

CROSS OF CHRIST LUTHERAN CHURCH CONSTITUTION
(As approved by the Congregation on January 25, 2009)

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

Chapter 2 CONFESSION OF FAITH

- C2.01. This congregation confesses the Triune God, Father, Son, and Holy Spirit.
- C2.02. This congregation confesses Jesus Christ as Lord and Savior and the Gospel as the power of God for the salvation of all who believe,
 - a. Jesus Christ is the Word of God incarnate, through whom everything was made and through whose life, death, and resurrection God fashions a new creation,
 - b. The proclamation of God's message to us as both Law and Gospel is the Word of God, revealing judgment and mercy through word and deed, beginning with the Word in creation, continuing in the history of Israel, and centering in all its fullness in the person and work of Jesus Christ.
 - c. The canonical Scriptures of the Old and New Testaments are the written Word of God. Inspired by God's Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ. Through them God's Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.
- C2.03. This congregation accepts the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the authoritative source and norm of its proclamation, faith, and life.
- C2.04. This congregation accepts the Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of this congregation.
- C2.05. This congregation accepts the Unaltered Augsburg Confession as a true witness to the Gospel, acknowledging as one with it in faith and doctrine all churches that likewise accept the teachings of the Unaltered Augsburg Confession.
- C2.06. This congregation accepts the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles and the Treatise, the Small Catechism, the Large Catechism, and the Formula of Concord, as further valid interpretations of the faith of the Church.
- C2.07. This congregation confesses the Gospel, recorded in the Holy Scriptures 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. The 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 ministries 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 it 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. calls or terminates 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. approves the annual budget;
 - f. acquires real and personal property by gift, devise, purchase, or other lawful means;
 - g. hold title to and use its property for any and all activities consistent with its purpose;
 - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - i. elect its officers, Congregation Council, boards, and committees, and require them to carry out their duties in accordance with the constitution and bylaws
 - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6
- C5.04. This congregation shall choose from among its voting member's laypersons to serve as voting members of the Synod Assembly as well as persons to represent it at meetings of any conference, cluster, coalition, or other area subdivision of which it is a member. The number of persons to be elected by the congregation and other qualifications shall be as prescribed in guidelines established by the Southeastern Minnesota Synod 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 bylaws. The purpose of the mission endowment fund is to provide for mission work beyond the operational budget of this congregation.

Chapter 6 CHURCH AFFILIATION

- C6.01. This congregation shall be an interdependent part of the Evangelical Lutheran Church in America or its successor, and of the Southeastern Minnesota Synod of the Evangelical Lutheran Church in America. This congregation is subject to the discipline of the Evangelical Lutheran Church in America.
- C6.02. This congregation accepts the Confession of Faith and agrees to the Purposes of the Evangelical Lutheran Church in America and shall act in accordance with them.
- C6.03. This congregation acknowledges its relationship with the Evangelical Lutheran Church in America in which:
- a. This congregation agrees to be responsible for its life as a Christian community,
 - b. This congregation pledges its financial support and participation in the life and mission of The Evangelical Lutheran Church in America,
 - c. This congregation agrees to call pastoral leadership from the clergy roster of the Evangelical Lutheran Church in America in accordance with its call procedures except in special circumstances and with the approval of the bishop of the synod.
 - d. This congregation agrees to consider associates in ministry, deaconesses, and diaconal ministers for call (added) 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 Southeastern Minnesota Synod of the Evangelical Lutheran Church in America.
- C7.02. If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- C7.03. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the Southeastern Minnesota Synod.
- C7.04. If a two-thirds majority of the voting members of this congregation present at a legally called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, 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.

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 Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation, or persons who wish to retain a relationship with this congregation while being members of other congregations. They 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. The call shall be signed by the chairperson and the secretary of the meeting at which the call was voted. 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 of 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 Southeastern Minnesota Synod of the ELCA.
- C9.04. The specific duties of the pastor, compensation, and other matters pertaining to the service of the pastor shall be included in a letter of call, which shall be attested by the bishop of the synod.
- C9.05. a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, 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.
- 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(s) 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;
 - 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.

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 50 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. 50 voting members shall constitute a quorum.
- C10.05. Voting by proxy or by absentee ballot shall not be permitted.
- C10.06. All actions by the congregation shall be by majority vote except as otherwise provided in this constitution.
- 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, and secretary.
- a. Duties of the officers shall be specified in the bylaws.
 - b. The officers shall be voting members of the congregation.
 - c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- C11.02. The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve for one year or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.
- C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than 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) and not more than 15 members of the congregation and the officers of the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of 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.

- C 12.02.** The Congregation Council shall be the pastors, officers and elected members. The members of the Congregation Council except the pastor(s) and officers shall be elected by written ballot at the annual meeting to serve a 3 year term. 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 to fulfill the remaining term. 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, activities, and the worship life 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 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 consistent with Lutheran Theology. All final decisions shall be approved by the church council at a regular scheduled meeting or at a special session as provided in these bylaws.
 - 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 Minnesota, except as otherwise provided herein.
 - b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation except as provided in C12.05 e.
 - c. The Congregation Council shall prepare an annual budget for adoption by this congregation and shall supervise the expenditure of funds in accordance therewith following its adoption. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with the synod and church-wide organization.
 - d. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the synodical treasurer

- e. The Congregation Council may approve necessary expenditures for non-budgeted items in an amount up to 8% of the previous year's receipts for budgeted items. Any expenditures in excess of these amounts will require the approval of a congregational meeting.
 - f. The Congregational 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 employed lay workers of this congregation.
- C12.09. The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.10. 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.
- C12.11. 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.
- C12.12. The Congregation Council will be divided into cabinets to carry out the responsibilities described in Chapter 12. The cabinets will be described in the bylaws.

Chapter 13. CONGREGATION COMMITTEES

- C13.01. The officers of this congregation and the pastor(s) 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 re-election.
- C13.03. An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for re-election.
- C13.04. A *Staff Support Committee* (in the absence of a Staff Support Committee, the duties shall be fulfilled by the Personnel 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. Committee members will hold no other office in the congregation during their term.
- C 13.05. When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by Congregation Council. 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 the Congregation Council cabinets and committees of this congregation shall be specified in the bylaws.
- C13.08. The pastor(s) of this congregation shall be *ex officio* a member of all Congregation Council cabinets, committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all Congregation Council cabinets, committees and boards of the congregation, except the Nominating Committee.

Chapter 14.ORGANIZATIONS WITHIN THE CONGREGATION

- C14.01. All organizations within this congregation shall exist to aid it in ministering to the members of this congregation and to all persons who can be reached with the Gospel of Christ. As outgrowths and expressions of this congregation's life, the organizations are subject to its oversight and direction. This congregation at its meeting shall determine their policies, guide their activities, and receive reports concerning their membership, work, and finances.
- C14.02. Special interest groups, other than those of the official organizations of the Evangelical Lutheran Church in America may be organized only after authorization has been given by the Congregation Council.

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.

- C15.10 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 President 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 are 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 notifies the members of the proposal with its recommendations at least 30 days in advance of the Congregation Meeting.
- C16.04. Approved changes to the bylaws shall be sent 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 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 A proposed amendment to this constitution shall:
- a. be approved at a legally called 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 Southeastern Minnesota Synod 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, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of 10 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.

CROSS OF CHRIST LUTHERAN CHURCH BYLAWS
(As presented to the Congregation on January 24, 2010)

(Cf. Chapter 8, MEMBERSHIP)

- C8.05.01 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 congregation shall, upon request, receive a Letter of Transfer.
- C8.05.02 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; 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 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.
- C8.05.03 Children, neither of whose parents or guardians are active members of the congregation, shall be dropped from the membership roll if they fail to participate in the Christian education program of the congregation.
- C8.05.04 Members who have been removed or have resigned or members who have transferred to other Lutheran congregations or who are definitely known to have become members of the other congregations without transfer have thereby terminated their membership in the congregation and have surrendered all membership rights.

(Cf. Chapter 10, CONGREGATIONAL MEETING)

- C10.01.01 The annual meeting of this congregation shall be held by January 31.
- C10.01.02 The order of business at the annual meeting shall be:
- a. Opening devotions
 - b. Approval of the minutes of the previous meeting
 - c. Reports of pastor(s), Congregation Council, Financial Administrator, Financial Secretary, cabinets, committees and others,
 - d. Elections
 - e. Approval of budget
 - f. Old business
 - g. New business
 - h. Closing prayer
- C10.01.02.d.01 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 the balloting to the two candidates receiving the highest number of votes.

C10.01.03 All committees and organizations handling funds within the congregation shall submit accounts to the administrative secretary of the church office at least sixteen days prior to the annual meeting, and the administrative secretary shall include such accounts in his/ her report to the meeting.

C10.05.01 In the following cases voting shall be by written ballot:

- a. to elect the members of the Congregation 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 remove a member from 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.

(Cf. Chapter 12, CONGREGATION COUNCIL)

C12.02.01 The President of the W/ELCA shall be a voting member of the Congregation Council.

C12.12.00 Cabinet Authority and Responsibilities:

Intra-cabinet communication

- Each cabinet shall offer all cabinet members the opportunity to attend meetings and provide input. These meetings should be scheduled in advance if possible.
- The cabinet chair (or designee) shall provide a written summary of all cabinet meetings to the administrative secretary and to their other cabinet members
- The administrative secretary shall provide a council-approved annual cabinet plan to the congregation via the Parish Visitor.
- The cabinet shall provide a written summary of the status of their project execution to the administrative secretary.

Budget and Planning: Each of these.

- The cabinet must provide a detailed line item annual budget in December for the following year.
- **If a cabinet seeks to commit to a single expenditure or a single contract that is above the line item budgeted amount for the expenditure by 25% or \$1000 (whichever is the lesser amount), the Council must be notified before the contract or commitment is ratified.**
- Each of the detailed line items shall be in the context of how it supports the mission statement of the church
- Each cabinet should construct a 5 year and a 10 year project plan – this plan is quite elastic, its purpose to communicate and prevent surprises as best possible
- For projects that are large and unusual or typically outside the normal budget, a plan should be suggested for revenue access and brought to the council

Execution

- The cabinet shall provide to the administrative secretary, one week before council meeting, a written summary report of their stages of the execution for their active projects.
- The administrative secretary shall coordinate the cabinet reports and provide them to the council secretary before the council meeting

- The council shall determine which if any cabinet reports should be forwarded to the Parish Visitor to communicate to the congregation (for instance a non-approved pre-budget report wouldn't be sent to the visitor).

Authority

- The cabinet has autonomous authority to spend line item budgeted money on the corresponding detailed line item.
- The cabinet has the authority to determine how many project bids they secure, and which of those they accept.

Expensing

- For a budgeted line item expense overrun, the cabinet has autonomous authority to move money from another of their budgeted line items. The later affected line item shall be completed but in this case for less than originally budgeted, minus the line amount moved.
- Each cabinet has the authority/responsibility to petition for money in the undesignated memorials and the endowment interest. Generally these will be outside the annual budget process and may be used for overruns or unbudgeted projects. Remember that the Endowment Interest can only be used in four main areas of ministry
 - a. World Missions
 - b. Southeast Minnesota Synod Mission
 - c. Youth Ministry
 - d. Church Property

C12.12.01 The Executive Cabinet is made up of the officers of the Council (Council President, Vice President, Secretary) and its pastors.

- > to be liaison to all other cabinets
- > to oversee the daily running of the church
- > to arrange for the long-term planning of Cross of Christ
- > to set the agenda for council meetings
- > to make sure the decisions of the council are carried out.
- > arrange for annual audit of all financial records

C12.12.02 The Education Cabinet will plan and administer all educational programs of the church for children, youth and adults of Cross of Christ.

- > Plan and develop educational programs that enhance the faith life of Cross of Christ such as Sunday School, Vacation Bible School and Adult Education.
- > Regularly review the existing educational programs
- > Examine educational facilities and equipment and make necessary recommendation to the Property Cabinet

C12.12.03 The Evangelism Cabinet will reach out to the community surrounding the church and plan programs that support the members of Cross of Christ.

- > Follow up with visitors attending worship services and new members of the community
- > Publicize Cross of Christ presence in the community and the programs we offer
- > Offer care and support to all members of Cross of Christ
- > Seek involvement in local, synod and ELCA programs providing care for the sick, aging and disadvantaged.

C12.12.04 The Finance Cabinet will oversee all financial matters of Cross of Christ.

- > Provide guidance in paying of bills
- > Assemble annual budget to submit to the Congregation Council
- > Oversee Financial Administrator and Financial Secretary
- > Make recommendations to the Congregation Council regarding the investments and endowments

C12.12.05 The Personnel Cabinet is responsible for the human resources of Cross of Christ.

- > Keep the employment records of paid personnel
- > Review and evaluate the paid **pastoral** staff of the congregation annually
- > Make recommendations to the Congregation Council concerning staff needs, salaries and time concerns
- > Actively offer encouragement and support of the paid staff
- > Provide encouragement and support of volunteers

C12.12.06 The Stone Church Building Cabinet will oversee the maintenance and care of the Stone Church Building:

- > Present property improvement recommendations to the Congregation Council.

C12.12.07 The Cross of Christ Building Cabinet will oversee the maintenance and care of the Cross of Christ Building including heating and air-conditioning.

- > Present property improvement recommendations to the Congregation Council.

C12.12.08 The Cross of Christ Grounds Cabinet will oversee everything outside the skin of the Cross of Christ building including anything attached to the building.

- > Present property improvement recommendations to the Congregation Council.

C12.12.09 The Stewardship Cabinet will develop stewardship and mission programming.

- > Teach the meaning of stewardship and how we manage all God has given us
- > Conduct annual time and talent surveys of the congregation
- > Promote good stewardship habits
- > Plan and implement an annual stewardship program
- > Encourage the congregation members to participate in its social ministry
- > Foster mission outreach and mission support (benevolence giving)

C12.12.10 The Worship Cabinet provides for the worship life of Cross of Christ. The cabinet is to foster an environment that will create and enhance the spiritual growth of the congregation.

- > Develop plans for seasonal and special worship needs
- ▷ Select hymns and music for worship
- > Communicate with the Altar Guild concerning worship needs
- > Assume the care of the musical instruments of the congregation

C12.12.11 The Youth and Family Cabinet will plan and carry out Children, Youth and Family ministry.

- > Coordinate ministry activities for families
- > Encourage youth to participate in Children, Youth and Family ministry
- > Assist the Lutheran Youth Organization in its ministry
- > Oversee fund raising activities and disbursement of funds for youth
- > Provide for the assimilation of new members

PART 1 - COMMUNION PARTICIPATION

C8.04.a.01 Admission to first Communion is an invitation of the Lord Jesus Christ to his Supper, presented through his church to its baptized children when they are ready to participate in the sacrament in a worthy manner. This readiness involves the understanding, attitudes, and action patterns necessary to receive the sacrament with benefit. The church will therefore invite to Holy Communion those children who have been instructed in preparation for the sacrament.

C8.04.a.02 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 2 - CONFLICTING LOYALTIES

C14.01.01 This congregation rejects all fellowship with organizations, secret or open, which are avowed 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.

C14.01.02 Ceremonies of lodges or other such organizations shall not be permitted in the church or on the church premises of this congregation.

C14.01.03 The pastor(s) of this congregation shall take no part in any such ceremonies even if they are conducted outside of the church premises.