

June 5, 2022

Our Savior's Lutheran Church of Larimore, North Dakota

## CONSTITUTION

In the Name of the Father, and of the Son, and of the Holy Spirit.  
Amen.

### PREAMBLE

Recognizing our unity in the Christian faith and our common practice of it, and desiring to express a fellowship in worship and work; knowing our spiritual needs, mindful of our Christian privileges and duties, and wishing to observe an orderly cooperation, we adopt the following constitution:

#### Article I – NAME

The name of this congregation shall be Our Savior's Lutheran Church. This congregation shall be incorporated under the laws of the State of North Dakota.

#### Article II – CONFESSION OF FAITH

This congregation accepts all the canonical books of the Old and New Testaments as a whole and in all their parts as the divinely inspired, revealed, and inerrant Word of God and submits to this as the only infallible authority in all matters of faith and life.

As brief and true statements of the doctrine of the Word of God, this congregation accepts and confesses the following symbols, subscription to which shall be required of all of its members: (1) the ancient ecumenical creeds: The Apostolic, the Nicene, and the Athanasian; (2) the Unaltered Augsburg Confession and Luther's Small Catechism.

As further elaboration of and in accord with these Lutheran Symbols, this congregation also receives the other documents in the Book of Concord of 1580: the Apology, Luther's Large Catechism, the Smalcald Articles, and the Formula of Concord; and recognizes them as normative for its theology.

This congregation accepts without reservation the aforementioned Symbolical books of the Evangelical Lutheran Church in America not insofar as, but because they are the presentation and explanation of the pure doctrine of the Word of God and a summary of the faith of the Evangelical Lutheran Church in America (ELCA).

### Article III – LITURGY

The public services of this congregation shall conform to the authorized liturgies and rituals of the ELCA, and the authorized hymn books of the Church shall be used in its worship and its schools. Only such variations as are authorized by the congregation shall be permitted.

### Article IV – PURPOSE

1. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear

witness to God's creative, redeeming, and sanctifying activity in the world.

2. To participate in God's mission, this congregation as a part of the Church shall:
  - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
  - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
  - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
  - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, and standing with the poor and powerless, and committing itself to their needs.
  - e. Nurture its members in the Word of God so as to grow in faith and hope and love, to see daily life as the primary setting for the exercise of their Christian calling, and to use the gifts of the Spirit for their life together and for their calling in the world.
  - f. Manifest the unity given to the people of God by living

together in the love of Christ and by joining with other Christians in prayer and action to express and preserve the unity which the Spirit gives.

3. To fulfill these purposes, this congregation shall:
  - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.
  - b. Provide pastoral care and assist all members to participate in this ministry.
  - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
  - d. Teach the Word of God.
  - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
  - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
  - g. Motivate its members to provide financial support for the congregation's ministry and the ministry of other parts of the Evangelical Lutheran Church in America.
  - h. Foster and participate in interdependent relationships with other congregations, the synod, and the Evangelical Lutheran Church in America.
  - i. Foster and participate in ecumenical relationships

consistent with church-wide policy.

#### Article V – SYNOD MEMBERSHIP

1. For the better attainment of its objectives and purposes, this congregation shall hold membership in the Eastern North Dakota Synod of the ELCA, and shall be subject to the policy and discipline of the ELCA.
2. Since it is affiliated with the ELCA, this Congregation is ready to be served by representatives of the ELCA in the various capacities for which they have been called or appointed.
3. Severance of membership in the ELCA shall require a two-thirds majority vote of all voting members present at a legally called meeting. Such a decision shall not be effective until at least ninety days after the Synod Bishop has been notified and until the initial action has been ratified by a two-thirds majority vote at a subsequent legally called meeting.

#### Article VI – MEMBERSHIP

1. Members of this congregation shall be those persons who are defined as members at the time this constitution is adopted, or who are admitted hereafter, and who maintain membership in accordance with the provisions of the constitution and bylaws.
2. All members shall be classified as (a) Baptized members; (b) Confirmed members; (c) Voting members.

- a. Baptized members shall be those who have been baptized in Name of The Triune God and who have been received by the congregation.
  - b. Confirmed members shall be the baptized members who have been confirmed in the Lutheran faith.
  - c. Voting members shall be the baptized members who have attained the age of 18 years, have communed or made a contribution of record, and have been duly accorded this status by the congregation and in accordance with its bylaws.
3. It shall be the privilege and duty of members of this Congregation:
    - a. to make diligent use of the Means of Grace, both Word and Sacraments;
    - b. to live a Christian life in accordance with the Word of God and the teachings of the Lutheran faith;
    - c. to support the work of the congregation and of the ELCA.
  4. Discipline in the congregation shall be exercised in accordance with Matthew 18:15-18.

## Article VII – THE PASTORAL CALL AND OFFICE

1. Authority to call a pastor shall rest in the congregation except in the event that this congregation is a member of a

shared ministry (as per BYLAW Part XI). Otherwise, such authority to call shall be exercised by at least a two-thirds majority vote of members present and voting at a meeting properly called for that purpose. Before a call is issued, the officers, or a committee authorized by the congregation, shall seek the advice and help of the Bishop of the Eastern North Dakota Synod of the ELCA.

2. Only a clergyperson of the ELCA in good standing or one who is recommended for call by the ELCA may be called as a pastor of this congregation.
3. The pastor, as spiritual leader of the congregation, shall be an ex officio member of the Church Council and an advisory member of all other boards, committees, and organizations of the congregation.
4. No one shall serve in the pastoral office of this congregation as an interim pastor, nor officiate and preach at occasional services, who is not a member in good standing of the ELCA or who is not acceptable according to the standards of the ELCA.
5. Consistent with the faith and practice of the Evangelical Lutheran Church in America, every ordained minister shall preach the Word, administer the sacraments, conduct public worship, provide pastoral care, and shall speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world. Each ordained minister with a congregational call shall, within the congregation, offer instruction, confirm, marry, visit the sick and distressed, and bury the dead.

Additional duties include: advise all schools and organizations of the congregation; install regularly elected members of the Congregation Council, and with the council, administer discipline. Every pastor shall seek out and encourage qualified persons to prepare for the ministry of the Gospel and strive to extend the Kingdom of God in the community, in the nation, and abroad; shall impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and shall endeavor to increase the support given by the congregation to the work of the Evangelical Lutheran Church in America and of the Eastern North Dakota Synod of the ELCA.

6. If, in the judgment of the congregation, a pastor of this church is not able to serve the congregation satisfactorily, he/she may be requested to resign. However, before the resignation is requested, the matter shall first be carefully considered at a meeting of the Church Council in consultation with the Bishop of the Eastern North Dakota Synod of the ELCA.

A request for the resignation of said pastor shall require a two-thirds majority vote of all members present at a meeting of the congregation legally called to consider the matter. If the resignation of said pastor has been requested in the manner outlined herein, he/she shall vacate the office at the time specified by the congregation. Should said Pastor fail to do so, the Church Council shall declare his/her pastoral office vacant.

7. If a pastor resigns, his/her resignation shall not go into effect until one month after its presentation, unless the congregation consents to release him/her at an earlier date.



The Pastoral Call will then be as in Article VII of this Constitution.

8. If there develops a definite friction between the pastors so that, in the judgment of the Church Council and the senior pastor, the best interests of the congregation are not being served, it shall be within the jurisdiction of the Church Council to ask for the resignation of the associate or assistant pastor. This resignation shall become effective at the discretion of the Church Council.
9. Matters of discipline involving any of the pastors for alleged defection in doctrine or alleged conduct unbecoming a pastor shall be referred by the Church Council to the Synod Bishop for action, in accordance with the Constitution and Bylaws of the ELCA.
10. At a time of pastoral vacancy, an interim pastor may be appointed by the bishop of the synod with the consent of this congregation or the Church Council.
11. During the period of service, an interim pastor shall have the rights and duties of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Church Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
12. This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation.

## Article VIII – POWER OF THE CONGREGATION

1. In all matters of Christian faith and life, the authority of the Word of God shall be supreme.
2. In all matters left undecided by the Word of God and not subject to civil laws, the congregation itself, and not any individual or group within it, shall have the right of ultimate decision.
3. All schools, societies, and other organizations within the congregation shall be organized with the approval of the congregation and operate in harmony with its policies.

## Article IX – LEGAL OWNERSHIP

1. Title to all real or personal property acquired by the congregation, its organizations, or individuals for use of the congregation and its organizations, shall be held by the congregation as a corporation regardless of the congregation's synodical or denominational affiliation.
2. Real property shall not be purchased, disposed of or encumbered in any manner except by resolution adopted by vote of two-thirds or more of the members present and voting at a legally called meeting of the congregation.
3. Should the congregations by means other than legal dissolution cease to exist or its property be abandoned, title to its land and other estates, real and personal, shall pass to the Eastern North Dakota Synod of the ELCA.

4. If a two-thirds majority of the voting members of this congregation present at a regularly called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church, it shall consult with representatives of the Eastern North Dakota Synod.
  
5. If a two-thirds majority of the voting members of this congregation present at a regularly called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with the congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of the congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as congregation of the Evangelical Lutheran Church in America.

#### Article X – THE CONGREGATIONAL MEETING

1. The power and authority of this congregation shall be exercised through the congregational meeting, called and held in conformity with civil laws and the provisions of the constitution and bylaws of the congregation.
  
2. The annual meeting of the congregation shall be held in January at a time and date set by a majority vote of the

Church Council. Notice of the meeting shall be given as provided by the bylaws.

3. A special meeting of the congregation may be called by action of the congregation by petition of at least ten per cent of the voting members, or by any one of the following: the Church Council, the president of the congregation, the pastor, or the Synod Bishop.

Official notice of a special meeting of the congregation shall be in writing and shall be posted conspicuously in the place where the congregation customarily worships. Such notice shall state the time, the place, and the purpose of the meeting. It shall be signed by the president and the secretary of the congregation, or by the person or persons who have called the meeting, as authorized by this paragraph. The notice of a special meeting shall also be read at all public services of the congregation held during the ten days preceding the date of the meeting.

If no services are held during the stipulated time, notice of the meeting shall be mailed to all voting members at least five days in advance of the meeting; provided, however, that written notice of a meeting called to consider a resolution requesting a pastor to resign must be mailed at least ten days in advance; and provided further that a meeting called to consider the disposition or encumbrance of real property must be called and held in conformity with such provisions of civil law as may be applicable.

4. The pastor shall be notified of the time and the place at which a special meeting of the congregation is to be held.
5. Only the business for which a special meeting has been

called shall be transacted at the meeting.

6. A meeting of the congregation may by majority vote recess to reconvene at a specified time and place. A meeting may also recess to reconvene upon call; provided, however, that the time and place of such a reconvened meeting must be announced at a public service of the congregation, or written notice be mailed to the voting members not less than three days in advance of the reconvened meeting.
7. Voting by proxy or by absentee ballot shall not be permitted.
8. All actions by the congregation shall be by majority vote except as otherwise provided in this constitution and its bylaws.

#### Article XI – THE CHURCH COUNCIL & OFFICERS OF THE CONGREGATION

At its annual meeting, the congregation shall elect, in the manner provided in the bylaws, a Church Council of 9 members.

The Church Council shall:

1. Exercise only such authority as may be delegated to it by the congregation, and this authority shall be exercised in accordance with the constitution, bylaws, and resolutions of the congregation.
2. Have an executive committee consisting of the President, Vice-president, Secretary, and chairs of the regular committees.

3. Work with the pastor in providing for the spiritual care of the congregation and in promoting its material welfare.
4. Act upon such disciplinary matters as may be referred to it, provided, however, that no member shall be excommunicated without action of the congregation.
5. Manage the financial affairs of the congregation.
6. Elect from its own membership a president, a vice-president, and a secretary who shall also be the president, vice-president, and secretary of the congregation; and elect a treasurer of the congregation, who need not be member of the Church Council.
7. Appoint such committees as may be necessary or advisable to facilitate the discharge of the above responsibilities.

## Article XII – BYLAWS

1. The congregation shall adopt such bylaws as may, from time to time, be found necessary. No bylaw may conflict with this constitution.
2. Bylaws may be adopted or amended at any legally-called meeting of the congregation by a two-thirds majority vote of those present and voting. The proposed bylaw or amendment must be read at a public service of the congregation or mailed to the voting members, in either case, at least two weeks prior to the meeting.

## Article XIII – TRUST FUND

Our Savior's Lutheran Church, Larimore, has a living endowment of faithful members with rich gifts and varied talents. In order to create a permanent Trust Fund within the church to enable the further extension and existence of the church, has established a TRUST FUND to receive and administer bequests, estates, insurance, memorials and other assets, to be perpetual and perpetuating.

It is the intention of Our Savior's Lutheran Church, in establishing the Trust Fund, that it be dedicated to the glory of Almighty God. As such, the purpose of the Trust Fund is to enhance the work of the church by providing for the continuation of its programs and operations.

Contributions to the Trust Fund shall be limited to transactions involving receipts of \$500 or more except in the case of bequests, estates, and wills where no such minimum will apply.

The membership of Our Savior's Lutheran Church may annually, at the annual meeting, decide for what purpose(s) the Trust Fund income is to be used.

The Trust Fund Committee shall be custodian of the Trust Fund.

While Our Savior's Lutheran Church has every intention of using the Trust Fund as set forth in Part XIII of this constitution, it does recognize that with the passage of time and changing circumstances, there may be a time when it is not feasible to utilize the Trust Fund as it was intended. Should that situation develop, Our Savior's Lutheran Church or its

successors in interest shall then be free to make such other use of the income and principal as is consistent with the charitable and religious purposes of Our Savior's Lutheran Church, in accordance with provisions of the Laws of the State of North Dakota, and preserving the principal of those gifts designated to be perpetual, carrying out the donor's wishes.

#### A. THE TRUST FUND COMMITTEE

1. The committee shall consist of three members, all of whom shall be voting members of Our Savior's Lutheran Church. Except as herein limited, the term of each member shall be three (3) years. After the adoption of this resolution by the congregation, it shall elect three (3) members to the Committee: one (1) for a term of three (3) years; one (1) 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 a member for a term of three (3) years. No member shall serve more than two (2) consecutive terms. A partial term shall not be counted for this purpose. A former Committee member may be re-elected after a lapse of twelve (12) months between his/her election for a third term and the completion of his/her second term.
2. In the event of a vacancy on the Committee, the remaining council members by the affirmative vote of two (2) 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 thirty (30) days after it occurs, the congregation shall fill it at a special meeting called for that purpose.



3. The Church Council of the congregation shall nominate for this committee and report at the annual meeting in the same manner as it does for the other offices or committees. Nominations may also be made from the floor. The person receiving the greater number of affirmative votes at the annual meeting shall be elected.

All Trust Fund Committee members shall endeavor to maintain a high degree of communication with the Church Council, other organizations within the church, and members of the congregation to nurture the total life and mission of the church and of the Trust Fund. Each Committee member must be a member in good standing of Our Savior's Lutheran Church. A Trust Fund Committee member may not serve concurrently on the Church Council. The Pastor of the church and the President of the Church Council shall be ex-officio, non-voting members of the Trust Fund Committee.

4. The Committee shall elect from its membership a chairperson, treasurer, and secretary.
5. The Committee shall meet at the church when it is deemed necessary by the chairman that calling a meeting is in the best interest of the Fund. When the chairman calls such a meeting, he/she must give the other committee members either oral or written notice of the meeting at least twenty-four (24) hours in advance of the meeting. Each member is charged with knowledge of the contents of the minute book. If all members are not present, consent in writing to the minutes by a member of the Committee shall constitute his/her approval of the action reflected in the minutes and taken at the meeting and shall have the same force and effect as though he/she had been present and

voting at the meeting reflected by the minutes.

6. A quorum shall consist of two (2) members. The affirmative vote of a majority present and voting shall carry any motion or resolution.
7. The Committee shall establish written rules and regulations as may be necessary for the conduct of its business. It shall adopt standards and goals to guide in the expenditure of the income from the Fund which it may amend all within the stated purposes of this Fund.
8. The Committee shall maintain accounts with such financial institutions as it may, by resolution, authorize and determine. All checks and other documents transferring or expending any funds or assets in the Fund shall be executed by the treasurer and either the chairperson or secretary of the Committee.
9. The Committee may ask other members of the congregation to serve as advisory members and may employ, at the expense of the Trust Fund income, such professional counseling on investments and legal matters as it deems to be for the best interest of the Trust Fund.
10. The Committee shall maintain complete and accurate books of accounts and may employ such professional help as it deems necessary in this connection. The books shall be audited annually by a person or persons determined by the Church Council, in time so that such audit report will be on file at the time of the annual meeting of the congregation.
11. The secretary shall maintain complete and accurate

minutes of all meetings of the Committee and supply a copy thereof to each member within fourteen (14) days after the meeting. Each member shall keep a complete copy of minutes to be delivered to his or her successor.

12. The chairperson, or the member designated by the chairperson, shall preside at all committee meetings.
13. No member of the Committee shall engage in any self-dealing or transactions with the Fund in which the member of the committee has direct or indirect financial interest and shall at all times refrain from any conduct in which his/her personal interests would conflict with the interests of the Fund.

#### B. TRUST FUND COMMITTEE DUTIES

1. The Trust Fund Committee shall investigate ways in which the Fund can be invested and present this information to the congregation at the annual meeting.
2. The Trust Fund Committee, at each annual meeting of the congregation, shall render a full and complete account of the administration of the Trust Fund during the preceding year.
3. The Trust Fund Committee or church may receive funds through gifts, memorials, bequests, wills, estates, etc., from any individual or corporation or organization or from any other source in cash or in other property acceptable to them. All trust funds and property shall be kept and maintained separate, distinct, and independent from the funds and property otherwise belonging to the church.

4. The Trust Fund Committee shall in no event be required to make physical segregation of the assets of the Trust Fund in order to conform to the directions of any individual donors, but may establish separate accounts in its accounting records.
5. The committee is to inform the members of the congregation the purposes of the Fund, and may periodically arrange for members of the congregation to meet with professional counselors in the areas of charitable giving, wills, bequests, insurance, etc.

All new members of the Trust Fund Committee are to receive a copy of the Trust Fund format to become acquainted with the function and purposes of the Fund.

#### C. TRUST FUND COMMITTEE POWERS

In the administration of the Trust Fund, the Trust Fund Committee shall have all powers and authority necessary to carry out the purposes of the Fund, including the following powers and authority on behalf of Our Savior's Lutheran Church.

1. To take, have, hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects to handle and manage and control the Trust Fund, or any part thereof, as they in their judgment and discretion shall deem wise and prudent.
2. To retain any property in the form in which received; to convert and reconvert the Trust Fund, or any part thereof, into other kinds and forms of property, real or personal or

mixed; and to invest or reinvest the Fund or assets herein, or any thereof, as they shall deem wise and prudent, including in such common or preferred stocks, bonds, debentures, mortgages, notes or other securities, investments or property whether real or personal, which they in their absolute discretion may select or determine, and including, without limitations, savings deposits of any bank, mutual savings bank, federal home loan bank or savings and loan association, or in The American Lutheran Church Mission Loan Fund, 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.

3. To receive the income, profits, rents and proceeds of the Trust Fund and to collect and receipt for the same, and pay all administrative and necessary expenses in connection with it. Expenses are to be paid from the Trust Fund income.
4. To make, execute and deliver all instruments necessary or proper for the accomplishment of the purposes of the Our Savior's Lutheran Church Trust Fund or of any of the foregoing powers, including deeds, bills of sale, transfers, leases, mortgages, assignments, conveyances, contracts, purchase agreements, waivers, releases and settlements.
5. To contribute, donate, support or distribute, from time to time, for the purposes herein stated, such payments or amounts as the Trust Fund Committee in its discretion shall determine.
6. To determine what is principal and income according to accounting procedures.

7. To hold investments in the name of the Our Savior's Lutheran Church Trust Fund on behalf of the congregation and to sign checks and all other necessary documents on behalf of the congregation in furtherance of the Trust Fund purposes.
8. To employ and reasonably compensate from the Trust Fund income, accountants, agents, and attorneys to assist and advise in the execution of the Trust Fund, without liability for their omissions or neglect, but using reasonable care in their selection, and to rely on the advice of the persons so employed.
9. The Trust Fund Committee shall not be liable for any losses which may be incurred upon investments of the Trust Fund except to the extent that such losses shall have been caused by bad faith or gross negligence of the committee members. No member shall be personally liable as long as he or she acts in good faith and with ordinary prudence in discharging the duties of the office. Each committee member shall be liable only for his or her own willful misconduct or omissions in bad faith. No committee member shall be liable for the acts or omissions of any other committee member, or of any accountant, agent, attorney or custodian selected with reasonable care.
10. The Trust Fund Committee members shall not receive any compensation, but may be reimbursed from the income of the Trust Fund for expenses reasonably incurred.

#### D. TRUST FUND CONGREGATIONAL POWERS

1. The congregation at the annual meeting shall select by

majority vote from the options presented by the Trust Fund Committee, the use of the Fund income, and to review this at each meeting of the congregation called for this purpose. Other suggestions for use of the Fund income may be presented from the floor.

2. The congregation may, upon recommendation by the Trust Fund Committee, determine if any Trust Fund principal should be dispersed because of a catastrophe or dire emergency. Dispersal of any Trust Fund principal shall require the approval of the congregation by a two-thirds (2/3) majority vote of those present at a legally called meeting of the congregation.
3. Congregational members may make and the committee shall consider any written suggestions regarding investment of the Trust Fund monies.
4. This Trust Fund Resolution may not be altered or amended except by a two-thirds (2/3) majority vote of the members present at an annual meeting of the congregation, or at a special meeting called specifically for the purpose of amending this resolution.

#### E. TRUST FUND TAX EXEMPTIONS

Any gifts given to the Trust Fund, as well as all income derived therefrom, shall be used exclusively for religious, charitable and educational purposes with Section 501 (c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law.

This Trust Fund is created and shall be operated exclusively for church purposes. No part of the income or property of this Fund shall inure to the benefit of or be distributable to any member, director, or officer of the church or to any other private person, except that the Trust Fund Committee is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth herein.

No part of the activities of the Trust Fund shall be the carrying on of propaganda or otherwise attempting to influence legislation, and it shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

Notwithstanding any other provision of this document, the Trust Fund shall (a) not carry on any activities not permitted to be carried on by an entity exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law or (b) do any act which would render contributions to the Trust Fund non-deductible under Section 170(c)(2) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law.

This Trust Fund may be dissolved in accordance with the laws of the State of North Dakota. Upon dissolution of this Trust Fund, and after the payment of all liabilities, obligations, costs and expenses incurred by this Trust Fund, any remaining assets shall be distributed to such entities organized and operated exclusively for one or more purposes described in Sections 170(c)(2) and 501(c)(3) of the Internal Revenue Code of 1954



or the corresponding provision of any future United States Internal Revenue Law.

This Trust Fund Resolution, accepted by the congregation, via recommendation by the church council, at a legally called congregational meeting, is hereby made an Addendum to the Constitution of Our Savior's Lutheran Church and all members are made privy to its contents and uses.

#### Article XIV – AMENDMENTS

1. The doctrinal basis and the confessional subscription as contained in Article II; the basic intent of the purpose as contained in Article IV; and this section of Article XIV shall be unalterable; and no amendment to this constitution shall conflict therewith.
2. A proposed amendment to this constitution shall be:
  - a. read at a public service of the congregation or mailed to the voting members, in either case, at least thirty days before the annual meeting at which it is to be considered;
  - b. approved, with or without change, at the annual meeting following its announcement, by a majority vote of those present and voting;
  - c. ratified without further change at the next annual meeting, by a two-thirds vote of those present and voting.
3. If a proposed amendment fails to be adopted, it may be amended by majority vote of those present and voting; and

adopted without change by a two-thirds vote of those present and voting at the next following annual meeting.

## BYLAWS

### Part I – COMMUNION PARTICIPATION

1. Participation in Holy Communion shall be open to members of this and other Lutheran congregations or anyone with faith in Jesus Christ as Savior, and an earnest desire to repent and amend one's sinful life, as well as acceptance of the scriptural teaching regarding the real Presence of Christ with His Body and Blood in the Sacrament. Registration forms or oral announcements shall be so devised as to make prospective participants aware of these expectations.
2. Record of participation in Holy Communion shall be entered upon the books of the congregation. If a member of another congregation communes, notice shall be sent to his/her pastor.

### Part II – CONFLICTING LOYALTIES

(CF. Articles II and IV of Constitution and Article V of the Minneapolis Theses as quoted in the United Testimony on Faith and Life.)

1. This congregation rejects all fellowship with organizations, secret or open, which are avowedly religious or which practice forms of religion without confessing faith in the Triune God and in Jesus Christ as the eternal Son of God

incarnate to be our only Savior from sin, and thus teach salvation by works.

2. Ceremonies of lodges or other such organizations shall not be permitted in the church or on the church premises of the congregation.
3. The pastor of this congregation shall take no part in any such ceremonies even if they are conducted outside of the church premises.

Part III – MEMBERSHIP  
(CF. Article VI of Constitution)

A. Admission to Baptized Membership

1. Children, one or both of whose parents or guardians are members of this congregation, shall, upon receiving Christian baptism, be received as baptized members of this congregation.
2. Children, neither of whose parents or guardians are members of this congregation, shall, upon Christian baptism duly recorded as a ministerial act performed under the auspices of this congregation, be received as baptized members of this congregation unless there is understanding that, for good reason, they will be enrolled as baptized members of another congregation, in which case notice of the baptism shall be sent to the congregation in which the child is to be enrolled as a baptized member.
3. Children baptized in other congregations shall be received as baptized members of this congregation upon admission

of one or both parents or guardians to membership, or by consent of one or both parents or guardians, or by action of the Church Council.

4. Un-baptized adults who have received instruction and have given evidence of having an adequate understanding and acceptance of the teachings of the Word of God as confessed by the Lutheran faith, shall, upon confession of faith and a Christian baptism that is duly recorded as a ministerial act performed under the auspices of this congregation, be received as baptized members of this congregation.

B. Admission to Confirmed Membership

1. Baptized adults, not previously members of the congregation who have received instruction and have given evidence of having adequate understanding and acceptance of the teachings of the Word of God as confessed by the Lutheran faith, shall be admitted to confirmed membership through confirmation.
2. However, adults received as baptized members according to the provisions of Section A,4 in this part of the bylaws, shall be recognized as confirmed members, whether or not, at the discretion of the pastor, they have participated in the rite of confirmation.
3. Children who are baptized members of the congregation shall be admitted to confirmed membership through preparation for and participation in the rite of confirmation.
4. Applicants for membership presenting Letters of Transfer showing them to be confirmed members in good standing in other Lutheran congregations shall be admitted to

confirmed membership upon acceptance of their Letters of Transfer by the Church Council and the report of their names to the congregation.

5. Applicants for membership who present evidence of confirmation in a Lutheran congregation but do not have Letters of Transfer shall be admitted to confirmed membership when the Church Council has determined that they meet the standards of Christian faith and life indicated in the constitution and bylaws and when they have reaffirmed their faith.

#### C. Admission to Voting Membership

The Church Council shall be responsible for determining the voting membership in accordance with the qualifications specified in the constitution and bylaws. Any doubtful cases shall be decided by the congregation.

#### D. Discontinuance of Membership

1. Members who move away shall be encouraged to transfer their membership. A confirmed member in good standing desiring to change his/her membership to another Lutheran congregation shall, upon request, receive a Letter of Transfer.
2. A confirmed member who, in the judgment of the Church Council, shows no interest in attending church services and does not partake of Holy Communion; and who does not contribute to the congregational treasury according to the congregation's records, for a period of two years, shall be presumed to no longer desire membership; shall lose the right to vote; and shall not be counted in the membership

statistics of the congregation. However, his/her name and record shall be kept in the files for a period of five years thereafter.

Such a person shall be encouraged to take part in the congregational life, or to transfer elsewhere, as the situation may indicate to be advisable. If he/she resumes activity within the five-year period, he/she shall be restored to the active membership list; if not, he/she shall be dismissed from the congregation and, if possible, shall be notified of this action.

3. Children, neither of whose parents or guardians are active members of the congregation, shall be dropped from the baptized membership roll if they fail to participate in the Christian education program of the congregation.
4. Members who have been excommunicated or dismissed, or who have resigned; and members who have transferred to other Lutheran congregations; or who are definitely known to have become members of other congregations without transfer, have thereby terminated their membership in the congregation and have surrendered all membership rights.

#### Part IV – THE PASTORAL CALL (CF. Article VII of Constitution)

1. Except in the event that this congregation is a member of a shared ministry as provided in BYLAW PART XI, when the congregation has voted to call a pastor, it shall issue a letter of call to the pastor-elect in a form approved by the ELCA. It shall be signed by the President and the Secretary of Our Savior's Lutheran Church. Call to clergyperson position of

Assistant to the Pastor shall be issued in consultation with the Pastor and in accordance with the provisions of this paragraph.

2. The call shall be for an indefinite time, except that calls for a limited time may be issued to pastors who are qualified for emeritus status and are otherwise eligible for call.
3. Since the pastor ministers to the congregation primarily in the public preaching of the Word and in the administration of the Sacraments, and since both pastor and congregation are parties to the call, no pastor shall announce his/her decision on any subsequent call without first having consulted with its Church Council. Should the pastor thereupon resign to accept another call, his/her resignation shall be presented to the congregation and mutually satisfactory arrangements sought for terminating his/her services, normally within 30 days.
4. A desire for a change in pastorate by either congregation or pastor shall be brought to the attention of the Synod Bishop, who shall advise in the matter in accordance with this constitution (Article VII) and with the established procedures of the ELCA.
5. The congregation requires that its pastor shall be loyal to the faith and purpose of the congregation, as stated in Articles II and IV of the constitution.
6. Clergypersons qualified according to Article VII, 4 of this constitution may occasionally perform pastoral functions in this congregation with the approval of the congregation and its pastor, or, in case of a vacancy in the pastorate, with approval of the congregation and the Synod Bishop.

Part V – THE ANNUAL MEETING  
(CF. Article X of Constitution)

1. Announcement of the time and place of the annual meeting of the congregation shall be made at two public services immediately preceding the meeting, said services to be at least a week apart, and in such publications as the congregation or the pastor may periodically issue; or by written notice to the voting members mailed at least ten days in advance.
2. The current roster of voting, confirmed, and baptized members shall be determined prior to each annual meeting.
3. A quorum for the conduct of business at annual and special congregational meetings shall consist of the maximum number of the Church Council.
4. The order of business at the annual meeting shall be:
  - a. Opening devotion
  - b. Approval of the minutes
  - c. Reports of the pastor, the Church Council, the treasurer, committees and others.
  - d. Elections
  - e. Unfinished business
  - f. New business
  - g. Approval of budget
  - h. Closing Prayer



5. In the following cases, voting shall be by ballot:
  - a. To elect the Church Council.
  - b. To adopt or amend the articles of incorporation, constitution, or bylaws of the congregation.
  - c. To call a pastor or to request his/her resignation.
  - d. To excommunicate a member from the congregation or remove a member from office in the congregation.
  - e. To sever membership in the ELCA.
  - f. To dispose of, encumber, or purchase real property.
  - g. When a ballot vote is requested by ten or more voting members present.
6. Except as otherwise provided in the constitution and bylaws, all matters shall be decided by majority vote of those members present and voting. Voting by proxy or by absentee ballot shall not be permitted.
7. No one shall be declared elected unless he/she has received a majority of the votes cast.
8. If more than one ballot is required in an election, it shall be in order by proper motion to limit the balloting after the first ballot to the three candidates receiving the highest number of votes on the first ballot and after the second ballot to limit the balloting to the two candidates receiving the highest number of votes.
9. In all matters not specifically provided for herein, procedure shall be according to *Robert's Rules of Order*.

PART VI – THE CHURCH COUNCIL  
(CF. Article XI of Constitution)

A. Membership and Meeting of the Church Council

1. The Church Council shall consist of 9 members, each elected for a term of three years, but elected in such a manner that after the first election, one-third (1/3) or approximately one-third (1/3), is elected each year. No Council member shall serve more than two consecutive terms.
2. In addition to the requirements of congregational membership stated in Article VI of the constitution, qualifications for membership of the Church Council shall include such practical ability as is needful in promoting the various interests of the congregation as outlined in the duties of the various church council committees.
3. Immediately after the annual meeting of the congregation, at which time the members of the Church Council are elected, the Church Council shall elect officers as specified by the constitution (Article XI, Sec. 6) and committees as specified in the bylaws Part VI, B.
4. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive one- year terms in the same office.
5. Should a member's place on the Church Council be declared vacant, the Church Council shall elect, by majority vote, a successor until the next annual meeting.

6. The pastor shall be an ex-officio member of the Church Council.
7. No Church Council business shall be transacted unless a majority of the members is present.
8. The Church Council shall normally meet once a month.
9. Special meetings of the Church Council may be called by notice given at a public service or a written or personal notice in advance. Special meetings may be called by the pastor or the president or three members of the Church Council.
10. Any member having two consecutive unexcused absences from regular meetings shall be notified thereof by the secretary. In the event that a member of the Church Council is absent from three consecutive regular meetings of the council without an excuse acceptable to the council, he/she shall forfeit his/her membership on the council.

B. Committees of the Church Council

1. The Church Council shall elect from its own membership regular committees on evangelism and worship, on stewardship, on education, and on property and management, and shall also have authority to appoint such other committees as may from time to time be necessary and advisable.
2. The Church Council shall have the authority to appoint or elect additional congregational members who are not members of the council as members on its regular committees.

3. The Church Council shall at least once a year invite the full membership of its regular committees together with representatives chosen by the organizations of the congregation to review the entire program of the congregation.

C. Duties of Officers and Committees of the Church Council.

1. The president shall preside over meetings of the Church Council and of the congregation unless the respective meeting group decides otherwise.
2. The vice-president shall preside in the absence of the president, unless the respective meeting group decides otherwise.
3. The secretary shall keep the minutes of the council and of the congregation and shall preserve its archives.
4. The treasurer may be bonded and shall be custodian of all funds of the congregation, local and Synodical, and shall disburse all such funds in accordance with the decisions of the congregation or the Church Council. A duly audited report shall be presented to the annual congregational meeting and such other reports to the council as may be required.
5. The committee on evangelism and worship shall have special responsibility (under the supervision of the pastor) in the development of a sound program of evangelism, in matters pertaining to the congregation's worship, and in the general spiritual care of the congregation, and shall make recommendations thereon to the Church Council.

6. The committee on stewardship shall have special responsibility (under the supervision of the pastor) for the congregation's development in accordance with scriptural principles of stewardship and for the raising of funds, and shall make recommendations thereon to the Church Council.

Also, the stewardship committee shall review, annually, the membership list to verify its conformance with constitutional requirements on membership. To that end, the stewardship committee shall have the power to appoint a subcommittee to help carry out said responsibility.

7. The committee on education shall have special responsibility (under the supervision of the pastor) to operate the Sunday school and other schools of the congregation, to promote adult education, and to develop the youth program in the congregation, and shall make recommendations thereon to the Church Council.
8. The committee on property and management shall have special responsibility for the management of funds, for care of the property, and for the preparation of the congregational budget, and shall make recommendations thereon to the Church Council.

D. Other Responsibilities of the Church Council.

1. The Church Council shall be empowered to secure such help as is needed to carry on the work of the congregation such as organist, choir director, parish worker, pastor's secretary, office secretary, intern, custodian, etc., and shall fix their salaries.

2. Adjustments in the salary of the pastor shall be the responsibility of the Church Council, subject to the congregation's approval of the budget.
3. The Church Council shall, as far as possible, operate within the limits of the approved budget of the congregation. Any expenditure in excess of \$5000 for a non-budgeted item must be approved by the congregation.
4. An auditing committee composed of three (3) persons shall be appointed by the president with the approval of the Church Council. The auditing committee shall audit all financial records of the congregation proper, and present a written report to the annual meeting. The auditing committee shall carefully examine all insurance policies to determine the amount and kind of insurance in force and include this report in its statement.
5. Use of the Church:
  - a. The property of the congregation shall be for the use of the congregation in its normal function as a Lutheran church and shall not be used in any way not in harmony with the purpose of the congregation.
  - b. Buildings which are the property of the congregation shall not be lent or rented to any group or individual not affiliated with the congregation or with the ELCA unless application for such use has been approved unanimously by the Church Council President, Vice-president, and Secretary, or by the Church Council, or by a two-thirds majority vote of the congregation.

- c. Fees for use of the church shall be charged based on guidelines established by the Church Council.

## Part VII – NOMINATING COMMITTEE

1. The nominating committee shall be composed of five members. Two shall be elected from the Church Council from its own membership, and three shall be elected at the annual meeting from nominations made from the floor.

The President of the congregation shall serve as convener of the nominating committee. Both the Pastor and the President may serve as advisors, but neither shall have voting privileges.

2. The members of the nominating committee shall serve for the year following their election. They shall nominate one or more candidates for each office to be filled and shall secure the consent of each candidate to serve if elected.
3. The candidates of the nominating committee shall be made known to the congregation in conjunction with the announcement of the special or annual meeting at which the election is to take place.
4. In addition to the candidates submitted by the nominating committee, additional nominations may be made from the floor.
5. If a position on the nominating committee becomes vacant, and if that position happens to be one that was voted on by the congregation at the last annual meeting, a replacement will be chosen by the Church Council

6. The nominating committee meeting shall be called at least thirty days before the annual meeting.

#### Part VIII – REPORTS OF ORGANIZATIONS

All committees and organizations handling funds within the congregation shall submit accounts to the treasurer or the church office at least 10 days prior to the annual meeting, and the treasurer shall include such accounts in his/her report to the meeting.

#### Part IX – PARISH RECORDS

1. The records of the congregation shall be and remain the property of the congregation. The Pastor shall be responsible for the maintenance of the records, except as otherwise provided herein. Upon the termination of a Pastor's services to the congregation, the records shall have been brought up to date prior to his/her departure. The records shall consist of:
  - a. The roster of baptized, confirmed and voting members.
  - b. The ministerial acts performed by the pastor.
  - c. Minutes and reports of the district and the handbook of the ELCA.
  - d. The minutes of the meeting of the congregation and the Church Council, for which the secretary of the congregation shall be responsible.



- e. The financial records of the congregation, for which the treasurer of the congregation shall be responsible.
2. The official documents of church records pertaining to baptism, confirmation, membership, and ministerial acts shall not be removed from church property.
3. The Pastor shall report to the general secretary of the ELCA such statistics as may be requested and shall annually report to the congregation a summary of ministerial acts.
4. Should the congregation be dissolved, the official records of the congregation shall be deposited in the archives of the ELCA or its successor.

#### Part X – CALL COMMITTEE

1. In the event that this congregation is not a member of a shared ministry as provided in BYLAW XI, a special congregational meeting shall be called as soon as a Pastoral Vacancy occurs.
2. In the event that this congregation is not a member of a shared ministry as provided in BYLAW XI, the call committee shall consist of five (5) members, which shall be: The president of the church congregation and Church Council, at the time the pastoral vacancy occurs, and shall serve as chairman of the committee. The remaining four (4) members shall be elected at the special congregational meeting from nominations from the floor. Three (3)

members shall be non-council members and one (1) member presently serving on the Church Council.

3. In the event that this congregation is not a member of a shared ministry as provided in BYLAW XI, the congregational president shall contact the Eastern North Dakota Synod office immediately for names of pastors for consideration for the vacancy.

### Part XI – SHARED MINISTRY

1. This congregation may unite in partnership with one or more other congregations recognized by the Eastern North Dakota Synod to form a parish. Except as provided in Numbers 2 and 3 of Bylaw Part XI, a written agreement, developed in consultation with the synod and approved by the voting members of each congregation participating in the parish, shall specify the powers and responsibilities that have been delegated to a Parish Council.
2. Whenever a letter of call is being recommended for extension to an ordained minister of the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended to the congregation by the Eastern North Dakota Synod bishop to serve the congregations of a parish, such letter of call shall be first approved by a two-thirds vote at congregational meetings of each of the congregations forming the parish. If any congregation of the parish should fail to approve extending this call, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.

3. Any one of the congregations of a parish may terminate the call of a pastor as provided in ¶S14.13.d. of the synodical constitution of the Eastern North Dakota Synod. In such case, the other congregation(s) in the same parish shall have the right to terminate the parish arrangement.