

**CONSTITUTION AND BYLAWS
OF THE
ZION EVANGELICAL LUTHERAN CONGREGATION
OF
BENTON TOWNSHIP, CARVER COUNTY, MINNESOTA**

PREAMBLE

Since according to the Word of God, in a Christian congregation all should be done decently and in order (1 Corinthians 14:40), we, the members of Zion Evangelical Lutheran Congregation of Benton Township, Carver County, Minnesota, in the following document signed by us, lay down the order according to which this congregation shall be governed and all affairs, internal and external, shall be administered.

ARTICLE I

NAME OF THE CONGREGATION

The name of this congregation shall be 'Zion Evangelical Lutheran Congregation of Benton Township, Carver County, Minnesota' and its location, 14745 County Road 153, Cologne, Benton Township, Carver County, Minnesota.

ARTICLE II

PURPOSE

The purpose of this congregation shall be to seek the honor and glory of God, to carry out His will, to manifest the unity of our faith in Jesus Christ as God and Savior, to spread the Kingdom of God and to foster Christian fellowship and love, by the preaching of the Word of God, by the administration of the Sacraments, and by the religious instruction of all its members, according to the confessional standard of the Evangelical Lutheran Church (Article III).

ARTICLE III

CONFESSION OF FAITH

The congregation accepts and declares its unreserved adherence to:

- A) all the Canonical Books of the Old and New Testament as the inspired Word of God and the only rule of faith and life;
- B) all the Symbolical Books of the Evangelical Lutheran Church as a true and sound exposition of the Word of God. These Symbolical Books are: the three Ecumenical

Creeds (the Apostolic, the Nicene, and the Athanasian), the Unaltered Augsburg Confession and its Apology, the Smalcald Articles, Dr. Martin Luther's Small and Large Catechisms, and the Formula of Concord, as they are found in the Book of Concord of 1580.

According to this form of doctrine all doctrinal controversies which arise in this congregation shall be decided.

ARTICLE IV

DOCTRINAL CONFORMITY

This Congregation shall be affiliated with The Lutheran Church-Missouri Synod as long as the confessions and Constitution of said Synod are in accord with the confession and Constitution of this Congregation as laid down in Article III. This Congregation shall, to the best of its ability, collaborate with said Synod and assist it in effecting all sound measures intended for the building up of the Kingdom of God.

Only such hymns, prayers, and liturgies as conform to the confessional standard of Article III shall be used in all ministerial acts and in the public services of this congregation.

ARTICLE V

BAPTIZED MEMBERSHIP

Baptized members are all who have been baptized in the name of the Triune God and who are under the spiritual care of the Pastor of this congregation, including the children who have not yet been confirmed into communicate membership.

COMMUNICANT MEMBERSHIP

No one can become a communicant member of this congregation unless he:

- A) is baptized, and willingly receives and accepts all ministrations of the pastoral office, including all personal admonitions;
- B) declares adherence to the Bible as the revealed Word of God and as the only rule and norm of faith and life;
- C) accepts, without reservation, all the Symbolical Books, mentioned in Article III of this Constitution, and of these is familiar, at least, with Dr. Martin Luther's Small Catechism;

- D) does not live in manifest works of the flesh, but leads a Christian life (Galatians 5:19-21);
- E) submits to the regulations which have been and still may be adopted by this congregation, as long as these are not contrary to the Word of God;
- F) wisely abstains from inciting partisanship within the congregation. If a member has in any manner actually or seemingly given offense, he is to be dealt with according to Matthew 18:15-17;
- G) is not a member of an organization whose principles and conduct conflict with the Word of God.

In addition to A – G of Article V, every communicant member of this congregation shall strive to:

- A) regularly attend divine services, hear the Word of God diligently, properly prepare for and frequently partake of the Lord's Supper;
- B) contribute regularly, according to his/her ability, toward the maintenance of church and school, and the extension of the Kingdom of God (Galatians 6:2, 6).

ARTICLE VI

VOTING MEMBERSHIP AND RIGHT TO HOLD OFFICE

Only such communicant members of this congregation who have reached the age of 18 years shall be entitled to vote. Only those members who have reached the age of 21 years and have been members of the congregation for at least one year shall be eligible to hold office. Those elected to hold office shall be an example of Christian conduct and conversation.

Each voting member shall deem it his obvious duty to attend the business meetings of the congregation, and while there, conduct himself with Christian sobriety and discretion. Each voting member shall exercise good judgment and act conscientiously in the election of officers of the congregation.

The Word of God alone determines our church's teachings and practices (Psalms 119:105; Matthew 28:20; John 8:31; 17:17; Galatians 1:8; Ephesians 2:20; 2 Timothy 3:14-17). All issues, including the role of women in the church, are based on scripture and not by the world's philosophies, practical considerations, cultural pressures, human opinions, or church customs (1 Corinthians 14:33-37; 1 Timothy 2:11-15;

Ephesians 5:19-21). Accordingly, only male members of the Voters' Assembly shall be eligible to hold an office which reflects the authoritative practices of the Word and administration of the sacraments; namely, the offices of Chairman and Elder(s).

ARTICLE VII

CONGREGATIONAL MEETINGS

All matters of the congregation shall be discussed and decided in regular or special meetings of the voting members. Notice of such meeting(s) must be given beforehand, according to the Bylaws. God's Word shall decide all matters pertaining to doctrine, confession or conscience. In resolutions pertaining to all other matters, a majority of all votes shall decide.

ARTICLE VIII

EXCOMMUNICATION, REMOVAL AND DISMISSAL

Members excommunicated according to Matthew 18:15-20, and those who excommunicate themselves by evading Matthew 18:15-20, and such as by removal or otherwise sever their connection with the congregation, give up all their rights in the congregation or its property. Any member(s), who for reasons that are justified by the Word of God ask for their dismissal, their transfer to a sister congregation, or their release to another church, shall be peaceably released by the congregation. Dismissed members relinquish all their rights in the congregation and its property.

Members who have moved away and do not participate in any way in the congregation's work for a year may be removed from the membership list; but this only after the persons in question have stated that they no longer desire membership or after an unsuccessful attempt has been made to communicate with them and get their answer. Only to those who request it, however, shall a release or transfer be given.

Should removed or released members wish to again join the congregation, the same procedure shall be followed as in receiving new members. Excommunicated members may again be received according to the usual procedure after they have shown evidence and fruits of repentance.

ARTICLE IX

POWERS AND LIMITATIONS OF THE CONGREGATION

This congregation as a body shall have the supreme power in the external and internal administration and management of its own ecclesiastical and congregational affairs. At all times shall the right to call pastors and permanent teachers, and the right to elect officers of the

congregation remain with the congregation and shall never be delegated to an individual or to a minor body or circle within the congregation. No decision, enactment or performance of any individual or committee in behalf of the congregation shall be valid unless it shall have been enacted or performed according to a general or special power conferred by the congregation; and, whatever may have been ordered or decided by individuals or committees within the congregation shall always be subject to revision and final decision of the congregation. But, not even the congregation shall be empowered to order, enact, or decide anything contrary to the Word of God and the Symbolical Books mentioned in Article III.

ARTICLE X

MINISTRY

A) CALLING A PASTOR, TEACHER(S). OR OTHER COMMISSIONED WORKERS

Only those ordained ministers, commissioned ministers, or other workers shall receive a call who:

- 1) A. are members of the Lutheran Church – Missouri Synod;
B. are candidates qualified for a first call; or
C. are rostered by partner churches;
- 2) subscribe to all canonical books of the Old and New Testament as the inspired Word of God and to all the Symbolical Books of the Evangelical Lutheran Church, enumerated in Article III, as a faithful exposition of such Word of God. To this the pastor or teacher(s) shall be pledged by his call;
- 3) profess and adhere to the Confessional Standard set forth in Article III of this Constitution and who are certified by, and a member of, The Lutheran Church-Missouri Synod or its successor, and well qualified for their work;
- 4) has been properly and rightfully called by the congregation.

B) OFFICE OF THE PASTOR

The duties of the called Pastor shall be:

- 1) to preach the pure and undefiled Word of God according to the confessions enumerated in Article III, and to administer the Holy Sacraments in conformity with Christ's institution;
- 2) to instruct the catechumens according to Luther's Small Catechism;
- 3) to instruct and admonish the individual members of the congregation according to God's Word, as their special needs require;
- 4) to supervise all activities of the societies of the congregation, and the educational departments of the church, such as the Christian Day School, and to be ex-officio member of all boards, committees, etc.;
- 5) to set a good example by a godly life.

C) OFFICE OF THE TEACHER

The duties of the called teacher(s) shall be:

- 1) to instruct the children in the doctrines of the Six Chief Parts according to Luther's Small Catechism and the Bible Stories of the Old and New Testament;
- 2) to teach all secular subjects in the light of the Word of God;
- 3) to maintain Christian discipline in the school, serve the congregation as an example by his Christian conduct, earnestly endeavor to live in brotherly unity with the pastor and such other teachers as may at any time be in the service of the congregation, submit to the supervision of the pastor, and, by the grace of God, do everything within the limits of his calling that is possible for him to do toward the upbuilding of the school and for the general advancement of the kingdom of Christ;
- 4) to perform such other duties as the congregation may specify

D) REMOVAL FROM OFFICE

A pastor or teacher can be removed from office when he, despite all admonition by the congregation according to Matthew 18:15-17, persistently continues in false doctrine or a scandalous life, or is guilty of willful neglect of official duties. This rule applies to other officers of the congregation, as well.

ARTICLE XI

SYNODICAL AFFILIATION

Whereas, God, by His Apostle in Ephesians 4:3, instructs: "Endeavor to keep the unity of the Spirit in the bond of peace", this congregation, if possible, shall always be a member of a true orthodox Evangelical Lutheran Synod, and will send its Pastor, Teacher(s), and one lay delegate to its district conventions, as well as take part in the work of the Synod, to the best of its ability.

ARTICLE XII

SCHOOL

The congregation shall maintain a Christian Day School at all times. It shall be the duty of parents to send their children of school age to this Christian Day School, or otherwise provide for the sufficient instruction of their children in the Word of God.

ARTICLE XIII

SEPARATION

If at any time a separation should take place in this congregation on account of doctrine, which God in His grace forbid, then the property of this congregation and all the benefits connected with it shall remain with and belong to those members who shall faithfully adhere to the confession of faith of this Constitution in Article III, and even if same consists of only three members. If division takes place for any other reason, the property shall remain with the majority of the members.

In the event of dissolution, all property and effects shall be divided equally among the member churches of the Carver County Circuit of the Minnesota South District of the Lutheran Church – Missouri Synod incorporated as non-profits.

ARTICLE XIV

AMENDMENTS

To alter or repeal any alterable or repealable paragraph of this Constitution, it shall be necessary that the proposed amendment, repeal or change be read to the congregation at a regular meeting or a special meeting called for that purpose without, however, any action then being taken; but the proposed change or changes shall be laid on the table until the following regular meeting, when the same shall be voted upon, two-thirds (2/3) majority vote of those present being necessary to adopt the proposed change.

Article III of this Constitution and all such other articles or sections as pertain to Scriptural doctrine and practice shall be unalterable and irrevocable.

BYLAWS



PARAGRAPH 1

ADMITTANCE TO MEMBERSHIP

All applicants for membership must make application for admission to the pastor or through a member of the Board of Elders to the pastor. In cases where the applicant has been a member of some sister congregation, the applicant must present a letter of transfer. If the letter of transfer is satisfactory, the applicant may be admitted at once. In all other cases the applicant shall be examined by the pastor to ascertain the applicant's knowledge of and adherence to the Lutheran doctrine.

PARAGRAPH 2

TIME OF MEETINGS

Regular meetings of the Voters' Assembly shall be held quarterly and, if possible, on or about the second week of the respective months, January, April, July, and October. The first regular meeting of each calendar year shall constitute the annual meeting. These regular meetings shall be announced in public services on two previous Sundays.

Special meetings may be called by the Pastor, Chairman or Church Council. Notice of a special meeting shall be given to the congregation by announcement at two (2) public services prior to the meeting, or one (1) service, if accompanied by notification through first class mail. At a special voters meeting, the congregation shall discuss only the issue(s) for which such special meeting was called. At any regular or special meeting which was properly announced, those present shall constitute a quorum. The order of business at a regular meeting shall be as follows:

- A) Opening of meeting with prayer;
- B) Roll call;
- C) Approval of previous minutes;
- D) Financial reports;
- E) Elections;
- F) Reports of committees and boards;

- G) Unfinished business;
- H) New business;
- I) Adjournment with prayer.

PARAGRAPH 3

CALLING A PASTOR OR TEACHER

When calling a pastor or teacher, the voting members in regular or special meeting choose candidates by ballot. In the election, the candidates receiving the majority of all votes cast shall be considered elected by the congregation. It is preferred that such election be made unanimous, if possible.

PARAGRAPH 4

OFFICERS

The voting members shall elect the following officers:

- A) a Board of Trustees consisting of a minimum of three (3) members;
- B) a Board of Elders (Deacons) consisting of a minimum of three (3) members;
- C) a Board of Education consisting of a minimum of three (3) members;
- D) a Chairman, a Secretary, and Head Ushers.

The council shall also appoint a Financial Board, consisting of a minimum of three (3) members. Members of the Finance Board are not eligible to hold another elected position. Financial Board appointments will be reviewed annually by the council.

PARAGRAPH 5

ELECTION OF OFFICERS

The procedure to be followed in the election of officers: The candidates shall be nominated by ballot. The nomination process may begin prior to the meeting. The three persons receiving the highest number of votes, including ties, shall be considered candidates. Unless one candidate has a majority on the nominating ballot, the congregation shall proceed to

ballot with the top two (2) candidates, including ties, until one candidate shall have the majority of all votes cast.

In case of a vacancy, a successor shall be elected at the next meeting of the Voters' Assembly to fill the unexpired term. This elected officer shall then be eligible to serve two full, consecutive, elected terms, not to exceed seven (7) years, if nominated and elected to do so, subsequent to such appointment.

PARAGRAPH 6

CHURCH COUNCIL

The Church Council shall consist of the Pastor and Principal, the Board of Trustees, the Board of Elders, the Board of Education, the Finance Board, the Head Ushers, the Secretary and the Chairman.

The Church Council shall meet before the regular quarterly meeting of voting members or more often, if necessary, and discuss matters pertaining to the welfare and advancement of the congregation and the business matters which are to be brought and decided upon in the meetings of the voting members. The Church Council is an advisory body, and has no more right and power in the congregation than such which the congregation has bestowed upon it. The members of the Council shall treat all private matters discussed in their meetings as strictly confidential.

PARAGRAPH 7

DUTIES OF OFFICERS

A. DUTIES OF THE BOARD OF TRUSTEES

- 1) The Board of Trustees shall consist of a minimum of three (3) members who are elected by ballot and shall hold office for a term of three (3) years. No trustee shall, however, serve more than two (2) terms in succession.
- 2) The trustees shall:
 - (i) be the legal representatives of the congregation and shall represent the congregation in all legal and financial matters, draw up, sign and preserve the necessary documents, and in all business transactions act as representatives of the congregation;

- (ii) have charge of the property (buildings and real estate) of the congregation and shall keep it in good condition and repair. They shall insure the physical property and all funds of the congregation against loss or damage and arrange for liability insurance and the proper bonding of the Treasurer as authorized by the Voters' Assembly;
- (iii) store deeds, insurance policies and other valuable papers in a secure location acceptable to the Voters' Assembly and keep an accurate record of its content;
- (iv) empower the treasurer or any officer of the congregation to make disbursements in the interest of the congregation. Such amount, however, shall not exceed an amount as determined by the Voters' Assembly without the knowledge and consent of the voting membership, except in case of emergency;
- (v) engage, outline and supervise the duties of the caretaker and/or custodian and such other persons as may be needed by the congregation for the upkeep, maintenance and repair of its property;
- (vi) appoint a sexton for the cemetery. The sexton shall maintain a plot of the cemetery and keep records in accordance with the laws of the state. (CF. "Department of Health, State of Minnesota. 306.03);
- (vii) not be held responsible if acting on express resolutions of the congregation.

B. DUTIES OF THE BOARD OF ELDERS

- 1) The Board of Elders shall consist of a minimum of three (3) members who are elected by ballot and shall hold office for a term of three (3) years.

No elder shall, however, serve more than two (2) terms in succession.

2) The Board of Elders shall:

- (i) assist the pastor and teachers in the promotion of the general welfare of the congregation and the furtherance of Christ's Kingdom at home and abroad;
- (ii) see that services in God's house be held regularly and conducted decently and in order, that the Gospel be preached in its purity in accordance with the sound Lutheran faith, and that Christian discipline be maintained according to the Lord's injunction in Matthew 18:15-20;
- (iii) assist the pastor and teacher(s) in difficult problems of their office with counsel and advice and support, and further their work of building the Kingdom of God here at home and abroad;
- (iv) consider complaints and grievances of members of the congregation if Matthew 18:15-16 has been fully observed, and they shall report to the congregation those which cannot be otherwise adjusted, in accordance with Matthew 18:17-18;
- (v) make every effort to encourage members who have been negligent in their attendance of services, in the use of the Sacraments, and the financial support of the church, and to fully enjoy the rights and privileges of their membership;
- (vi) be concerned for all members of the congregation, especially for the aged and shut-in members, as well as for the thorough instruction of youth and adults for confirmation and church membership;

- (vii) by word and action, as is the duty of all members, encourage their pastor in his work and stand ready at all times to help the pastor in difficult problems of his special ministry. In addition, shall be concerned about the spiritual, emotional, and physical health and welfare of all employees and their families (including adequate compensation, housing, free time, vacation, and assistance in times of illness and special service);
- (viii) meet regularly;
- (ix) annually analyze the time, number, and meaningfulness of regular and special worship services of the congregation and make recommendation for improvement of such services both to the congregation and to the pastor.

C. DUTIES OF THE BOARD OF EDUCATION

The Board of Education shall consist of a minimum of three (3) members who are elected by ballot and shall hold office for a term of three (3) years. No member of the Board of Education shall, however, serve more than two (2) terms in succession. The pastor and principal are members ex-officio of this Board. The Board of Education shall supervise the Christian Day School, and assist in the work among the confirmed youth, confirmation classes, Bible classes, and whatever other agencies of Christian education which the congregation should deem proper to inaugurate. Its special duties are:

- 1) to assist the pastor and teachers in all things pertaining to the operation and improvement of the school;
- 2) to visit the school from time to time and assure themselves that the prescribed courses are carried out;
- 3) to meet regularly for the discussion of school affairs and to make recommendations to the voters;
- 4) to keep themselves informed as to the needs of the school;

- 5) to foster spiritual growth in the lives of the youth of our congregation and encourage parents to send all children of school age to our Christian Day School, and in general, seek to advance the program of Christian education;
- 6) to provide, as needed, learning opportunities for all age levels; preschool, school age, youth, adults and older adults;
- 7) to provide, as needed, leadership education for teachers, officers, employees and other church workers.

D. DUTIES OF THE CHAIRMAN

The chairman shall:

- 1) preside at the meetings of the Church Council;
- 2) preside at the business meetings of the Voters' Assembly;
- 3) exercise care that the meetings are conducted in an orderly Christian manner;
- 4) be advised of any social event sponsored by the congregation.

In the event the chairman is absent from a meeting of the Voters' Assembly, a temporary chairman shall be appointed by those Voters' present. Such temporary chairman shall meet the criteria for holding such office as set forth in Article VI of the Constitution.

E. DUTIES OF THE SECRETARY

The secretary shall:

- 1) keep an exact record of all transactions and resolutions of the Voters' Assembly in both regular and special meetings;
- 2) submit the minutes for approval at the next regular meeting;
- 3) submit such approved minutes to the church office to be kept on file.

F. DUTIES OF THE FINANCE BOARD & TREASURER(S)

The finance board and treasurer(s) shall:

- 1) Supervise the collection and timely deposit of all offerings for the support of the church;
- 2) Supervise payments of current expenses as authorized by the congregation and of such other expenses as directed by the congregation or by the trustees;
- 3) Encourage every communicant member of the congregation to contribute regularly and faithfully toward the support of the church, according to their ability;
- 4) Keep accurate records of all moneys received and deposited with proper accounting methods;
- 5) Keep the congregation informed of its financial condition, arrange for appropriate and timely updates as needed, inform members individually of their contributions on a regular basis;
- 6) Develop or assist in preparing and implementing financial plans as deemed necessary by the congregation;
- 7) Be active in finding ways to keep the financial condition of the congregation sound and in accordance with God's word;
- 8) Submit the records to an auditing committee appointed by the congregation as requested;
- 9) Prepare and submit to the church secretary all information to be included in the financial report of the congregation at the end of each year.

PARAGRAPH 8

ALTERATIONS

To alter or repeal any alterable or repealable paragraph of these Bylaws, it shall be necessary that the proposed amendment, repeal or change be read to the congregation at a regular meeting or a special meeting called for that purpose without, however, any action then being taken; but the proposed change or changes shall be laid on the table until the following regular meeting, when the same shall be voted upon, two-thirds (2/3) majority vote of those present being necessary to adopt the proposed change.