

East Koshkonong Lutheran Church Constitution

2008

Updated 2015 with Addendum #1 Chapter 13, Congregation Committees, CF13.02



East Koshkonong Lutheran Church
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INTRODUCTION

The *Model Constitution for Congregations of the Evangelical Lutheran Church in America* originally was adopted by the Constituting Convention of this church in Columbus, Ohio, on April 30, 1987. This was done as required by the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

This current edition of the *Model Constitution for Congregations of the Evangelical Lutheran Church in America* contains changes adopted by the 1989, 1991, 1993, 1995, 1997, 1999, 2001, 2003, and 2005 Churchwide Assemblies.

The model is consistent with the requirements of the constitutional governing documents of the ELCA's churchwide organization and synods.

➤ **Required provisions:** Sections of this constitution marked by an asterisk [*] are required when a congregation amends its governing documents. These sections must be used without alteration or amendment of the text in any manner (neither additions nor deletions). This is in keeping with provision 9.52. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. This provision stipulates that when a congregation of this church "wishes to amend any provision of its governing documents, the governing documents of that congregation shall be so amended to conform to 9.25.b." in the churchwide constitution. The provisions herein marked by an asterisk are those that are indicated as required in ELCA constitutional provision 9.25.b.

➤ **Review by synod:** In keeping with provisions that apply to all congregations of this church, each congregation is to provide a copy of its governing documents to the synod. As specified by ELCA bylaw 9.53.03. (numbering as listed in the 1991 and subsequent editions):

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall approve or disapprove the proposed changes within 120 days of receipt thereof, and shall notify the congregation of its decision; in the absence of a decision, the changes shall go into effect.

➤ **Codification explanation:** A numerical codification indicates (a) general subject, (b) constitutional provisions, (c) bylaws, and (d) continuing resolutions.

- a. Major sectors are designated as chapters. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus, provisions in "Chapter 8. Membership" are preceded by "8."
- b. Constitutional provisions are codified with two sets of numbers: the chapter number and a two-digit number preceding the second period in the codification. Thus, one constitutional provision related to "Membership" is codified *C8.02.
- c. Bylaw provisions are codified with three sets of numbers: the chapter number, the related constitutional provision number, and a two-digit number. Thus, one bylaw provision related to "Membership" would be codified C8.02.01. Because bylaws and continuing resolutions normally are so specifically related to details of each congregation's organization, operation, and life, no model set of bylaws or continuing resolutions is provided. Each congregation may develop its own bylaws and continuing resolutions, but no such bylaws or continuing resolutions may conflict with this constitution, the constitution and bylaws of the Evangelical Lutheran Church in America, and the constitution of the synod, as indicated in *C6.03.e.
- d. The Congregation Council may adopt "continuing resolutions," which may provide descriptions of operational patterns or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. Within the governing documents of a congregation, continuing resolutions are the provisions most easily amended. Unlike constitutional provisions and bylaws, continuing resolutions may be updated regularly by the Congregation Council without the necessity of calling a regular or special Congregation Meeting. Continuing resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered C13. to designate the chapter; C13.07. to designate the subject matter within the chapter; and the third set might be numbered A05. in the codification C13.07.A05. to indicate by the "A" that it is the first continuing resolution regarding that subject and to indicate by the "05" that it was adopted in 2005.

➤ **Ease of use:** The provisions of your congregation's constitution, the bylaws, and the continuing resolutions that pertain to the same matter should be placed together for clarity and ease in use.

If chapter numbers are considered the major sequence number, constitution numbers as a fraction of the chapter number, and bylaw numbers as a fraction of the constitution number, then the codification can be said to provide a progressive sequence. Thus, *C5.01. will precede C5.03.10., and C9.11.16. will precede *C9.13.

All provisions in the *Model Constitution for Congregations* are prefaced with "C" to distinguish these provisions from comparable ones in the synodical and churchwide constitutions.

➤ **Missing numbers:** As you work with the *Model Constitution for Congregations*, you may notice that certain numbers seem to be missing from the numbering sequence in some chapters. That is intentional. In the style followed here, the number ".10." and multiples thereof have been reserved for possible use as section headings in future editions. Therefore, in the sequence, for example, of Chapters 1, 9, and 12, these ".10." numbers do not appear.

➤ **Selection of options:** Alternatives are provided in certain places within the model. Those are noted by square brackets.

For example, *C9.01. offers the alternative of election of a call committee by the congregation or by the Congregation Council. One alternative should be chosen in each instance where square brackets appear in the text.

Optional texts are provided in separate paragraphs in Chapters 11 and 12 regarding the Congregation Council and its membership. Each congregation will need to select one of those options for council membership or a variation thereof, subject to approval through the synod's constitutional review process.

➤ **References to church:** In the governing documents, "Church" with a capital letter is used in references to the one, holy, catholic, and apostolic Church. In references to the Evangelical Lutheran Church in America, the words "church" and "this church" in lower case letters are employed, although, for clarity in this constitution, the full name or "ELCA" normally is used.

The specific congregation may be identified, as provided in C1.02., as "this congregation."

➤ **Guidelines:** A list of guidelines for a congregation engaging in review and amendment of its constitution is available through each synod office and on the ELCA Web site (www.elca.org/secretary/Constitutions/ModelGuide.pdf).

The task of amending a constitution is not easy. It is, however, an important endeavor that merits thoughtful work. In your constitutional responsibilities, God grant you wisdom, mutual love, clear understanding of good order, and commitment to the unity of this church in faithful witness to our Lord and Savior, Jesus Christ.

THE REV. LOWELL G. ALMEN
Secretary
Evangelical Lutheran Church in America

August 19, 2005

EAST KOSHKONONG LUTHERAN CHURCH
CONSTITUTION

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PREAMBLE

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

Chapter 1.

NAME AND INCORPORATION

- C1.01.** The name of this congregation shall be The East Koshkonong Lutheran Church.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of The East Koshkonong Lutheran Church is hereinafter designated as "this congregation."
- C1.11.** This congregation shall be incorporated under the laws of the State of Wisconsin, County of Dane.

Chapter 2.

CONFESSION OF FAITH

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

* Required provision

- *C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- *C2.07. This congregation confesses the Gospel, recorded in the Holy Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.

Chapter 3.

NATURE OF THE CHURCH

- *C3.01. All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- *C3.02. The Church exists both as an inclusive fellowship and as local congregations gathered for worship and Christian service. Congregations find their fulfillment in the universal community of the Church, and the universal Church exists in and through congregations. The Evangelical Lutheran Church in America, therefore, derives its character and powers both from the sanction and representation of its congregations and from its inherent nature as an expression of the broader fellowship of the faithful. In length, it acknowledges itself to be in the historic continuity of the communion of saints; in breadth, it expresses the fellowship of believers and congregations in our day.

Chapter 4.

STATEMENT OF PURPOSE

- *C4.01. The Church is a people created by God in Christ, empowered by the Holy Spirit, called and sent to bear witness to God's creative, redeeming, and sanctifying activity in the world.
- *C4.02. To participate in God's mission, this congregation as a part of the Church shall:
 - a. Worship God in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, and service.
 - b. Proclaim God's saving Gospel of justification by grace for Christ's sake through faith alone, according to the apostolic witness in the Holy Scripture, preserving and transmitting the Gospel faithfully to future generations.
 - c. Carry out Christ's Great Commission by reaching out to all people to bring them to faith in Christ and by doing all ministry with a global awareness consistent with the understanding of God as Creator, Redeemer, and Sanctifier of all.
 - d. Serve in response to God's love to meet human needs, caring for the sick and the aged, advocating dignity and justice for all people, working for peace and reconciliation among the nations, 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.
- *C4.03. To fulfill these purposes, this congregation shall:
 - a. Provide services of worship at which the Word of God is preached and the sacraments are administered.

- b. Provide pastoral care and assist all members to participate in this ministry.
 - c. Challenge, equip, and support all members in carrying out their calling in their daily lives and in their congregation.
 - d. Teach the Word of God.
 - e. Witness to the reconciling Word of God in Christ, reaching out to all people.
 - f. Respond to human need, work for justice and peace, care for the sick and the suffering, and participate responsibly in society.
 - g. Motivate its members to provide financial support for 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 churchwide organization of the Evangelical Lutheran Church in America.
 - i. Foster and participate in ecumenical relationships consistent with churchwide policy.
- *C4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions. [Such descriptions shall be contained in continuing resolutions in the section on the Congregation Council.]
- *C4.05.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.

Chapter 5.

POWERS OF THE CONGREGATION

- *C5.01.** The powers of this congregation are those necessary to fulfill its purpose.
- *C5.02.** The powers of this congregation are vested in the Congregation Meeting called and conducted as provided in this constitution and bylaws.
- *C5.03.** Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
 - b. terminate the call of a pastor as provided in Chapter 9;
 - c. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
 - d. adopt amendments to the constitution, as provided in Chapter 17, and amendments to the bylaws, as specified in Chapter 16.
 - e. approve the annual budget;
 - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - g. hold title to and use its property for any and all activities consistent with its purpose;
 - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - i. elect its Congregation Council, and require them to carry out their duties in accordance with the constitution, bylaws and continuing resolutions.
 - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- *C5.04.** This congregation shall choose from among its voting member 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 South-Central Synod of Wisconsin of the Evangelical Lutheran Church in America.

- C5.05.** This congregation shall have a mission endowment fund that will operate as specified in this congregation's continuing resolutions. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

Chapter 6.

CHURCH AFFILIATION

- *C6.01.** This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the South-Central Synod of Wisconsin of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- *C6.02.** This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- *C6.03.** This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community.
 - b. This congregation pledges its financial support and participation in the life and mission of the Evangelical Lutheran Church in America.
 - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
 - d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call to other staff positions in the congregation according to the procedures of the Evangelical Lutheran Church in America.
 - e. This congregation agrees to file this constitution and any subsequent changes to this constitution with the synod for review to ascertain that all of its provisions are in agreement with the constitution and bylaws of the Evangelical Lutheran Church in America and with the constitution of the synod.
- *C6.04.** Affiliation with the Evangelical Lutheran Church in America may be terminated as follows:
- a. This congregation takes action to dissolve.
 - b. This congregation ceases to exist.
 - c. This congregation is removed from membership in the Evangelical Lutheran Church in America according to the procedures for discipline of the Evangelical Lutheran Church in America.
 - d. This congregation follows the procedures outlined in *C6.05.
- *C6.05.** 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.
 - b. The secretary of this congregation shall submit a copy of the resolution to the synodical bishop and shall mail a copy of the resolution to voting members of this congregation. This

notice shall be submitted within 10 days after the resolution has been adopted.

- c. The bishop of the synod shall consult with this congregation during a period of at least 90 days.
- d. If this congregation, after 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 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 at least 10 days in advance of the meeting.
- e. A certified copy of the resolution to terminate its relationship shall be sent to the synodical bishop, at which time the relationship between this congregation and the Evangelical Lutheran Church in America shall be terminated.
- f. Notice of termination shall be forwarded by the synodical bishop to the secretary of this church and published in the periodical of this church.

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

Chapter 7.

PROPERTY OWNERSHIP

- *C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the South-Central Synod of Wisconsin of the Evangelical Lutheran Church in America.
- *C7.02.** If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- *C7.03.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the South-Central Synod of Wisconsin.
- *C7.04.** If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue to reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with this congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of this congregation. If the Synod Council fails to give such approval, title shall remain with those members who desire to continue as a congregation of the Evangelical Lutheran Church in America.
- C7.05.** Notwithstanding the provisions of *C7.02. and *C.7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
 - a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.

- b. Shall upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the South-Central Synod of Wisconsin reconvey and transfer all right, title, and interest in the property to the synod.

Chapter 8.

MEMBERSHIP

- *C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- *C8.02.** Members shall be classified as follows:
- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
 - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.
 - d. **Associate** members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.
- *C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.
- *C8.04.** It shall be the privilege and duty of members of this congregation to:
- a. make regular use of the means of grace, both Word and sacraments;
 - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
 - c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
- *C8.05.** Membership in this congregation shall be terminated by any of the following:
- a. death;
 - b. resignation;
 - c. transfer or release;
 - d. disciplinary action by the Congregation Council; or
 - e. removal from the roll due to inactivity as defined in the bylaws.

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

Chapter 9.

THE PASTOR

- *C9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority ballot vote of members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by 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 the Evangelical Lutheran Church in America or a candidate for the roster of ordained ministers who has been recommended for the congregation by the synodical bishop may be called as a pastor of this congregation.
- *C9.03.** Consistent with the faith and practice of the Evangelical Lutheran Church in America,
 - a. Every ordained minister shall:
 - 1) preach the Word;
 - 2) administer the sacraments;
 - 3) conduct public worship;
 - 4) provide pastoral care; and
 - 5) speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.
 - b. Each ordained minister with a congregational call shall, within the congregation:
 - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
 - 2) supervise all schools and organizations of this congregation;
 - 3) install regularly elected members of the Congregation Council; and
 - 4) with the council, administer discipline.
 - c. Every pastor shall:
 - 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
 - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
 - 3) impart knowledge of this church and its wider ministry through distribution of its periodicals and other publications; and
 - 4) endeavor to increase the support given by the congregation to the work of the churchwide organization of the Evangelical Lutheran Church in America (ELCA) and of the South-Central Synod of Wisconsin of the ELCA.
- *C9.04.** The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- *C9.05.** a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the pastor, shall be terminated only following consultation with the synodical bishop and 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 or mental incapacity of the pastor;
 - 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - 6) the dissolution of the congregation; or
 - 7) suspension of the congregation as a result of discipline proceedings.
- b. When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the synod, 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 in company with a committee of two ordained ministers and one layperson.
 - c. In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled 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.
 - d. In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard, after which the bishop of the synod together with the committee described in *C9.05.b. shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor at a legally called meeting after consultation with the bishop, either (a) by a two-thirds majority vote of the voting members present and voting where the bishop and the committee did not recommend termination of the call, or (b) by a simple majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
 - e. If, in the course of proceedings described in *C9.05.d., the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop, who may bring charges in accordance with the provisions of the constitution and bylaws of the Evangelical Lutheran Church in America and the constitution of this synod.
 - f. If, following the appointment of the committee described in *C9.05.b. or d., it should become apparent that the pastoral office cannot be conducted effectively in the congregation(s) being served by the ordained minister due to local conditions, the bishop of the synod may temporarily suspend the pastor from service in the congregation(s) without prejudice and with pay provided through a joint synodical and churchwide fund and with housing provided by the congregation(s).
- *C9.06.** At a time of pastoral vacancy, an interim pastor shall be appointed by the bishop of the synod with the consent of this congregation or the Congregation Council.
 - *C9.07.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the bishop of the synod and this congregation or Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.

- *C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting related to the Evangelical Lutheran Church in America.
- *C9.09. When a pastor is called to serve in company with another pastor or pastors, the privileges and responsibilities of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- *C9.11. With the approval of the bishop of the synod, the congregation may depart from *C9.05.a. and call a pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved. Prior to the completion of a term, the bishop or a designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of *C9.05.a.
- *C9.12. The pastor of this congregation:
 - a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
 - b. shall submit a summary of such statistics annually to the synod; and
 - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- *C9.13. The pastor(s) shall submit a report of his or her ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- *C9.14. The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in his or her hands in good order by a departing pastor before the installation of that pastor in another field of labor or the granting by the synod of retired status to the pastor.

Chapter 10.

CONGREGATION MEETING

- C10.01.** The annual meeting of this congregation shall be held at a time specified in the bylaws.
- C10.02.** A special Congregation Meeting may be called by the pastor, the Congregation Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of 10 percent of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.
- C10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail to all voting members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members shall be sufficient.
- C10.04.** 15 percent voting members shall constitute a quorum.
- C10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- C10.06.** All actions approved by the congregation shall be by majority vote of those voting members

present and voting, except as otherwise provided in this constitution or by state law.

C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

Chapter 11.

OFFICERS

- C11.01.** The officers of this congregation shall be a president, vice president, secretary, and treasurer.
- Duties of the officers shall be specified in the bylaws.
 - The officers shall be voting members of the congregation.
 - Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
 - If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.
- C11.02.** The Congregation Council shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.
- C11.03.** No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12.

CONGREGATION COUNCIL

- C12.01.** The voting membership of the Congregation Council shall consist of the pastor(s), the officers of the congregation, and 4 members of the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Congregation Council without cause. Consistent with the laws of the state in which this congregation is incorporated, the congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.
- C12.02.** The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for 3 years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting. Individuals who have served less than one-half of a regular term shall be eligible for nomination and possible election to a full term.
- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall include the following:

- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
- b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.
- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
- d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
- e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding.
- g. To arrange for pastoral service during the sickness or absence of the pastor.
- h. To emphasize partnership with the synod and 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. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of Wisconsin, 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 \$15,000.00 for items not included in the budget.
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than \$15,000.00 in excess of the anticipated receipts only after approval by a Congregation Meeting. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in 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, 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 salaried lay workers of this congregation.
- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the pastor or interim pastor, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, which shall be the only business considered at that meeting. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Congregation Council, following consultation with the synodical bishop.

Chapter 13.

CONGREGATION COMMITTEES

- C13.01.** The officers of this congregation and the pastor shall constitute the *Executive Committee*.
- C13.02.** A *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection. **See Addendum #1 approved at Annual Meeting January 25, 2015.**
- C13.03.** An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for reelection.
- C13.04.** A *Mutual Ministry Committee* shall be appointed jointly by the president and the pastor. Term of office shall be two years, with three members to be appointed each successive year.
- C13.05.** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by this congregation. Term of office will terminate upon installation of the newly called pastor.
- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of committees of this congregation shall be specified in the bylaws and continuing resolutions.
- C13.08.** The pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.
- C13.09.** This congregation shall continue to maintain its existing Trust Fund. The articles of incorporation are attached to this constitution.

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.** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) 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.
- *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 discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall advise the Congregation Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Congregation Council. The written charges shall accompany the written citation to the accused. A member charged with the offense shall appear before the Congregation Council after having received a written citation, at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Congregation Council may proceed with the hearing and may pass judgment in the member's absence.
- *C15.03.** Members of the Congregation Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Congregation Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
- a. censure before the council or congregation;
 - b. suspension from membership for a definite period of time; or
 - c. exclusion from membership in this congregation.
- Disciplinary actions b. and c. shall be delivered to the member in writing.
- *C15.04.** The member against whom disciplinary action has been taken by the Congregation Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- *C15.05.** Disciplinary actions may be reconsidered and revoked by the Congregation Council upon receipt

of a) evidence that injustice has been done or b) evidence of repentance and amendment.

*C15.06. For disciplinary actions in this congregation, “due process” shall be observed as specified in 20.41.04. in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.

*C15.07. No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided, unless so ordered by the Synod Council after an appeal.

*C15.10. Adjudication

*C15.11. When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the synodical bishop for consultation after informing the chair of the Congregation Council of their intent. If the consultation fails to resolve the issue(s), the Consultation Committee of the synod shall consider the matter. If the Consultation Committee of the synod shall fail to resolve the issue(s), the matter shall be referred to the Synod Council, whose decision shall be final.

Chapter 16.

BYLAWS

*C16.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.

*C16.02. Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.

*C16.03. Changes to the bylaws may be proposed by any voting member provided, however, 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 and that the Congregation Council notify the congregation’s members by mail of the proposal with the council’s recommendations at least 30 days in advance of the Congregation Meeting.

*C16.04. Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17.

AMENDMENTS

*C17.01. Unless provision C17.04 is applicable, those sections of this constitution that are not required, in accord with the *Model Constitution for Congregations of the Evangelical Lutheran Church in America*, may be amended in the following manner. Amendments may be proposed by at least 10 percent of the voting members or by the Congregation Council. Proposals must be filed in writing with the Congregation Council 60 days before formal consideration by this congregation at a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation’s members by mail of the proposal together with the council’s recommendations at least 30 days in advance of the meeting.

*C17.02. An amendment to this constitution, proposed under *C17.01., shall:

- a. be approved at a legally called Congregation Meeting according to this constitution by a majority vote of those present and voting;
- b. be ratified without change at the next annual meeting by a two-thirds majority vote of those present and voting; and
- c. have the effective date included in the resolution and noted in the constitution.

*C17.03. Any amendments to this constitution that result from the processes provided in *C17.01. and *C17.02. shall be sent by the secretary of this congregation to the synod. The 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 South-Central Synod of Wisconsin of the ELCA.

- ***C17.04.** This constitution may be amended to bring any section into conformity with a section or sections, either required or not required, of the Model Constitution for Congregations of the Evangelical Lutheran Church in America—as most recently amended by the Churchwide Assembly - by a simple majority vote of those voting members present and voting at any legally called meeting of the congregation without presentation at a prior meeting of the congregation, provided that the Congregation Council has submitted by mail 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 10 percent of the voting members of the congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of the congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following a vote of approval.

Chapter 18.

CONTINUING RESOLUTIONS

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

Chapter 19.

INDEMNIFICATION

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

East Koshkonong Lutheran Church Constitution

Addendum to Constitution

Addendum #1 Chapter 13, Congregation Committees, CF13.02 Adopted the following at the Congregation Annual Meeting on January 25, 2015:

A **Nominating Committee** will consist of six members, all of whom are voting members of this congregation. Two of these members, if possible, shall be outgoing members of the Congregation Council and these shall be elected for two year terms. After adoption of this constitutional amendment by the Congregation, it shall elect four (4) members of the committee – two (2) for a term of two (2) years and two (2) for a term of one (1) year. Thereafter, at each annual meeting the congregation shall elect two (2) members for a two (2) year term. No member shall serve more than one consecutive term of two (2) years. A partial term shall not be counted for this purpose. A former committee member may be reelected after a lapse of twelve (12) months after the completion of her/his term.

**BY-LAWS
OF
THE EAST KOSHKONONG LUTHERAN CHURCH**

**PART I
COMMUNION PARTICIPATION**

1. Holy Communion requires sincere repentance, faith in Jesus Christ as Savior, and an acceptance of the scripture teaching of the Real Presence of Christ with his body and blood in the Sacrament.
2. Participation in Holy Communion shall be open to baptized members of this congregation and to members of other Christian congregations.
3. Record of participation in Holy Communion shall be maintained.

**PART II
CONFLICTION LOYALTIES
(Cf. Chapter 2, 6, and 9 of the Constitution.)**

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 Body 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 this 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. Chapter 8 of the Constitution.)**

1. **ADMISSION TO BAPTIZED MEMBERSHIP.**
 - A. 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.
 - B. Children, neither of whose parents or guardians are members of this congregation shall, upon Christian baptism duly recorded as a ministerial act performed under auspices of this congregation, be received as baptized members of this congregation unless there is an 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 baptized member.

- C. Children baptized in other congregations shall be received 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 Congregation Council.
- D. Unbaptized 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 Church, shall, upon confession of faith and Christian baptism duly recorded as a ministerial act performed under auspices of this congregations, be received as baptized members of this congregation.

ADMISSION TO CONFIRMED MEMBERSHIP

- A. Baptized adults, not previously members of the congregation, 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 Church, shall be admitted to confirmed membership through the rite of confirmation.
- B. However, adults received as baptized members according to provisions of Section A. 4, of 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.
- C. Children who are baptized members of the congregation shall be admitted to confirmed membership through participation in the rite of Confirmation.
- D. 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.
- E. Applicants for membership presenting evidence of Confirmation in a Lutheran congregation but do not have Letters of Transfer shall be admitted to confirmed membership when the Congregation 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 before the Congregation.

ADMISSION TO VOTING MEMBERSHIP

- A. The Congregation 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 determined by the congregation.

4. DISCONTINUANCE OF MEMBERSHIP

- A. Members who move away shall be encouraged to transfer their membership. A confirmed member in good standing desiring to change his membership to another Lutheran Congregation shall, upon request, receive a Letter of Transfer.
- B. A confirmed member who in the judgment of the Congregation 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 no longer to desire membership, shall lose the right to vote, and shall not be counted in the membership statistics of the congregation. However, his name and records 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 resumes activity within a five year period, he shall be restored to the active membership list; if not, he shall be dismissed from the congregation and, if possible, shall be notified of this action.
- C. Children, neither of whose parents or guardians are active members of the congregation shall be dropped from the baptized membership role if they fail to participate in the Christian educational program of the congregation.
- D. Members who have been excommunicated or dismissed, or who have resigned; and members who have transferred to other Lutheran Congregations; or who are defiantly known to have become members of congregations without transfer, have thereby terminated their membership in the Congregation and have surrendered all membership rights.

PART IV

THE PASTORAL CALL

(Cf. Chapter 9 of the Constitution)

1. When the Congregation has voted to call a pastor, it shall issue a Letter of Call to the pastor-elected, in a form approved by the Evangelical Lutheran Church in America. Calls to Clergymen to positions of assistance to the pastor shall be issued in consultation with the pastor and in accordance with the provisions of this paragraph.
2. The call shall normally be for an indefinite period.
3. If the pastor receives a call to another congregation, he shall consult with his present congregation, or at least with the Congregational Council, before coming to a decision. He should attempt to reach a decision as quickly as possible, normally within three weeks. He shall thereupon notify his present congregation and the synod bishop. When a release has been granted and the call accepted, the pastor shall terminate his ministry and transfer to his new field of service as quickly as feasible, normally within one month.

PART V

THE ANNUAL MEETING

(Cf. Chapter 10 of the Constitution)

1. The annual meeting of the Congregation shall be held at any time during the month of January or February. Notice of the meeting shall be governed by the provision of Chapter 10 of the Constitution.
2. The President, Vice President, or Secretary shall have the power to postpone the annual meeting due to acts of God for two weeks or more.
3. The current roster of voting, confirmed, and baptized members shall be determined prior to each annual meeting.
4. The Order of Business at the Annual Meeting shall be:
 - A. Opening devotion.
 - B. Approval of the minutes of the previous meeting.
 - C. Reports of Pastor, Congregational Council, Treasurer, Committees, and others.
 - D. Elections.
 - E. Approval of budget.
 - F. Unfinished business.
 - G. New Business.
 - H. Closing prayer.
5. In the following cases, voting shall be by written ballot.
 - A. Election of Congregational Council members.
 - B. To adopt or amend the articles of incorporation, constitution, or bylaws of the congregation.
 - C. To call a pastor or request pastoral resignation.
 - D. To excommunicate a member from the Congregation or to remove a member from office in the Congregation.
 - E. To sever membership in the Evangelical Lutheran Church in America.
 - F. To dispose of, encumber, or purchase real property.
 - G. When 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 present and voting.
7. A majority of the votes cast are required for election to any office.
8. If more than one ballot is required in an election, a motion shall be in order 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 balloting to the two candidates receiving the highest number of votes.

PART VI
THE CONGREGATIONAL COUNCIL
(Cf. Chapter 12 of the Constitution)

1. MEMBERSHIP AND MEETINGS OF THE CONGREGATION COUNCIL

- A. The congregational Council shall consist of seven members, elected for a term of three years, but elected in such a manner, that after the first election, approximately one-third are elected each year.
- B. In addition to the requirements of the Constitutional membership as stated in the constitution, qualifications for membership on the Congregational Council shall include such practical ability as is needful in promoting the various interest of the Congregation as outlined in the duties of the various committees of the Council.
- C. No member of the Congregation Council shall succeed himself in office for more than two terms. An unexpired term of less than one year shall not be considered a term of office.
- D. Immediately after the Annual Meeting of the Congregation, the Congregational Council shall elect the officers and committees prescribed by the Constitution and Bylaws.
- E. Meetings of the Congregational Council shall be held on the date selected annually at the Council's first meeting.
- F. Men and women who have a voting membership shall be eligible for all church offices.

2. TASK FORCES OF THE CHURCH COUNCIL

- A. The Congregational Council shall elect from its own membership task forces on Worship, Stewardship, Youth Education, Adult Education, Property and Management, and Lay ministry; and shall also have authority to appoint such other task forces as may from time to time be necessary or advisable.
- B. The Congregation Council shall have authority to appoint or elect additional congregational members, who are not members of the Congregation Council, as members on its task forces.
- C. The Congregation Council shall at least once a year invite the full membership of its regular task forces together with representatives chosen by the organizations of the Congregation to review the entire program of the Congregation.

3. DUTIES OF OFFICERS AND COMMITTEES OF THE CONGREGATION COUNCIL

- A. The President shall preside at meetings of the Congregational Council and of the Congregation; and shall give general leadership to the Congregation.
- B. The Vice President shall preside at the meetings of the Congregational Council and of the Congregation in the absence of the President.
- C. The Secretary shall keep the minutes of the Congregational Council and of the meetings of the congregation.
- D. The Treasurer shall have custody of all the funds of the congregation, except the Trust Fund. The Treasurer shall receive and disburse such funds in accordance with the decisions of the

Congregation and the Congregational Council. He or she shall prepare monthly report for the Congregation. The term of office for the treasurer shall be one year.

- E. The Financial Secretary shall maintain records of individual contributions and shall make monthly reports to the Congregational Council and an individual yearly record of contributions to each member.

4. PARISH RECORDS

The records of the Congregation shall be the property of the congregation. The Pastor(s) shall be responsible for the maintenance of the records. Upon termination of his or her service to the congregation, the records shall be brought up-to-date before departure.

The records consist of:

1. The roster of baptized and confirmed voting members.
2. The ministerial acts performed by the Pastor.
3. The minutes and reports of the Congregation and the Congregational Council.

The Pastor shall report to the Evangelical Lutheran Church of America such statistics as may be requested.

5. OTHER RESPONSIBILITIES OF THE CONGREGATIONAL COUNCIL

- A. The Congregational 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.
(Cf. C12.08)
- B. Adjustments in the salary of the pastor shall be the responsibility of the Congregational Council, subject to the Congregation's approval of the budget.
- C. The Congregation Council shall as far as possible, operate within the limits of the approved budget of the Congregation. Any expenditures in excess of the total voted budget must be approved by the Congregation.
- D. An auditing committee shall be elected in accordance with Chapter 13 paragraph 3 of the Constitution. The auditing committee shall audit all financial records of the Congregation, and shall present its written report to the annual meeting. The audit committee shall examine all insurance policies to determine the amount and kind of insurance in the force and include this report in its statement.
- E. The property of the Congregation shall be for the use of the Congregation in its normal functions as a Lutheran Church and shall not be used in any way not in harmony with the purpose of the congregation. Buildings which are the property of the Congregation shall not be lent or rented to any group or individual not affiliated with the Congregation or with the Evangelical Lutheran Church in America, unless application for such use as been approved by the Congregation Council by a two-thirds majority in the case of a request for occasional use, or by a two-thirds majority of the Congregation in the case for regular use.

PART VII
NOMINATING COMMITTEE
(Cf. Chapter 13 paragraph 2 of the Constitution)

- A. The nomination committee shall be elected in accordance with Chapter 13 paragraph 2 of the Constitution.
- B. The pastor shall serve as convener and as advisory member.
- C. The candidates of the nomination committee shall be made known to the Congregation in conjunction with the announcements of special or annual meeting at which the election is to take place.
- D. In addition to the candidates submitted by the nominating committee, additional nominations may be made from the floor.
- E. A vacancy in the nominating committee shall be filled by a special or annual Congregational meeting.

PART VIII
REPORTS OF ORGANIZATIONS
(Cf. Chapter 14 and 18 of the Constitution)

All committees and organizations handling funds within the congregation shall submit accounts to the treasurer at least fifteen days prior to the annual meeting. The treasurer shall include such accounts in the treasurer's reports to the annual Congregational meeting.

Addendum to the Constitution of the
East Koshkonong Lutheran Church

**RESOLUTION ESTABLISHING THE
EAST KOSHKONONG LUTHERAN CHURCH TRUST FUND**

East Koshkonong Lutheran Church, Cambridge, Wisconsin, has a living endowment of faithful members with rich gifts and varied talents.

“As each has received a gift, employ it for another, as good stewards of God’s varied grace, whoever renders it by the strength which God supplies, in order that in everything God may be glorified.” 1 Peter 1:10 -11

Now Therefore, in order to establish a Trust Fund consisting of a Perpetual Fund in which the principal will be retained and only the income used, and a Memorial Fund from which both principal and income can be used, all to enable the further growth of our church, its ministries and stewardship opportunities:

Be It Resolved: That the membership of East Koshkonong Lutheran established a Trust Fund providing for two separate funds to be known as the “Perpetual Fund” and the “Memorial Fund”, to receive and administer bequests, estates, insurance, memorials and other assets. And,

Be It Further Resolved: That the efforts of East Koshkonong Lutheran Church in establishing the Trust fund be dedicated to the Glory of Almighty God. And,

Be It Further Resolved: That the purpose of the Trust Fund is to enhance the work of the church by establishing new ministries and stewardship opportunities additional to and apart from the general operation of the congregation. And,

Be It Further Resolved: That the Trust Fund Committee shall be custodian of the Trust Fund. And,

Be It Further Resolved: That while East Koshkonong Lutheran Church has every intention of using the Trust Fund as set forth in these resolutions, 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 was intended. Should that situation develop, East Koshkonong Lutheran Church or its successors in interest shall then be free to make such other use and religious purposes of East Koshkonong Lutheran Church, in accordance with provisions of the laws of the State of Wisconsin and preserving the principal of those gifts designed to be perpetual, carrying out the donor's wishes.

Be It Further Resolved: That the church council of East Koshkonong Lutheran Church decides for what purposes the Trust Fund income is to be used.

Now Therefore, in order to carry out the purposes of the Trust Fund and to enable the further extension and stewardship work of our church, **Be It Further Resolved:**

I. The Committee

1. The committee shall consist of three members, all of whom shall be voting members of the East Koshkonong Lutheran Church. Except as herein limited, the term of each member shall be three (3) years. After adoption of this resolution by the Congregation, it shall elect three (3) members of the committee – one (1) for a term of three (3) years; one (1) one 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 (2) consecutive terms. A partial term shall not be counted for this purpose. A former committee member may be reelected 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 members by the affirmative vote of two (2) remaining members 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 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 Fund. Each committee member must be a member in good standing of East Koshkonong Lutheran Church. A Trust Fund committee member may not serve concurrently on the church council. The senior pastor of the church and the president or chairperson of the church council shall be ex-officio nonvoting 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 least once a month at the church at the time fixed by resolution of the committee and more frequently as it may be deemed by it for the best interest of the Fund. The committee, when it deems it unnecessary to hold a particular monthly meeting, may by resolution cancel a meeting. Special meetings may be called on twenty-four (24) hours written or oral notice to the members of the committee by the chairperson or any two (2) members. No notice other than

recording of the resolution of the board fixing the time of the regular meetings need be given the members. 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 purpose 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. Any members of the committee with check signing authority, at the expense of the Fund, shall provide a corporate fidelity bond in a principal amount to be determined from time to time by the committee.
10. 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.
11. 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 in time so that such audit report will be on file at the time of the annual meeting of the congregation.
12. The secretary shall maintain complete and accurate minutes of all meetings of the committee and supply of a copy, thereof, to each member within seven (7) days after the meeting. Each member shall keep a complete copy of minutes to be delivered to his or her successor.
13. The chairperson, or the member designated by the chairperson, shall preside at all committee meetings.
14. 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 time refrain from any conduct in which his/her personal interests would conflict with the interest of the Fund.

II. Committee Duties

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.

1. 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.
2. 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.

3. 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, bequest, insurance, etc.
4. 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.

III. Committee Powers

In the administration of this 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 East Koshkonong Lutheran Church:

1. To take, have, hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects 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 limitation, 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 accomplishments of the purposes of the East Koshkonong 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 East Koshkonong Lutheran Church Trust Fund on behalf of the congregation and to sign checks and all other necessary documents on behalf of the congregation on 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 loss 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 the 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 reasonable incurred.

IV. The Congregation

1. The congregation may upon recommendation by the Trust Fund committee decide when and if any Perpetual Fund principal, or corpus, shall be used by a two-thirds (2/3) majority vote if those present at a legally called meeting of the congregation. This holds true if the principal or corpus is ever needed in the event of a catastrophe or dire emergency.
2. The Trust Fund Committee shall supply the Church Council with sufficient information to make the best use of the Trust Fund according to its purposes.
3. This Trust Fund Resolution may not be altered or amended except by a two-thirds (2/3) 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.

V. Memorial Fund

There is hereby established for the administration by the Trust Fund Committee a separate fund to be known as the "Memorial Fund." The Memorial Fund will receive donations, gifts, and contributions which are not to be included in the Perpetual Fund or in the same manner and for similar purposes as are herein stated for the Trust Fund, except that the Trust Fund Committee may disburse both principal and income from the Memorial Fund for the church purposes as designated by the donor or as provided for in this document.

VI. Tax Exemptions

Any gifts given to the Trust Fund, as well as all income derived therefrom, shall be exclusively for religious, charitable, and educational purposes with Section 501 © (3) of the Internal Revenue Code of 1954 or this 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 the Fund shall insure benefit of, or be distributed 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 the 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 the 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 nondeductible under Section 170 (c) (2) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law.

The Trust Fund may be dissolved in accordance with the laws of the State of Wisconsin. Upon dissolution of this Trust Fund, and after the payment of all liabilities, obligation 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.

VII. Transitional Provisions

- 1.** The implementation of the provision of Article V which confers upon the Trust Fund Committee the responsibility and authority to administer the “Memorial Fund” shall be delayed. It shall be delayed until such future time as Ole Rude and Lorraine Rude, who are the present administrators of the “Memorial Fund”, no longer serve in that capacity, Mr. and Mrs. Rude will have the same responsibility and authority for the “Memorial Fund”, as is prescribed for the Trust Fund Committee. At such time as Mr. and Mrs. Rude no longer serve as administrators of the “Memorial Fund”, the Trust Fund committee will assume that responsibility and authority as is prescribed in Article V.
- 2.** Until rescinded by a majority vote of the church council, it shall continue to follow the guidelines it established for itself concerning the use of Perpetual Fund Income in a church council resolution enacted prior to the adoption of this congregational Trust Fund. That church council resolution provided that, of the perpetual fund income, 20 percent be applied for the work of national missions, 20 percent be applied for the work of world missions, 40 percent be applied to those missions as the church council deems best including the Good Samaritan Mission.

This Trust Fund Resolution, accepted by the congregation, via recommendation by the church council, at a legally recalled congregational meeting is hereby made an addendum to the constitution of the East Koshkonong Lutheran Church and all members are made privy to its contents and uses.

