

1 Below is the proposed Constitution for Immanuel. This draft was approved by the Church Council in  
2 December 2016. Additions to the past constitution (dated 2003) are underlined. Text to be eliminated is  
3 crossed out.  
4

5 **IMMANUEL EVANGELICAL LUTHERAN CHURCH**

6 **830 South Avenue West**

7 **Missoula, MT 59801**

8 **Constitution – 2003-2017**

9 **Base Document: 2016 Model Constitution**

10 **for Congregations of the Evangelical Lutheran Church of America**

11 **Adopted by the congregation on \_\_\_\_\_, 2017, and ratified on \_\_\_\_\_, 2017.**  
12

13 **\*PREAMBLE**

14 We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through  
15 the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's  
16 mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions.  
17 In the name of the Father and of the Son and of the Holy Spirit.  
18

19 **Chapter 1.**

20 **NAME AND INCORPORATION**

21 **C1.01.** The name of this congregation shall be Immanuel Evangelical Lutheran Church.

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

24 **C1.11.** This congregation shall be incorporated under the laws of the State of Montana.  
25

26 **Chapter 2.**

27 **CONFESSION OF FAITH**

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

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

31 a. Jesus Christ is the Word of God incarnate, through whom everything was made and  
32 through whose life, death, and resurrection God fashions a new creation.

33 b. The proclamation of God's message to us as both Law and Gospel is the Word of God,  
34 revealing judgment and mercy through word and deed, beginning with the Word in  
35 creation, continuing in the history of Israel, and centering in all its fullness in the person  
36 and work of Jesus Christ.

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

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

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

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

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

51 Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations  
52 of the faith of the Church.  
53 \*C2.07. This congregation confesses the Gospel, recorded in the Holy Scriptures and confessed in the  
54 ecumenical creeds and Lutheran confessional writings, as the power of God to create and  
55 sustain the Church for God's mission in the world.  
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57 **Chapter 3.**

58 **NATURE OF THE CHURCH**

- 59 \*C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this  
60 congregation are to be carried out under his rule and authority.  
61 \*C3.02. This church confesses the one, holy, catholic and apostolic Church and is resolved to serve  
62 Christian Unity throughout the world.  
63 \*C3.03. The Church exists both as an inclusive fellowship and as local congregations gathered for  
64 worship and Christian service. Congregations find their fulfillment in the universal  
65 community of the Church, and the universal Church exists in and through congregations. The  
66 Evangelical Lutheran Church in America, therefore, derives its character and powers both  
67 from the sanction and representation of its congregations and from its inherent nature as an  
68 expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in  
69 the historic continuity of the communion of saints; in breadth, it expresses the fellowship of  
70 believers and congregations in our day.  
71 \*C3.04. This church, inspired and led by the Holy Spirit, participates in the Lutheran World Federation  
72 as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ  
73 and in service for the sake of God's mission in the world.  
74 \*C3.05. The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein  
75 refers in general references to this whole church, including its three expressions:  
76 congregations, synods, and the churchwide organization. The name Evangelical Lutheran  
77 Church is also the name of the corporation of the churchwide organization to which specific  
78 references may be made herein.  
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80 **Chapter 4.**

81 **STATEMENT OF PURPOSE**

- 82 \*C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and  
83 sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.  
84 \*C4.02. To participate in God's mission, this congregation as a part of the Church shall:  
85 a. Worship God in proclamation of the Word and administration of the sacraments and  
86 through lives of prayer, praise, thanksgiving, witness, and service.  
87 b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith  
88 alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting  
89 the Gospel faithfully to future generations.  
90 c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in  
91 Christ and by doing all ministry with a global awareness consistent with the understanding  
92 of God as Creator, Redeemer, and Sanctifier of all.  
93 d. Serve in response to God's love to meet human needs, caring for the sick and the aged,  
94 advocating dignity and justice for all people, working for peace and reconciliation among  
95 the nations, and standing with the poor and powerless, and committing itself to their needs.  
96 e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see  
97 daily life as the primary setting for the exercise of their Christian calling, and to use the  
98 gifts of the Spirit for their life together and for their calling in the world.  
99 f. Manifest the unity given to the people of God by living together in the love of Christ and  
100 by joining with other Christians in prayer and action to express and preserve the unity  
101 which the Spirit gives.

- 102 \*C4.03. To fulfill these purposes, this congregation shall:  
103 a. Provide services of worship at which the Word of God is preached and the sacraments are  
104 administered.  
105 b. Provide pastoral care and assist all members to participate in this ministry.  
106 c. Challenge, equip, and support all members in carrying out their calling in their daily lives  
107 and in their congregation.  
108 d. Teach the Word of God.  
109 e. Witness to the reconciling Word of God in Christ, reaching out to all people.  
110 f. Respond to human need, work for justice and peace, care for the sick and the suffering, and  
111 participate responsibly in society.  
112 g. Motivate its members to provide financial support for the congregation's ministry and the  
113 ministry of other parts of the Evangelical Lutheran Church in America.  
114 h. Foster and participate in interdependent relationships with other congregations, the synod,  
115 and the church-wide organization of the Evangelical Lutheran Church in America.  
116 i. Foster and participate in ecumenical relationships consistent with church-wide policy.  
117 \*C4.04. This congregation shall develop an organizational structure to be described in the bylaws. The  
118 Congregation Council shall prepare descriptions of the responsibilities of each committee, task  
119 force, or other organizational group and shall review their actions. ~~Such descriptions shall be~~  
120 ~~contained in continuing resolutions in the section on the Congregation Committees.~~  
121 \*C4.05. This congregation shall, from time to time, adopt a mission statement which will provide  
122 specific direction for its programs.

123 **CR4.05A03 Vision and Mission**

124 Vision: Immanuel is called to be a caring, compassionate and diverse congregation that is  
125 spiritually nourished through Jesus Christ and reaches out to the community at large.

126 Mission: Share the love of Christ with all!

- 127 \*C4.06. References herein to the nature of the relationship between the three expressions of this church  
128 – congregations, synods, and the churchwide organization – as being interdependent or as  
129 being in a partnership relationship describe the mutual responsibility of these expressions in  
130 God’s mission and the fulfillment of the purposes of this church as described in this chapter,  
131 and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal  
132 relationships recognized in civil law.

133  
134 **Chapter 5.**

135 **POWERS OF THE CONGREGATION**

- 136 \*C5.01. The powers of this congregation are those necessary to fulfill its purpose.  
137 \*C5.02. The powers of this congregation are vested in the Congregation Meeting called and conducted  
138 as provided in this constitution and bylaws.  
139 \*C5.03. Only such authority as is delegated to the Congregation Council or other organizational units  
140 in this congregation's governing documents is recognized. All remaining authority is retained  
141 by the congregation. The congregation is authorized to:  
142 a. call a pastor as provided in Chapter 9;  
143 b. terminate the call of a pastor as provided in Chapter 9;  
144 c. call a minister of Word and Service;  
145 d. ~~call or terminate the call of associates in ministry, deaconesses, and diaconal ministers a~~  
146 minister of Word and Service in conformity with the applicable policy constitution of the  
147 Evangelical Lutheran Church in America;  
148 e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the  
149 bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;  
150 f. approve the annual budget;  
151 g. acquire real and personal property by gift, devise, purchase, or other lawful means;  
152 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.

**CR5.03A03.** Election of Council Members. Council members will be elected by the congregation to chair designated standing committees.

**\*C5.04.** This congregation shall choose from among its voting members laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Montana Synod of the Evangelical Lutheran Church in America.

**C5.05** This congregation shall have an Endowment Fund of Immanuel Evangelical Lutheran Church that will operate as specified in the special resolution adopted by the congregation. The purpose of the Endowment Fund is to provide for ministry work beyond the operational budget of this congregation.

## Chapter 6.

### CHURCH AFFILIATION

**\*C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Montana Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.

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

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

- a. This congregation agrees to be responsible for its life as a Christian community.
- b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
- c. This congregation agrees to call pastoral leadership from the ~~clergy~~ roster of 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 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 ~~associates in ministry, deaconesses, and diaconal ministers of Word and Service~~ for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
- e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.

**\*C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:

- a. This congregation takes action to dissolve.
- b. This congregation ceases to exist.
- c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.

d. This congregation follows the procedures outlined in \*C6.05.

**\*C6.05.** This congregation may terminate its relationship with the Evangelical Lutheran Church in America by the following procedure:

- a. A resolution indicating the desire of this congregation to terminate its relationship must be adopted at a legally called and conducted special meeting of this congregation by a two-thirds majority of the voting members present. Such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time the congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- b. The secretary of the congregation shall submit a copy of the resolution to the ~~synodical~~ bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall mail a copy of the resolution to voting members of the congregation. This notice shall be submitted within 10 days after the resolution has been adopted.
- c. The bishop of the synod and the congregation shall ~~consult~~ continue in consultation, as specified in paragraph a. above, with this congregation during a period of at least 90 days after receipt by the synod of the notice as specified in paragraph b. above.
- d. If this congregation, after such consultation, still desires to terminate its relationship, such action may be taken at a legally called and conducted special meeting by a two-thirds ~~majority vote~~ of the voting members present. ~~at which meeting the bishop of the synod or an authorized representative shall be present.~~ Notice of the meeting shall be mailed to all voting members and to the bishop at least 10 days in advance of the meeting. Unless he or she is a voting member of the congregation, the bishop and the bishop's designees, if any, shall have voice but not vote at the meeting.
- e. ~~A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop.~~ A copy of the resolution, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, shall be sent to the bishop within 10 days after the resolution has been adopted, at which time the relationship between the congregation and the Evangelical Lutheran Church in America this church shall be terminated subject to paragraphs g., h., and i. below. Unless this notification to the bishop also certifies that the congregation has voted by a two-thirds vote to affiliate with another Lutheran denomination, the congregation will be conclusively presumed to be an independent or non-Lutheran church.
- f. Notice of termination shall be forwarded by the ~~synodical~~ bishop to the secretary of ~~this church~~ the ELCA and published in the periodical of this church. who shall report the termination to the Churchwide Assembly.
- 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 synodical 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.

- 255 ~~h. Since this congregation was a member of the Lutheran Church in America, it shall be~~  
256 ~~required, in addition to the foregoing provisions in \*C6.05., to receive synodical approval~~  
257 ~~before terminating its membership in the Evangelical Lutheran Church in America.~~  
258 h. If this congregation fails to achieve the required two-thirds vote of voting members present  
259 at the congregation's first meeting as specified in paragraph a. above, another special  
260 meeting to consider termination of relationship with this church may be called no sooner  
261 than six months after that first meeting. If this congregation fails to achieve the required  
262 two-thirds vote of voting members present at the congregation's second meeting as  
263 specified in paragraph d. above, another attempt to consider termination of relationship  
264 with this church must follow all requirements of \*C6.05. and may begin no sooner than six  
265 months after that second meeting.

- 266 \*C6.06. If this congregation is considering relocation, it shall confer with the bishop of the synod in  
267 which it is territorially located and the appropriate unit of the churchwide organization before  
268 any steps are taken leading to such action. The approval of the Synod Council shall be  
269 received before any such action is effected.
- 270 \*C6.07. If this congregation considers developing an additional site to be used regularly for worship, it  
271 shall confer with the bishop of the synod in which it is territorially located and the appropriate  
272 unit of the churchwide organization before any steps are taken leading to such action.  
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## 274 Chapter 7.

### 275 PROPERTY OWNERSHIP

- 276 \*C7.01. If this congregation ceases to exist, title to undisposed property shall pass to the Montana  
277 Synod of the Evangelical Lutheran Church in America.
- 278 \*C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in  
279 America according to its procedure for discipline, title to property shall continue to reside in  
280 this congregation.
- 281 \*C7.03. If two-thirds ~~majority~~ of the voting members of this congregation present at a legally called  
282 and conducted special meeting of this congregation vote to transfer to another Lutheran church  
283 body, title to property shall continue to reside in this congregation, provided the process for  
284 termination of relationship in \*C6.05. has been followed. Before this congregation takes  
285 action to transfer to another Lutheran church body, it shall consult with representatives of the  
286 Montana Synod.
- 287 \*C7.04. If two-thirds ~~majority~~ of the voting members of this congregation present at a legally called  
288 and conducted special meeting of this congregation vote to become independent or relate to a  
289 non-Lutheran church body and have followed the process for termination of relationship in  
290 \*C6.05., title to property of this congregation shall continue to reside in this congregation only  
291 with the consent of the Synod Council. The Synod Council, after consultation with this  
292 congregation by the established synodical process, may give approval to the request to become  
293 independent or to relate to a non-Lutheran church body, in which case title shall remain with  
294 the majority of this congregation. If the Synod Council fails to give such approval, title shall  
295 remain with those members who desire to continue as a congregation of the Evangelical  
296 Lutheran Church in America.
- 297 C7.05. Notwithstanding the provisions of \*C7.02. and \*C7.03. above, where this congregation has  
298 received property from the synod pursuant to a deed or other instrument containing restrictions  
299 under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the*  
300 *Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:  
301 a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right,  
302 title, or interest in the property without prior approval of the Synod Council.  
303 b. Shall, upon written demand by the Synod Council, pursuant to S13.23. of the  
304 constitution of the Montana Synod, reconvey and transfer all right, title, and interest in  
305 the property to the synod.

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**Chapter 8.**  
**MEMBERSHIP**

- \*C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- \*C8.02.** Members shall be classified as follows:
- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
  - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
  - 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. ~~or persons who wish to retain a relationship with this congregation while being members of other congregations. They~~ These individuals have all the privileges and duties of membership except voting rights ~~and eligibility for elected offices or membership on the Congregation Council of this congregation~~ 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 ELCA congregations 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 the ELCA;
    - 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, synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

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

- a. death;
- b. resignation;
- c. transfer or release;
- d. disciplinary action in accordance with ELCA constitutional provision 20.41. and the accompanying bylaws; or by the Congregation Council; or
- e. removal from the roll due to inactivity ~~as defined in the bylaws.~~ 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. When members have failed to receive Holy Communion and make a contribution of record during the current or preceding calendar years, they may be removed from the roll of membership by the Congregation Council. If possible, such members will be counseled prior to this action. A former member, whose name has been removed from the membership roll due to inactivity, shall be reinstated when a desire to resume active participation in the life and worship of this congregation has been demonstrated.

**Chapter 9.**

**THE PASTOR ROSTERED MINISTER**

\*C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds ~~majority ballot~~ 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 this congregation to recommend the call, shall seek the advice and help of the bishop of the synod.

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

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

- a. Every ~~ordained~~ minister of Word and Sacrament shall:
  - 1) preach the Word;
  - 2) administer the sacraments;
  - 3) conduct public worship;
  - 4) provide pastoral care; ~~and~~
  - 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 distribution of its communications and publications;
  - 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 ~~ordained minister~~ pastor with a congregational call shall, within the congregation:
  - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
  - 2) ~~supervise~~ relate to all schools and organizations of this congregation;
  - 3) install regularly elected members of the Congregation Council; and
  - 4) with the council, administer discipline.
  - 5) endeavor to increase the support given by the congregation to the work of the ELCA churchwide organization ~~and of the Montana Synod of the ELCA.~~

e. ~~Every pastor shall:~~

- ~~1) strive to extend the Kingdom of God in the community, in the nation, and abroad;~~
- ~~2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;~~
- ~~3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and~~

\*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 death or, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop, for the following reasons:

- 1) mutual agreement to terminate the call or the completion of a call for a specific term;
- 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
- 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions ~~without reflection on the competence or the moral and spiritual character of the pastor;~~
- 4) the physical disability or mental incapacity of the pastor;
- 5) suspension of the pastor through discipline for more than three months; disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
- 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 the congregation;
- 8) the dissolution of the congregation; or
- 9) suspension of the congregation through discipline for more than six months as a result of discipline proceedings.

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 1.3) above, have come to the attention of the bishop of the synod,

- 1.) the bishop in his or her sole discretion may, ~~or when such allegations have been brought to the synod's attention by an official recital of allegations by the Congregation Council or by a petition signed by at least one-third of the voting members of the congregation, the bishop shall,~~ investigate such conditions personally together in company with a committee of two ~~ordained~~ 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 the 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 testimony shall be obtained. ~~opinion concerning the pastor's condition.~~ When such a disability or incapacity is evident to the committee, the bishop of this synod ~~with the advice of the committee shall~~ 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 as disabled. Upon removal of the disability and the restoration of the pastor to health, the bishop ~~of the synod~~ shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor appropriate call.

- 459 d. In the case of alleged local difficulties that imperil the effective functioning of the  
 460 congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear  
 461 from all concerned persons shall be heard, after which the bishop of the synod together  
 462 with the committee described in \*C9.05.b. shall present their recommendations first decide  
 463 on the course of action to be recommended to the pastor and the congregation. The  
 464 recommendations of the bishop's committee must address whether the pastor's call should  
 465 come to an end and, if so, may suggest appropriate severance arrangements. The  
 466 committee may also propose other actions that should be undertaken by the congregation  
 467 and by the pastor, if appropriate. If the pastor and congregation agree to carry out such  
 468 recommendations, no further action shall be taken by the synod.
- 469 e. If either party fails to assent to the recommendations of the bishop's committee concerning  
 470 the pastor's call, the congregation may dismiss the pastor only at a legally called meeting  
 471 after consultation with the bishop, either (a) by a two-thirds vote of the voting members  
 472 present and voting where the bishop and the committee did not recommend termination of  
 473 the call, or (b) by a majority vote of the voting members present and voting where the  
 474 bishop and the committee recommended termination of the call.
- 475 f. If, in the course of proceedings described in \*C9.05.d., paragraph c. or paragraph d. above,  
 476 the bishop's committee concludes that there may be grounds for disciplinary action  
 477 discipline, the committee shall make recommendations concerning disciplinary action in  
 478 accordance with the provisions of this church's constitution, bylaws, and continuing  
 479 resolutions. to the synodical bishop who may bring charges, in accordance with the  
 480 provisions of the constitution and bylaws of the Evangelical Lutheran Church in America  
 481 and the constitution of this synod.
- 482 f. ~~If, following the appointment of the committee described in \*C9.05.b. or d., it~~  
 483 ~~should become apparent that the pastoral office cannot be conducted effectively in the~~  
 484 ~~congregation(s) being served by the ordained minister due to local conditions, the bishop~~  
 485 ~~of the synod may temporarily suspend the pastor from service in the congregation(s)~~  
 486 ~~without prejudice and with pay provided through a joint synodical and churchwide fund~~  
 487 ~~and with housing provided by the congregation(s).~~

488 \*C9.06. At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod  
 489 with the consent of this congregation or the Congregation Council.

490 \*C9.07. During the period of service, an interim pastor shall have the rights and duties in the  
 491 congregation of a regularly called pastor and may delegate the same in part to a supply pastor  
 492 with the consent of the bishop of the synod and this congregation or Congregation Council.  
 493 The interim pastor and any ~~ordained pastor~~ rostered minister providing assistance shall refrain  
 494 from exerting influence in the selection of a pastor. Unless previously agreed upon by the  
 495 Synod Council, an interim pastor is not available for a regular call to the congregation served.

496 \*C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former  
 497 pastor before calling a successor. A pastor shall make satisfactory settlement of all financial  
 498 obligations to this congregation before beginning service in a call to another congregation or  
 499 employment in another ministry setting related to the Evangelical Lutheran Church in  
 500 America.

501 \*C9.09. When a pastor is called to serve in company with another pastor or pastors, the privileges and  
 502 responsibilities of each pastor shall be specified in documents to accompany the call and to be  
 503 drafted in consultation involving the pastors, the Congregation Council, and the bishop of the  
 504 synod. As occasion requires, the documents may be revised through a similar consultation.

505 \*C9.11. With the approval of the bishop of the synod, the congregation may depart from C9.05.a. and  
 506 call a pastor for a specific term. Details of such calls shall be in writing setting forth the  
 507 purpose and conditions involved. Prior to the completion of a term, the bishop or a designated  
 508 representative of the bishop shall meet with the pastor and representatives of the congregation

for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.

\*C9.12. The pastor of this congregation:

- a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
- b. shall submit a summary of such statistics annually to the synod; and
- c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.

\*C9.13. The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.

\*C9.14. The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

\*C9.15. Under special circumstances, subject to the approval of the synodical 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 the congregation and the pastor in a form proposed by the synodical bishop and approved by the congregation.

\*C9.21. Authority to call a minister of Word and Service 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 synodical 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 the ELCA 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.

~~C9.20 — Ecumenical pastoral ministry~~

~~C9.21 — Under special circumstances, subject to the approval of the synodical bishop and the~~

~~concurrence of this congregation, an ordained minister of a church body with which the~~

~~Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily under contract as pastor of this congregation.~~

560  
561  
562 \*C9.24. The specific duties of the deacon, compensation, and other matters pertaining to the service of  
563 the deacon shall be included in a letter of call, which shall be attested by the bishop of the  
564 synod.

565 \*C9.25. The provisions for termination of the mutual relationship between a minister of Word and  
566 Service and a congregation shall be as follows:

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

570 1) mutual agreement to terminate the call or the completion of a call for a specific term;  
571 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no  
572 later than 30 days after the date on which it was submitted;

573 3) inability to conduct the ministry of Word and Service effectively in this congregation  
574 in view of local conditions;

575 4) physical disability or mental incapacity of the deacon;

576 5) suspension of the deacon through discipline for more than three months;

577 6) resignation or removal of the deacon from the roster of Ministers of Word and Service  
578 of this church;

579 7) termination of the relationship between this church and this congregation;

580 8) dissolution of this congregation or the termination of a parish arrangement; or

581 9) suspension of this congregation through discipline for more than six months.

582 b. When allegations of physical disability or mental incapacity of the deacon under paragraph  
583 a.4) above, or ineffective conduct of the office of minister of Word and Service under  
584 paragraph a.3) above, have come to the attention of the bishop of this synod,

585 1) the bishop in his or her sole discretion may investigate such conditions personally  
586 together with a committee of two rostered ministers and one layperson, or

587 2) when such allegations have been brought to the synod's attention by an official recital  
588 of allegations by the Congregation Council or by a petition signed by at least one-third of the  
589 voting members of this congregation, the bishop personally shall investigate such conditions  
590 together with a committee of two rostered ministers and one layperson.

591 c. In case of alleged physical disability or mental incapacity under paragraph a.4) above, the  
592 bishop's committee shall obtain and document competent medical opinion concerning the  
593 deacon's condition. When a disability or incapacity is evident to the committee, the bishop of  
594 this synod may declare the office vacant and the deacon shall be listed on the roster of  
595 Ministers of Word and Service as disabled. Upon removal of the disability and the restoration  
596 of the deacon to health, the bishop shall take steps to enable the deacon to resume the ministry,  
597 either in the congregation last served or in another appropriate call.

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

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

611 termination of the call, or (b) by a simple majority vote of the voting members present and  
612 voting where the bishop and the committee recommended termination of the call.

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

617 \*C9.26. The deacon shall make satisfactory settlement of all financial obligations to a former  
618 congregation before:

619 a. installation in another field of labor, or

620 b. the issuance of a certificate of dismissal or transfer.

621 \*C9.27. When a deacon is called to serve in company with another rostered minister or other rostered  
622 ministers, the privileges and responsibilities of each rostered minister shall be specified in  
623 documents to accompany the call and to be drafted in consultation involving the rostered  
624 ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the  
625 documents may be revised through a similar consultation.

626 \*C9.28. With the approval of the bishop of the synod, this congregation may depart from \*C9.25.a. and  
627 call a deacon for a specific term. Details of such calls shall be in writing setting forth the  
628 purpose and conditions involved. Prior to the completion of a term, the bishop or a designated  
629 representative of the bishop shall meet with the deacon and representatives of this  
630 congregation for a review of the call. Such a call may also be terminated before its expiration  
631 in accordance with the provisions of \*C9.25.a.

632 \*C9.29. The deacon shall become a member of this congregation upon receipt and acceptance of the  
633 letter of call. In a parish of multiple congregations, the deacon shall hold membership in one  
634 of the congregations.

635 \*C9.31. The deacon(s) shall submit a report of his or her ministry to the bishop of the synod at least 90  
636 days prior to each regular meeting of the Synod Assembly.

637  
638 **Chapter 10.**

639 **CONGREGATION MEETING**

640 **C10.01.** The annual meeting of this congregation shall be held at a time specified in the bylaws.

641 **C10.01.1.** The annual meeting of the congregation shall be held by February 15 for the purpose of  
642 reviewing the activities of the congregation, adopting a budget for the forthcoming  
643 congregational year, and electing the Congregation Council.

644 **C10.02.** A special Congregation Meeting may be called by the pastor, the Congregation Council or the  
645 president of this congregation, and shall be called by the president of the congregation upon  
646 the written request of 10% of the voting members. The president of the Congregation Council  
647 shall call a special meeting upon request of the synodical bishop. The call for each special  
648 meeting shall specify the purpose for which it is to be held, and no other business shall be  
649 transacted.

650 **C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the  
651 preceding two consecutive Sundays and by mail or electronic means, as permitted by state law,  
652 to all voting members at least 10 days in advance of the date of the meeting. ~~The posting of~~  
653 ~~such notice in the regular mail, with the regular postage affixed or paid, sent to the last known~~  
654 ~~address of such members shall be sufficient.~~

655 **C10.04.** Ten percent of voting members shall constitute a quorum.

656 **C10.05.** Voting by proxy or by absentee ballot shall not be permitted.

657 **C10.06.** All actions by the congregation shall be by majority vote of those voting members present and  
658 voting, except as otherwise provided in this constitution or by state law.

659 **C10.07.** Roberts' Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of  
660 this congregation.  
661

662 **Chapter 11.**

663 **OFFICERS**

664 **C11.01.** The officers of this congregation shall be a president, vice president, secretary, and treasurer.

665 a. Duties of the officers shall be specified in the bylaws.

666 b. The officers shall be voting members of the congregation.

667 c. Officers of this congregation shall serve similar offices of the Congregation Council and  
668 shall be voting members of the Congregation Council.

669 ~~d. If the treasurer is appointed and not elected, the treasurer will have voice without vote on  
670 council actions and be eligible to serve more than three consecutive years.~~

671 **C11.01.01.** The president shall preside at the meetings of this congregation and the  
672 Congregation Council. In the event of the president's inability to serve, the vice-  
673 president shall preside.

674 **C11.01.02.** The secretary shall keep accurate minutes of all meetings of this congregation  
675 and the Congregation Council. These minutes will be preserved in the church archives.

676 **C11.01.03.** The ~~treasurer~~-bookkeeper shall keep books of account of this congregation and shall disperse  
677 funds on proper orders, making monthly remittance of benevolence receipts to the  
678 treasurer of the synod. The treasurer shall make a monthly report to the Congregation  
679 Council of all financial transactions.

680 **C11.02.** The congregation shall elect its officers, and they shall be the officers of the congregation. The  
681 officers shall be elected by written ballot and shall serve for one year or until the completion of  
682 an un-expired term. Their terms shall begin at the close of the annual meeting at which they  
683 are elected.

684 **C11.03.** No officer(s) shall hold more than one office at a time. No officer shall be eligible to serve  
685 more than three consecutive terms in the same office.

686  
687 **Chapter 12.**

688 **CONGREGATION COUNCIL**

689 **C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the officers  
690 of the congregation, and the elected representatives of each of the standing committees of the  
691 congregation as determined by the number of committees detailed in C13. Any voting  
692 member of the congregation may be elected, subject only to the limitation on the length of  
693 continuous service permitted in that office. A member's place on the Congregation Council  
694 shall be declared vacant if the member a) ceases to be a voting member of this congregation or  
695 b) is absent from four successive regular meetings of the Congregation Council without cause.  
696 Consistent with the laws of the state in which the congregation is incorporated, the  
697 congregation may adopt procedures for the removal of a member of the Congregation Council  
698 in other circumstances.

699 **C12.02.** The members of the Congregation Council, except the pastor(s), shall be elected at the annual  
700 meeting by acclamation or written ballot when there is more than one candidate for each  
701 position to serve for three years or until the completion of an unexpired term. Council  
702 members shall be eligible to serve no more than two full 3 year terms consecutively. Their  
703 terms shall begin at the close of the annual meeting at which they are elected.

704 **C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation  
705 Council shall elect, by majority vote, a successor until the next annual meeting. Individuals  
706 who have served less the one-half of a regular term shall be eligible for nomination and  
707 possible election to a full term.

708 **C12.04.** The Congregation Council shall have general oversight of the life and activities of this  
709 congregation, and in particular its worship life, to the end that everything be done in  
710 accordance with the Word of God and the faith and practice of the Evangelical Lutheran  
711 Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the ~~pastor~~ 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(s).
- h. To emphasize partnership with the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the 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 trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. The Congregation Council shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Montana, except as otherwise provided herein.
  - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
  - c. The Congregation Council may enter into contracts of up to one percent of annual budget for items not included in the budget.
  - d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than one percent of annual budget in excess of the anticipated receipts only after approval by a Congregational Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and churchwide organization.
  - 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 benevolence monies to the synodical 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 and its bylaws and the continuing resolutions are carried out.

**C12.07.** The Congregation Council shall provide for an annual review of the membership roster.

**C12.08.** The Congregation Council shall be responsible for the employment and supervision of the ~~salaryed lay workers~~ staff of this congregation. Nothing in this provision shall be deemed to affect the congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

**C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.

763 **C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called  
764 by the pastor or the president, and shall be called by the president at the request of at least one-  
765 half of its members. Notice of each special meeting shall be given to all who are entitled to be  
766 present.

767 **C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the  
768 Congregation Council, including the pastor or interim pastor, except when ~~such person the~~  
769 pastor or interim pastor requests or consents to be absent and has given prior approval to the  
770 agenda ~~for a particular regular or special meeting, of routine matters~~ which shall be the only  
771 business ~~of the~~ considered at that meeting. Chronic or repeated absence of the pastor or  
772 interim pastor who has refused approval of the agenda of a subsequent regular or special  
773 meeting shall not preclude action by the Congregation Council, following consultation with  
774 the synodical bishop.

775 **C12.13.** The Congregation Council and its committees may hold meetings by remote communication,  
776 including electronically and by telephone conference and, to the extent permitted by state law,  
777 notice of all meetings may be provided electronically.  
778

## 779 **CHAPTER 13**

### 780 **CONGREGATION COMMITTEES**

781 **C13.01.** The officers of this congregation and the pastor shall constitute the **Executive Committee.**

782 **CR13.01A01** The purpose of the executive committee is to expedite the work of the Congregation  
783 Council, direct its deliberations, and ensure that all committees are functioning well.

784 **C13.02.** **The Nominating Committee** shall consist of the Pastor as an advisory member and six  
785 elected lay voting members of this congregation, two of whom, if possible shall be outgoing  
786 members of the Congregation Council. Lay members shall be elected at the annual meeting  
787 for a term of one year and are not eligible for consecutive reelection. Should a member's  
788 place on the Nominating Committee be declared vacant, the Congregational Council shall  
789 elect, by majority vote, a successor until the next annual meeting.

790 **C13.02.01.** The Nominating Committee will elect a Chairperson at their first scheduled meeting.

791 **CR13.02.01A01** The Nominating committee will prepare an election ballot, giving the names of the  
792 candidates for each vacancy, and a short informative statement relative to each candidate.  
793 Information on the election ballot will include a) the number of candidates to be elected, and  
794 b) the general existing rotation requirements for length of service. The candidate receiving the  
795 greatest number of votes cast for each vacancy will be elected.

796 **CR13.02.01B01** The nominating committee will supervise the election. The nominating committee will  
797 also appoint a chairperson and five members for the teller's committee, who will tabulate the  
798 votes on election day. The chairperson of the teller's committee will notify the president of  
799 the Congregation Council and congregation of the results of the election during the  
800 congregational meeting called for that purpose.

801 **C13.03.** **An Audit Committee** of at least three voting members shall be ~~elected~~ appointed by the  
802 Congregation Council. The majority of the Audit Committee members shall not be members  
803 of the Congregation Council. Term of office shall be ~~three years~~ one year, with at least one  
804 new member elected appointed each year. Members shall be eligible for ~~reelection~~  
805 reappointment.

806 **C13.04.** **A Staff Support Committee** (in the absence of a Staff Support committee, the duties shall be  
807 fulfilled by the executive committee) shall ~~will~~ be appointed jointly by the president and the  
808 ~~pastor~~ rostered minister. ~~and confirmed by Council.~~ Term of office will be two years with  
809 three members ~~eligible for reappointment for one additional term~~ to be appointed each  
810 successive year.

811 **C13.04.01.** Each area of ministry that has paid staff shall be represented by a voting member of the  
812 congregation on the committee.

- 813 **CR13.04.01A01** The Staff Support Committee shall facilitate constructive interpersonal relationships  
814 and evaluate staff job descriptions, performance, compensation, and benefits. Each Standing  
815 Committee that has paid staff shall be represented by a voting member of the congregation on  
816 the committee. The senior Pastor is also a voting member of this committee. The above  
817 Standing Committees may nominate a representative to the president or pastor for  
818 consideration to serve on this committee. It is recommended that Council members are not  
819 eligible to serve on this committee. ~~This committee is set up and operates per the guidelines~~  
820 ~~set forth in the ELCA manual (Copyright 1988) titled "Mutual Ministry Committee."~~
- 821 **C13.05.** When a pastoral vacancy occurs, a **Call Committee** of six voting members shall be elected by  
822 the Congregation Council. Term of office will terminate upon installation of the newly called  
823 pastor.
- 824 **C13.06.** Other congregational committees may be formed, as the need arises, by decision of the  
825 Congregation Council.
- 826 **C13.07.** To assist this congregation in carrying out its ministry, the Congregation Council shall be  
827 responsible for the formation and supervision of the following Standing Committees.  
828 Duties of committees of this congregation shall be specified in the bylaws and continuing  
829 resolutions.
- 830 **CR13.07.01A01** Each **STANDING COMMITTEE** shall be composed of the council person  
831 elected to represent that committee and other active members of this congregation.  
832 Each Standing Committee shall have joint responsibility with the Pastor for recruiting  
833 and determining the duties of any paid staff associated with their area. The direct  
834 supervisor of each paid staff is the Pastor, or upon the pastor's recommendation, a  
835 representative, of the appropriate committee, with final accountability to the Church  
836 Council.
- 837 **C13.07.01. A WORSHIP AND MUSIC COMMITTEE** shall be charged with the responsibility of  
838 seeing that services are held at scheduled times and conducted in accordance with the liturgy  
839 of the Evangelical Lutheran Church of America.
- 840 **CR13.07.01A01** It shall be the responsibility of this committee to:  
841 a. secure and properly train worship assistants.  
842 b. provide worship aids and devotional materials.  
843 c. provide for the care of all supplies and equipment, including musical instruments.
- 844 **C13.07.02. A CHRISTIAN EDUCATION COMMITTEE** shall be charged with the  
845 responsibility of providing opportunities for members and others to be nurtured through  
846 the Gospel.
- 847 **CR13.07.02A01** It shall be the responsibility of this committee to:  
848 a. secure and oversee superintendents for the church school,  
849 ~~b. oversee the nursery~~  
850 b. establish adult learning events  
851 c. provide and care for books, audio visual materials, and equipment  
852 d. promote learning through the Gospel among all committees and groups within this  
853 congregation.
- 854 **C13.07.03. A WITNESS COMMITTEE** shall be charged with the responsibility of  
855 fostering evangelism and encouraging this congregation and its members to proclaim  
856 Jesus Christ by sharing the good news. It is the mission of the church to share the good  
857 news of creative and redemptive work of God in Christ and his spirit.
- 858 **CR13.07.03A01** It shall be the responsibility of this committee to:  
859 a. develop ways to witness to new or prospective members in a supportive and welcoming  
860 manner,  
861 b. minister to shut-ins, inactive members, and other members with special needs.  
862 c. work with other committees to create a climate of awareness and welcome for visitors in  
863 worship services,

d. support growth within the Gospel through the programs of the congregation

e. increase our witness to Jesus Christ throughout the community.

**C13.07.04. A SERVICE COMMITTEE** shall be charged with the responsibility of interpreting and advocating the mission concerns of the church to the congregation. To this end the committee will support and explain the benevolence programs of the ELCA and our synod.

**CR13.07.04A01** It shall be the responsibility of this committee to execute Immanuel's ~~commitment~~ commitments to the social and human dimensions of the Gospel ~~within our community and congregation.~~ within our congregation, community, and world.

**C13.07.05. A STEWARDSHIP COMMITTEE** shall be charged with the responsibility of encouraging a generous and growing response of the member's time, talents, and money in the support of this congregation's total ministry.

**CR13.07.05A01** It shall be the responsibility of this committee to:

- a. strengthen and support congregation members in their understanding of their role as God's stewards.
- b. educate this congregation in the practices of systematic and proportionate giving,
- c. connect charity and generosity with spiritual maturity,
- d. distribute giving resources annually and giving records quarterly,
- e. assure careful recording of and accounting of all member giving,
- f. coordinate annual congregation stewardship emphasis to encourage financial commitment to support the mission of the church, and
- g. call upon this congregation to respond to God's good gifts by giving freely and joyfully to the Gospel and in service to others.

**C13.07.06. A FINANCE COMMITTEE** shall be charged with the responsibility of receipting and disbursing money received by this congregation.

**CR13.07.06A01** It shall be the responsibility of this committee to:

- a. oversee the financial secretaries, who will count, and receipt, and deposit all money received.
- b. oversee the treasurer(s), who will pay promptly all properly authorized expenses and make monthly and other reports on all funds under his/her/their supervision.
- c. be responsible for preparing an operating budget for the next congregational year taking into account the requests of the Congregation Council, congregation and of other committees.
- d. assure that the audit of the financial records is complete within five months of the congregational year and reported to this congregation.

**CR13.07.06B01** Financial secretaries will be appointed as needed by the Finance Committee and confirmed by Congregational Council. They shall receive and keep all records of all income from contributing members. Total income information shall be forwarded weekly to the treasurer.

**CR13.07.06C01** All financial officers shall have corporate surety in amounts determined by the Congregation Council for which a premium will be paid by this congregation. Surety provided by the Evangelical Lutheran Church in America and other insurance coverage shall be deemed a fulfillment of this requirement. A financial statement shall be presented at the annual meeting.

**C13.07.07. A PROPERTY MANAGEMENT COMMITTEE** shall be charged with the responsibility of providing care and maintenance of this congregation's properties, and determine that they are in good repair and insured.

**CR13.07.07A01** It shall be the responsibility of this committee to:

- a. care for existing property through scheduled maintenance.
- b. procure supplies for the custodian's use.
- c. be responsible for renovations, alterations, and /or new construction of the church buildings and properties.

**C13.07.08. A YOUTH and FAMILY MINISTRY COMMITTEE** shall be charged with

the responsibility of encouraging youth and adults to involve themselves in this congregation's ministry.

**CR13.07.08A01** It shall be the responsibility of this committee to:

- a. equip children and youth for witness and service
- b. nurture families in strong life-shaping Christian values.
- c. develop congregational life to become a sustaining, extended, family of faith.

**C13.07.09.** **A FELLOWSHIP COMMITTEE** shall be charged with the responsibility to encourage and promote hospitality within this congregation.

**CR13.07.09A01** Hospitality in the Christian sense is the gift of food, drink, and fellowship that deepens relationships in our congregation. ~~accommodations and other such means that sustain our people in outgoing care and cheerful friendship.~~ It shall be the responsibility of this committee to:

- a. ~~schedule and coordinate at least one fellowship event per quarter of the congregational year;~~
- b. ~~coordinate dates for all social events within the church;~~
- e. ~~provide assistance (if requested) to the wedding and funeral coordinators.~~

**C13.08** The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation.

**Chapter 14.**

**ORGANIZATIONS WITHIN THE CONGREGATION**

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

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

**Chapter 15.**

**DISCIPLINE OF MEMBERS AND ADJUDICATION**

**\*C15.01.** Persistent and public denial of the Christian faith as described in this constitution, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of the congregation, or persistent trouble making in this congregation are willful and repeated harassment or defamation of member(s) of the congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15-17, proceeding through these successive steps as necessary: a) private admonition-counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, and 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. ~~citation to appear before the Congregation Council.~~ If for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, ~~the president (if not the pastor) or vice president shall administer such admonitions.~~ those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

**\*C15.02.** The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America.* If the counseling, censure, and admonitions pursuant to \*C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice-president of the synod. The vice-president shall

966 select from the synod's Consultation Committee a panel of five members (three lay persons  
 967 and two ministers of Word and Sacrament). A copy of the written charges shall be provided to  
 968 the consultation panel and the accused member(s). The consultation panel, after requesting a  
 969 written reply to the charges from the accused member(s), shall consider the matter and seek a  
 970 resolution by means of investigation, consultation, mediation, or whatever other means may  
 971 seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue  
 972 for no more than 45 days after the matter is submitted to it. A member charged with the  
 973 offense shall appear before the Congregation Council after having received a written notice, at  
 974 least ten days prior to the meeting, specifying the exact charges that have been made against  
 975 the member. If the member charged with the offense fails to appear at the scheduled hearing,  
 976 the Congregation Council may proceed with the hearing and may pass judgment in the  
 977 member's absence.

978 **\*C15.03.** If the consultation panel fails to resolve the matter, that panel shall refer the case in writing,  
 979 including the written charges and the accused member's reply, to the Committee on Discipline  
 980 of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice  
 981 president of the synod, the Congregation Council, and the accused member(s) at the same time  
 982 it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod  
 983 Council shall then select six members from the Committee on Discipline to decide the case  
 984 and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six  
 985 members, plus the nonvoting chair, comprise the discipline hearing panel for deciding the  
 986 case. The Congregation Council and the accused member(s) are the parties to the case.  
 987 Members of the Congregation Council who participate in the preparation of the written  
 988 charges or who present evidence or testimony in the hearing before the Congregation Council  
 989 are disqualified from voting upon the question of the guilt of the accused member. Should the  
 990 allegations be sustained by a two-thirds majority vote of the members of the Congregation  
 991 Council who are not disqualified but who are present and voting, and renewed admonition  
 992 prove ineffectual, the council shall impose one of the following disciplinary actions:  
 993 a. censure before the council or congregation;  
 994 b. suspension from membership for a definite period of time; or  
 995 c. exclusion from membership in this congregation.

996 Disciplinary actions b. and c. shall be delivered to the member in writing.

997 **\*C15.04.** The discipline hearing panel shall commence and conduct the disciplinary hearing in  
 998 accordance with the provisions governing discipline of congregation members prescribed in  
 999 the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in*  
 1000 *America.* The member against whom disciplinary action has been taken by the Congregation  
 1001 Council shall have the right to appeal the decision to the Synod Council. Such right may not be  
 1002 abridged and the decision of the Synod Council shall be final.

1003 **\*C15.05.** By the vote of at least two-thirds of the members of the discipline hearing panel who are  
 1004 present and voting, one of the following disciplinary sanctions can be imposed:  
 1005 a. suspension from the privileges of congregation membership for a designated period of  
 1006 time;  
 1007 b. suspension from the privileges of congregation membership until the pastor and  
 1008 Congregation Council receive evidence, satisfactory to them, of repentance and amendment of  
 1009 life;  
 1010 c. termination of membership in the congregation; or  
 1011 d. termination of membership in the congregation and exclusion from the church property  
 1012 and from all congregation activities.

1013 Disciplinary actions may be reconsidered and revoked by the Congregation Council upon  
 1014 receipt of a) evidence that injustice has been done or b) evidence of repentance and  
 1015 amendment.

- 1016 \*C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of the  
1017 synod, the accused member(s), and the Congregation Council as required by ~~For disciplinary~~  
1018 ~~actions in this congregation, “due process” shall be observed as specified in 10.41.03. in the~~  
1019 Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in  
1020 America. The decision of the discipline hearing panel shall be implemented by the  
1021 Congregation Council and recorded in the minutes of the next council meeting.  
1022 \*C15.07. No member of a congregation shall be subject to discipline a second time for offenses that ~~the~~  
1023 ~~Congregation Council~~ a discipline hearing panel has heard previously and decided, ~~unless so~~  
1024 ~~ordered by the Synod council after an appeal pursuant to this chapter.~~  
1025 \*C15.10. **Adjudication**  
1026 \*C15.11. When there is disagreement among factions within this congregation on a substantive issue  
1027 that cannot be resolved by the parties, members of this congregation shall have access to the  
1028 synodical bishop for consultation after informing the chair of the Congregation Council of  
1029 their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the  
1030 synod shall consider the matter. If the Consultation Committee of the synod shall fail to  
1031 resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be  
1032 final.  
1033

## 1034 **Chapter 16.**

### 1035 **BYLAWS**

- 1036 ~~\*C16.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.~~  
1037 ~~\*C16.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a~~  
1038 ~~quorum present by a majority vote of those voting members present and voting.~~  
1039 ~~\*C16.03. Changes to the bylaws may be proposed by any voting member provided, however, that such~~  
1040 ~~additions or amendments be submitted in writing to the Congregation Council at least 60 days~~  
1041 ~~before a regular or special Congregation Meeting called for that purpose and that the~~  
1042 ~~Congregation Council notify the members of the proposal with its recommendations at least 30~~  
1043 ~~days in advance of the Congregation Meeting.~~  
1044 ~~\*C16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the~~  
1045 ~~synod.~~  
1046

## 1047 **Chapter 17.16**

### 1048 **AMENDMENTS**

- 1049 \*C16.01. Unless provision \*C16.04 is applicable, those sections of this constitution that are not  
1050 required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran*  
1051 *Church in America*, may be amended in the following manner. Amendments to this  
1052 ~~constitution~~ may be proposed by at least 15 voting members or by the Congregation Council.  
1053 Proposals must be filed in writing with the Congregation Council 60 days before formal  
1054 consideration by this congregation at its regular or special meeting called for that purpose. The  
1055 Congregation Council shall notify the congregation's members of the proposal together with  
1056 the council's recommendations at least 30 days in advance of the meeting. Notification may  
1057 take place by mail or electronic means, as permitted by state law.  
1058 \*C16.02. ~~A proposed An~~ an amendment to this constitution, proposed under \*C16.01., shall:  
1059 a. be approved at a legally called Congregation Meeting according to this constitution by a  
1060 majority vote of those voting members present and voting;  
1061 b. be ratified without change at the next annual meeting by a two-thirds ~~majority~~ vote of  
1062 those voting members present and voting; and  
1063 c. have the effective date included in the resolution<sup>1</sup> and noted in the constitution.  
1064 \*C16.03. Any amendments to this constitution that result from the processes provided in \*C16.01. and  
1065 \*C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall  
1066 notify the congregation of its decision to approve or disapprove the proposed changes; the

changes shall go into effect upon notification that the synod has approved them. ~~The amendment shall become effective within 120 days from the date of the receipt of the notice by the synod unless the synod informs this congregation that the amendment is in conflict with the constitution and bylaws of the Evangelical Lutheran Church in America or the constitution of the Montana Synod of the ELCA.~~

**\*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 ~~Whenever the Model Constitution for Congregations is amended by the Churchwide Assembly, this constitution may be amended to reflect any such amendment~~ by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation ~~at any subsequent meeting of the congregation~~ without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to the congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. ~~consistent with C17.03.~~ 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.

**C17.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

**Chapter 18.**

**CONTINUING RESOLUTIONS**

**\*C18.01.** ~~The Congregation Council may enact continuing resolutions.~~ The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.

**\*C18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

**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

1117 a party to any threatened, pending, or completed civil, criminal, administrative, arbitration, or  
 1118 investigative proceeding.

1119  
 1120 **PARISH AUTHORIZATION**

- 1121 **\*C20.01.** This congregation may unite in partnership with one or more other congregations  
 1122 recognized by the synod named in \*C6.01. to form a parish. Except as provided in  
 1123 \*C20.02. and \*C20.03., a written agreement, developed in consultation with the synod  
 1124 and approved by the voting members of each congregation participating in the parish,  
 1125 shall specify the powers and responsibilities that have been delegated to the Parish Council.  
 1126 The Parish Agreement shall identify which congregation of the parish issues calls on behalf of  
 1127 the member congregations or shall establish a process for identifying which congregation  
 1128 issues calls on behalf of the member congregations.
- 1129 **\*C20.02.** ~~Whenever a letter of call is being recommended for extension to an ordained minister of the~~  
 1130 ~~Evangelical Lutheran church in America or a candidate for the roster of ordained~~  
 1131 ~~ministers who has been recommended to the congregation by the synodical bishop to~~  
 1132 ~~serve the congregations of a parish, such letter of call shall be first approved by a two-~~  
 1133 ~~thirds vote at congregational meetings of each of the congregations forming the parish. If~~  
 1134 ~~any congregation of the parish should fail to approve extending this call, the other~~  
 1135 ~~congregation(s) in the same parish shall have the right to terminate the parish arrangement.~~  
 1136 One congregation of a parish shall issue a call on behalf of the member congregations to a  
 1137 minister of Word and Sacrament or a candidate for the roster of Ministers of Word and  
 1138 Sacrament who has been recommended by the synodical bishop to serve the congregations of  
 1139 the parish. Such a call shall be approved prior to issuance by a two-thirds vote at a  
 1140 congregational meeting of each congregation forming the parish. If any congregation of the  
 1141 parish should fail to approve the call, the other congregations of the parish shall have the right  
 1142 to terminate the parish agreement.
- 1143 **\*C20.03.** ~~Any one of the congregations of a parish may terminate the call of a pastor as provided in~~  
 1144 ~~S14.13.d. of the Synod constitution of the synod named in \*C6.01. In such case, the other~~  
 1145 ~~congregation(s) in the same parish shall have the right to terminate the parish~~  
 1146 ~~arrangement.~~
- 1147 **\*C20.03.** One congregation of a parish may issue a call on behalf of the member congregations to a  
 1148 minister of \_\_\_\_\_ or a candidate for the roster of Ministers of Word  
 1149 and Service who has been recommended by the synodical bishop to serve the congregations of  
 1150 the parish. Such a call shall be approved prior to issuance by two-thirds vote at a  
 1151 congregational meeting of each congregation forming the parish. If any congregation of the  
 1152 parish should fail to approve the call, the other congregations of the parish shall have the right  
 1153 to terminate the parish agreement.
- 1154 **\*C20.04.** Any one of the congregations of the parish may terminate their relationship with the pastor as  
 1155 provided in S14.18.d of the synodical constitution of the synod named in \*C6.01. In such  
 1156 case, the other congregations(s) of the same parish shall have the right to terminate the parish  
 1157 agreement.
- 1158 **\*C20.05.** Any one of the congregations of the parish may terminate their relationship with a minister of  
 1159 Word and Service as provided in S14.43.d of the synodical constitution of the synod named in  
 1160 \*C6.01. In such case, the other congregations(s) of the same parish shall have the right to  
 1161 terminate the parish agreement.
- 1162 **\*C20.06.** Whenever a parish agreement is terminated, the call of any rostered minister serving that  
 1163 parish is terminated. Should any congregation that was formerly part of the parish agreement  
 1164 desire to issue a new call to that rostered minister, it may do so in accordance with the call  
 1165 process of this church.

1168  
1169  
1170  
1171 ENDOWMENT FUND OF IMMANUEL EVANGELICAL LUTHERAN CHURCH

1172 ~~Amendment to Congregational Bylaws~~

1173 ~~Amended April 13, 2008~~

1174 "An Endowment Fund, whose purpose, governance, and operational procedures shall be defined by  
1175 special resolution adopted by the congregation, shall be established."  
1176

1177 **RESOLUTION ESTABLISHING**  
1178 **THE ENDOWMENT FUND OF IMMANUEL EVANGELICAL LUTHERAN CHURCH**  
1179

1180 "WHEREAS, Christian stewardship involves the faithful management of all the gifts God has  
1181 given to humankind - time, talents, the created world and money, including accumulated, inherited  
1182 and appreciated resources; and  
1183

1184 WHEREAS, the scriptural principle of proportionate giving, to return to the Lord a portion of the  
1185 gifts God has first given to his beloved children, is both a privilege and an appropriate response in  
1186 all times and circumstances; and  
1187

1188 WHEREAS, Christians can give to the work of the church through bequests in wills, charitable  
1189 remainder and other trusts, charitable gift annuities, assignment of life insurance, and transfers of  
1190 property such as cash, stocks, bonds, real estate; and  
1191

1192 WHEREAS, it is the desire of Immanuel Evangelical Lutheran Church (the "CHURCH") to  
1193 encourage, receive and administer these gifts in a manner consistent with the loyalty and devotion  
1194 to our Lord expressed by the donors and in accord with the policies of the congregation; and  
1195

1196 WHEREAS, it is the desire of the CHURCH to revise and amend the Endowment Fund of  
1197 Immanuel Evangelical Lutheran Church, established by resolution of the CHURCH congregation  
1198 in its annual meeting on January 20, 1994,  
1199

1200 THEREFOR BE IT RESOLVED, that this congregation, a special congregation meeting  
1201 assembled on November 14, 1999, approved and established on the records of the CHURCH  
1202 revisions and amendments to the Endowment Fund of Immanuel Evangelical Lutheran Church in  
1203 Missoula, Montana (hereafter the "FUND");  
1204

1205 BE IT FURTHER RESOLVED, that the purpose of the FUND is to enhance the mission of the  
1206 CHURCH apart from the general operation of the CHURCH; that only in particular, temporary,  
1207 difficult circumstances, and where integrity of gift restrictions permit, may this congregation, by  
1208 action in meeting assembled, use a portion of the FUND income for its own support services; that,  
1209 except where authorized otherwise in the terms of the gift, all principal amounts will be retained  
1210 and only the income expended;  
1211

1212 BE IT FURTHER RESOLVED, that the Endowment Fund Trustees (hereafter the "TRUSTEES")  
1213 shall be the custodians of the FUND;  
1214

1215 BE IT FURTHER RESOLVED, that the following Plan of Operation sets forth the administration  
1216 and management of the FUND.  
1217

1218 PLAN OF OPERATION

1. The Trustees

The TRUSTEES shall consist of five members, all of whom shall be voting members of the CHURCH.

Except as herein limited, the term of each member shall be three (3) years. Upon adoption of this resolution by the congregation, it shall elect five (5) TRUSTEES: two (2) for a term of three (3) years; two (2) for a term of two (2) years; and one (1) for a term of one (1) year. Thereafter, at each annual meeting, the congregation shall elect the necessary number for a term of three (3) years. No member shall serve more than two consecutive three (3) year terms. After a lapse of one (1) year, former TRUSTEES may be re-elected. A TRUSTEE may not serve concurrently on the Church Council. The senior pastor and the president of the Church Council shall be ex-officio non-voting TRUSTEES. The TRUSTEES and any CHURCH member at the annual meeting of the CHURCH shall nominate individuals to serve as TRUSTEES and report at the annual congregational meeting in the same manner as for other offices and committees.

In the event of a vacancy, the remaining TRUSTEES by the affirmative vote of three (3) shall forthwith elect a member to fill the vacancy until the next annual meeting of the congregation, at which time the congregation shall elect a member to fill the vacancy. In the event the vacancy is not filled within ninety (90) days after it occurs, the congregation shall fill it at a special meeting called for that purpose.

The TRUSTEES shall designate and elect their own officers, a president, a recording secretary and a financial secretary and shall hold meetings at least quarterly. Any CHURCH member shall have the right to attend any meeting of the TRUSTEES.

The recording secretary shall maintain complete and accurate minutes of all meetings of the TRUSTEES and supply a copy thereof to each trustee. Each TRUSTEE SHALL KEEP A COMPLETE COPY OF THE MINUTES TO BE DELIVERED TO HIS OR HER SUCCESSOR. The secretary shall also supply a copy of the minutes to the Church Council.

The financial secretary of the FUND shall maintain complete and accurate books of accounts for the FUND and shall sign checks and all other necessary documents on behalf of the CHURCH in furtherance of the purposes of the FUND. The books of the FUND shall be reviewed annually by a certified public accountant or another appropriate person who is not a TRUSTEE.

No TRUSTEE shall have any material pecuniary interest, nor receive or derive compensation or material pecuniary gain or profit, either directly or indirectly, from the FUND activities or property or funds or investments. All assets are to be held in the name of the Endowment Fund of Immanuel Evangelical Lutheran Church in Missoula, Montana.

A TRUSTEE quorum shall consist of three (3) trustees. When only three trustees are present, a unanimous vote shall be required to carry any motion or resolution.

The CHURCH membership, by two-thirds vote of those voting at a duly constituted meeting, may remove any TRUSTEE, with or without cause, and appoint a successor TRUSTEE, if the proposed action has been specified in the notice of the meeting.

2. Management of Powers of Trustees

In all the administration of the FUND, the TRUSTEES shall have all power and authority necessary or available to carry out the purposed of the FUND and, without limiting the generality of the foregoing, shall have the following powers and authority;

- A. To collect, hold, retain, sell, exchange, acquire, rent, lease, transfer, convert, invest, reinvest and in all other respects to handle and manage and control, the FUND, or any part thereof, as they in their judgment and discretion shall deem wise and prudent.
- B. To retain any property in the form in which received; to convert and convert the FUND, or any part thereof, into other kinds and forms of property, and to invest or reinvest the assets as they shall deem wise and prudent, including in such common or preferred stocks, bonds, debentures, mortgages, notes or other securities, investments or property which they in their absolute discretion may select or determine, and including, without limitation, savings deposits of any bank, mutual savings bank, federal home loan bank or savings and loan association, or in any common trust fund, mutual fund, or any like fund, subject to the usual standards of prudence required of trustees of similar funds.
- C. To receive the income, profits, rents and proceeds of the FUND and to collect and receipt for the same.
- D. To make, execute and deliver all instruments necessary or proper for the accomplishment of the purpose of the FUND or of any of the foregoing powers, including deeds, bills of sale, transfers, leases, mortgages, agreements, waivers, releases and settlements.
- E. To contribute, donate, support or distribute, from time to time for the purposes herein stated, such payments or amounts as the trustees in their discretion shall determine and decide.
- F. To determine what is principal or income in accordance with recognized accounting procedures.
- G. To employ and reasonably compensate accountants, agents and attorneys in and about the execution of the FUND without liability for their commissions or neglect, but using reasonable care in their selection, and to rely with a quittance on the advice of the person so employed.
- H. The TRUSTEES may use the FUND to take out, acquire (by assignment or otherwise) and maintain life insurance of the lives of any person, provided the proceeds of such policies, or some part thereof, are payable to the FUND, either immediately upon death of the Insured (or other maturity date), or subsequent thereto.
- I. The TRUSTEES shall not be liable for any losses which may be incurred upon investments of the FUND except to the extent that such losses shall have been caused by bad faith or gross negligence of the TRUSTEES. No TRUSTEE shall be personally liable as long as the TRUSTEE acts in good faith and with ordinary prudence in discharging the office. Each TRUSTEE shall be liable only for his/her own willful misconduct or omissions in bad faith. No TRUSTEE shall be liable for the acts or omissions of any other TRUSTEE, or of any accountant, agent, counsel or custodian selected with reasonable care.
- J. The TRUSTEES shall not receive any compensation, but may be reimbursed for expenses reasonably incurred.
- K. The TRUSTEES, at each annual meeting of the CHURCH membership, shall render to the members an account of their administration of the FUND during the preceding year. In addition, the TRUSTEES shall endeavor to maintain a high degree of communication with the Church Council, other organizations with the CHURCH, and the members of the congregation in order that needs be properly assessed and the total life and mission of the CHURCH be nurtured.

### 3. Endowment Fund

There is hereby established the FUND to be built from gifts, the principal of which shall be held in trust in perpetuity except as hereinafter expressly provided otherwise. The FUND is created and shall be operated exclusively for CHURCH purposes.

1319 The CHURCH or the TRUSTEES may receive gifts to be placed in the funds established herein from any  
1320 corporation or individual or organization or from any source in cash or in other property  
1321 acceptable to them. All funds or property of whatever nature so received together with all income  
1322 therefore shall be held and managed in trust, and administered and paid out pursuant to the  
1323 determination of the TRUSTEES and consistent with the terms and provisions herein. All assets  
1324 of the FUND shall be kept and maintained separate, distinct and independent from the funds and  
1325 property otherwise belonging to the CHURCH.

1326  
1327 The CHURCH or the TRUSTEES may accept designated gifts (minimum \$10,000) which are restricted  
1328 as to their uses and purposes provided such restrictions are within the purposes and objects  
1329 referred to in this instrument, and upon any condition not inconsistent herewith; and  
1330 notwithstanding any other proviso of this agreements, shall disburse the income or principal or any  
1331 part thereof in accordance with the directions made by any donor. All designated gifts received  
1332 prior to January 1, 2008 will continue in effect, unless changed in writing by the designee.

1333  
1334 The TRUSTEES or the CHURCH, in the absolute discretion of either, may reject any gift offered.

1335  
1336 The TRUSTEES may commingle the assets and property of the FUND and any other assets or property  
1337 held pursuant to the FUND, and administer such funds as a single trust, so long as the TRUSTEE  
1338 records at all times accurately reflect the receipts and disbursements properly allocable to each  
1339 fund and the property in each fund. The TRUSTEES shall not be required to make physical  
1340 segregation of the assets of the FUND in order to conform to the directions of any individual  
1341 donors, but may establish separate accounts in its accounting records.

1342  
1343 4. Endowment Fund Distributions

1344  
1345 Gifts and bequests to the FUND shall accumulate and be deposited pursuant to the conditions of Part  
1346 2 on pages 2 and 3 of this document. All income generated from the investments of the principal  
1347 shall be expended each calendar year. This procedure will terminate if the value of the principal  
1348 falls below \$25,000 at which time no requests for funding will be honored.

1349  
1350 All applications for funding support must be done through the completion of a "Requests for Funding"  
1351 form presented to the TRUSTEES by applicant at their next meeting.

1352  
1353 Distribution of income shall occur only when the investment value of the FUND meets or exceeds value  
1354 of the principal invested. Should the investment value be less than the principal, any income  
1355 received SHALL be placed against the deficit until such time the value of the principal has been  
1356 obtained. Then and only then shall income be distributed by the TRUSTEES to any application  
1357 for funding support.

1358  
1359 When available, the TRUSTEES may distribute income annually or at such other times as deemed  
1360 necessary and/or feasible to accomplish any or all of the following:

- 1361 A. Emergency relief of physical or economical need of individuals within the congregation.  
1362 B. Special ministries in Christian education within the congregation and extending to other Lutheran  
1363 congregations.  
1364 C. Special purpose grants for extending educational opportunity, including scholarships, as financial aid  
1365 to qualified individuals for higher education.  
1366 D. Aid in caring for the poor, the aged and the ill when funds are not available from other sources.  
1367 E. Support of domestic and foreign missions, including all missions of the Evangelical Lutheran Church  
1368 of America of Chicago, Illinois, or its successor.

- 1369 F. Aid to support activities for caring for and assisting special needs of our community's youth, which  
1370 gives evidence of our constant prayerful and Christian concern for them.  
1371 G. CHURCH building expansion, improvements, or a major maintenance item (as opposed to regular  
1372 building maintenance.)  
1373 H. Extending aid for programs and missions of the CHURCH, other Montana Lutheran congregations,  
1374 and the Montana ELCA or its successor.  
1375

1376 The distributions from the FUND will be based on the "total return concept." This will allow for  
1377 accumulating a portion of the annual income in the FUND in order to maintain the level of  
1378 purchasing power in times of inflation and to provide for an additional source of funds in the event  
1379 the level of earnings in any year does not meet expectations.

1380 The TRUSTEES may retain, in the FUND, up to twenty-five percent (25%) of the income in any  
1381 calendar year. The TRUSTEES may place an additional amount of the income in their local  
1382 treasury for one calendar year to support a special project within this Church. This additional  
1383 amount shall be approved by the Church congregation at an annual or special meeting.

1384 The TRUSTEES may distribute principal from the FUND only upon occasions of extreme financial need  
1385 by the CHURCH, or in accordance with a specific direction of a donor made concurrently with a  
1386 gift. Extreme financial need shall be deemed to exist only when the continued existence of the  
1387 CHURCH as a body will be threatened because of a lack of operating funds unless such principal  
1388 be so distributed. The existence of such extreme financial need shall be determined by the  
1389 TRUSTEES and shall require not less the five (5) affirmative votes.  
1390

1391 5. Amending the Resolution  
1392

1393 BE IT FURTHER RESOLVED, that any amendment to this resolution which will change, alter or amend  
1394 the purpose for which the FUND is established shall be adopted by a two-thirds vote of the  
1395 members present at an annual meeting of the congregation or at a special meeting called  
1396 specifically for the purpose of amending this resolution.  
1397

1398 6. Dispositions or Transfer of Fund  
1399

1400 BE IT FURTHER RESOLVED, that in the event the CHURCH ceases to exist, any FUND funds  
1401 remaining shall be distributed to the Montana Synod of the Evangelical Lutheran Church of  
1402 America, or any successor thereof having Immanuel Evangelical Lutheran Church within its  
1403 jurisdiction, or if there is none, to the Evangelical Lutheran Church in America, or its successor  
1404 and the FUND shall thereupon terminate. Upon termination of the FUND, no member or  
1405 TRUSTEE or employees or person connected with the FUND or with the CHURCH or any other  
1406 private individual whomsoever shall be entitled to share in the distribution of any of the assets of  
1407 the FUND.  
1408

1409 C. ADOPTION OF RESOLUTION  
1410

1411 This resolution, recommended by the Church Council and accepted by the congregation at a legally called  
1412 congregational meeting, is hereby adopted.  
1413

1414 IMMANUEL EVANGELICAL LUTHERAN CHURCH  
1415

1416 By James W. Tysk  
1417 Its President  
1418

1419 By Laura Riddle Dated this 19th day of December, 1999.

