



**Evangelical Lutheran  
Church in America**

God's work. Our hands.



**CALVARY  
LUTHERAN CHURCH**

**CONSTITUTION, BYLAWS, &  
CONTINUING RESOLUTIONS for  
CALVARY LUTHERAN CHURCH of  
GRAND FORKS**

**To be approved January 2021**

## **CODIFICATION EXPLANATION**

**Codification:** The *Constitution, Bylaws, & Continuing Resolutions for Calvary Lutheran Church of Grand Forks* is organized into chapters by general subject matter and codified as (a) constitutional provisions, (b) bylaws, and (c) continuing resolutions. Each provision is preceded by a capital “C.” If a constitutional provision is mandatory per the Evangelical Lutheran Church in America, it will be preceded by an asterisk, “\*C.”

- a. Constitutional provisions are codified with two sets of numbers, preceded by a “C”: the chapter number, followed by a period, and a two-digit number. A period follows the two-digit number. Thus, one required constitutional provision related to “Membership” in Chapter 8 is codified as “\*C8.02.” A provision in Chapter 12 relating to a report by the Congregation Council to the congregation at an annual meeting is codified as “C12.09.” Constitutional provisions are adopted and amended in accordance with Chapter 16 titled “Amendments.”
- b. Bylaw provisions follow constitutional provisions to which they apply. They are not intended to be organized in a separate document at the end of the constitutional provisions. Bylaws are codified with three sets of numbers: the chapter number (preceded by a “C”), the related constitutional provision number, and a two-digit number. There are periods after the chapter number, after the reference to the constitutional provision, and after the bylaw number. Thus, a bylaw provision related to “Membership” would be codified as “C8.02.01.” A bylaw relating to the contents of an annual report by the Congregation Council to the congregation at an annual meeting would be codified as “C12.09.01.” Because bylaws and continuing resolutions normally relate to specific practices and details of each congregation’s organization, operation, and life, there is not a model set of bylaws or continuing resolutions. Thus, each congregation has discretion and may develop its own bylaws and continuing resolutions, including bylaws and continuing resolutions under required constitutional provisions, but no such bylaw or continuing resolution may conflict with constitutional provisions in the *Model Constitution for Congregations, the Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, or the constitution of the synod, as indicated in \*C6.03.e. Bylaws are adopted and amended in accordance with Chapters 16 and 17.
- c. Continuing resolutions are intended to provide descriptions of operational patterns and practices or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. They follow the relevant constitutional provision or bylaw to which they refer. Continuing resolutions also are codified with three sets of numbers, except that the third set is preceded by a capital letter. Thus, a continuing resolution describing congregational committees in Chapter 13 might be numbered “C13.07.A19.” The initial numbers “C13.07” indicate that the continuing resolution relates to the designated constitutional provision, which in this case provides that the duties of congregational committees may be specified in bylaws or continuing resolutions. The final letter and numbers “A19” designate that this is the first continuing resolution “A” and the year that it was adopted, in this example 2019. Continuing resolutions are adopted and amended in accordance with Chapter 18. Unlike constitutional provisions and bylaws which are adopted by the congregation at a legally called and conducted meeting, continuing resolutions may be adopted either by a congregational meeting or by the Congregation Council.

**Missing numbers:** You will notice that certain numbers are missing from the numbering sequence in some chapters. These omissions are intentional. For example, in some chapters the number “.10.” and multiples thereof have been reserved for possible use as section headings in future editions.

**References to church:** In the governing documents, “Church” with a capital letter refers to the one, holy, catholic, and apostolic Church. The words “church” or “this church” in lowercase letters refer to the Evangelical Lutheran Church in America. The specific congregation may be identified, as provided in C1.02., as “this congregation.”

# CONSTITUTION, BYLAWS, & CONTINUING RESOLUTIONS for CALVARY LUTHERAN CHURCH of GRAND FORKS

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

## **Chapter 2.**

### **CONFESSION OF FAITH**

- \*C2.01.** This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- \*C2.02.** This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe.
  - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation.
  - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
  - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- \*C2.03.** This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- \*C2.04.** This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- \*C2.05.** This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- \*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.

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\* Required provision

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

### **Chapter 3.**

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

- \*C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under His rule and authority.
- \*C3.02. This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- \*C3.03. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.
- \*C3.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God’s mission in the world.
- \*C3.05. The name Evangelical Lutheran Church in America (ELCA or “this church”) as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

### **Chapter 4.**

#### **STATEMENT OF PURPOSE**

- \*C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God’s creative, redeeming, and sanctifying activity in the world.
- \*C4.02. To participate in God’s mission, this congregation as a part of the Church shall:
  - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
  - b. Proclaim God’s saving Gospel of justification by grace for Christ’s sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
  - c. Carry out Christ’s Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
  - d. Serve in response to God’s love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, standing with the poor and powerless, and committing itself to their needs.

- e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
  - f. Manifest the unity given to the people of God by living together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.
- \*C4.03.** To fulfill these purposes, this congregation shall:
- a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
  - b. Provide pastoral care and assist all members to participate in this ministry.
  - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
  - d. Teach the Word of God.
  - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
  - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
  - g. Motivate its members to provide financial support for this congregation's ministry and the ministry of the other expressions of the Evangelical Lutheran Church in America.
  - h. Foster and participate in interdependent relationships with other congregations, the synod, and the churchwide organization of the Evangelical Lutheran Church in America.
  - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- \*C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. Such descriptions shall be contained in continuing resolutions in the section on 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. (See Chapter 10 Congregation Meeting)

- \*C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by this congregation. This congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
  - b. terminate the call of a pastor as provided in Chapter 9;
  - c. call a minister of Word and Service;
  - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;
  - e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;
  - f. approve the annual budget;
  - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - h. hold title to and use its property for any and all activities consistent with its purpose;
  - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - j. elect its officers and Congregation Council, 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.
- C5.03.01.** Use of the congregation building must be approved by Congregation Council.
- \*C5.04.** This congregation shall elect from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by this congregation and other qualifications shall be as prescribed in guidelines established by the Eastern North Dakota Synod of the Evangelical Lutheran Church in America.

## **Chapter 6.**

### **CHURCH AFFILIATION**

- \*C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Eastern North Dakota Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- \*C6.02.** This congregation accepts the Confession of Faith and agrees to the purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- \*C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community.
  - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
  - c. This congregation agrees to call pastoral leadership from the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod. These special circumstances are limited either to calling a

candidate approved for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.

- d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in this congregation according to the procedures of the Evangelical Lutheran Church in America.
  - e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.
- \*C6.04.** Affiliation with the Evangelical Lutheran Church in America is terminated as follows:
- a. This congregation takes action to dissolve.
  - b. This congregation ceases to exist.
  - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.
  - d. The Eastern North Dakota Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †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 he or she is a voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the first meeting.
  - b. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to voting members of this congregation.
  - c. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.

- d. If this congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of this congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the second meeting.
  - e. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.
  - f. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case \*C7.04. shall apply.
  - g. This congregation shall abide by these covenants by and among the three expressions of this church:
    - 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
    - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synod approval before terminating their membership in this church.
    - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
  - h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above or fails to achieve the required two-thirds vote of voting members present at this congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after the meeting at which the two-thirds vote was not achieved.
- \*C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is taken.
- \*C6.07.** If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located



and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

## **Chapter 7.**

### **PROPERTY OWNERSHIP**

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

## **Chapter 8.**

### **MEMBERSHIP**

- \*C8.01. Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- \*C8.02. Members shall be classified as follows:

- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - 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 a seasonal member of another congregation of this church in the previous two calendar months.
- C8.02.01.** Voting members shall be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
- C8.02.02.** Voting members shall have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
- C8.02.03.** Voting members shall have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;
- C8.02.04.** Voting members shall be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
- d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
  - e. **Seasonal** members are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
    - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
    - 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
    - 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;
    - 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
    - 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and

- 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.
- \*C8.03.** 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.
- C8.04.01.** According to Luther’s Small Catechism, Holy Communion is the body and blood of our Lord Jesus Christ, given with bread and wine, instituted by Christ himself for us to eat and drink.
- C8.04.02.** “Admission to the Sacrament is by invitation of the Lord, presented through the Church to those who are baptized” (The Use of the Means of Grace 1997). The educational ministry of the Church will provide learning opportunities for the baptized child and their parents. These opportunities will teach that the crucified and risen Christ is present, giving his true body and blood as food and drink, and that we receive forgiveness of sins, life and salvation.
- \*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 a continuing pastoral concern.
- C8.05.01.** This congregation shall encourage a member who moves to another community to request a transfer to a Lutheran congregation which can serve the member effectively.
- C8.05.02.** A confirmed member in good standing desiring to change membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.
- C8.05.03.** A confirmed member who does not, for a period of three years, partake of Holy Communion, support the church with offerings and does not appear to desire to participate in the life and worship of the congregation shall be visited or contacted by the pastor(s), a member of the congregational council or a designated representative of the congregational council and encouraged by them to active membership. If, during the fourth year, the confirmed member does not actively participate, that member’s name may be removed from the membership roster of this congregation. The member in question shall be notified in writing of the action and shall be retained on a responsibility list as one who is in special need of this congregation’s prayer and concern.

**C8.05.04.** A non-confirmed, baptized member of the roll, neither of whose parents or guardians is a member of this congregation, may be removed from the roster of members if he or she does not participate in the life and worship of this congregation.

## **Chapter 9.**

### **ROSTERED MINISTER**

- \*C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by 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 roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod bishop may be called as a pastor of this congregation.
- \*C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,
- a. Every minister of Word and Sacrament shall:
    - 1) preach the Word;
    - 2) administer the sacraments;
    - 3) conduct public worship;
    - 4) provide pastoral care;
    - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
    - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
    - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
    - 8) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
  - b. Each pastor with a congregational call shall, within the congregation:
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
    - 2) relate to all schools and organizations of this congregation;
    - 3) install regularly elected members of the Congregation Council;
    - 4) with the council, administer discipline;
    - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the Eastern North Dakota Synod; and
    - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.05.** The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:

- a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for the following reasons:
  - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
  - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
  - 3) inability to conduct the pastoral office effectively in this congregation in view of local conditions;
  - 4) physical disability or mental incapacity of the pastor;
  - 5) suspension of the pastor through discipline for more than three months;
  - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
  - 7) termination of the relationship between this church and this congregation;
  - 8) dissolution of this congregation or the termination of a parish arrangement; or
  - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
  - 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon removal of the disability and the restoration of the pastor to health, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to this congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the pastor, if appropriate. If the

pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.

- e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, this congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
  - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- \*C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
- \*C9.07.** During the period of service, an interim pastor shall have the rights and duties in this congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
- \*C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
- \*C9.09.** When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.11.** With the approval of the bishop of the synod, this congregation may depart from \*C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.
- \*C9.12.** The pastor of this congregation:
- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;
  - b. shall submit a summary of such statistics annually to the synod; and
  - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

- \*C9.13. The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14. The parochial records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another call or approval of a request for change in roster status.
- C9.15. Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between this congregation and the pastor in a form proposed by the synod bishop and approved by this congregation.
- \*C9.21. Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.22. Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.
- \*C9.23. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
  - a. Be rooted in the Word of God, for proclamation and service;
  - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
  - c. Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world, witnessing to the realm of God in the community, the nation, and abroad;
  - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
  - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
  - f. Practice stewardship that respects God's gift of time, talents, and resources;
  - g. Be grounded in a gathered community for ongoing diaconal formation;
  - h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
  - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- \*C9.24. The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.25. The provisions for termination of the mutual relationship between a minister of Word and Service and 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 the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
  - 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
  - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
  - 4) physical disability or mental incapacity of the deacon;
  - 5) suspension of the deacon through discipline for more than three months;
  - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
  - 7) termination of the relationship between this church and this congregation;
  - 8) dissolution of this congregation or the termination of a parish arrangement; or
  - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of physical disability or mental incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
- 1) the bishop in his or her sole discretion may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
  - 2) when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
- c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon removal of the disability and the restoration of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
- d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.



- e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
  - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- \*C9.26. This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
  - \*C9.27. When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
  - \*C9.28. With the approval of the bishop of the synod, this congregation may depart from \*C9.25.a. and call a deacon for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.25.a.
  - \*C9.29. The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
  - \*C9.31. The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

## **Chapter 10.**

### **CONGREGATION MEETING**

- C10.01.** This congregation shall have at least one regular meeting per year. The regular meeting(s) of the congregation shall be held at the time(s) specified in the bylaws. Consistent with the laws of the State of North Dakota, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.
- C10.01.01.** The annual meeting of this congregation shall be held in January or February of each year as set by the Congregation Council.
- C10.01.02.** Election of officers and council members will be held at the annual meeting.
- C10.01.03.** The Congregation Meeting shall receive reports from all the organizations of this congregation. Such reports, including a financial statement, should be submitted in writing to the council president.

- C10.02.** A special Congregation Meeting may be called by the lead 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 50 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 this congregation shall be given at the services of worship on the preceding two consecutive weeks of worship 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.** 75 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 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. To the extent permitted by state law, notice of all meetings may be provided electronically.

## **Chapter 11. OFFICERS**

- C11.01.** The officers of this congregation shall be a president, vice president, secretary, and treasurer.
  - a. Duties of the officers shall be specified in the bylaws.
  - b. The officers shall be voting members of this congregation.
  - c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- C11.01.01.** The president shall preside at the meetings of the congregation council and of this congregation. The president supports the pastors and all subcommittees of the congregation. The president, along with the vice president, shall ensure this constitution, bylaws, and continuing resolutions are met and reviewed on a regular schedule.
- C11.01.02.** The vice president shall preside as the parliamentarian and lead the Personnel Committee. They shall have experience or background in regards to Human Resources matters. In the president's absence from a Congregation Council or congregation meeting, the vice president shall preside. The vice president shall also tend to this constitution, bylaws and, continuing resolutions as necessary.
- C11.01.03.** The secretary shall keep minutes of the congregation council and the congregation meetings, and oversee the preservation of the archives of this congregation.
- C11.01.04.** The treasurer works with the finance manager to oversee the disbursement of all funds in accordance with the decisions of the congregation or its congregational council, and shall present an internally reviewed report to the January/February congregational meeting and to the congregational council as requested.

- C11.01.A20.** Be it resolved that any one of the following may sign checks on a checking account of Calvary Lutheran Church of Grand Forks: the President and the Finance Manager of this congregation.
- C11.01.B20.** Be it resolved if Calvary Lutheran Church receives stock as a donation, those shares will be liquidated as soon as possible, if the value of the stock is \$25,000.00 or less. One of the following individuals is authorized to approve the liquidation: the President or the Finance Manager of this congregation. If the value of the stock exceeds \$25,000.00, the liquidation must be approved through a motion by the Finance Committee members.
- C11.01.C20.** Be it further resolved that any two of the following, upon request of the council, are authorized to borrow money for and on behalf of the church: the President, the Vice President, or Treasurer
- 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 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 two consecutive terms in the same office.

## **Chapter 12.**

### **CONGREGATION COUNCIL**

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the officers of this congregation, and not more than 9 nor fewer than 3 members of this congregation. Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.
- C12.01.01.** Council membership shall include a Facility/Property chair who reports regarding building operations and other related necessities. The Facility/Property chair is also a member of the Finance Committee and can organize a Facility sub-committee when deemed necessary by the Congregation Council.
- C12.01.02.** Council membership includes a Worship Chair who facilitates the Worship Committee.
- C12.01.03.** Council membership includes an Evangelism Chair who facilitates and oversees the Evangelism Committee.
- C12.01.04.** Council membership shall include the Stewardship Chair who facilitates capital campaign efforts and the Stewardship Committee.
- C12.02.** The members of the Congregation Council except the pastor(s), shall be elected by written ballot to serve for 2 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.

- 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(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
  - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
  - f. To promote a congregational climate of peace and goodwill and, as differences and conflicts arise, to endeavor to foster mutual understanding.
  - g. To arrange for pastoral service during the sickness or absence of the pastor.
  - h. To emphasize support of the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
  - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
  - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation and, as such, shall be responsible for maintaining and protecting its property and managing its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of North Dakota, except as otherwise provided herein.
  - 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 \$100,000.00 for items not included in the budget.
  - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than \$100,000.00 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 treasurer.
  - f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
- C12.06.** The Congregation Council shall see that the provisions of this constitution, its bylaws, and the continuing resolutions 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 lead pastor or interim pastor, except when the lead 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 lead 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 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 and the pastor shall constitute the *Executive Committee*.
- C13.01.01.** Executive Committee: Coordinate the activities of the congregational council, and where needed work with immediate issues and concerns that must be faced between congregational council meetings.
- C13.02.** A *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of office shall be for two years, with three members elected each year, one of whom shall be an outgoing member of the congregational

council. Members of the Nominating Committee are not eligible for consecutive re-election.

**C13.02.01.** Nominating Committee: Nominate one or more candidates for each congregational council position to be filled and shall secure the consent of each candidate.

**C13.03.** An *Audit Committee* of three voting members shall be appointed by the Finance Committee. Audit Committee members shall not be members of the Congregation Council. Term of office shall be one audit period, with one member elected each year. Members shall be eligible for re-election.

**C13.03.01.** Audit Committee: Perform a record review of this congregation's financial records and offer an opinion of their accuracy and make recommendations for enhancements of the bookkeeping.

**C13.04.** The *Finance Committee* reviews and oversees the operational budget and ongoing giving. The basic objectives of the finance and operations committee are to oversee general financial operations of the church from budgeting to approving bills, responsibility of maintenance and improvement of church property, study general finance and operation issues affecting the church, and making recommendations to the congregational council when appropriate. The objectives of this board committee are carried out either by the committee as a whole or through designated individuals. The objectives may be achieved through coordination of an annual budget, monitoring expenditures, and performing general oversight of the operation of the church; short and long-term financial planning; evaluation of the finance and operations area of the church annually and making recommendations for change as needed; working with church staff to set goals and meet objectives; and pray for the congregation and its mission with particular concern for its finance and operations.

**C13.04.01.** The Finance Committee shall be facilitated by the Treasurer and Finance Manager.

**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 called rostered minister or upon dissolution by the Congregation Council.

**C13.05.01.** Call Committee: Work with this congregation, congregational council and pastor(s) to seek out and select a pastor who meets the needs of this congregation. The Call Committee will work with the Eastern North Dakota Synod office.

**C13.06.** Foundation Committee

**C13.06.01.** The purpose of the Calvary Lutheran Church Foundation (hereafter referred to as the Foundation) is to receive and administer bequests, estates, insurance, memorials and other gifts, of real or personal property, that will enhance the outreach of Calvary Lutheran Church apart from the general operation of this congregation; that no portion of the Foundation assets or income derived therefrom shall be used for the annual operating budget of this congregation; that those funds expended herein shall be limited to and shall include only those purposes which are religious, charitable, scientific, literary or educational within the meaning of the terms as used in Section 501(c)3 of the Internal Revenue Code of 1986, as amended. (See Appendix A: PLANNED GIVING POLICIES AND GUIDELINES | November 2003)

**C13.06.02.** Committee Membership

- a. The committee of the Foundation shall consist of five members, all of whom shall be voting members of . Except as herein limited, the term of each member shall be three years. Upon adoption of this resolution by this congregation, it shall elect five members to the committee: two for a term of three years; two for a term of two years and one for a term of one year. Thereafter, at each January/February Congregation Meeting, this congregation shall elect the necessary number for a term of three years. No member shall serve more than two consecutive three year terms. After a lapse of one year, former committee members may be re-elected. A representative of the pastoral staff and the president of this congregation shall be ex-officio members of the committee with full voting rights. The church council of this congregation shall nominate members for the committee and report at the January/February congregational meeting in the same manner as set for other offices and committees. In the event of a vacancy on the committee, the church council shall appoint a member to fill the vacancy on the committee until the next January/February congregational meeting, at which time this congregation shall elect a member to fulfill the term of the vacancy. This congregation may remove a member of the committee at any time, with or without cause.
- b. The committee of the Foundation shall meet at least quarterly, or more frequently as deemed by it in the best interest of the Foundation.
- c. A quorum of the committee of the Foundation shall consist of three members.
- d. The committee of the Foundation shall elect from its membership a chairperson, recording secretary and financial secretary.
  1. The chairperson, or member designated by the chairperson, shall preside at all committee meetings.
  2. The recording secretary of the committee shall maintain complete and accurate minutes of all the meetings and supply a copy thereof to each member of the committee. The recording secretary shall also supply a copy of the minutes to the congregational council.
  3. The financial secretary of the committee shall work with this congregation's treasurer in maintaining and coordinating complete and accurate accounts for the Foundation and shall approve disbursements, together with another authorized party as determined by the committee, and shall sign all other necessary documents on behalf of this congregation in the furtherance of the purposes of the Foundation. The books shall be audited annually by a certified public accountant or other appropriate person who is not a member of the committee.
- e. The committee of the Foundation shall report on a quarterly basis to the congregational council and, at each January/February congregational meeting, shall render a full and complete audited account for the administration of the Foundation during the preceding year.
- f. The committee of the Foundation may request other members of this congregation to serve as advisory members and, at the expense of the Foundation income, may provide for such professional counseling on investing or legal matters as it deems to be in the best interest of the Foundation. 10/8/02 6

- g. The committee of the Foundation shall be the custodian of the Foundation assets and may enter into agency or trust agreements with a corporate trustee authorized to do business in the State of North Dakota.

**C13.06.03. Assets**

- a. All assets held by this congregation in the “Trust Fund” account shall become part of the Foundation, with any directions by the donors of income distribution still honored, and future gifts to the Calvary Lutheran Church Trust Fund shall be added to the Foundation.
- b. Members of the committee of the Foundation shall not be liable for any losses which may be incurred upon the investment of the assets of the Foundation 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/she acts in good faith and with ordinary prudence. Each member shall be liable only for his/her own 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 Foundation in which the member has a direct or indirect financial interest and shall at all times refrain from any conduct in which his/her personal interests would conflict with the interest of the Foundation. The committee will at all times follow the covenants of the “prudent man concept;” the Trustee is under a duty to make such investments as a prudent man would with his own property having primarily in view the preservation of the estate and the amount and regularity of the income to be derived. It involves three elements, namely care, skill and caution.
- c. Decisions to hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest and in all other respects to manage and control the assets, real or personal, of the Foundation, including stocks, bonds, debentures, mortgages, notes or other securities, as in their judgment and discretion they deem wise, prudent and not inconsistent with the Constitution and Bylaws of this congregation, are to be made by the committee of the Calvary Lutheran Church Foundation with execution by the delegated member of the committee.

**C13.06.04. Distributions**

- a. The committee shall determine which is principal and income according to accepted accounting principles.
- b. Except where the use of the gift is directed by a donor, the committee shall make recommendations to the congregational council annually, or at such other times as deemed necessary, for distributions from the Foundation in accordance with sections C13.16.05 and C13.16.06 of this document. Purposes for the distributions may be:
  - 1. Educational: For outreach into the community and synod, including but not limited to: grants to ELCA seminaries, colleges or students attending such schools, youth activities, music, library and on-budgeted local educational programs for the benefit of the members of this congregation and this community.
  - 2. Missions and Benevolences: For missions of the ELCA in this continent and worldwide, including but not limited to, grants to the ELCA for congregational development in North America, professional leadership, educational ministries,



global mission ecumenism, evangelism, social ministries of the ELCA and for local benevolences and social service agencies recommended by the committee.

3. Capital Items: For capital improvements, furnishings, debt reduction or a building program of this congregation.
- c. The Foundation will make annual distributions of 6 percent of the average year-end market value of the Foundation over the most recent five years. Prior to five years of history being established, 6 percent of the average year-end market values for existing years will be disbursed. The 6 percent of market value distribution is intended to allow yearly disbursements to be more stable than “income only” distributions. This allows the portfolio to emphasize total return in its investments while allowing consistent distributions.
- d. Full disbursement of funds from the Foundation need not occur annually. If causes and programs have not been approved by the committee of the Foundation sufficient to utilize total funds available, or if in the judgment of the committee total annual disbursement is not recommended then partial distributions may be made, or no distribution made at all.

**C13.06.05. Funds**

- a. The Perpetual Fund shall be comprised of endowed assets. The principal of the fund shall not be available for distribution except as provided herein. The income allocable to these endowed assets will be available for distribution as deemed appropriate by the committee. Income of the Perpetual Fund not expended for a period of two years may be considered principal and if so determined, will be unavailable for normal distributions. Donors may designate the use for income from gifts of \$5,000 or more.
- b. When in the opinion of the committee of the Calvary Lutheran Church Foundation 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 to use the Perpetual Fund principal, the committee may, upon a two-thirds (2/3) majority vote, recommend such authorized action to this congregation.

**C13.06.06. Disposition or Transfer of Funds**

- a. The Foundation may be dissolved in accordance with the laws of the State of North Dakota. Upon dissolution of this Foundation, and after the payment of all liabilities, obligations, costs and expenses incurred by this Foundation, any remaining assets shall be distributed to such entities organized and operated exclusively for one or more of the purposes described in Sections 170(c)2 and 501(c)3 of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Law.
- b. This Foundation resolution, accepted by this congregation, via recommendation by the congregational council, at a legally called congregational meeting is hereby made an addition to the Bylaws of this congregation, and all members are made privy to its contents and uses.

**C13.07.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

**C13.07.01.** Other committees include Capital Campaign, Personnel, Social Justice, Worship, Community Relations, Parish Fellowship, Service Ministries, Evangelism, Christian

Education, Stewardship, Youth, Columbarium, Weddings, Funeral Food and Honduras Amigos.

- C13.07.A21.** Capital Campaign/Stewardship Committee: The Stewardship Committee at Calvary should be made up of a chair or leader and a standing committee of 4+ individuals from the congregation.
- a. The term of the Chair is three years and the committee members are asked for a one-year commitment.
  - b. The Chair of the Stewardship committee will be a member of the Calvary church council and the Calvary finance committee.
  - c. The committee should meet a minimum of quarterly or four times per year, but frequency may be more if needed.
  - d. The stewardship mission at Calvary shall focus on developing a culture of gratitude and sharing the abundance that God has given us. Stewardship at Calvary respects God's gift of time, talents, and resources.
  - e. Stewardship needs to have an annual mission, the mission shall work to motivate congregation members to financially support Calvary, its ministry and the ministry of the ELCA.
  - f. Money follows a mission. Do not focus on the money needed to accomplish the mission, talk about the lives changed, speak of the accomplishments and the things that are being done. Relate to people, tell a story about a specific person, an individual or a family. Make the stories relatable not large and vague. Share and inspire a vision by saying what it could be, what could be changed, explain how it will work. Invite people to join Calvary's mission and vision, to be part of it, invest in it and help it to grow. Invite people to give, to share their time, talents and resources. Ask them for their support through a gift.

**C13.07.B21.** **Personnel Committee:**

- C13.07.C21.** Social Justice Committee: The Social Justice Committee at Calvary Lutheran Church exists to engage the congregation with contemporary issues or concerns. We know that the church does not exist in and of itself. Rather, the church exists in a neighborhood, city, state, country, and globe. It is 'out there' in the midst of these places that we find Christ at work to bring healing to a hurting world. The Social justice committee is tasked with identifying what God is asking us to pay attention to and then to find ways to invite the congregation into educational and missional opportunities. As people of faith, we do not shy away from tough topics. Instead, God invites us into conversation and action so that we can participate in what God is up to in the world.

- C13.07.D21.** Worship Committee: Worship Committee and Subcommittees have the following function/purpose:
- a. Identify areas of the worship experience that need improvement, such as sound, bulletins, screens, announcements, offering, communion, etc.
  - b. Organize/Schedule worship volunteers, such as ushers, readers, communion servers, etc.
  - c. Select music for worship services
  - d. Discuss ideas for worship services

Members of the worship committee/subcommittees represent all worship opportunities at Calvary (Traditional, both Contemporary, Wednesday evening, Coffeehouse, etc.).

**C13.07.E21.** Community Relations/Marketing Committee: This committee works to make known Calvary Lutheran Church's presence in the community; analyze and seek to improve the methods we communicate to the community; and provide guidance to Communications Staff.

**C13.07.F21.** Parish Fellowship Committee: The Parish Fellowship Committee is ultimately an extension of the Congregational Life Coordinator. The Committee functions as a messenger between the coordinator and the council, in terms of keeping the council up to date on what is taking place. The Committee also functions as extra hands for various events and service projects within the congregation and the community.

**C13.07.G21.** **Service Ministries Committee:**

**C13.07.H21.** Evangelism Committee: The basic objectives of this team include the following:

- a. To provide an open invitation to share the Holy Gospel with others through words and deeds.
- b. To provide an awareness of programs and opportunities available at Calvary.
- c. To actively encourage visitors and others to join.
- d. To contact prospective new members, provide a new member orientation, and follow up with new members.
- e. To assist with the overall hospitality of the church.
- f. Work with church staff to determine needs in the community and respond to those needs.
- g. Pray for the congregation and its mission.

**C13.07.I21.** Christian Education Committee:

- a. Provide spiritual knowledge consistent with the beliefs of this congregation.
- b. Lay the foundation for spiritual growth.
- c. Provide opportunities for youth to grow in faith and leadership to nurture healthy relationships.
- d. Value and equip individuals for responsible participation as church members.
- e. Witness and share knowledge that will ignite awareness of community and personal needs as they relate to faith.
- f. Support the Director of Christian Education as he/she enlists, guides, and places, willing leaders.

**C13.07.J21.** Youth Board Committee: The Board of Youth shall consist of at least eight (8) members, including the elected chairperson of the board, the education representative to the Calvary Council, and the Coordinator of Youth Ministry. The basic objectives of this board are the following:

- A. To involve & welcome young people into the work of Christ.
- B. To provide Christian fellowship.

C. To provide for the education needs of our youth -- including present day social concerns.

D. To provide outreach in our community for social concerns.

E. To provide outreach and fellowship for **youth &** young adults.

That the objectives of this board may be carried out, the board, either corporately or through specifically designated individuals, shall:

1. Be a sounding board and facilitator for youth concerns as they affect the congregation and council.

2. Plan the year's agenda including education, fellowship, social concerns, spiritual needs, etc.

3. Advocate retreats for spiritual needs.

4. Contact high school graduates **and young adults** who remain in the Grand Forks area. Give them spiritual support and Christian fellowship.

5. Encourage youth to become involved with the church's mission by being active on church committees and/or programs.

6. Pray for the congregation and its mission, with particular concern for the youth and young ministry.

**C13.07.K21.** Columbarium Committee: The Columbarium Committee is composed of one representative of the Church Council, a Pastor and three representatives of the congregation as appointed by the Church Council. The Committee reports to the Church Council its policies, bylaws and activities which are subject to the approval of the Church Council. The Committee establishes the rules and regulations of the Columbarium through its bylaws and has the right to make, amend and repeal such rules and regulations. Other duties are to maintain appropriate records of the subscribers, niches reserved, and persons whose cremains are inurned in each niche. Also, the Committee researches, raises funds and coordinates construction of Columbarium niches, walkways and beautification.

**C13.07.L21.** Weddings Committee:

**C13.07.M21.** Funeral Food Committee:

**C13.07.N21.** Honduras Amigos Committee: The Honduras Amigos Committee oversees the Honduras Lunch Program and associated missions in Honduras. The committee organizes for regular visits to Honduras, fundraising activities for Honduras trips and expenditures, and approves of the release of funds for the purposes necessary to carry out this congregation's mission work in Honduras.

**C13.08.** Duties of committees of this congregation shall be specified in the bylaws or continuing resolutions.

**C13.09.** The lead pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of this congregation, except the Nominating Committee.

## Chapter 14.

### ORGANIZATIONS WITHIN THIS CONGREGATION

- C14.01.** All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation, with advice of the Council, at its meeting shall vote regarding their policies, 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 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 Matthew 18:15–17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.
- \*C15.02.** The process for discipline of a member of this congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. If the counseling, censure, and admonitions pursuant to \*C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two ministers of Word and Sacrament). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- \*C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six

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

- \*C15.04. The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C15.05. By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
  - a. suspension from the privileges of congregation membership for a designated period of time;
  - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
  - c. termination of membership in this congregation; or
  - d. termination of membership in this congregation and exclusion from the church property and from all congregation activities.
- \*C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- \*C15.07. No member of this congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- \*C15.10. **Adjudication**
- \*C15.11. When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †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 \*C16.04. is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 10 voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before

formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.

- \*C16.02.** An amendment to this constitution, proposed under \*C16.01., shall:
- be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting;
  - be ratified without change at the next regular meeting of this congregation held pursuant to C10.01 by a two-thirds vote of those voting members present and voting; and
  - have the effective date included in the resolution<sup>2</sup> and noted in the constitution.
- \*C16.03.** Any amendments to this constitution that result from the processes provided in \*C16.01. and \*C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- \*C16.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* as most recently amended by the Churchwide Assembly. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

## **Chapter 17.**

### **BYLAWS**

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

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<sup>2</sup> Such an effective date must be stated in relation to the requirements of \*C16.03. to allow time for synod review of the amendment.

**\*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**

*\* Required provisions when congregation is part of a parish*

**\*C20.01.** This congregation may unite with one or more other congregations recognized by the synod named in \*C6.01. to form a parish. Except as provided in \*C20.02. and \*C20.03., a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to the Parish Council. The Parish Agreement shall identify which congregation of the parish issues calls on behalf of the member congregations or shall establish a process for identifying which congregation issues calls on behalf of the member congregations.

**\*C20.02.** One congregation of a parish shall issue a call on behalf of the member congregations to a minister of Word and Sacrament or a candidate for the roster of Ministers of Word and Sacrament who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.

**\*C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a minister of Word and Service or a candidate for the roster of Ministers of Word and Service who has been recommended by the synod bishop to serve the congregations of the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a congregational meeting of each congregation forming the parish. If any



congregation of the parish should fail to approve the call, the other congregations of the parish shall have the right to terminate the parish agreement.

- \*C20.04.** Any one of the congregations of the parish may terminate their relationship with the pastor as provided in †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.

## Appendix A – PLANNED GIVING POLICIES AND GUIDELINES | November 2003

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### AUTHORIZATION

The Calvary Lutheran Church Foundation (Calvary) is authorized to encourage donors to make both outright and deferred gifts. The types of deferred gifts to be offered include bequests, charitable gift annuities (immediate and deferred), charitable remainder trusts, charitable lead trusts, retained life estates, gifts of life insurance policies and proceeds, pooled income funds and such other gift arrangements as the Board may from time to time approve. All programs, solicitation plans and activities shall be subject to the oversight of the Board, or additional committees appointed by the Board.

### POLICIES

1. The policy of Calvary Foundation is to inform, serve, guide or otherwise assist donors who wish to support Calvary activities, but never under any circumstances to pressure or unduly persuade.
2. No gift will be accepted or program promoted which is not in the best interests of the donor or violates the policies or bylaws of Calvary.
3. Persons acting on behalf of Calvary shall in all cases encourage the donor to discuss the proposed gift with independent legal, financial and/or tax advisors of the donor's choice, and shall insist that the donor seek such counsel when the gift is irrevocable. This policy is designed to ensure that the donor receives a full and accurate explanation of all aspects of the proposed charitable gift and its appropriateness to the donor's objectives and circumstances.
4. The Executive Director, Director of Development and other persons designated are authorized to negotiate planned gift agreements with prospective donors, following the program guidelines approved by the Board.
5. The following planned gifts must be reviewed and approved by the Board. Before acceptance, relevant information about the gift shall be ascertained, including a copy of any appraisal secured by the donor. Calvary also reserves the right to secure its own appraisal. Calvary shall consider review of gift and approval by legal counsel.
  - a. Outright gifts of real estate, closely held stock, tangible personal property, partnership interests, and other property interests, real and personal, not readily negotiable.
  - b. Charitable remainder trusts – if the Foundation is serving as trustee.
  - c. Charitable lead trusts – when possible.
  - d. Charitable gift annuities – immediate and deferred.
  - e. Life insurance – if not a paid up policy.
6. Outright gifts of cash, publicly traded securities and life insurance do not require approval by the Board.
7. Calvary is authorized to offer and accept charitable gift annuities – immediate and deferred – and shall invest assets contributed for annuities. Calvary may employ agents and advisors to facilitate the investment of these assets. A regular report of charitable gift annuities, immediate and deferred, will be presented to the Board.
8. Calvary prefers not to serve as trustee of charitable remainder trusts except when it is in the best interest of the donor and Calvary, or when it is impractical to name another trustee. Agreement to act as trustee shall be subject to prior approval of the Board and/or the Board in consultation with Calvary's legal counsel. Calvary is authorized to arrange

for a trust institution to manage charitable remainder trusts where the Foundation is the remainderman.

9. Calvary will not serve as sole trustee for charitable lead trusts and will not serve as trustee for irrevocable life insurance trusts.
10. The costs of administration of charitable remainder trusts and charitable lead trusts may be an expense of the respective trusts.
11. The Foundation is permitted to accept gifts and contributions only as authorized in these policies. The following guidelines are established to ensure that planned gifts accepted by Calvary will be cost-effective and beneficial to all parties involved. Exceptions to these policies shall be approved by the Board.

## **GUIDELINES FOR ACCEPTING GIFTS**

### **1. Outright Gifts**

- a. Description: An outright gift refers to a contribution of cash or property in which the donor retains no interest.
- b. Guidelines
  - 1) Calvary will accept an outright gift of any amount, though gifts to establish a named endowment must meet the minimum funding requirements set by the Board.
  - 2) Outright gifts of real estate, closely held stock, tangible personal property, partnership interests, and other property interests, real and personal, not readily negotiable must be reviewed and approved by the Board.
  - 3) A donor may complete a gift in a single transaction or make a pledge to be paid over whatever period of time is mutually acceptable to the donor and Calvary.
  - 4) No gift may be received that is subject to any conditions or prearrangements, unless full disclosure has been made to the Board in accordance with policies in the manual.

### **2. The Charitable Gift Annuity/Immediate and Deferred**

- a. Description: The charitable gift annuity is a contract between the Foundation and the donor. Calvary agrees to pay the donor a lifetime annuity in return for a gift of cash, securities, or other property. The payment may continue for the life of a second individual, such as a spouse. The immediate payment charitable gift annuity's annual payment is a fixed sum.
- b. Guidelines
  - 1) The preliminary minimum amount for an annuity agreement is \$10,000.
  - 2) For new contracts, Calvary will be guided, although not bound, by the suggested payout rates recommended by the American Council on Gift Annuities.
  - 3) The Foundation prefers to provide quarterly payments to gift annuity donors.

### **3. Charitable Remainder Trusts**

- a. Description: The charitable remainder trust is a separately administered trust established by the donor. It provides for payments to the donor either for life or a term of years (not exceeding twenty), whereupon the remaining trust assets are distributed to one or more charities. A charitable remainder annuity trust pays a fixed amount (at least 5 percent) of the original fair market value of the assets initially contributed to the trust. This amount does not change and no additional gifts may be made to the annuity trust after its creation. A charitable remainder unitrust pays a

fixed percentage (at least 5 percent) of the fair market value of trust assets, as valued annually. Because the value of assets can be expected to change from year to year, the unitrust payment will vary in amount each year. Additional contributions may be made to the trust after it is established.

b. Guidelines

- 1) Where Calvary is named as trustee or co-trustee, the minimum amount for funding a charitable remainder trust will ordinarily be \$100,000 but a trust may be funded with a smaller amount subject to prior approval by the Board. If the donor selects an external trustee, the minimum will be whatever amount is acceptable to that trustee.
- 2) Ordinarily Calvary will not accept responsibility as a trustee of a charitable remainder trust instrument that is or will be funded with the following assets:
  - Encumbered real estate
  - Margined securities
  - Sole proprietorships
  - Limited partnerships (unless the Board has given specific approval)
  - Working interests in oil and gas fields
  - General partnership interests

4. The Charitable Lead Trust

- a. Description: A charitable lead trust is a trust in which the income, or “lead” interest, is paid to Calvary, and the “remainder” interest is given to one or more non-charitable beneficiaries, who could be either the donor or family members. The amount paid to the Foundation may be either a fixed sum (an “annuity trust” interest) or a percentage of trust assets as valued each year (a “unitrust” interest).

b. Guidelines

- 1) Calvary will not serve as sole trustee or co-trustee of a charitable lead trust.
- 2) The trust term may be at the discretion of the donor.

5. Life Insurance Policy

- 1) The Foundation will accept any gift of a life insurance policy provided that it is under no prearranged obligation to expend its assets to maintain the policy. No portion of the proceeds may be paid to anyone or any organization that is not qualified as a tax-exempt entity under IRS Code Section 501(c)(3). Calvary has the unrestricted right to fully exercise its powers as the owner, including the power to surrender, select payment options, designate beneficiaries and withdraw or borrow cash values.
- 2) In the event a policy is contributed on which premiums remain to be paid, the donor must pledge to continue paying premiums or give Calvary permission to surrender the policy for cash value.
- 3) Under extraordinary circumstances the Foundation may choose to provide for a payment of premium or premiums for the policy.

6. Gifts of Real Estate (Real Property)

- a. Description: A gift of real estate is a gift of real property (not a gift of tangible personal property such as art, jewelry, collections, automobiles or equipment), which may include residences, vacation homes, businesses or commercial property (developed or undeveloped). Gifts of real estate may be made in various ways:

outright, charitable remainder trust, retained life estate, and a bargain sale. These guidelines pertain to gifts of real estate in general.

b. Guidelines

- 1) The donor shall secure a qualified appraisal of the property.
- 2) Calvary (or trustee in case of a charitable remainder trust) shall determine if the donor has clear title to the property.
- 3) The donor shall secure a Phase I environmental audit and the results shall be given to the Board. No property containing toxic wastes shall be accepted prior to their removal or other remedies assuring that the Foundation assumes no liability whatsoever in connection with such toxic wastes.
- 4) Ordinary mortgaged property will not be accepted as an outright gift; however, exceptions may be made when the property has sufficient equity to justify assumption of the liability and provided the property is marketable.
- 5) Mortgaged property shall not be accepted for a charitable remainder trust unless the trust would not be disqualified and the income from the property is sufficient to cover all liabilities.
- 6) Calvary will not manage real property and the property must be readily marketable.

7. Bequests

a. Description: A bequest is a testamentary gift (a gift received after death) generally received through a donor's will or other estate-planning document.

b. Guidelines

- 1) Sample bequest language for restricted and unrestricted gifts, including endowments, will be made available to donors and their attorneys to ensure that the bequest is properly designated.

## Appendix B –CONGREGATION COUNCIL REPORT-OUT CALENDAR

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### January Reports:

\*Finance<sup>1</sup>  
\*Stewardship  
\*Evangelism  
\*Foundation-Biannual Report  
\*Nominating Committee  
Parish Nurse

### February Reports:

\*Finance  
\*Education  
\*Service Ministries  
\*Worship  
\*Audit Committee  
Secretary Report

### March Reports:

\*Finance  
\*Youth  
\*Parish Fellowship  
\*Social Justice  
Building Update  
Constitution & Bylaws Review (VP)

### April Reports:

\*Finance  
\*Honduras Amigos  
\*Evangelism  
\*Community Relations/Marketing  
\*Personnel (VP)-Annual Report

### May Reports:

\*Finance  
\*Education  
\*Service Ministries  
\*Worship  
\*Weddings-Annual Report

### June Reports:

\*Finance  
\*Youth  
\*Parish Fellowship  
Building Update  
\*Columbarium

### July Reports:

\*Finance  
\*Evangelism  
\*Foundation-Biannual Report  
Membership Roster Review (Secretary)  
Parish Nurse

### August Reports:

\*Finance  
\*Education  
\*Service Ministries  
\*Worship  
Building Update  
\*Funerals-Annual Report

### September Reports:

\*Finance  
\*Youth  
\*Parish Fellowship  
\*Social Justice  
\*Stewardship/Capital Campaign

### October Reports:

\*Finance  
\*Evangelism  
\*Community Relations/Marketing  
\*Stewardship

### November Reports:

\*Finance  
\*Education  
\*Service Ministries  
\*Worship  
\*Stewardship  
Building Update

### December Reports:

\*Finance  
\*Youth  
\*Parish Fellowship  
\*Social Justice

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<sup>1</sup> Denotes regularly occurring committee.