

**CONSTITUTION AND
BYLAWS**

**BETHANY LUTHERAN
CHURCH**

BIGFORK, MONTANA

Approved January 23, 2011

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NOTE:

For ease of use, Bylaws have been inserted in the appropriate sections of this constitution according to subject matter and have been italicized.

CONSTITUTION of BETHANY LUTHERAN CHURCH BIGFORK, MONTANA

PREAMBLE AND MISSION STATEMENT

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 agree to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

This church's mission statement shall be "Joyfully reaching out to others by sharing the hope and love of Jesus Christ."

Chapter 1.

NAME AND INCORPORATION

C1.01. The name of this congregation shall be Bethany Lutheran Church.

C1.02. For the purpose of this constitution and the accompanying bylaws, the congregation of Bethany Lutheran Church is hereinafter designated as "this congregation."

C1.03. This congregation shall be incorporated under the laws of the State of Montana.

Chapter 2.

STATEMENT OF FAITH

C2.01. We believe, teach, and confess the Triune God, Father, Son, and Holy Spirit

C2.02. We believe, teach, and confess Jesus Christ as Lord and Savior and the gospel as the power of God for the salvation of all who believe in him.

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 in the person and work of Jesus Christ through whom God was pleased to reconcile all things to himself.

c. The canonical Scriptures of the Old and New Testaments are the 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 We believe, teach, and accept the canonical Scriptures of the Old and New Testaments as the inspired Word of God and the sole authoritative source and norm of our proclamation, faith, and life.

C2.04. We accept the Apostles', Nicene, and Athanasian Creeds as true declarations of the scriptural faith we believe, teach, and confess.

C2.05. We believe, teach, and accept the Unaltered Augsburg Confession and the Small Catechism as true witnesses to the Word of God, normative for our teaching and practice. We acknowledge that we are one in faith and doctrine with all churches that likewise accept the teachings of the Unaltered Augsburg Confession.

C2.06. We believe, teach, and confess the other confessional writings in the Book of Concord, namely, the Apology of the Augsburg Confession, the Smalcald Articles, the Treatise, the Large Catechism, and the Formula of Concord, as further valid expositions of the Holy Scriptures.

C2.07. We believe, teach, and confess 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 priesthood of all believers for God's mission in the world.

C2.08. We believe and confess that the marriage of male and female is an institution created and blessed by God. From marriage, God forms families to serve as the building blocks of all human civilization and community. We teach and practice that sexual activity belongs exclusively within the biblical boundaries of a faithful marriage between one man and one woman.

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 a local congregation 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.

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.
- h. Foster and participate in relationships with other congregations and the church wide organization of the Lutheran Congregations in Mission for Christ.
- i. Foster and participate in ecumenical relationships consistent with church wide policy.

C4.04. This congregation shall develop an organizational structure to be described in its governing documents. The Congregation Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions.

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 senior pastor as provided in Chapter 9;
- b. terminate the call of a senior pastor as provided in Chapter 9;
- c. call or terminate the call of associate pastor(s) and/or other staff and leadership as provided in Chapter 10.

- d. adopt amendments to the constitution, as provided in Chapter 19, and amendments to the bylaws, as specified in Chapter 18.
- 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 Congregational Policies.
- j. associate and terminate relationship with a denomination or association in line with the congregation's purposes as provided in Chapter 6.

C5.04. This congregation shall choose from among its voting members persons to serve as voting members of the Lutheran Congregation in Mission for Christ Annual Gathering as well as persons to represent it at meetings of any district, conference, cluster, coalition, or other area subdivision of which it is a member.

Chapter 6.

CHURCH AFFILIATION

C6.01. This congregation shall be an independent, voluntary member of the Lutheran Congregations in Mission for Christ association.

C6.02. This congregation accepts the Statement of Faith and agrees to the Purposes of the Lutheran Congregations in Mission for Christ and shall act in accordance with them.

C6.03. This congregation acknowledges its relationship with the Lutheran Congregations in Mission for Christ 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 Lutheran Congregations in Mission for Christ.
- c. This congregation agrees to call pastoral leadership whom are eligible to be included in the clergy roster of the Lutheran Congregations in Mission for Christ in accordance with its call procedures and ministry standards.

C6.04. A congregation may terminate its membership in this association by:

- a. Terminating its relationship with the association by following such internal congregational procedures as are required by that congregation (see Section C7.03.) and giving written notice to the association of which it no longer desires to be a member.
- b. Ceasing to exist.
- c. Taking action to dissolve as a congregation.

Chapter 7.

PROPERTY OWNERSHIP

C7.01. If this congregation ceases to exist, title to undisposed property shall pass to an entity determined by the Congregation Council.

C7.02. If this congregation is removed from membership in the Lutheran Congregations in Mission For Christ 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, relate to a non-Lutheran church body, or become independent, title to property shall continue to reside in this congregation.

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 maintained 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 shall have communed and made a contribution of record during the current or preceding year.
- 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. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Council of this congregation.

C8.03. All applications for confirmed membership shall be submitted to and shall require the approval of the senior pastor and 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 through contributions of their time, abilities, and financial support as biblical stewards.

C8.04.01 *Any member of this congregation, in disagreement with any policy, procedure or practice of this congregation and desiring resolution of that disagreement, after making ample effort to have questions answered and concerns resolved through contact with the senior pastor, associate pastor or appropriate*

staff member or lay leader, may contact any member of the Congregation Council for explanations and/or help in the matter. Should such contact fail to resolve the disagreement, the member may petition, in writing, the Congregation Council which shall schedule a hearing of the matter at the next regular meeting of the Congregation Council. See Chapter 13, Congregation Council for further details.

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 SENIOR PASTOR

C9.01. Authority to call a senior pastor shall be in this congregation as outlined by the guidelines set forth in this constitution and through consultation with the Lutheran Congregations in Mission for Christ.

C9.02. The Congregation Council shall be free to set the specific requirements for individuals to be considered for call as senior pastor in this church, so long as candidates are eligible to be included in the ordained clergy roster of the Lutheran Congregations in Mission for Christ. A Call Committee, as outlined in Section C14.03., shall oversee the call process and make a candidate recommendation to the Congregation Council. If the Congregation Council affirms the Call Committee recommendation with a two-thirds vote, the president shall call a special congregation meeting to present the recommended candidate to the voting members of the congregation. If the members present affirm the recommended candidate by a majority ballot vote of at least two-thirds, the congregation shall extend an official call to the candidate.

C9.03. Consistent with the Scriptural mandates, as well as faith and practice of the Lutheran Congregations in Mission for Christ, the senior pastor shall perform and/or oversee with the assistance of his/her designee(s) the:

- a. preaching of the Word;
- b. administering of the sacraments;
- c. conducting of public worship;
- d. providing of pastoral care;
- e. speaking publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world;
- f. offering instruction, disciple, marry, visit the sick and distressed, and bury the dead;
- g. supervising all organizations of this congregation;
- h. installing regularly elected members of the Congregation Council;
- i. with the council and his/her designee(s), administering discipline;

- j. striving to extend the Kingdom of God in the community, in the nation, and abroad;
- k. seeking out and encourage qualified persons to prepare for the ministry of the Gospel.

C9.04. The specific duties of the senior pastor, compensation, and other matters pertaining to the service of the senior pastor shall be included in a letter of call, drafted and approved by the Congregation Council.

C9.05.

a. The call of a congregation, when accepted by the senior pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the senior pastor, shall be terminated only 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; or
- 6) the dissolution of the congregation.

b. When allegations of physical or mental incapacity of the senior pastor or ineffective conduct of the pastoral office have come to the attention of the Congregation Council and are deemed plausible by the executive committee of the council, or when such allegations have been brought to the Congregation Council's attention by a petition signed by at least one-third of the voting members of the congregation, the president shall investigate such conditions personally in company with a committee that includes the executive committee of the Congregation Council apart from the senior pastor and two ordained ministers from local congregations whom are members of the Lutheran Congregations in Mission for Christ.

c. In the case of alleged physical or mental incapacity of the senior pastor, competent medical testimony shall be obtained. When such disability is evident, the president with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the president shall take steps to determine if it is possible to enable the senior pastor to resume the ministry, either in this congregation 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 by the committee as described in *C9.05. b., after which the committee shall decide on the course of action to be recommended to the senior pastor and the Congregation Council. If the senior pastor and Congregation Council, by a 2/3 majority vote, agree to carry out such recommendation, no further action shall be taken by the committee. If either party fails to assent, the committee must consult with an agency that specializes in resolving conflict within a congregation. If an agreement still cannot be reached, the congregation may dismiss the senior pastor at a legally called Congregation Meeting either by a two-thirds majority vote of the voting members present and voting where the president and committee did not recommend termination of the call, or by a simple majority vote of the voting members present and voting where the president and the committee recommended termination of the call.

C9.06. At a time of pastoral vacancy, an interim pastor shall be appointed by 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 senior pastor and may delegate the same in part to a supply pastor with the consent of the Congregation Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a senior pastor.

C9.08. This congregation shall make satisfactory settlement of all financial obligations to a former senior pastor before calling a successor. A senior pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.

C9.09. After following procedures as defined in C9.05., the congregation may depart from and call a senior pastor for a specific term. Details of such calls shall be in writing setting forth the purpose and conditions involved.

C9.10. The senior pastor of this congregation:

a. shall become a voting member of this congregation upon receipt and acceptance of the letter of call.

b. shall become an executive non-voting member of the Congregation Council.

c. shall be an ex-officio member of all teams, committees, task forces and ministry boards.

C9.10.01 *The senior pastor shall have authority to spend moneys from appropriate Good Samaritan Funds at his/her discretion.*

C9.11. The parochial records of this congregation, including records of all baptisms, confirmations, marriages, burials, communicates, members received, members dismissed, or members excluded from the congregation, shall be maintained by the senior pastor and/or his/her designee(s) and shall remain the property of the congregation. The secretary of this congregation shall attest in writing that such records have been placed in his or her hands in good order by a departing senior pastor before their departure from call in this congregation.

Chapter 10.

ASSOCIATE PASTOR(S) AND CHURCH STAFF

C10.01. Hiring. New employees may be hired and added to the church staff under the authority of the senior pastor with confirmation by the Congregation Council. The specific duties, expectations, compensation and other matters shall be included in a letter of employment, drafted and approved by the Congregation Council. Each associate pastor and/or staff member should also be reviewed annually by his/her direct supervisor as defined in the Organizational Structure (see Chapter 17). All individuals hired in a position of leadership in this congregation shall become a voting member of this congregation within the first three months of employment.

C10.02. Associate Pastor(s). The Congregation Council shall be free to set the specific requirements for individuals considered for an associate pastoral position in this church. Candidates must be eligible to become a voting member of this congregation and to be included in the ordained clergy roster of the Lutheran Congregations in Mission for Christ, and shall be held to the same spiritual, moral and ethical standards as the senior pastor (see Chapter 9). If the associate pastoral position is called to serve more than 30 hours per week, a Call Committee as outlined in Section C14.03. shall oversee the call process and make a candidate recommendation to the Congregation Council. If the Congregation Council affirms the Call Committee recommendation with a two-thirds vote, the president shall call a special congregation meeting to present the recommended candidate to the voting members of the congregation. If the members present affirm the recommended candidate by a majority ballot vote of at least two-thirds, the congregation shall extend an official call to the candidate. The responsibilities and authority of associate pastor(s) shall be decided upon at the time of call by the Congregation Council and documented in the Organizational Structure (see Chapter 17).

C10.03. Dismissal. An associate pastor or staff member's employment may be terminated by action of the position's direct supervisor as defined in the Organization Structure with confirmation by the Congregation Council. Termination of an associate pastor position will require confirmation by the Congregation Council through a 2/3 majority vote. Termination of any other staff employment will require confirmation by the Congregation Council through a simple majority vote. Severance pay shall be determined by majority vote of the Congregation Council.

Chapter 11.

CONGREGATION MEETING

C11.01. The annual meeting of this congregation shall be held at a time specified in the bylaws.

C11.01.01 The books of the financial secretary, the treasurer of the congregation and all auxiliary organizations shall be closed on December 31st of each year.

C11.01.02 The annual meeting of the congregation shall be held on a date between, and including, January 15th and January 31st of each year.

C11.02. A special Congregation Meeting may be called by:

- a. the senior pastor;
- b. the Congregation Council;
- c. the president of this congregation; or
- d. the president of the congregation upon the written request of ten percent (10%) of the voting members.

C11.03. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.

C11.03.01 *Notice of all special meetings of this congregation shall be given at the services of worship in the preceding two consecutive weeks and by mail, e-mail or phone to all voting members at least 10 days in advance of the date of the meeting.*

C11.04. A quorum of no less than 15 percent of the voting members is required for any Congregation Meeting.

C11.05. Voting by absentee ballot for special meetings shall be permitted.

C11.06. 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.

C11.07. Robert's Rules of Order, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

Chapter 12.

OFFICERS

C12.01. The required officers of this congregation shall be a president, vice president, secretary and treasurer.

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of the congregation in good standing.
- c. The Congregation Council shall elect the president, vice president and secretary from the elected membership of the Congregation Council. If the treasurer is not selected from the elected membership of the Congregation Council, he/she shall have voice but not vote at the meetings of the Congregation Council.

C12.01.01 *The duties and responsibilities of the officers of the congregation are as follows:*

- a. *The **president** shall preside over all meetings of the congregation and/or the Congregation Council and shall conduct congregation and Congregation Council activities to comply with the Word of God, this constitution, its bylaws and the policies of this church. He/she shall communicate regularly with the senior pastor, and ensure all constitutional provisions and policies as they pertain to the senior pastor are followed. He/she shall ensure all constitutional provisions and policies as they pertain to associate pastor(s) and church staff are followed, including yearly evaluations and continual oversight of the Organizational Structure (Chapter 17).*

- b. The **vice-president** shall assume all responsibilities and perform all duties of the president in the event of the president's absence or perform select responsibilities and/or duties as requested by the president. He/she shall ensure the Congregation Policies are up to date as required (Chapter 17).*
- c. The **secretary** shall keep accurate minutes of all meetings of the congregation and of the Congregation Council which shall be preserved permanently in the congregation's archives. The secretary shall maintain the congregation's files of legal and other valuable documents, including the Organizational Structure and Congregation Policy documents as defined in Chapter 17 and shall insure compliance with all federal and state reporting requirements. If work load requires the Congregation Council to appoint an additional council secretary, he or she shall be a non-voting member of the council and shall work with the congregation secretary as required.*
- d. The **treasurer** shall keep and maintain the books of account of the congregation. The treasurer shall receive and disburse all funds on properly approved orders.*

***C12.01.02** Unless otherwise specifically authorized by the congregation or the Congregation Council, all official and legal documents of the congregation relating to the sale, conveyance, purchase, or encumbrance of real estate or the borrowing of money, shall be signed on behalf of the congregation by the president or vice-president, together with the secretary when two signatures are required, or when only one signature is required, it shall be the signature of the president or vice-president.*

***C12.01.03** Access to the congregation's bank accounts shall be limited to the president, vice-president, secretary and treasurer.*

C12.02. The Congregation Council shall elect its officers and they shall be the officers of the congregation.

C12.03. The president, vice president and secretary shall serve for one year or until their successors are elected. The treasurer shall serve for one year if elected from the elected membership of the Congregation Council. Their terms shall begin at the close of the annual meeting at which they are elected.

C12.04. If the treasurer is not elected from the elected membership of the Congregation Council, term limits shall be determined by the Congregation Council.

Chapter 13.

CONGREGATION COUNCIL

C13.01. The voting membership of the Congregation Council shall consist of not less than eight or more than ten elected 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. Voting members of the Congregation Council shall be held to the standard of an overseer as defined in 1st Timothy 3:1-7 and Titus 1:7-9. No elected Congregation Council member may be a paid staff member or associate pastor of the congregation. 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 three 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.

C13.02. The members of the Congregation Council except the senior pastor shall be elected 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.

C13.02.01 *Only one member of a family may serve on the Congregation Council during the same term. For the purpose of this bylaw, "family" includes all of the following: spouse, mother, father, sister, brother, and natural, step, and adopted children.*

C13.03. Should a member's place on the Congregation Council be declared vacant, the Congregation Council may elect, by majority vote, a successor to serve out the remainder of the unexpired term.

C13.04. 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 in faith and practice consistent with the congregation's Statement of Faith, Purpose, Mission, and goals. 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 senior pastor, associate pastor(s), staff, and other leadership 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 covenant members.
- f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to endeavor to foster mutual understanding in accordance with biblical peacemaking principles (see Matthew 18:15-17).
- g. To arrange for pastoral service during the sickness or absence of the senior or associate pastor(s).
- h. To emphasize partnership with the church-wide organization of the Lutheran Congregations in Mission for Christ as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of this congregation.
- i. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- j. To set and approve the Organization Structure and Congregation Policies, as defined in Chapter 17, and make changes as necessary in light of the congregation's mission, purpose and goals.

C13.05. The Congregation Council shall be responsible for the financial and property matters of this congregation.

- a. The Congregation Council shall be the board of directors of this congregation, and as such shall be responsible for maintaining and protecting its property and 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 Montana, except as otherwise provided herein.
- b. The Congregation Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
- c. The Congregation Council may enter into contracts of up to 5 percent of the budget for items not included in the budget.
- d. The Congregation Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of more than 5 percent in excess of the anticipated receipts only after approval by a Congregation Meeting.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently.
- f. The Congregation Council shall be responsible for this congregation's investments and total insurance program except for the authority given to the Trust Fund Committee.

C13.06. The Congregation Council shall see that the provisions of this constitution, bylaws, and congregation policies are carried out.

C13.07. The Congregation Council shall provide for an annual review of the membership roster.

C13.08. The Congregation Council shall be responsible for the employment and supervision of the salaried associate pastor(s) and/or staff of this congregation as defined in Chapter 10.

C13.09. The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.

C13.10. The Congregation Council shall normally meet once a month. Special meetings may be called by the senior pastor or the president, and shall be called by the president at the request of at least one-half of Congregation Council members. Notice of each special meeting shall be given to all who are entitled to be present.

C13.11. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council.

C13.12. The Congregation Council shall verify the eligibility of nominated voting members seeking to be considered for election to the Congregation Council at the annual meeting. Eligible nominated individuals shall be presented for consideration at the annual meeting by the president.

Chapter 14.

CONGREGATION COMMITTEES

C14.01. The officers elected from the Congregation Council shall constitute the **Executive Committee**.

C14.02. An **Audit Committee** of two voting members shall be elected by the Congregation Council as required. Audit Committee members shall not be members of the Congregation Council. Members shall be eligible for reelection.

C14.03. When a pastoral vacancy occurs, a **Call Committee** of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.

C14.04. A Trust Fund Committee shall be elected in accordance with the resolution establishing the Bethany Lutheran Trust Fund.

C14.05. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C14.06. Duties of committees of this congregation shall be specified in the Congregation Policies (see Chapter 17).

C14.07. The senior pastor and president of this congregation shall be ex officio members of all teams, committees, task forces and ministry boards.

Chapter 15.

ORGANIZATIONS AND MINISTRIES WITHIN THE CONGREGATION

C15.01. All organizations and ministries 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 and ministries are subject to its approval, oversight and direction. This congregation, under the governance defined in the constitution, bylaws and congregation policies, shall determine organization and ministry policies, guide their activities, and receive reports concerning their membership, work, and finances.

C15.01.01 Current Organizations and Ministries

a. A listing of all current organizations and ministries which exist at this congregation shall be attached to this constitution and its bylaws within Appendix A and updated by the secretary of the Congregation Council on a yearly basis.

b. A person must be a member of the congregation in order to be the team leader of any ministry, and must be approved for that position of leadership as defined in the Congregation Policies (see Chapter 17).

C15.01.02 Starting New Organizations and Ministries

a. Any new idea for starting a new organization or ministry must meet the following qualifications:

1) The ministry idea must be biblically sound.

2) The ministry idea must be consistent with the Mission, Statement of Faith, and goals of the congregation.

3) The ministry idea must fulfill one or more purposes of the church (see Chapter 4).

4) The ministry idea must not involve the independent raising of funds (which may compete with the church stewardship) unless expressly approved by the Congregation Council.

5) The ministry idea must be "transferable" (in other words, does not depend upon specific personalities).

6) The new ministry must be lead by a leadership team that includes a minimum of two voting members.

b. All requests to start a new ministry shall be submitted to the associate pastor, staff or leader responsible for new ministries as defined in the Organizational Structure, follow an approval process as defined in the Congregation Policies (see Chapter 17), and be approved by the senior pastor.

*c. All requests to start a new organization shall follow the same guidelines under *C15.01.02b for starting a new ministry. In addition, any new organization must be approved by the Congregation Council by a two-thirds vote.*

C15.01.03 The treasurer of each auxiliary organization, ministry or activity shall submit a financial report for auditing to the Congregation Council on or before its first regular meeting in January of each year. After audit, that report shall be included in the annual congregational report.

Chapter 16.

DISCIPLINE OF MEMBERS AND ADJUDICATION

C16.01. 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 voting member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps:

- a) private admonition by the senior pastor or his/her designee,
- b) admonition by the senior pastor or his/her designee in the presence of two or three witnesses, and
- c) citation to appear before the Congregation Council. If, for any reason, the senior pastor or his/her designee is unable to administer the admonitions required by a. and b. hereof, the president or vice president shall administer such admonitions.

C16.02. The process for discipline of a voting member of the congregation shall be governed as prescribed by this chapter. If discipline against a member proceeds beyond counseling and admonition by the senior pastor or his/her designee or Congregation Council president, 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 senior pastor or Congregation Council president, 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.

C16.03. 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 and/or participation for a definite period of time; or
- c. exclusion from membership and/or participation in this congregation.

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

C16.04. All actions and decisions made by the Congregation Council shall be considered final, and may only 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.

C16.05. No member of a congregation shall be subject to discipline for offenses that the Congregation Council has previously heard and decided.

Chapter 17.

ORGANIZATIONAL STRUCTURE AND CONGREGATION POLICY

C17.01. Organizational Structure. The Congregation Council shall oversee the design and upkeep of an organizational structure for this congregation that best aligns resources and positions with the mission and vision of the church. The structure shall include all paid and volunteer staff, leadership, organizations and ministries (see Chapter 15), and shall dictate the administration and responsibilities in all areas of this congregation. This organizational structure shall not conflict with any provisions outlined in this constitution or its bylaws.

C17.01.01 Any changes to the organizational structure of this congregation shall be made by a 2/3 majority vote of the Congregation Council. This organizational structure shall be discussed, affirmed or recommended for change at least one time each calendar year at a regularly scheduled Congregation Council meeting.

C17.01.02 The Organizational Structure shall be attached to this constitution and its bylaws as Appendix A and updated by the secretary of the Congregation Council on a yearly basis.

C17.02. Congregation Policy. The Congregation Council, with the assistance of the senior pastor, associate pastor(s), staff and leadership, shall create and keep record of Congregation Policies. These policies are to be communicated, executed and upheld by the senior pastor, staff and leadership, and shall govern the everyday operations of the church. No policy shall conflict with any provisions outlined in this constitution or its bylaws.

C17.02.01 Any changes or additions to the Congregation Policies shall be made by a simple majority vote of the Congregation Council. The congregation policies shall be discussed, affirmed or recommended for change each calendar year at a regularly schedule Congregation Council meeting.

C17.02.02 The Congregation Policies shall be attached to this constitution and its bylaws as Appendix B and updated by the secretary of the Congregation Council on a yearly basis.

Chapter 18.

BYLAWS

C18.01. This congregation may adopt bylaws. No bylaw may conflict with this constitution.

C18.02. Changes to the bylaws may be proposed by one-third of the voting membership or by the Congregation Council. The proposed bylaw(s) must be filed in writing with the Congregation Council at least 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 voting members of the proposal with the council's recommendations at least 30 days in advance of the meeting.

C18.03. Bylaws proposed under *C18.02., may be adopted or amended at any legally called meeting of this congregation by a majority vote of those voting members present and voting.

C18.04. Approved changes to the bylaws shall be officially recorded by the secretary of this congregation.

Chapter 19.

AMENDMENTS

C19.01. Amendments may be proposed by at least one-third of the voting members or by the Congregation Council. The proposed amendments 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 voting members of the proposed amendment together with the council's recommendations at least 30 days in advance of the meeting.

C19.02. An amendment to this constitution, proposed under *C19.01., shall be approved at a legally called Congregation Meeting according to this constitution by a two-thirds majority vote of those present and voting and have the effective date included in the resolution and noted in the constitution.

Chapter 20.

LIMITATIONS OF LIABILITY AND INDEMNIFICATION

C20.01. This congregation shall indemnify any and all persons who may serve or have served at any time as senior pastor or in an executive level staff position in the church, or as a church officer, or member of a board or committee, or as a leader elected or appointed by the church, against any and all expenses, including amounts paid on judgments, counsel fees, and amounts paid in settlement (before or after suit is commenced) actually and necessarily incurred by such persons in connection with the defense or settlement of any claim, action, suit or proceeding in which they, or any of them, are made parties, or a party, or which may be asserted against any of them or any of them by reason of being or having been in one or more aforesaid positions of responsibility with this congregation, except in relation to matters as to which any such person shall be adjudged in any action, suit or proceeding to be liable for his or her own negligence or misconduct in the performance of his or her duties. Such indemnification shall be in addition to any other rights to which those indemnified may be entitled under any law, agreement, or otherwise.