

CONSTITUTION
of
OUR SAVIOR’S LUTHERAN CHURCH of SIOUX FALLS, SOUTH DAKOTA

In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

PREAMBLE

Recognizing our unity in Christ and in our common practice in the Christian faith, desiring to express our fellowship in our worship and work, recognizing our spiritual needs, and acknowledging our Christian privileges and our Christian responsibilities, we, the members, of Our Savior’s Lutheran Church of Sioux Falls, South Dakota, do hereby adopt this Constitution for the purpose of maintaining a congregation of The Evangelical Lutheran Church in America and extending the Kingdom of God.

ARTICLE I

- 1.1 Name. The name of this congregation shall be Our Savior’s Lutheran Church of Sioux Falls, South Dakota.
- 1.2 Incorporation. This congregation is incorporated under the laws of the State of South Dakota.

ARTICLE II

- 2.1 Purpose. The purpose of this congregation shall be to proclaim and propagate the Christian faith through the Means of Grace, to cooperate in the work and service of The Evangelical Lutheran Church in America, and to use the resources of the congregation in the expression of Christian love.

ARTICLE III

- 3.1 Duration. The period of duration of this congregation shall be perpetual.

ARTICLE IV

- 4.1 Confession of Faith. This congregation believes and confesses that the Holy Scriptures, including all the canonical books of the Old and New Testament, are the Word of God, revealed for the salvation of humankind and are therefore, the ultimate source, rule and authority in all matters of faith, doctrine and life.
- 4.2 Statements of Doctrine. As brief and true statements of the doctrine of the Word of God, the congregation accepts and confesses the following symbols: the Apostolic, the Nicene and the Athanasian Creeds, the Unaltered Augsburg Confession and

Luther's Small Catechism. As further elaboration of, and in accordance with, these symbols, this congregation also receives the other documents in the Book of Concord of 1580: the Apology, Luther's Large Catechism, the Smalcald Articles, and the Formula of Concord, and recognizes them as normative for its theology.

ARTICLE V

- 5.1 Liturgy. The public worship of this congregation shall be in conformity with the authorized liturgies and rituals of the Evangelical Lutheran Church in America. The congregation may modify such liturgies and rituals as it determines, but such modification shall be in harmony with Lutheran doctrine and practice.

ARTICLE VI

- 6.1 Affiliation. This congregation shall be a member of The Evangelical Lutheran Church in America and of the South Dakota Synod of the Evangelical Lutheran Church in America, or their respective successors.
- 6.2 Disaffiliation. Disaffiliation from The Evangelical Lutheran Church in America and the South Dakota Synod of the Evangelical Lutheran Church in America shall be in accordance with the provisions for amendment of this Constitution, and after ninety days following notice of such action has been given to the South Dakota Synod of the Evangelical Lutheran Church in America.

ARTICLE VII

- 7.1 Supreme Authority. In all matters of Christian faith and life, the authority of the Word of God as confessed in this Constitution shall be supreme.
- 7.2 Congregational Authority. In all matters left undecided by the Word of God and not subject to civil laws, the congregation shall have absolute authority and all powers necessary to fulfill the purposes of this Constitution.

ARTICLE VIII

- 8.1 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 By-Laws.
- 8.2 Members shall be classified as follows:
- (a) Baptized members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.
 - (b) Confirmed members are baptized persons who have been confirmed in this congregation, those who have been received by adult baptism or by transfer

- as confirmed members from other Lutheran congregations, or baptized persons received by affirmation of faith.
- (c) Voting members are confirmed members. Such confirmed members shall have communed and made a contribution of record during the current or preceding year. In matters involving encumbrance of real estate or authorization of indebtedness, voting members must be confirmed members having attained legal voting age.
 - (d) Associate members are persons holding membership in other Lutheran congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Church Council of this congregation.
- 8.3 All applications for confirmed membership shall be submitted to and shall require the approval of the Church Council.
- 8.4 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, synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.
- 8.5 Membership in this congregation shall be terminated by any of the following:
- (a) Death
 - (b) Resignation
 - (c) Transfer or release;
 - (d) Disciplinary action by the Church Council; or
 - (e) Removal from the roll due to inactivity as defined in the By-Laws. Such persons who have been removed from the roll of members shall remain persons for whom the church has a continuing pastoral concern.

ARTICLE IX

- 9.1 **Annual Meeting.** The annual meeting of the congregation shall be held at such time during the first 40 days of each year as the Congregation Council shall determine.
- 9.2 **Special Meetings.** Special Meetings of the congregation shall be held upon the call of the Church Council or upon the petition of not less than 150 of the voting members of the congregation.
- 9.3 **Notice.** Notice of the annual meeting and of special meetings shall be given in accordance with the By-Laws.

ARTICLE X

10.1 Staff. The staff of the congregation shall consist of those persons who are called in accordance with the By-Laws to serve in the ministry of Our Savior's Lutheran Church.

10.2 Pastoral Call.

(1) Authority to call a pastor shall rest with the congregation. Such authority to call shall be exercised by at least a two-thirds majority ballot of members present and voting at a meeting legally called for that purpose. When the senior pastor is to be called, the congregation shall be asked to authorize the Church Council or other committee to make recommendations to the congregation concerning candidates for call. In the case of an associate or assistant pastor, the Church Council shall have the responsibility for making this recommendation to the congregation. Before the call is issued, the congregation shall seek the advice and help of the bishop of the South Dakota Synod. For pastors other than the senior pastor, advice and help of the senior pastor shall be required as part of the calling procedure.

(2) Only a member of the clergy roster of the Evangelical Lutheran Church in America, or a candidate for such roster of ordained ministers may be called as a pastor of this congregation.

(3) Consistent with the faith, and practice, of the Evangelical Lutheran Church in America;

(a) Every ordained minister shall:

- (1) Preach the Word;
- (2) Administer the sacraments;
- (3) Conduct public worship;
- (4) Provide pastoral care; and
- (5) Speak publicly to the world in solidarity with the poor and oppressed, calling for justice and proclaiming God's love for the world.

(b) Each ordained minister with a congregation call shall, within the congregation:

- (1) Offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
- (2) Supervise all schools and organizations of this congregation;
- (3) Install regularly elected members of the Church Council; and
- (4) With the Council, administer discipline.
- (5) Faithfully carry out the duties of the pastor as set forth in the pastor's letter of call;
- (6) Work with the elected boards and officers of the congregation to carry out the duly authorized decisions of this church's governing bodies;

(c) Every pastor shall:

- (1) Seek out and encourage qualified persons to prepare for the ministry of the Gospel and strive to extend the Kingdom of God in the community, in the nation, and abroad;
- (2) Impart knowledge of the church and its wider ministry;
- (3) Endeavor to increase the support given by the congregation to work of the ELCA churchwide organization and of the South Dakota Synod of the ELCA.
- (4) The specific duties of the pastor, compensation, and other matter pertaining to the service of the pastor shall be include din a letter of call, which letter shall be attested by the bishop of the synod.
- (5) The call of the congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment which, except in the case of death of the pastor, shall be terminated only following consultation with the synodical bishop and for the following reasons:
 - (a) Mutual agreement to terminate the call, the completion of a call for a specific term, or according to specific term, or according to specific provisions as stated in the letter of call
 - (b) Resignation of the pastor, which shall become effective, unless otherwise agreed, thirty (30) days after the date on which it was submitted;
 - (c) Inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;
 - (d) The physical or mental incapacity of the pastor;
 - (e) Disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty;
 - (f) The dissolution of the congregation; or
 - (g) Suspension of the congregation as a result of discipline proceedings.
- (6) When allegations of physical or mental incapacity of the pastor or ineffective conduct of the pastoral office have come to the attention of the bishop of the Synod, the bishop in his or her sole discretion may, or when such allegations have been brought to the Synod's attentions by an official recital of allegations by the Church Council or by a petition signed by at least five hundred voting members of the congregation, the bishop shall investigate such conditions personally in company with a committee appointed by the bishop of the South Dakota Synod.
- (7) In case of alleged physical or mental incapacity, competent medical testimony shall be obtained. When such disability is evident, the bishop of the Synod with the advice of the committee shall declare the pastorate vacant. Upon the restoration of a disabled pastor to health, the bishop of the synod shall take steps to enable the pastor to resume the ministry, either in the congregation last served or in another field of labor.
- (8) In the case of alleged local difficulties that imperil the effective functioning of the congregation, all concerned persons shall be heard,

after which the bishop of the synod together with the committee described in (6) shall decide on the course of action to be recommended to the pastor and the congregation. If they agree to carry out such recommendations, no further action shall be taken by the synod. If either party fails to assent, the congregation may dismiss the pastor by a two-thirds vote of the members present at a regularly called meeting after consultation with the bishop.

- (9) If, in the course of proceedings described in (8), the committee concludes that there may be grounds for disciplinary action, the committee shall make recommendations concerning disciplinary action to the synodical bishop who may bring charges, in accordance with the provisions of the Constitution and By-Laws of the Evangelical Lutheran Church in America and the Constitution of this Synod.
- (10) If, following the appointment of the committee described in (6) or (8), it should become apparent that the pastoral office cannot be conducted effectively in the congregation being served by the ordained minister due to local conditions, the bishop of the Synod may temporarily suspend the pastor from service in the congregation without prejudice and with pay provided through a joint churchwide/synod fund and with housing provided by the congregation.
- (11) At a time of pastoral vacancy, an interim pastor may be appointed by the Church Council, with the consent of the congregation, after seeking the advice of the bishop of the Synod.
- (12) During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor. The interim pastor or any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
- (13) 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.
- (14) When a pastor is called to serve in company with another pastor or pastors, the privileges, responsibilities, and specific ministry description of each pastor shall be specified in documents to accompany the call and to be drafted in consultation involving the pastors, the Church Council, the call committee, and the bishop of the synod. As occasion requires, the documents may be revised through a similar consultation.
- (15) In consultation with the bishop of the synod, the congregation may depart from (5) 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 designated representative of the bishop shall meet with the pastor and representatives of the congregation for a review of the call. Such call may also be terminated before its expiration in accordance with the provisions of (5).

- (16) The pastor shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation, and shall submit a summary of such statistics annually to the synod.
- (17) The pastor shall be a member of the congregation that has extended the letter of call.
- (18) The pastor shall submit a report of his or her ministry to the bishop of the synod at least ninety days prior to each regular meeting of the Synod Assembly.
- (19) Ecumenical pastoral ministry.
- (20) Under special circumstances, subject to the approval of the synodical bishop and the concurrence of this congregation, an ordained minister of a church body with which the Evangelical Lutheran Church in America officially has established a relationship of full communion may serve temporarily under contract as pastor of this congregation.

ARTICLE XI

- 11.1 Church Council. The Church Council shall be elected by the congregation to conduct the business of the Church. The number of members, manner of election, term of office, and time and frequency of meetings of the Council shall be as provided in the Boy-Laws of the congregation.
- 11.2 Officers. The officers of the congregation shall be:
 - (1) President
 - (2) Vice President
 - (3) Secretary
 - (4) Treasurer
- 11.3 Boards and Committees. Provisions shall be made in the By-Laws of the congregation for the election of members to its various boards and for their tenure, vacancy, resignation and removal. The Church Council shall also have authority to appoint special committees to assist it in its work from time to time.

ARTICLE XII

- 12.1 By-Laws. The congregation may adopt such bylaws as it may determine are appropriate and necessary.

ARTICLE XIII

- 13.1 Amendment. Any amendment to this Constitution may be adopted by the majority vote of those members present and voting at any annual meeting of the congregation, provided that notice of such amendment is given in the same manner as notice of the annual meeting.
- 13.2 Effective Date. Any amendment to this Constitution shall become effective upon its ratification without change by two-thirds of those members present and voting at

the first annual meeting of the congregation following the adoption of such amendment, provided that notice of such proposed ratification is given in the same manner as notice of the annual meeting.

- 13.3 Modification of Amendment. Any amendment to this Constitution, adopted as provided in paragraph 13.1 above, may be modified, amended or changed by majority vote at the first annual meeting of the congregation following the adoption of such amendment, provided, however, such amendment—as modified, amended or changed—be subsequently ratified as provided in paragraph 13.2 above.

ARTICLE XIV

14.1 Dissolution.

- (1) If this congregation ceases to exist, title to undisposed property shall pass to the South Dakota Synod of the Evangelical Lutheran Church in America.
- (2) If this congregation is removed from membership in the Evangelical Lutheran Church in America according to its procedure for discipline, title to property shall continue to reside in this congregation.
- (3) If a two-thirds majority of the voting members of this congregation present at a regularly called and conducted special meeting of this congregation vote to transfer to another Lutheran church body, title to property shall continue to reside in this congregation. Before this congregation takes action to transfer to another Lutheran church body, it shall consult with representatives of the South Dakota Synod.
- (4) If a two-thirds majority of the voting members of this congregation present at a regularly called and conducted special meeting of this congregation vote to become independent or relate to a non-Lutheran church body, title to property of this congregation shall continue reside in this congregation only with the consent of the Synod Council. The Synod Council, after consultation with the congregation by the established synodical process, may give approval to the request to become independent or to relate to a non-Lutheran church body, in which case title shall remain with the majority of the 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.

14.2 Internal Affairs. Provision for the regulation of the internal affairs of the congregation are:

- (1) No substantial part of the activities of the congregation shall be the carrying on of propaganda, or other wise attempting to influence legislation, and the congregation shall not participate in or intervene in any political campaign on behalf of any candidate for public office (including the publishing or distribution of statements).

- (2) The congregation shall not engage in any act of self dealing which would give rise to any liability for tax imposed by Section 4941(a) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.
- (3) The congregation shall distribute its income for each taxable year at such time, in such manner, and in such amounts at least sufficient to avoid liability for the tax imposed by Section 4942(a) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.
- (4) The congregation shall not retain any excess business holdings which would give rise to any liability for the tax imposed by Section 4943(a) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.
- (5) The congregation shall not make any investments which would jeopardize the carrying out of any of the exempt purposes of the congregation within the meaning of Section 4944 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws, so as to give rise to any liability for the tax imposed by Section 4944(a) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.
- (6) The congregation shall not make any taxable expenditures which would give rise to any liability for the tax imposed by Section 4945(a) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

ARTICLE XV

Discipline of Members and Adjudication

- 15.1 Denial of the Christian faith as described in this Constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent trouble-making in this congregation are sufficient cause for discipline of a members. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the Church Council. If for any reason, the pastor is unable to administer the admonitions required by a. and b. hereof, the president (if not the pastor) or vice president shall administer such admonitions.
- 15.2 The process for discipline of a member of the congregation shall be governed as prescribed by the chapter on discipline in the Constitution, By-Laws and Continuing Resolutions of the Evangelical Lutheran Church in America. A member charged with the offense shall appear before the Church Council after having received a written notice, at least ten days prior to the meeting, specifying the exact charges that have been made against the member.

- 15.3 Members of the Church Council who participate in the preparation of the written charges or who present evidence or testimony in the hearing before the Church Council are disqualified from voting upon the question of the guilt of the accused member. Should the allegations be sustained by a two-thirds majority vote of the members of the Congregation council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the Church Council shall impose one of the following disciplinary actions:
- (a) Censure before the Church Council or Congregation;
 - (b) Suspension from membership for a definite period of time; or
 - (c) Exclusion from membership in this congregation.
 - (d) Disciplinary actions b. and c. shall be delivered to the member in writing.
- 15.4 The member against whom disciplinary action has been taken by the Church Council shall have the right to appeal the decision to the Synod Council. Such right may not be abridged and the decision of the Synod Council shall be final.
- 15.5 Disciplinary actions may be reconsidered and revoked by the Church Council upon receipt of (a) evidence that injustice has been done or (b) evidence of repentance and amendment.
- 15.6 When there is disagreement among factions within this congregation on a substantive issue that cannot be resolved by the parties, members of this congregation shall have access to the Synodical Bishop for consultation after informing the chair of the President of the Congregation of their intent. If the consultation fails to resolve the issues, the Consultation Committee of the Synod shall consider the matter. If the Consultation Committee of the Synod shall fail to resolve the issues, the matter shall be referred to the Synod Council, whose decision shall be final.