising activities even if they are not the chair of the event.

C13.08. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C13.09. Duties of committees of this congregation shall be specified in the bylaws.

C13.10. The pastor/s of this congregation shall be *ex officio* member/s of all committees and boards of the congregation. The president of this congregation shall be an *ex officio* member of all committees and boards of the congregation, except the Nominating and Auditing Committee.

Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION

C14.01. All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.

C14.02. Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America, may be organized only after authorization has been given by the Congregation Council.

C14.03. Organizations within the congregation.

C14.03.01 The Shepherd of the Hills Lutheran Church Women (Women of the ELCA or WELCA) operates under their own constitution and under their own fiduciary responsibilities under the auspices of Shepherd of the Hills Lutheran Church.

C14.03.02 The Shepherd of the Hills Lutheran Men in Mission (LMM) operates under their own constitution and under their own fiduciary responsibilities under the auspices of Shepherd of the Hills Lutheran Church.

C14.03.02 The Shepherd of the Hills Lutheran Church Luther League operates under their own constitution and under their own fiduciary responsibilities under the auspices of Shepherd of the Hills Lutheran Church.

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 the congregation, or willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any

reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

- C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. 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 lay persons and two clergy). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case, and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members plus the nonvoting chair comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
- a. suspension from the privileges of congregation membership for a designated period of time;
 - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
 - c. termination of membership in the congregation; or
 - d. termination of membership in the 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 the 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 among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16. BYLAWS

- C16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- C16.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- C16.03.** Changes to the bylaws may be proposed by any voting member, provided 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 the 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.

- C16.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.
- C16.05.** By-laws are defined by the following numerical order example: C00.00.00. found within the constitution and by-laws.

Chapter 17. AMENDMENTS

- C17.01.** Unless provision *C17.04. 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 three voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- C17.02.** An amendment to this constitution, proposed under *C17.01., shall:
- be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
 - be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
 - have the effective date included in the resolution² and noted in the constitution.
- C17.03.** Any amendments to this constitution that result from the processes provided in *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify the congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- C17.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the 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 three voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 18. CONTINUING RESOLUTIONS

- C18.01.** The 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 the congregation or a two-thirds vote of all voting members of the Congregation Council.
- C18.03.** Continuing resolutions are defined by the following numerical order example: C00.00.00A00 found within the constitution and by-laws.

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 in partnership with one or more other congregations recognized by the synod named in *C6.01. to form a parish. Except as provided in *C20.02. and *C20.03., a written agreement, developed in consultation with

² Such an effective date must be stated in relation to the requirements of *C17.03. to allow time for synodical review of the amendment.

the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to a Parish Council.

C20.02. Whenever a letter of call is being recommended for extension to an ordained minister of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended to the congregation by the synodical bishop to serve the congregations of a parish, such letter of call shall be first approved by a two-thirds vote at congregational meetings of each of the congregations forming the parish. If any congregation of the parish should fail to approve extending this call, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.

C20.03. Any one of the congregations of a parish may terminate the call of a pastor as provided in †S14.13.d. of the synodical constitution of the synod named in *C6.01. In such case, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.

C20.04. Whenever a parish arrangement is terminated, the call of any rostered person serving that parish is terminated. Should any congregation that formerly was part of the parish arrangement desire to issue a new call to that rostered person, it may do so in accordance with the call process of this church.

Chapter 21. PARISH RECORDS

C21.01. The records of the congregation shall be and remain the property of the congregation. The pastor, congregation council secretary, and church office secretary shall be responsible for the maintenance of the records, except as otherwise provided herein. Upon termination of a pastor’s service to the congregation, the records shall have been brought up to date prior to departure. The records shall consist of:

- A. The roster of baptized, confirmed, and voting members.
- B. The ministerial acts performed by the pastor.
- C. The minutes and reports of the District
- D. The minutes of the meetings of the congregation and the congregation council, for which the secretary of the congregation shall be responsible.
- E. The financial records of the congregation for which the treasurer shall be responsible.

C21.02. The pastor, congregation council secretary, or church office secretary shall report to the general secretary of the ELCA such statistics as may be requested and shall annually report to the congregation a summary of ministerial acts.

C21.03. Should the congregation be dissolved, the official records of the congregation shall be deposited into the archives of the ELCA or other institution as approved by the congregation council.

The constitution of Shepherd of the Hills Lutheran Church was amended and approved in 1992, 1993, 2006, 2015, & 2018 respectively.

The current constitution was revised and amended on 6/11/2018 by congregational council and brought to the congregation at the 2018 Annual Meeting for preliminary approval in which action was taken to approve preliminary changes.

Final approval of amendments for the 2018 changes was brought before and approved by the congregation of Shepherd of the Hills Lutheran Church at its annual meeting on 6/11/2018.

_____ **President (Steve Nelson)**

_____ **Vice President (Stephanie Smith)**

_____ **Council Secretary (Doreen Thompson)**

_____ **Treasurer (Jim Ostlie)**

_____ **Financial Secretary (Betsy Anderson)**