



**Evangelical Lutheran  
Church in America**

God's work. Our hands.

**CONSTITUTION, BYLAWS &  
CONTINUING RESOLUTIONS**

**OF**

**LUTHERAN CHURCH OF OUR REDEEMER  
WATERTOWN, S.D.**

**OF THE**

**EVANGELICAL LUTHERAN  
CHURCH IN AMERICA<sup>®</sup>**

**APPROVED \_\_\_\_\_, 2024**

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**\*PREAMBLE**

We, baptized members of Lutheran Church of Our Redeemer, 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 Lutheran Church of Our Redeemer.
- C1.02.** For the purpose of this constitution and the accompanying bylaws, the congregation of Lutheran Church of Our Redeemer is hereinafter designated as “this congregation.”
- C1.11.** This congregation shall be incorporated under the laws of the State of South Dakota.

**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 Scripture and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God’s mission in the world.

**Chapter 3.**

**NATURE OF THE CHURCH**

- \*C3.01.** All power in the Church belongs to our Lord Jesus Christ, its head. All actions of this congregation are to be carried out under his rule and authority.
- \*C3.02.** This church confesses the one, holy, catholic, and apostolic Church and is resolved to serve Christian unity throughout the world.
- \*C3.03.** 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

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<sup>1</sup>\* Required provision

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.

- \*C3.04. This church, inspired and led by the Holy Spirit, participates in The Lutheran World Federation as a global communion of churches, engaging in faithful witness to the gospel of Jesus Christ and in service for the sake of God's mission in the world.
- \*C3.05. The name Evangelical Lutheran Church in America (ELCA or "this church") as used herein refers in general references to this whole church, including its three expressions: congregations, synods, and the churchwide organization. The name Evangelical Lutheran Church in America is also the name of the corporation of the churchwide organization to which specific references may be made herein.

#### **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, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, embracing and welcoming racially and ethnically diverse populations, and standing in solidarity with the poor and oppressed 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 this congregation's ministry and the ministry of the other expressions 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 Committees.
- \*C4.05. This congregation shall adopt and periodically review a mission statement which will provide specific direction for its programs.

- \*C4.06. References herein to the nature of the relationship between the three expressions of this church—congregations, synods, and the churchwide organization—as being interdependent or as being in a partnership relationship describe the mutual responsibility of these expressions in God’s mission and the fulfillment of the purposes of this church as described in this chapter, and do not imply or describe the creation of partnerships, co-ventures, agencies, or other legal relationships recognized in civil law.

## **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 this congregation. This congregation is authorized to:
- a. call a pastor as provided in Chapter 9;
  - b. terminate the call of a pastor as provided in Chapter 9;
  - c. call a minister of Word and Service;
  - d. terminate the call of a minister of Word and Service in conformity with the constitution of the Evangelical Lutheran Church in America;
  - e. adopt amendments to the constitution, as provided in Chapter 16, amendments to the bylaws, as specified in Chapter 17, and continuing resolutions, as provided in Chapter 18;
  - f. approve the annual budget;
  - g. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - h. hold title to and use its property for any and all activities consistent with its purpose;
  - i. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - j. elect its Congregation Council, and require the members of the council to carry out their duties in accordance with the constitution, and bylaws, and continuing resolutions; and
  - k. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.
- \*C5.04. This congregation shall elect from among its voting members 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 this congregation and other qualifications shall be as prescribed in guidelines established by the South Dakota 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 South Dakota 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 roster of Ministers of Word and Sacrament 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. These special circumstances are limited either to calling a candidate approved for the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or to contracting for pastoral

services with a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion.

- d. This congregation agrees to consider ministers of Word and Service for call to other staff positions in this 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 is 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 or in accordance with provision 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America.
- d. The South Dakota Synod takes charge and control of the property of this congregation to hold, manage, and convey the same on behalf of the synod pursuant to †S13.24. of the synod constitution. This congregation shall have the right to appeal the decision to the next Synod Assembly.
- e. 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 intent to terminate its relationship must be adopted at two legally called and conducted special meetings of this congregation by a two-thirds vote of the voting members present at each meeting. The first such meeting may be held no sooner than 30 days after written notice of the meeting is received by the bishop of the synod, during which time this congregation shall consult with the bishop and the bishop's designees, if any. The times and manner of the consultation shall be determined by the bishop in consultation with the Congregation Council. Unless the bishop and/or the bishop's designees are voting members of this congregation, they shall have voice but not vote at the first meeting.
- b. Within 10 days after the resolution has been voted upon at the first meeting, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to voting members of this congregation.
- c. If the resolution was adopted by a two-thirds vote of the voting members present at the first meeting, the bishop of the synod and this congregation shall continue in consultation, as specified in paragraph a. above, during a period of at least 90 days after receipt by the bishop of the attestation and certification as specified in paragraph b. above.
- d. If this congregation, after such consultation, is still considering termination of its relationship with this church, such action may be taken at a legally called and conducted special meeting by a two-thirds vote of the voting members present. Notice of the second meeting shall be sent to all voting members and to the bishop at least 10 days in advance of the meeting. Unless the bishop and/or the bishop's designees are voting members of this congregation, they shall have voice but not vote at the second meeting.
- e. Within 10 days after the resolution has been voted upon, the secretary of this congregation shall submit a copy of the resolution to the bishop, attesting that the second special meeting was legally called and conducted and certifying the outcome of the vote, and shall send copies of the resolution and certification to the voting members of the congregation. If the resolution was adopted by a two-thirds vote of the voting members present at the second meeting, the relationship between the congregation and this church shall be terminated subject to Synod Council approval as required by paragraphs f. and g. below.
- f. Unless this notification to the bishop also certifies that this congregation has voted to affiliate with another Lutheran denomination, this congregation shall be deemed an independent or non-Lutheran church, in which case \*C7.04. shall apply.
- g. This congregation shall abide by these covenants by and among the three expressions of this church:

- 1) Congregations seeking to terminate their relationship with this church which fail or refuse to comply with each of the foregoing provisions in \*C6.05. shall be required to receive Synod Council approval before terminating their membership in this church.
  - 2) Congregations which had been members of the Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to receive synod approval before terminating their membership in this church.
  - 3) Congregations established by the Evangelical Lutheran Church in America shall be required, in addition to complying with the foregoing provisions in \*C6.05., to satisfy all financial obligations to this church and receive Synod Council approval before terminating their membership in this church.
- h. If this congregation fails to achieve the required two-thirds vote of voting members present at this congregation's first meeting as specified in paragraph a. above or fails to achieve the required two-thirds vote of voting members present at this congregation's second meeting as specified in paragraph d. above, another attempt to consider termination of relationship with this church must follow all requirements of \*C6.05. and may begin no sooner than six months after the meeting at which the two-thirds vote was not achieved.
- \*C6.06.** If this congregation considers relocation, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action. The approval of the Synod Council shall be received before any such action is taken.
- \*C6.07.** If this congregation considers developing an additional site to be used regularly for worship, it shall confer with the bishop of the synod in which it is territorially located and the appropriate unit of the churchwide organization before any steps are taken leading to such action.

**Chapter 7.**  
**PROPERTY OWNERSHIP**

- \*C7.01.** If this congregation ceases to exist, title to undisposed property shall pass to the South Dakota 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 or pursuant to 9.23. of the constitution and bylaws of the Evangelical Lutheran Church in America, title to property shall continue to reside in this congregation.
- \*C7.03.** If 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, provided the process for termination of relationship in \*C6.05. has been followed. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the South Dakota Synod of the ELCA.
- \*C7.04.** If 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 and have followed the process for termination of relationship in \*C6.05., 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 process established by the synod, 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. In neither case does title to this congregation's property transfer to the synod.
- \*C7.05.** Notwithstanding the provisions of \*C7.02. and \*C7.03. above, where this congregation has received property from the synod pursuant to a deed or other instrument containing restrictions under provision 9.71.a. of the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*, this congregation accepts such restrictions and:
- a. Shall not transfer, encumber, mortgage, or in any way burden or impair any right, title, or interest in the property without prior approval of the Synod Council.
  - b. Shall—upon written demand by the Synod Council, pursuant to †S13.23. of the constitution of the South Dakota Synod reconvey and transfer all right, title, and interest in the property to the synod.



## Chapter 8. MEMBERSHIP

- \*C8.01.** Members of this congregation shall be those baptized persons on the roll of this congregation at the time that this constitution is adopted and those who are admitted thereafter and who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.
- \*C8.02.** Members shall be classified as follows:
- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
  - b. **Confirmed** members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
  - c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of this congregation as well as the other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws. They shall not have voted as a seasonal member of another congregation of this church in the previous two calendar months.
  - 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. These individuals have all the privileges and duties of membership except voting rights or other rights and privileges ascribed to voting members by the provisions of this constitution and its bylaws.
  - e. **Seasonal** members are voting members of other congregations of this church who wish to retain such membership but desire to participate in the life and mission of this congregation, including exercising limited voting rights in this congregation. The Congregation Council may grant seasonal membership to such persons provided that this congregation is a member of a synod where the Synod Council has approved seasonal member voting on its territory. Such seasonal members shall have all the privileges and duties of voting members except that:
    - 1) they shall not be eligible for elected office in, or for membership on the Congregation Council or on a call committee of, this congregation;
    - 2) they shall not have the right to vote on any matter concerning or affecting the call or termination of call of any minister of this congregation;
    - 3) they shall not have the right to vote on any matter concerning or affecting the affiliation of this congregation with this church;
    - 4) they shall not be eligible to serve as voting members from this congregation of the Synod Assembly or the Churchwide Assembly;
    - 5) they shall not, even if otherwise permitted by this congregation, vote by proxy or by absentee ballot; and
    - 6) they shall not, within any two calendar month period, exercise voting rights in this congregation and in the congregation where they remain voting members.
- \*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 in accordance with Chapter 20 of the constitution and bylaws of the Evangelical Lutheran Church in America; or

- e. removal from the roll due to inactivity in accordance with the provisions of this constitution and its 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.**

### **ROSTERED PASTOR(S) AND MINISTER(S)**

- \*C9.01. Authority to call a pastor shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.02. Only a member of the roster of Ministers of Word and Sacrament of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Sacrament who has been recommended for this congregation by the synod 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 minister of Word and Sacrament shall:
    - 1) preach the Word;
    - 2) administer the sacraments;
    - 3) conduct public worship;
    - 4) provide pastoral care;
    - 5) seek out and encourage qualified persons to prepare for the ministry of the Gospel;
    - 6) impart knowledge of this church and its wider ministry through available channels of effective communication;
    - 7) witness to the Kingdom of God in the community, in the nation, and abroad; and
    - 8) speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations.
  - b. Each pastor with a congregational call shall, within the congregation:
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
    - 2) relate to all schools and organizations of this congregation;
    - 3) install regularly elected members of the Congregation Council;
    - 4) with the council, administer discipline;
    - 5) endeavor to increase the support given by the congregation to the work of the churchwide organization and of the South Dakota Synod. ELCA; and
    - 6) encourage adherence to covenantal relationship with this church as expressed in the *Constitutions, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*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. The provisions for termination of the mutual relationship between a minister of Word and Sacrament and this congregation shall be as follows:
  - a. The call of this congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the pastor's death or, following consultation with the synod bishop, for any of 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, no later than 30 days after the date on which it was submitted;
    - 3) inability to conduct the pastoral office effectively in this congregation in view of local conditions;
    - 4) inability to conduct the pastoral office effectively in view of disability or incapacity of the pastor;
    - 5) suspension of the pastor through discipline for more than three months;
    - 6) resignation or removal of the pastor from the roster of Ministers of Word and Sacrament of this church;
    - 7) termination of the relationship between this church and this congregation;

- 8) dissolution of this congregation or the termination of a parish arrangement; or
  - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the pastor under paragraph a.4) above, or ineffective conduct of the pastoral office under paragraph a.3) above, have come to the attention of the bishop of this synod,
    - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
    - 2) 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 this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
  - c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the pastor's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the pastorate vacant. When the pastorate is declared vacant, the Synod Council shall list the pastor on the roster of Ministers of Word and Sacrament with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another appropriate call.
  - d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the pastor and then to this congregation. The recommendations of the bishop's committee must address whether the pastor's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the pastor, if appropriate. If the pastor and congregation agree to carry out such recommendations, no further action need be taken by the synod.
  - e. If either party fails to assent to the recommendations of the bishop's committee concerning the pastor's call, this congregation may dismiss the pastor only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds 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 majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
  - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- \*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 this 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 rostered minister providing assistance shall refrain from exerting influence in the selection of a pastor. Unless previously agreed upon by the Synod Council, an interim pastor is not available for a regular call to the congregation served.
  - \*C9.08.** This congregation shall make satisfactory settlement of all financial obligations to a former pastor before calling a successor. A pastor shall make satisfactory settlement of all financial obligations to this congregation before beginning service in a call to another congregation or employment in another ministry setting.
  - \*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, this 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 this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.05.a.
- \*C9.12.** The pastor of this congregation:
- a. shall keep accurate records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from this congregation;
  - b. shall submit a summary of such statistics annually to the synod; and
  - c. shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the pastor shall hold membership in one of the congregations.
- \*C9.13.** The pastor(s) shall submit a report of ministry to the bishop of the synod at least 90 days prior to each regular meeting of the Synod Assembly.
- \*C9.14.** The records of this congregation shall be maintained by the pastor and shall remain the property of this congregation. The secretary of this congregation shall attest in writing to the bishop of this synod that such records have been placed in the secretary's hands in good order by a departing pastor before the installation of that pastor in another call or approval of a request for change in roster status.
- C9.15.** Under special circumstances, subject to the approval of the synod bishop and the concurrence of this congregation, a minister of Word and Sacrament of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily as pastor of this congregation under a contract between this congregation and the pastor in a form proposed by the synod bishop and approved by this congregation.
- \*C9.21.** Authority to call a deacon shall be in this congregation by at least a two-thirds vote of voting members present and voting at a meeting legally called for that purpose. Before a call is issued, the officers, or a committee elected by the Congregation Council to recommend the call, shall seek the advice and help of the bishop of the synod.
- \*C9.22.** Only a member of the roster of Ministers of Word and Service of the Evangelical Lutheran Church in America or a candidate for the roster of Ministers of Word and Service who has been recommended for this congregation by the synod bishop may be called as a deacon of this congregation.
- \*C9.23.** Consistent with the faith and practice of the Evangelical Lutheran Church in America, every minister of Word and Service shall:
- a. Be rooted in the Word of God, for proclamation and service;
  - b. Advocate a prophetic diakonia that commits itself to risk-taking and innovative service on the frontiers of the Church's outreach, giving particular attention to the suffering places in God's world;
  - c. Speak publicly to the world in solidarity with the poor and oppressed, advocating dignity, justice, and equity for all people, working for peace and reconciliation among the nations, caring for the marginalized, and embracing and welcoming racially and ethnically diverse populations;
  - d. Equip the baptized for ministry in God's world that affirms the gifts of all people;
  - e. Encourage mutual relationships that invite participation and accompaniment of others in God's mission;
  - f. Practice stewardship that respects God's gift of time, talents, and resources;
  - g. Be grounded in a gathered community for ongoing diaconal formation;
  - h. Share knowledge of this church and its wider ministry of the gospel and advocate for the work of all expressions of this church; and
  - i. Identify and encourage qualified persons to prepare for ministry of the gospel.
- \*C9.24.** The specific duties of the deacon, compensation, and other matters pertaining to the service of the deacon shall be included in a letter of call, which shall be attested by the bishop of the synod.
- \*C9.25.** The provisions for termination of the mutual relationship between a minister of Word and Service and this congregation shall be as follows:
- a. The call of this congregation, when accepted by a deacon, shall constitute a continuing mutual relationship and commitment, which shall be terminated only by the deacon's death or, following consultation with the synod bishop, for any of the following reasons:
    - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
    - 2) resignation of the deacon, which shall become effective, unless otherwise agreed, no later than 30 days after the date on which it was submitted;
    - 3) inability to conduct the ministry of Word and Service effectively in this congregation in view of local conditions;
    - 4) inability to conduct the office effectively in view of disability or incapacity of the deacon;

- 5) suspension of the deacon through discipline for more than three months;
  - 6) resignation or removal of the deacon from the roster of Ministers of Word and Service of this church;
  - 7) termination of the relationship between this church and this congregation;
  - 8) dissolution of this congregation or the termination of a parish arrangement; or
  - 9) suspension of this congregation through discipline for more than six months.
- b. When allegations of disability or incapacity of the deacon under paragraph a.4) above, or ineffective conduct of the office of minister of Word and Service under paragraph a.3) above, have come to the attention of the bishop of this synod,
    - 1) the bishop, who has sole discretion, may investigate such conditions personally together with a committee of two rostered ministers and one layperson, or
    - 2) 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 this congregation, the bishop personally shall investigate such conditions together with a committee of two rostered ministers and one layperson.
  - c. In case of alleged disability or incapacity under paragraph a.4) above, the bishop's committee shall obtain and document competent medical opinion concerning the deacon's condition. When a disability or incapacity is evident to the committee, the bishop of this synod may declare the position vacant. When the position is declared vacant, the Synod Council shall list the deacon on the roster of Ministers of Word and Service with disability status. Upon resumption of the ability to conduct the office effectively, the bishop shall take steps to enable the deacon to resume the ministry, either in the congregation last served or in another appropriate call.
  - d. In the case of alleged local difficulties that imperil the effective functioning of this congregation under paragraph a.3) above, the bishop's committee shall endeavor to hear from all concerned persons, after which the bishop together with the committee shall present their recommendations first to the deacon and then to this congregation. The recommendations of the bishop's committee must address whether the deacon's call should come to an end and, if so, may suggest appropriate severance arrangements. The committee may also propose other actions that should be undertaken by this congregation and by the deacon, if appropriate. If the deacon and congregation agree to carry out such recommendations, no further action need be taken by the synod.
  - e. If either party fails to assent to the recommendations of the bishop's committee concerning the deacon's call, this congregation may dismiss the deacon only at a legally called meeting after consultation with the bishop, either (a) by a two-thirds 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 majority vote of the voting members present and voting where the bishop and the committee recommended termination of the call.
  - f. If, in the course of proceedings described in paragraph c. or paragraph d. above, the bishop's committee concludes that there may be grounds for discipline, the committee shall make recommendations concerning disciplinary action in accordance with the provisions of this church's constitution, bylaws, and continuing resolutions.
- \*C9.26.** This congregation shall make satisfactory settlement of all financial obligations to a former deacon before calling a successor. A deacon 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.
- \*C9.27.** When a deacon is called to serve in company with another rostered minister or other rostered ministers, the privileges and responsibilities of each rostered minister shall be specified in documents to accompany the call and to be drafted in consultation involving the rostered ministers, the Congregation Council, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- \*C9.28.** With the approval of the bishop of the synod, this congregation may depart from \*C9.25.a. and call a deacon 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 deacon and representatives of this congregation for a review of the call. Such a call may also be terminated before its expiration in accordance with the provisions of \*C9.25.a.

- \*C9.29. The deacon shall become a member of this congregation upon receipt and acceptance of the letter of call. In a parish of multiple congregations, the deacon shall hold membership in one of the congregations.
- \*C9.31. The deacon(s) shall submit a report of 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. This congregation shall have at least one regular meeting per year. The regular meeting(s) of the congregation shall be held at the time(s) specified in the bylaws. Consistent with the laws of the State of South Dakota, the bylaws shall designate one regular meeting per year as the annual meeting of this congregation.
- 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 this congregation upon the written request of 100 voting members. The president of the Congregation Council shall call a special meeting upon request of the synod bishop. 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 in the preceding two consecutive weeks and by mail or electronic means, as permitted by state law, to all voting members at least 10 days in advance of the date of the meeting.
- C10.04. Forty (40) voting members shall constitute a quorum.
- C10.05. Voting by proxy or by absentee ballot shall not be permitted.
- C10.06. All actions approved by this congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by state law.
- C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.
- C10.08. This congregation may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous oral communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.
- C10.09. "*Ex officio*" as used herein means membership with full rights of voice and vote unless otherwise expressly limited.

## **Chapter 11.**

### **OFFICERS**

- C11.01. The 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 this congregation.
  - c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
  - d. If the Congregation Council elects its officers, the president, vice president, treasurer, and secretary shall be selected from the elected membership of the Congregation Council
- C11.02. The Congregation Council shall elect its officers and they shall be the officers of this congregation. The officers shall be elected by voice vote 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 not more than 9 members of the congregation. Any voting member of this congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Congregation Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from three successive regular meetings of the Congregation Council without cause as determined by the Church Council. Consistent with the laws of the state in which this congregation is

incorporated, this congregation may adopt procedures for the removal of a member of the Congregation Council in other circumstances.

- C12.02.** The members of the Congregation Council shall be elected by voice vote to serve for 3 years or until their successors are elected. Such members shall be eligible to serve one full term and not serve consecutive terms. Their terms shall begin at the close of the annual meeting at which they are elected.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.
- C12.04.** The Congregation Council shall have general oversight of the life and activities of this congregation, and in particular its worship life, to the end that everything be done in accordance with the Word of God and the faith and practice of the Evangelical Lutheran Church in America. The duties of the Congregation Council shall be to strive:
- 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 rostered minister(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 support of the synod and churchwide organization of the Evangelical Lutheran Church in America as well as cooperation with other congregations, both Lutheran and non-Lutheran, subject to established policies of the synod and the Evangelical Lutheran Church in America.
  - i. To recommend and encourage the use of program resources produced or approved by the Evangelical Lutheran Church in America.
  - j. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- C12.05.** The Congregation Council shall be responsible for the financial and property matters of this congregation.
- a. The Congregation Council shall be the board of directors of this congregation and, as such, shall be responsible for maintaining and protecting its property and managing 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 South Dakota, 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 this congregation.
  - c. The Congregation Council may enter into contracts of up to 1% of annual 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. The budget shall include the congregation's full indicated share in support of the wider ministry being carried on in collaboration with the synod and churchwide organization.
  - e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of mission support monies to the synod.
  - f. The Congregation Council shall be responsible for this congregation's investments subject to Endowment Policies and Procedures and its total insurance program.
- C12.06.** The Congregation Council shall see that the provisions of this constitution, and its bylaws, and the continuing resolutions are carried out.
- C12.08.** The Congregation Council shall be responsible for the employment of the staff of this congregation. Nothing in this provision shall be deemed to affect this congregation's responsibility for the call, terms of call, or termination of call of any employees who are on a roster of this church.

- C12.09.** The Congregation Council shall submit a comprehensive report to this congregation at the annual meeting.
- C12.11.** The Congregation Council shall normally meet once a month. Special meetings may be called by the pastor or the president, and shall be called by the president at the request of at least one-half of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- C12.12.** A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council, including the senior, associate pastor or interim pastor
- C12.13.** The Congregation Council and its committees may hold meetings by remote communication, including electronically and by telephone conference, as long as there is an opportunity for simultaneous oral communication or its equivalent. To the extent permitted by state law, notice of all meetings may be provided electronically.

### **Chapter 13.**

#### **CONGREGATION COMMITTEES**

- C13.01.** The officers of this congregation and the pastor(s) shall constitute the *Executive Committee* (President, Vice President, Treasurer, Secretary).
- C13.02.** A *Nominating Committee* of up to 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..
- C13.03.** An *Audit Committee* of up to 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.** The *Endowment Committee* shall be composed of at least five voting members elected by the congregation. One member of the Congregation Council shall be an executive member of the committee with voice, not vote. The pastor(s) shall be an ex-officio member without vote. The term of office shall be three (3) years with a limit of two consecutive terms.
- C13.05.** When a vacancy occurs in a position for which this congregation calls a rostered minister, a *Call Committee* of 7-9 voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called rostered minister.
- C13.06.** Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.
- C13.07.** Duties of committees of this congregation shall be specified in the continuing resolutions.
- C13.08.** The senior pastor of this congregation shall be *ex officio* a member of all committees and boards of this congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of this congregation, except the Nominating Committee.

### **Chapter 14.**

#### **ORGANIZATIONS WITHIN THIS 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 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.** Persistent and public denial of the Christian faith, willful or criminal conduct grossly unbecoming a member of the Church of Christ, continual and intentional interference with the ministry of this congregation, or willful and repeated harassment or defamation of member(s) of this congregation is sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation and repentance will be attempted following Matthew 18:15-17, proceeding through these successive steps, as necessary: a) private counsel and admonition by the pastor, b) censure and admonition by the pastor in the presence of two or three witnesses, c) written referral of the matter by the Congregation Council to



the vice president of the synod, who will refer it to a consultation panel drawn from the Consultation Committee of the synod, and d) written referral of the matter by the consultation panel to the Committee on Discipline of the synod. If, for any reason, the pastor is unable to administer the admonitions required by paragraphs a. and b. hereof, those steps may be performed by another pastor chosen by the Executive Committee of the Congregation Council.

- \*C15.02. The process for discipline of a member of this 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 the counseling, censure, and admonitions pursuant to \*C15.01. do not result in repentance and amendment of life, charges against the accused member(s) that are specific and in writing may be prepared by the Congregation Council, signed, and submitted to the vice president of the synod. The vice president shall select from the synod's Consultation Committee a panel of five members (three laypersons and two rostered ministers). A copy of the written charges shall be provided to the consultation panel and the accused member(s). The consultation panel, after requesting a written reply to the charges from the accused member(s), shall consider the matter and seek a resolution by means of investigation, consultation, mediation, or whatever other means may seem appropriate. The panel's efforts to reach a mutually agreeable resolution shall continue for no more than 45 days after the matter is submitted to it.
- \*C15.03. If the consultation panel fails to resolve the matter, that panel shall refer the case in writing, including the written charges and the accused member's reply, to the Committee on Discipline of the synod for a hearing. A copy of the panel's written referral shall be delivered to the vice president of the synod, the Congregation Council, and the accused member(s) at the same time it is sent to the Committee on Discipline of the synod. The Executive Committee of the Synod Council shall then select six members from the Committee on Discipline to decide the case and shall appoint a member of the Synod Council to preside as nonvoting chair. Those six members, plus the nonvoting chair, comprise the discipline hearing panel for deciding the case. The Congregation Council and the accused member(s) are the parties to the case.
- \*C15.04. The discipline hearing panel shall commence and conduct the disciplinary hearing in accordance with the provisions governing discipline of congregation members prescribed in the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*.
- \*C15.05. By the vote of at least two-thirds of the members of the discipline hearing panel who are present and voting, one of the following disciplinary sanctions can be imposed:
  - a. suspension from the privileges of congregation membership for a designated period of time;
  - b. suspension from the privileges of congregation membership until the pastor and Congregation Council receive evidence, satisfactory to them, of repentance and amendment of life;
  - c. termination of membership in this congregation; or
  - d. termination of membership in this congregation and exclusion from the church property and from all congregation activities.
- \*C15.06. The written decision of the discipline hearing panel shall be sent to the vice president of the synod, the accused member(s), and the Congregation Council as required by the *Constitution, Bylaws, and Continuing Resolutions of the Evangelical Lutheran Church in America*. The decision of the discipline hearing panel shall be implemented by the Congregation Council and recorded in the minutes of the next council meeting.
- \*C15.07. No member of this congregation shall be subject to discipline a second time for offenses that a discipline hearing panel has heard previously and decided pursuant to this chapter.
- \*C15.10. **Adjudication**
- \*C15.11. When there is disagreement between or among factions within this congregation on a substantive issue which cannot be resolved by the parties, members of this congregation may petition the synod bishop for consultation after informing the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, if the bishop's consultation fails to resolve the issue, the bishop shall refer the matter to the Consultation Committee of the synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee's efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council's decision shall be final.

## **Chapter 16.**

### **AMENDMENTS**

- \*C16.01.** Unless provision \*C16.04. 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 100 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 this congregation's members of the proposal together with the council's recommendations at least 30 days in advance of the meeting. Notification may take place by mail or electronic means, as permitted by state law.
- \*C16.02.** An amendment to this constitution, proposed under \*C16.01., shall:

  - a. be approved at any legally called meeting of this congregation by a majority vote of those voting members present and voting; and
  - b. be ratified without change at the next regular meeting of this congregation by a two-thirds vote of those voting members present and voting.
- \*C16.03.** Any amendments to this constitution that result from the processes provided in \*C16.01. and \*C16.02. shall be sent by the secretary of this congregation to the synod. The synod shall notify this congregation of its decision to approve or disapprove the proposed changes; the changes shall go into effect upon notification that the synod has approved them.
- \*C16.04.** 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. Such amendments may be approved by a majority vote of those voting members present and voting at any legally called meeting of this congregation without presentation at a prior meeting of this congregation, provided that the Congregation Council has submitted by mail or electronic means, as permitted by state law, notice to this congregation of such an amendment or amendments, together with the council's recommendations, at least 30 days prior to the meeting. Upon the request of at least two (2) voting members of this congregation, the Congregation Council shall submit such notice. Following the adoption of an amendment, the secretary of this congregation shall submit a copy thereof to the synod. Such provisions shall become effective immediately following the congregation's vote of approval.

## **Chapter 17.**

### **BYLAWS**

- \*C17.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- \*C17.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a two-thirds vote of those voting members present and voting.
- \*C17.03.** Changes to the bylaws may be proposed by any voting member, provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify this congregation's members of the proposal with the council's recommendations at least 30 days in advance of the Congregation Meeting. Notification may take place by mail or electronic means, as permitted by state law.
- \*C17.04.** Adopted or amended bylaws shall be sent by the secretary of this congregation to the synod.

## **Chapter 18.**

### **CONTINUING RESOLUTIONS**

- \*C18.01.** This 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 this congregation or a two-thirds vote of all voting members of the Congregation Council.
- \*C18.03.** Adopted or amended continuing resolutions shall be sent by the secretary of this congregation to the synod.

**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 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.

# **By-Laws of Lutheran Church of Our Redeemer**

## **Watertown, S.D.**

### **Organizational Structure**

#### **B1.01 ANNUAL MEETING**

- a. The time of the annual congregation meeting shall be set by the Congregation Council. Normally this is to be in January after a reasonable time has been given for the preparation of the various sections of the Annual Report.
- b. The annual meeting agenda shall contain:
  - 1. Opening devotions
  - 2. Approval of minutes
  - 3. Reports of the pastor(s), church council, treasurer, committees, etc.
  - 4. Elections
  - 5. Approval of the budget
  - 6. Unfinished business
  - 7. New business
  - 8. Closing prayer
- c. Voting will be conducted by voice vote for the following:
  - 1. To elect the church council.
  - 2. To amend the Articles of Incorporation, Constitution or by-laws of the congregation.
  - 3. To call a pastor or to request his/her resignation.
  - 4. To excommunicate a member from the congregation or remove a member.
  - 5. To dispose of, encumber, or purchase real property.
- d. In the following cases voting shall be by ballot:
  - 1. When requested by ten or more voting members present.
  - 2. To sever membership in the Evangelical Lutheran Church in America.
- e. All matters shall be decided by majority vote of those present and voting, except as otherwise provided in the constitution and by-laws,
- f. No one shall be declared elected unless he\she has received a majority of the votes cast.
- g. If more than one ballot is required in an election it shall be in order by proper motion to limit the balloting after the first ballot to the three candidates receiving the highest number of votes on the first ballot and after the second ballot to limit the balloting to the two candidates receiving the highest number of votes.

## **B1.02 SPECIAL CONGREGATION MEETINGS**

- a. The congregation shall also hold such special meetings as may be called by the congregation, the pastor, the president, the church council, the Synod Bishop, or by petition of at least 10 percent of the individual voting members. The official call for all special meetings of the congregation shall state in writing the time, place, and purpose of the meeting and shall be posted prominently in the place where the congregation usually worships.
- b. The calling of such special meetings, including the time, place, and purpose shall also be announced orally and electronically at all public services within ten days prior to such meetings or by notice mailed to the voting members at least ten days in advance; and provided that meetings to consider the disposition of, or encumbrance of, real property must also be called and held in conformity with such specific provisions of civil laws may be applicable.
- c. No special meeting of the congregation may be held without properly notifying the pastor(s) in view of their position as a member of the congregation and an advisor in all congregational affairs. No business other than that stated as the purpose of the meeting shall be acted upon at such special meetings.
- d. When necessary to complete the business of the meeting, a congregational meeting may be by majority vote recess to reconvene at a specified time and place. A congregational meeting may also decide to recess to reconvene upon call, but the time and place of such a reconvened meeting must then be announced at each public service in advance or by written notice to the voting members mailed and electronic not less than three days in advance.

## **Congregational Council**

### **B2.01 THE CONGREGATION COUNCIL - ORGANIZATION**

- a. The Congregation Council shall consist of no more than nine (9) lay members. The lay members shall be elected each for a term of three years, but elected in such a manner that after the first election, approximately one-third (1/3) is elected each year. The pastors, associates in ministry, deaconesses, and diaconal ministers shall be advisory members of the Congregation Council without vote.
- b. In addition to the requirements of congregational membership stated in Article VIII of the Articles of Incorporation, qualifications for membership on the Congregation Council shall include such practical ability as is needful in promoting the various interests of the congregation as outlined in the duties of the various committees of the council.
- c. No member of the Congregation Council shall succeed him/herself as a council member. The filling of an unexpired term of less than one year shall not be deemed to be a term of office.
- d. As soon as practical after the annual meeting of the congregation at which time the members of the Congregation Council are elected, the council shall elect officers and committees as specified by Chapter 11 of the Constitution and these By-Laws.
- e. Any vacancy in the Congregation Council shall be filled by appointment by the remaining members of the council for the duration of the unexpired term.
- f. No Congregation Council business shall be transacted unless a majority of the council members (5) is present.

### **B2.02 RESPONSIBILITIES OF THE CONGREGATION COUNCIL**

- a. The Congregation Council shall see that the provisions of the constitution, its by-laws and the continuing resolutions are carried out.
- b. The Congregation Council, shall strive to meet the general oversight responsibilities as required in Article C12.04 of the Constitution.

- c. The Congregation Council shall be responsible for the appointment, supervision, and termination of the salaried lay workers of this congregation.
- 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 not incur additional obligations in excess of 10% of anticipated income without congregational approval. The budget shall include this congregation's mission support to the SD Synod.
- e. The Congregation Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations.
- f. The Congregation Council shall be responsible for this congregation's investments and its total insurance program.
- g. The Congregation Council shall supervise and manage all non-budget funds (except the Mission Endowment Fund) which are received as designated gifts or otherwise acquired by the congregation and shall include an accounting of these funds in the annual report to the congregation.
- h. The Congregation Council shall endeavor to set aside and maintain reserve funds for the replacement and repair of the congregation's facilities and equipment. An accounting of these funds shall be included in the annual report to the congregation.

**B2.03 CONGREGATION COUNCIL MEETINGS**

- a. The Congregation council shall ordinarily hold regular monthly meetings and such special meetings as shall be deemed necessary at such times as the council shall determine. Special meetings may be called by the pastor(s) or the president, and shall be called at the request of at least one-third (1/3) of its members. Notice of each special meeting shall be given to all who are entitled to be present.
- b. A quorum for the transaction of business shall consist of a majority of the members of the Congregation Council.
- c. In the event that a member of the Congregation Council is absent from three consecutive regular meetings of the council without acceptable excuse to the council, that member shall forfeit membership on the Congregation Council. Any member having two consecutive unexcused absences from regular meetings shall be notified thereof by the secretary.
- d. A member of the council shall forfeit membership if they cease to be a voting member of this congregation. (C8.02.c)

**B2.04 COMMITTEES OF THE CONGREGATION COUNCIL**

- a. The Congregation Council shall establish the following standing committees:
  - 1. Faith Formation
  - 2. Fellowship
  - 3. Policy
  - 4. Preschool
  - 5. Property
  - 6. Stewardship
  - 7. Worship & Music
  - 8. Youth & Family Team
- b. With the exception of those committees listed in the constitution, there shall be from three to ten members of each committee. The members shall be appointed for a term of up to four years. They shall not be members of the Congregation Council. The Congregation Council shall appoint one of its members as a liaison to each of the committees.

- c. The committees may be subdivided as the tasks warrant, with members given specific assignments.
- d. The Congregation Council shall at least once a year invite the full membership of its boards and committees together with representatives chosen by the organizations of the congregation to review the entire program of the congregation.
- e. Each committee has the fiscal responsibility to manage the money contained in its specific budget. If an expense exceeds the budget, it must be approved by the Congregation Council in advance.
- f. Each committee will act on majority vote.

**B2.05 DUTIES OF OFFICERS AND COMMITTEES OF THE CONGREGATION COUNCIL**

- a. The president shall preside over meetings of the Congregation Council and of the congregation unless the meeting decides otherwise.
- b. The vice president shall preside in the absence of the president unless the meeting decides otherwise.
- c. The secretary shall keep minutes of the council and of the congregation and shall preserve its archives.
- d. The treasurer shall be bonded and shall be custodian of all funds of the congregation, local and synodical, and shall disburse all such funds in accordance with the decisions of the congregation or the Congregation Council. The treasurer shall present a duly audited report to the annual congregation meeting and such other reports to the congregation council as may be required.
- e. See continuing resolutions.

**B2.06 OTHER RESPONSIBILITIES OF THE CONGREGATION COUNCIL**

- a. The Congregation Council shall be empowered to secure such help as is needed to carry on the work of the congregation such as organist, choir director, parish worker, pastor's secretary, intern, custodian, etc. and shall fix their salaries.
- b. Adjustments in the salary of the pastor shall be the responsibility of the Congregation Council taking into consideration "Compensation and Guidelines of the SD Synod" and subject to the congregation's approval of the budget.
- c. The Executive Committee shall develop the Congregation Council agenda, shall establish staff salaries and benefits and shall serve as the Congregation Council's interim authority between meetings.
- d. Use of the church-see continuing resolutions.

**Other Committees**

**B3.01 OTHER COMMITTEES OF THE CONGREGATION**

- a. Executive Committee
  - 1. The Executive Committee shall consist of the officers of the congregation and pastor(s).
  - 2. The Executive Committee shall develop the agenda for the congregation meetings, shall serve in an advisory capacity for personnel topics and shall serve as the council's interim authority between meetings. Any actions taken by the Executive Committee shall be reported to and be subject to approval of the Congregation Council at its next regular meeting.

- b. Nominating Committee
  - 1. The Nominating Committee shall be as in C13.02. The pastor shall serve as an advisory member.
  - 2. The members of the Nominating Committee shall serve for the year following their election. They shall nominate one candidate for each office to be filled and shall secure the consent of each candidate to serve if elected.
  - 3. The candidates nominated by the Nominating Committee shall be made known to the congregation in conjunction with the announcement of the special or annual meeting at which the election is to take place.
  - 4. In addition to the candidates submitted by the Nominating Committee, additional nominations may be made from the floor.
  - 5. A vacancy in the congregational elected membership of the Nominating Committee shall be filled by appointment of the Congregation Council.
- c. An Audit Committee composed of three persons shall be elected by the Congregation Council. The Audit Committee shall audit all financial records of the congregation proper, and present its report to the annual meeting in writing. The Audit Committee shall carefully examine all insurance policies to determine the amount and kind of insurance in force and include this report in its statement. (see C13.03)
- d. Endowment Committee shall follow the Endowment Policy and Administrative Guidelines (see C13.04).

**Reports, records, Planned Gift Policies, Amendments**

**B4.01 REPORTS OF ORGANIZATIONS**

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

**B5.01 MINISTERIAL RECORDS**

The pastors shall be responsible for keeping accurate records of membership and of their ministerial acts on forms provided by the congregation and which shall remain the property of the congregation. They shall report these statistics to the congregation annually, and, when required to, the secretary of the Evangelical Lutheran Church in America. Upon leaving the congregation, they shall complete the records of their ministry up to the time of their departure.

**B6.01 POLICIES AND PROCEDURES FOR PLANNED GIFTS AND MEMORIALS**

See “Gift Policy” in Continuing Resolutions

**B7.01 AMENDMENTS TO BY-LAWS**

By-laws may be adopted or amended in accordance with Chapter 17 of the Constitution.



# Continuing Resolutions of Lutheran Church of Our Redeemer Watertown, S.D.

## COMMITTEES OF THE CONGREGATION COUNCIL PLANS

### I. FAITH FORMATION

- A. Committee Mission: To provide a variety of Christian Education programs for all ages and abilities to promote continued faith formation for the future of the church.
- B. Committee Responsibilities
  - a. Support Education Ministries
  - b. Recruit volunteer small group leaders
  - c. Recruit volunteer music, craft and resource room leaders
  - d. Oversight of Curriculum
  - e. VBS Planning & Coordinating
  - f. Coordinate Special Programs
  - g. Help with Children's Church
  - h. Coordinate Adult Education Opportunities
- C. Annual Events & Activities
  - a. VBS / Adventure Days
  - b. Christmas Program
  - c. Rally Days
  - d. Children Singing at Worship
  - e. Teacher Installation and Recognition

### II. FELLOWSHIP

- A. Committee Mission: Making God's love known through memories, word and deed.
- B. Committee Responsibilities
  - a. Planning and staffing for special events such as Pastor/staff retirement gatherings and strategic planning committee events
  - b. Provide treats for New Members Welcome
  - c. Coffee & Food
  - d. Mission Trips
- C. Annual Events & Activities
  - a. 75+ Diamond Dinner - Invites sent to all in congregation age 75+. Held on Saturday evening with worship, meal afterwards. High School youth have joined to help serve.
  - b. 1st Saturday Meal - 1st Saturday of the month meal served after worship
  - c. Ladies Night Out - November Monday evening event featuring entertainment (music or speaker) and decadent desserts and coffee. Typically 6:30 pm to 8:30pm. Held in an elaborately decorated great hall. Sells out at 320 tickets
  - d. Advent Tour of Nativities
  - e. Possible Picnic
  - f. Possible Ice Cream Social

### III. POLICY

- A. Committee Mission: To ensure the church operates with integrity while pursuing its mission.
- B. Committee Responsibilities
  - a. Maintain/Update Constitution, Bylaws, Continuing Resolutions, Personnel & Facility Policy Manual
- C. Annual Events and Activities
  - a. Review Insurance Policy and present to Church Council in September

#### **IV. PRESCHOOL**

- A. Committee Mission: Where learning is fun in a socially-interactive, faith-building, early-literacy preschool program!
- B. Committee Responsibilities
  - a. Be an advocate for the preschool program and teachers
- C. Annual Events and Activities
  - a. Christmas Program
  - b. Graduation Program
  - c. RADA & other Fundraisers

#### **V. PROPERTY**

- A. Committee Mission: To enhance and maintain the LCOOR facility for the community - the church - the people.
- B. Committee Responsibilities
  - a. Maintain the LCOOR structure inside and out.
  - b. Contact for bids on items needed to be replaced or new.
  - c. Assist and advise the council on decisions pertaining to the facility.
  - d. To maintain the budget under Church Home.
  - e. To take care of items that may need immediate attention
- C. Annual Events and Activities
  - a. Yard Clean-up twice a year
  - b. Inside Clean-up
  - c. Tree Watering
  - d. as needed activities to maintain the facility

#### **VI. STEWARDSHIP**

- A. Committee Mission: To promote giving not only of our money but our non monetary gifts.
- B. Committee Responsibilities
  - a. Monthly Stewardship Moments
  - b. Planned Stewardship Events
  - c. Evaluate Envelope System
  - d. Quarterly Giving Statements (Business Manager)
  - e. Financial Education / Budgeting Assistance
  - f. Endowment Understanding
- C. Annual Events & Activities
  - a. Fall Stewardship: Step Up Chart
  - b. Assist Endowment Committee in Education of Planned Giving
  - c. Simply Giving Information and Drive / QR codes / Square / Online
  - d. Workshop with Kids
  - e. Church on the Street, Watertown Sandwich Ministry, God's Work. Our Hands, Ukraine Family, Local Correctional System

## **VII. WORSHIP & MUSIC**

- A. Committee Mission: To create meaningful, spirit-lead worship services that are available to all worshippers, in person and through multimedia technology.
- B. Committee Responsibilities
  - a. Create meaningful, spirit-lead worship
  - b. Incorporate a variety of types of music for all
  - c. Create a pleasing visual experience that enhances worship
  - d. Create and maintain opportunities to share musical talent
  - e. Make worship available in person and through online technology
- C. Annual Events & Activities
  - a. January - Epiphany.
  - b. February/March/April - Lent, Holy Week, Easter, Confirmation
  - c. May - Mother's Day, Graduation (Honoring Seniors)
  - d. June/July/August - Lake Worship
  - e. September - Back to the Building, Rally Sunday
  - f. October - Reformation
  - g. November - All Saints, Thanksgiving
  - h. December - Advent, Christmas

## **VIII. YOUTH & FAMILY TEAM**

- A. Committee Mission: To welcome all youth as they gather and grow in faith.
- B. Committee Responsibilities
  - a. Attend monthly committee meeting
  - b. Help coordinate and participate in youth activities / Youth Groups
  - c. Help organize MS / HS Mission Trips
  - d. Coordinate service opportunities for youth within LCOOR and community
  - e. Help coordinate youth fundraisers (annual events & activities)
  - f. Identify confirmation small group leaders
- C. Annual Events & Activities
  - a. Capital Campaign Fundraiser - Summer Lake Worship Coffee Trailer
  - b. Christmas Market Food Booth
  - c. Palm Sunday Breakfast

## GIFT POLICY

### Lutheran Church of Our Redeemer

2001 2nd Street NW Watertown, SD 57201

<https://lcoorwatertown.org/> 605-886-2696

TAX ID #46-0324629

#### I. PURPOSE

This policy governs the acceptance of gifts by Lutheran Church of Our Redeemer (LCOOR) and provides guidance to prospective donors and their advisors when making gifts to this congregation, where all are invited to support our mission and ministry. The provisions of this policy apply to all gifts to LCOOR over and above regular giving, offering, pledges, or specific campaign or initiative contributions. Gifts will be accepted when they support LCOOR's mission, purpose, and procedures. Donors are encouraged to bless this congregation with gifts free of restrictions. All gifts will be considered based on the type of asset, gift transfer costs, donor restrictions, potential liabilities, mission, current needs, and other applicable factors. LCOOR shall accept only such gifts as are legal and consistent with this Gift Policy and applicable By-Laws and Constitution. While LCOOR does not provide tax advice, every effort will be made to assist donors in complying with the intents and purposes of the Internal Revenue Service (IRS) for allowing charitable tax benefits.

#### II. CHURCH COUNCIL GUIDELINES

The Endowment Committee ("Committee") is charged with the responsibility of reviewing gifts offered to the congregation and shall form recommendations regarding gift acceptance and use according to this *Gift Policy Section V*. Gift acceptance and use recommendations will be forwarded to the Church Council for approval in a timely fashion. Gift decisions approved by the Church Council in conjunction with the Committee shall be reported to the congregation at the annual reporting meeting by the Committee and, when required by the congregation's governing documents, presented to the congregation for final approval.

*However, confidential information and anonymous gift planning services and review are available to all LCOOR members and friends at no cost or obligation through our partnership with Lutheran Planned Generosity of South Dakota (LPGSD), a ministry of the South Dakota Synod, ELCA. Questions and anonymous gifts may be directed to:*

*Lutheran Planned Generosity of South Dakota*

*2001 South Summit Avenue*

*Sioux Falls, SD 57197*

*LPGSD@sdsynod.org*

*605.274.5030*

- A. LCOOR will accept undesignated gifts and donor-designated gifts for specified programs and purposes, provided that such gifts are consistent with the stated mission, vision, policies and priorities of the congregation. LCOOR will not accept gifts that would result in losing its status as a US Internal Revenue Code Section 501(c)(3) nonprofit organization; are deemed by the Committee too difficult or too expensive to administer; or be a liability, in relation to the gift value; would result in unacceptable consequences; or are for purposes outside the mission of this congregation.

- B. LCOOR, as a general rule, will convert all gifts to cash.
- C. Records of gift acceptance or decline and of gift use shall be audited within this congregation's standard review procedures.
- D. The Committee shall complete a Gift Worksheet (see Exhibit A) to record the gift acceptance and use decisions.
- E. The Committee shall offer appreciation for every donor's generosity, regardless of the decision to accept or decline the gift. Often that appreciation will begin with a verbal conversation with the donor or donor's estate but will be formalized through written notice sent by US Mail, or email with a read receipt requested, and signed by the Church Council President and Committee Chair or their designee(s).
- F. Recognition of the donor should not be a condition of the gift. Plaques identifying donors are not permitted. Acknowledgment and recognition of the gift will be the responsibility of the Committee, taking into consideration the desire of the donor and keeping with the standards and culture for the practice of appropriate gratitude for this congregation.
- G. If there are questions or concerns regarding any gift including the offer, acceptance, or use thereof, whether defined in this policy or not, the donor and/or the Committee members are always encouraged to consult with Lutheran Planned Generosity of South Dakota's Executive Director or another related gift planning professional.

### **III. TYPES OF GIFTS CONSIDERED**

The following examples are intended to facilitate donation and acceptance of gifts offered, albeit not intended to represent an exclusive list of potential gifts or review criteria.

- A. **Potential Gifts.** A variety of gifts can be shared with this congregation and donors are encouraged to inform the Committee and/or Lutheran Planned Generosity of South Dakota of such gift plans whenever possible. Some gifts will be accepted outright, and other gifts will be reviewed on a case-by-case basis according to the governing documents of this congregation. The Committee may seek advice from attorneys, accountants, and other professionals in evaluating potential gifts. General categories of gifts include, but are not limited to:
  - a. **Cash.** Gifts of cash will be accepted and are welcomed, whether from a personal or business account or another means, including, but not limited to the following:
    - i. A Qualified Charitable Contribution (QCD) is a giving vehicle that allows taxpayers over age 70½ to donate to charities directly from their IRA, which would allow a donor to avoid federal income tax on this distribution. Consult with your financial professional or Lutheran Planned Generosity of South Dakota for more information.
    - ii. Cash gifts and grants from private family foundations will be encouraged on a case-by-case basis.
    - iii. Gifts from donor advised funds will be encouraged.

- b. **Beneficiary Designations.** Gifts of assets that transfer through beneficiary designation will be accepted. Types of beneficiary designation assets include, but are not limited to:
- i. Bank and credit union accounts (commonly called a Payable on Death or POD)
  - ii. Bank accounts and investments of qualified or non-qualified status, including, but not limited to, annuities, mutual funds, and securities (commonly called a Transfer on Death or TOD)
  - iii. Charitable Gift Annuities
  - iv. Charitable Remainder Trusts
  - v. Charitable Lead Trusts
  - vi. Distribution Agreements
  - vii. Donor Advised Funds
  - viii. Endowments
  - ix. Life insurance policies
  - x. Profit-sharing plans

*NOTE: LCOOR beneficiary designation language: "Lutheran Church of Our Redeemer, a nonprofit organization located at 2001 2nd Street NW, Watertown, SD 57201, Federal Tax ID #46-0324629, for general use and purpose."*

- c. **Marketable Securities.** Gifts of marketable securities will be accepted when transferred electronically to a congregation-owned brokerage account; or delivered physically with the transferor's endorsement or signed stock power (with appropriate signature guarantees) attached; or transferred through LPGSD. All marketable securities will be sold promptly upon receipt unless otherwise directed. In some cases, marketable securities may be designated by applicable securities laws, the terms of the proposed gift, or other stipulations. Types of publicly and non-publicly traded marketable securities include, but are not limited to:
- i. Bonds
  - ii. Master Limited Partnerships (MLP)
  - iii. Mutual Funds
  - iv. Real Estate Investment Trusts (REIT)
  - v. Stocks
  - vi. Unit Investment Trusts (UIT)

*NOTE: LCOOR language when securities are transferred through Lutheran Planned Generosity of South Dakota: "For Benefit Of: Lutheran Church of Our Redeemer, a nonprofit organization located at 2001 2nd Street NW, Watertown, SD 57201, Federal Tax ID #46-0324629."*

- d. **Life Insurance.** Gifts of life insurance will be accepted when this congregation is named as the sole owner of the insurance policy and an agreement is reached regarding the responsibility for payment of current and future premiums due. If the premium payments are not paid, the congregation, as policy owner, reserves the right to surrender the policy in exchange for the cash value to avoid loan balance accruals.

*NOTE: LCOOR life insurance transfer of ownership language: "I transfer sole ownership of life insurance contract (contract #) to: Lutheran Church of Our Redeemer, a nonprofit organization located at 2001 2nd Street NW, Watertown, SD 57201, Federal Tax ID #46-0324629."*

- e. **Bequests.** Gifts in the form of a bequest will be considered on a case-by-case basis. Types of bequests include, but are not limited to:
- i. Charitable Lead Trusts (CLT) or Charitable Remainder Trusts (CRT)
  - ii. Irrevocable Life Insurance Trusts (ILIT)

- iii. Living or Revocable Trusts
- iv. Testamentary Trusts or ‘trust under will’
- v. Wills

*NOTE: LCOOR bequest language: “I hereby give, devise and bequeath ten percent ( 10 %) of my total estate to Lutheran Church of Our Redeemer, a nonprofit organization located at 2001 2nd Street NW, Watertown, SD 57201, Federal Tax ID #46-0324629, for general use and purpose.”*

- f. **Real Estate.** Gifts of real estate will be considered on a case-by-case basis. The donor shall be required to present an appraisal to LCOOR no more than 60 days prior to the real estate transfer (Ref. IRS Publication 561, under “Qualified Appraisal”). Prior to acceptance of any gift of real estate, this congregation may require an initial environmental review. In the event that the environmental review warrants additional investigation, LCOOR may retain a qualified firm to conduct a comprehensive environmental audit. The donor shall be responsible for the costs of the appraisal and/or any environmental studies required as a result of the environmental review and/or audit. Types of real estate include, but are not limited to:
  - i. Agricultural
  - ii. Commercial
  - iii. Residential
  - iv. Undeveloped real estate
- g. **Remainder Interests in Property.** Gifts of a remainder interest in a personal residence, farm/ranch, or vacation property (excluding time share interests) will be considered on a case-by-case basis and shall be subject to the real estate provisions in this *Gift Policy Section III.f*. The donor or other occupants may continue to occupy the real property for the duration of their stated life or lives. Upon termination of the life interest, LCOOR may use the property or reduce it to cash. Where this congregation receives a gift of a remainder interest, expenses for maintenance, real estate taxes, and any property indebtedness are to be paid by the donor or life tenant(s). Remainder interests/retained life estates may be created by the following:
  - i. Beneficiary Deeds
  - ii. Enhanced Life Estate Deeds (aka Lady Bird deeds)
  - iii. Life Estate Deeds
  - iv. Transfer on Death Deeds
  - v. Wills or Revocable Living Trusts

*NOTE: Availability and types of remainder interests in property are defined by current state law.*

- h. **Closely held business interests.** Gifts of closely held business interests will be considered on a case-by-case basis and shall be subject to the real estate provisions in this *Gift Policy Section III.f*. Types of closely held business interests include, but are not limited to:
  - i. Limited Liability type organizations (LLC, LLP, etc.)
  - ii. Partnerships
  - iii. S-Corporations or shares
  - iv. C-Corporations or shares
  - v. Business options/warrants
  - vi. Oil, Gas, and Mineral Interests and Royalties. Gifts of oil, gas, or mineral interests and/or royalties will be considered on a case-by-case basis and shall be subject to the real estate provisions in this *Gift Policy Section III.f*.

*NOTE: A working interest shall not be accepted.*

- j. **Agricultural Commodities.** Gifts of commodities from cash basis farmers (excluding crop share landlords), including gifts of grain (e.g., soybeans, corn, wheat, et al.), will be considered on a case-by-case basis and shall be subject to the real estate provisions in this *Gift Policy Section III.f.*, provided the gift is from unsold crop inventory with no sale commitment made prior to the gift. The donor must give up “dominion and control” of the commodity and cannot sell the grain and order the proceeds to be sent to LCOOR. This congregation assumes risk after the transfer including storage, transportation, and marketing costs as well as price risk. The transaction must be well documented to show LCOOR as the owner (i.e., the commodity is delivered and a warehouse receipt is executed to the congregation, or a notarized letter of transfer for crops stored on the farm).
- k. **Intellectual Property.** Gifts of intellectual property will be considered on a case-by-case basis. The donor and this congregation are encouraged to consult with an estate attorney/legal counsel before offering and/or accepting this gift. Types of intellectual property include, but are not limited to:
  - i. Copyrights
  - ii. Patents
  - iii. Trademarks
- l. **Tangible Personal Property.** Gifts of tangible personal property will be considered on a case-by-case basis. The Committee may refer to IRS Publication 561 for guidelines in the valuation of different kinds of personal property. [IRS.gov/pub/irs-prior/p561--2020.pdf](https://www.irs.gov/pub/irs-prior/p561--2020.pdf)
- m. **In-Kind Donations.** Gifts of in-kind goods or services given by a business or business owner, or a donor willing to pay for such goods or services on behalf of LCOOR, will be considered on a case-by-case basis. In-kind donations will be acknowledged in writing by this congregation, but as per Internal Revenue Service (IRS) Guidelines, will not be valued by, nor provided a receipt for charitable contribution by this congregation. The donor is responsible for completing and filing IRS Form 8283 for any noncash contribution of more than \$500. (Ref. IRS Publication 561 “*Determining the Value of Donated Property*”)

**B. Gift Review Criteria**

- a. Does the gift further the mission or help fulfill the purpose and ministry of this congregation?
- b. Is the gift easy to convert to cash, readily marketable, or are there restrictions on the use, display, or sale of the gift?
- c. Are there covenants, conditions, restrictions, reservations, easements, encumbrance, or other limitations associated with the gift?
- d. Are there any carrying costs (e.g., insurance, property or other taxes, mortgages, or notes), or maintenance expenses that outweigh the benefit of the gift?
- e. Does the environmental review or audit reflect that the property warrants additional investigation or otherwise requires remediation?
- f. Does the property have liabilities or other considerations that make receipt of the gift inappropriate?
- g. Any other criteria determined to be applicable by the Committee.



#### **IV. GIFT VALUATION**

For gifts of real estate and personal property valued at more than \$5,000, acquiring an independent assessment or appraisal shall be the responsibility of the donor or donor's estate. Appraisal of all non-cash gifts must take place within 60 days (Ref. IRS Publication 561 "*Determining the Value of Donated Property*" under "Qualified Appraisal").

NOTE: LPGSD can be a resource to help determine the necessary appraisal information.

#### **V. USE OF UNDESIGNATED GIFTS**

An undesignated gift is given without any stipulation for its use and is accepted to support the mission and ministry of LCOOR. This *Gift Policy* defines two categories of undesignated gifts and offers related protocols for each in an effort to honor the time and expertise held by the Committee:

- A. Acceptance and use decisions of undesignated gifts with a value less than ten thousand dollars (\$10,000) shall be managed by the Church Council in accordance with this policy.
- B. Acceptance of undesignated gifts with a value equal to or greater than ten thousand dollars (\$10,000) shall be administered by the Committee and deposited in the LCOOR Mission Endowment Fund ("Fund") upon approval by the Church Council in accordance with this policy and the Endowment Fund By-Laws and Administrative Guidelines.

#### **VI. USE OF DESIGNATED GIFTS AND GUIDELINES**

A designated gift is given with specific stipulations for its use and is accepted to support the mission and ministry of this congregation through the donor's defined restrictions. Gifts with specific donor-defined restrictions will be considered on a case-by-case basis with the understanding that the funds are to be used as requested by the donor.

*NOTE: Once a gift is accepted, donors may not direct the way a gift is invested or utilized beyond the stipulated restriction(s). In accordance with the Internal Revenue Service, donors cannot claim tax favor or retain control over gifts to charity.*

- A. Donors should be aware that programs offered by this congregation may be discontinued, renamed, modified, or incorporated into other programs. Therefore, a donor who makes a designated gift, whether in the form of a current gift or through an estate plan, is strongly encouraged to complete the *Designation and Release Form* (see Exhibit B). The Committee shall make the *Designation and Release Form* readily available in the office of this congregation.
- B. Designated gifts established prior to the approval of this policy or received without the accompaniment of a *Designation and Release Form* shall be reviewed by the Committee, the Church Council, and potentially this congregation to determine if the gift shall be accepted.

- C. Donor Designated Gifts to the Fund: If a donor wishes to establish a designated endowment, the gift shall meet the following requirements:
- a. Must be valued at Twenty-Five Thousand dollars (\$25,000.00) or greater.
  - b. May be named after the original donor or in memory/honor of another individual.
  - c. Can accept contributions from other donors.
  - d. Becomes an asset of this congregation.

Donors wishing to establish a designated endowment are encouraged to contact Lutheran Planned Generosity of South Dakota (LPGSD) for confidential assistance.

These steps apply to all designated gifts:

- Step 1: In accordance with directions contained in an approved *Designation and Release Form*, or the appropriate review and acceptance set forth in VI.B. above, the Church Council, in conjunction with the Committee, shall apply the full proceeds of the gift to the restriction defined by the donor.
- Step 2: If the original purpose of a designated gift cannot be met and is determined unfeasible at some time in the future for unforeseen or unknown reasons, the Committee will make every effort to consult with the donor to appropriately modify its designated purpose. However, should it become apparent to the Committee and the Church Council that the purpose for the gift has become unnecessary, impractical, or impossible to perform, or should any provision of this agreement be determined to be contrary to law or then existing congregational policy, and if consultation with the donor is not possible, then the Church Council may, after due deliberation and on the recommendation of the Committee, designate the gift funds to be used in some other manner that supports the ministries of LCOOR, and as much as possible, approximates the original designation and intent of the donor.

## **VII. MEMORIAL AND HONORARY GIFTS**

Memorial and honorary gifts include gifts given in memory or honor of loved ones, friends, or others and may be undesignated or designated.

Memorial and honorary gifts are subject to the guidelines for gift acceptance, appreciation and valuation as defined in Gift Policy Section III.

Undesignated memorial and honorary gifts less than \$10,000.00 shall be deposited in the undesignated Memorials Account to be used at the direction of the Church Council.

Undesignated memorial and honorary gifts in the amount of \$10,000.00 or more shall be deposited to the Fund.

Designated memorial and honorary gifts shall be allocated to one or more of the following categories:

**A: The General Fund**

Gifts to the General Fund, and accompanying distributions as described in Section VIII below, shall be available to support the overall mission work and ministries of LCOOR, wherever needed most.

**B: The Capital Fund**

The purpose of the Capital Fund is to assist the congregation in financing capital improvements such as additions, major repairs or redesigns, to LCOOR’s buildings, grounds, gardens, or other long-term improvements necessary or desirable for effectively implementing the congregation’s parish ministry. It is intended that the fund balance shall be available for use from this Capital Fund not to exceed 50% of the principal balance. However, distributions from this fund that exceed ordinary annual distributions described in Section VIII below shall be made only upon recommendation of the Endowment Committee (“Committee”) and approval of the Church Council. Additionally, any distribution which shall deplete this Capital Fund by more than 50% must be approved by a majority vote of the congregation.

**C: The Outreach Fund**

The Outreach Fund is for special mission endeavors of the congregation within its own membership, in the community, in our state and nation and to the ends of the earth. Gifts to this fund are designated to extend our outreach in ways not included in the annual program budget of the congregation, such as new or expanded memberships with the South Dakota Synod, our sister congregations of the ELCA, or community and mission members that are not met in the operating budget of the congregation. This Outreach Fund is intended to be maintained perpetually, with annual distributions determined in section VIII below.

**D: The Faith Formation Fund**

The Faith Formation Fund will enable LCOOR to initiate programs or fund programs to extend its mission and purpose, such as growth in the LCOOR Preschool, scholarships for any level of education, development of new programs in Faith Formation, or major expansion of existing programming. These programs will not be a part of the annual program budget of the congregation. This Faith Formation Fund is intended to be maintained perpetually, with annual distributions determined in section VIII below.

Notification shall be provided to the individual, family, or the individual’s estate, listing the donors who contributed a memorial or honorary gift.

**VIII. GIFT POLICY REVIEW**

This policy shall be reviewed by the Committee every three (3) years, with any recommended amendments submitted to the Church Council at its regularly scheduled October or November meeting. The initial review will commence in the year 2027.

**IX. RESOURCES**

Lutheran Planned Generosity of South Dakota (LPGSD), a ministry of the South Dakota Synod, ELCA, in partnership with ELCA ministries across the state, offers gift and legacy planning services at no charge to members and friends of LCOOR. Visit [www.lpgsd.org](http://www.lpgsd.org) or call 605-274-5030 to connect with LPGSD.

Donors are encouraged to consult with their personal tax advisor, estate attorney and/or financial advisor for specific tax, legal, and investment information. LCOOR does not provide any tax, legal, or investment advice.

Date Gift Policy Approved:	9/19/2023	Approved by:	Mission & Endowment Committee
Date Gift Policy Reviewed:	11/14/2023	Reviewed by:	Church Council

**GIFT WORKSHEET**  
**Lutheran Church of Our Redeemer**  
**2001 2nd Street NW Watertown, SD 57201**  
**<https://lcoorwatertown.org/> 605-886-2696**  
**TAX ID #46-0324629**

Date: \_\_\_\_\_ Donor Name(s): \_\_\_\_\_

Gift Amount: \$ \_\_\_\_\_

Gift Type: \_\_\_\_\_

Gift Use:     Restricted     Unrestricted    Donor Restriction: \_\_\_\_\_  
 Restriction Release Form

Gift Status:     Rejected    Reason for Rejection: \_\_\_\_\_  
 Accepted    Donor Contact By: \_\_\_\_\_  
Date: \_\_\_\_\_

1.	THE GENERAL FUND	\$
2.	THE CAPITAL FUND	\$
3.	THE OUTREACH FUND	\$
4.	THE FAITH FORMATION FUND	\$
5.	OTHER	\$
		\$
		\$
		\$
TOTAL:		\$

<input type="checkbox"/> Thank You Letter Sent	<input type="checkbox"/> Decline Letter Sent
Leadership Team Approval: _____	Date: _____
Gift Distribution Completed By: _____	Date: _____

**DESIGNATION AND RELEASE FORM**

**Lutheran Church of Our Redeemer**  
2001 2nd Street NW Watertown, SD 57201  
<https://lcoorwatertown.org/> 605-886-2696  
TAX ID #46-0324629

Undesignated and unrestricted gifts offer the best opportunities for this congregation to direct your gift to where it is most needed to impact our mission. We have adopted a gift policy that explains how such gifts will be used by Lutheran Church of Our Redeemer. We are happy to share this information for your review prior to the completion of this form.

**Donor**  
**Name(s):** \_\_\_\_\_  
**Donor**  
**Address:** \_\_\_\_\_  
**Date:** \_\_\_\_\_ **Amount:** \_\_\_\_\_

**Is this a gift to the Lutheran Church of Our Redeemer Mission Endowment Fund?**  Yes  No

**Donor Restriction:**

**Donor Release:**

In the event a restricted gift to Lutheran Church of Our Redeemer of Watertown, South Dakota, or any part thereof, is unable to be used due to lack of program, need, or funding, as determined by the congregation’s Endowment Committee and Council, the gift will become unrestricted after a minimum of twelve (12) months beyond the restriction’s useful life, to assure the restriction is no longer applicable. The gift or contribution along with any remainder, unused portion, accumulated interest, or growth will be managed according to the guidelines in this congregation’s Gift Policy and Endowment Policy and Administrative Guidelines.

I/We understand and agree to the terms and conditions defined in the Lutheran Church of Our Redeemer Gift Policy and represented in this release form.

**Donor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Donor Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Restriction Acceptance:**

On behalf of Lutheran Church of Our Redeemer, the undersigned hereby accepts the restriction offered by the Donor(s) and agrees to honor that request as defined by this congregation’s Gift Policy and as represented by this release form.

**Representative Name & Title:** \_\_\_\_\_

**Representative Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_