

**CONSTITUTION FOR  
ST. PETER'S EVANGELICAL LUTHERAN CHURCH**

Adopted November 10, 2013

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**PREAMBLE**

We, baptized members of the Church of Christ, responding in faith to the call of the Holy Spirit through the Gospel, desiring to unite together to preach the Word, administer the sacraments, and carry out God's mission, do hereby adopt this constitution and solemnly pledge ourselves to be governed by its provisions. In the name of the Father and of the Son and of the Holy Spirit.

**Chapter 1. NAME AND INCORPORATION**

- 1.01.** The name of this congregation shall be St. Peter's Evangelical Lutheran Church.
- 1.02.** For the purpose of this constitution and any accompanying bylaws, the congregation of St. Peter's Evangelical Lutheran Church is hereinafter designated as "this congregation."
- 1.03.** This congregation shall be incorporated under the laws of the State of South Carolina.

**Chapter 2. CONFESSION OF FAITH**

This congregation incorporates Article 2 of the constitution of the North American Lutheran Church (the "NALC"), confessing:

- 2.01. The Triune God – Father, Son, and Holy Spirit<sup>1</sup>**
- 2.02. 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 the Holy Spirit speaking through their authors, they record and announce God's revelation centering in Jesus Christ.**

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<sup>1</sup> The NALC does not require congregations to adopt a particular constitution. However, it does require a subscription to the NALC constitution and to the NALC confession of faith. By adopting Chapter 2, Section 6.02, and Section 6.03(c)-(d) from this model, all shown in bold, a congregation complies with these requirements.

**Through them the Holy Spirit speaks to us to create and sustain Christian faith and fellowship for service in the world.**

- 2.03. 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, "according to which all doctrines should and must be judged." (Formula of Concord, Epitome, Part I)**
- 2.04. The Apostles', Nicene, and Athanasian Creeds as true declarations of the faith of the Church.**
- 2.05. 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.**
- 2.06. 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.**
- 2.07. The Gospel, recorded in the Holy Scriptures and confessed in the ecumenical creeds and Lutheran confessional writings, as the power of God to create and sustain the Church for God's mission in the world.**
- 2.08. St. Peter's honors and accepts the Common Confession (2005) attached in an appendix hereto, as a summary of teachings otherwise affirmed in the Lutheran Confessions.**

### **Chapter 3. NATURE OF THE CHURCH**

- 3.01. The Church is the universal assembly of all believers among whom the Gospel is preached in its purity and the holy sacraments are administered according to the Gospel. (Augsburg Confession VII)**
- 3.02. 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.**
- 3.03. 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.**
- 3.04. This congregation exercises ministry within the mission of the NALC. This congregation embodies the Church in its community and, for the sake of mission, lives in cooperative partnership with other congregations and within the other structures of the NALC. This congregation shall share responsibility for the decision-making processes of the NALC.**

### **Chapter 4. STATEMENT OF PURPOSE**

- 4.01. The hearers of the Gospel are a people, called and sent by God, Father, Son, and Holy Spirit, to be a community of faith, hope and love, who witness to Christ and His coming Kingdom before all the world.**
- 4.02. To participate in God's mission, this congregation as a part of the Church shall:
  - a. Give honor and glory to God, the Father, Son, and Holy Spirit, worshiping Him in proclamation of the Word and administration of the sacraments and through lives of prayer, praise, thanksgiving, witness, obedience and service.****

- b. Carry out Christ's Great Commission (Matthew 18:16-20) by proclaiming to all the world the Gospel of justification by grace through faith alone, according to the apostolic witness in Holy Scripture and in accordance with the Lutheran Confessions.
- c. Preserve and transmit the Gospel faithfully to future generations.
- d. Foster Christian fellowship and love and extend a helping hand to humans in need.
- e. Manifest the unity of our faith in Jesus Christ as God and Savior and join with other Christians in prayer and action.
- f. Nurture its members in the Word of God so as to grow in faith and hope and love, and to develop a sense of Christian vocation in daily life.

**4.03.** To fulfill these purposes, this congregation shall:

- a. Provide services of worship at which the Word of God is rightly preached and the sacraments are rightly 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. Encourage its members to provide appropriate financial support for the congregation's ministry and the ministry of other parts of the NALC.
- h. Foster and participate in relationships with other congregations and structures of the NALC.
- i. Foster and participate in ecumenical relations consistent with NALC policy.

**4.04.** This congregation shall develop an organizational structure to be described in the bylaws. The Church Council shall prepare descriptions of the responsibilities of each committee, task force, or other organizational group and shall review their actions.

**4.05.** This congregation shall, from time to time, adopt a mission statement which will provide specific direction for its programs.

## **Chapter 5. POWERS OF THE CONGREGATION**

**5.01.** The powers of this congregation are those necessary to fulfill its purpose.

**5.02.** The powers of this congregation are vested in the Congregational Meeting called and conducted as provided in this constitution and bylaws.

**5.03.** Only such authority as is delegated to the Church Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by the congregation. The congregation is authorized to:

- a. call a pastor as provided in Chapter 9;
- b. terminate the call of a pastor as provided in Chapter 9;
- c. appoint or terminate the service of commissioned lay leaders.

- d. approve the annual budget;
  - e. acquire real and personal property by gift, devise, purchase, or other lawful means;
  - f. hold title to and use its property for any and all activities consistent with its purpose;
  - g. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
  - h. elect its Church Council, boards, and committees, and require the members of the council, boards, and committees to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions.
  - i. adopt amendments to this constitution as provided in Chapter 17, and amendments to the bylaws, as specified in Chapter 16.
  - j. establish or terminate a relationship with a church body.
- 5.04.** This congregation may select voting members of this congregation to serve as lay delegates and alternates to represent it at meetings of any conferences, convocations, and other meetings where this congregation is entitled to such representation.

## **Chapter 6. CHURCH AFFILIATION**

- 6.01.** This congregation is a member of the NALC or any successor and is subject to the procedures of the NALC.
- 6.02.** This congregation subscribes to the constitution of the NALC and will act in accordance with it.
- 6.03.** This congregation will conduct its ministry in a manner consistent with its membership in the NALC:
- a. This congregation is responsible for its life as a Christian community.
  - b. This congregation pledges its participation in the life and mission of the NALC, including the prayerful consideration of appropriate financial support.
  - c. This congregation shall call only pastors who are members of the NALC or otherwise are authorized by the NALC to serve.
  - d. This congregation shall appoint only commissioned lay leaders who are members of the NALC or otherwise are authorized by the NALC to serve.
- 6.04.** Affiliation with the NALC may be terminated as follows:
- a. This congregation dissolves.
  - b. This congregation ceases to exist.
  - c. This congregation is removed from membership in the NALC according to the procedures for discipline of the NALC.
  - d. This congregation, at a legally called and conducted special meeting, approves by at least a two-thirds majority of those present and voting a resolution directing that this congregation withdraw from the NALC. If this congregation adopts a resolution withdrawing from the NALC, all provisions of this constitution binding this congregation to the NALC shall be immediately ineffective. The congregation shall promptly deliver a copy of the withdrawal resolution to the NALC General Secretary.

## **Chapter 7. PROPERTY OWNERSHIP**

**7.01.** This congregation is an independent legal entity with rights to purchase, hold, and convey real and personal property in accord with applicable law. The NALC shall have no right to or interest in the property of this congregation unless this congregation expressly conveys such a right or interest to the NALC. If this congregation dissolves, its property shall be distributed in accord with applicable law and with the congregation's governing documents.

## **Chapter 8. MEMBERSHIP**

**8.01.** Members of this congregation shall be those baptized persons (a) who are on the roll of this congregation at the time that this constitution is adopted or who are admitted thereafter, and (b) who have declared and maintain their membership in accordance with the provisions of this constitution and its bylaws.

**8.02.** 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 who have communed and made a contribution of record during the current or preceding calendar year. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of the congregation.

d. **Associate** members are persons holding membership in other Christian congregations who wish to retain such membership but desire to participate in the life and mission of this congregation. 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.

**8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Church Council.

**8.04.** 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 NALC, and their ministries and structures through contributions of time, abilities, and financial support as biblical stewards.

**8.05.** Membership in this congregation shall be terminated by any of the following:

a. death;

b. resignation;

c. transfer or release;

- d. disciplinary action by the Church Council; or
- e. removal from the roll due to inactivity as defined in the bylaws. Such persons who have been removed from the roll of members shall remain persons for whom the Church has a continuing pastoral concern.

## **Chapter 9. THE PASTOR**

- 9.01.** Authority to call a pastor shall be in this congregation by at least a two-thirds majority vote of members present and voting at a meeting legally called for that purpose.
- 9.02.** Consistent with the faith and practice of the NALC,
- a. Every ordained minister shall:
    - 1) preach the Word;
    - 2) administer the sacraments;
    - 3) conduct public worship;
    - 4) provide pastoral care;
    - 5) serve as the chief evangelist in his or her ministry, and
    - 6) proclaim God's love to the world.
  - b. Each ordained minister with a congregational call shall, within the congregation:
    - 1) offer instruction, confirm, marry, visit the sick and distressed, and bury the dead;
    - 2) supervise all schools and organizations of this congregation;
    - 3) install regularly elected members of the Church Council; and
    - 4) with the Church Council, administer discipline.
  - c. Every pastor shall:
    - 1) strive to extend the Kingdom of God in the community, in the nation, and abroad;
    - 2) seek out and encourage qualified persons to prepare for the ministry of the Gospel; and
    - 3) impart knowledge of the NALC and its wider ministry through public provision of information, distribution of publications and other appropriate means,
- 9.03.** 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.
- 9.04.** a. The call of a congregation, when accepted by a pastor, shall constitute a continuing mutual relationship and commitment, which, except in the case of the death of the pastor, shall be terminated for the following reasons:
  - 1) mutual agreement to terminate the call or the completion of a call for a specific term;
  - 2) resignation of the pastor, which shall become effective, unless otherwise agreed, 30 days after the date on which it was submitted;
  - 3) inability to conduct the pastoral office effectively in the congregation in view of local conditions, without reflection on the competence or the moral and spiritual character of the pastor;

- 4) the physical or mental incapacity of the pastor;
- 5) disqualification of the pastor through discipline on grounds of doctrine, morality, or continued neglect of duty; or
- 6) the dissolution of the congregation.

b. If the Church Council determines that it may be appropriate to end a call for one of the reasons set out in sub-section (a), the Council shall consult with the pastor regarding the matter in accord with Biblical principles. If the Church Council and pastor do not reach agreement, the Church Council shall inform the Bishop of the NALC, who shall consult with the Church Council and the pastor and shall attempt to reach an agreed resolution. If the Bishop fails to facilitate an agreed resolution, the Church Council or the pastor may call a special Congregational Meeting to consider the matter. At such a meeting, the pastor and the Church Council leadership shall have a full and fair opportunity to present their positions on all matters relevant for consideration. Thereafter, the congregation by a two-thirds vote may terminate the pastor's call. In all events, the Church Council by majority vote may suspend a pastor with pay if the Church Council determines that such suspension is necessary to protect the congregation and all whom it serves. No such suspension may last more than 90 days unless the pastor agrees otherwise.

- 9.05.** At a time of pastoral vacancy, an interim pastor may be appointed by the Church Council.
- 9.06.** During the period of service, an interim pastor shall have the rights and duties in the congregation of a regularly called pastor and may delegate the same in part to a supply pastor with the consent of the Church Council. The interim pastor and any ordained pastor providing assistance shall refrain from exerting influence in the selection of a pastor.
- 9.07.** 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.
- 9.08.** 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 and the Church Council. As occasion requires, the documents may be revised through the same consultation process.
- 9.09.** The congregation may depart from the requirements in section 9.04 (a) by calling a pastor for a term of years. Details of such a call shall be in a writing that sets forth the purpose and conditions involved. Such call may be terminated before its expiration in accordance with the provisions in section 9.04 (a) and 9.04 (b).
- 9.10.** The pastor of this congregation:
  - a. shall keep accurate parochial records of all baptisms, confirmations, marriages, burials, communicants, members received, members dismissed, or members excluded from the congregation;
  - b. shall submit a summary of such statistics annually to the Church Council; 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.

- 9.11.** The parochial records of this congregation shall be maintained by the pastor and shall remain the property of the congregation.

## **Chapter 10. CONGREGATIONAL MEETING**

- 10.01.** The annual meeting and any other regular meetings of this congregation shall be held at times set by the congregation in bylaws or in other resolutions.
- 10.02.** A special Congregational Meeting may be called by the pastor, the Church Council, or the president of this congregation, and shall be called by the president of the congregation upon the written request of ten percent of the voting members. The call for each special meeting shall specify the purpose for which it is to be held and no other business shall be transacted.
- 10.03.** Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail or e-mail to all voting members at least 10 days in advance of the date of the meeting. The posting of such notice in the regular mail, with the regular postage affixed or paid, sent to the last known address of such members, or sent to the last known e-mail address of such members, shall be sufficient.
- 10.04.** Ten percent of voting members shall constitute a quorum.
- 10.05.** Voting by proxy or by absentee ballot shall not be permitted.
- 10.06.** All actions approved by the congregation shall be by majority vote of those voting members present and voting, except as otherwise provided in this constitution or by applicable law.
- 10.07.** *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

## **Chapter 11. OFFICERS**

- 11.01.** The officers of this congregation shall be a president (pastor ex-officio), vice president, secretary, and treasurer.
- a. Duties of the officers shall be specified in the bylaws.
  - b. The officers shall be voting members of the congregation.
  - c. The Church Council shall elect the officers who shall be officers of the congregation and shall serve similar offices of the Church Council. The vice president shall be elected from the elected membership of the Church Council. If the treasurer or secretary are not elected from the elected membership of the Church Council, they may have voice but shall not have a vote at the meetings of the Church Council.
- 11.02.** The pastor shall be ex officio president of the congregation and the Church Council. The Church Council shall elect by majority vote the other officers of the congregation. The new (incoming) Church Council will select its leadership in December which will be ratified at the first Council meeting in January. Their terms shall begin on January 1 and end on December 31.
- 11.03.** No officer shall hold more than one office at a time.
- 11.04.** If any elected office enumerated in this Chapter 11 becomes vacant, the Church Council shall elect a replacement as soon as practicable to serve the remainder of the unexpired term.



## **Chapter 12. CHURCH COUNCIL**

- 12.01.** The voting membership of the Church Council shall consist of the pastor(s), one youth member and the 12 elected adult members age 18 or older from the congregation. Any voting member of the congregation may be elected, subject only to the limitation on the length of continuous service permitted in that office. A member's place on the Church Council shall be declared vacant if the member a) ceases to be a voting member of this congregation or b) is absent from four successive regular meetings of the Church Council without cause. Consistent with the laws of the state of South Carolina, the congregation may adopt procedures for the removal of a member of the Church Council in other circumstances.
- 12.02.** The adult members of the Church Council except the pastor(s) shall be elected by written ballot to serve for a term of three years. A majority of votes cast shall be necessary for election. Their tenure shall be so arranged that one-third of the terms expire annually. The youth member of the Church Council shall serve for a term of one year. A Church Council member shall not be eligible to succeed himself/herself until three years have elapsed after his or her term has been completed. Their terms shall begin on the first day of January following the meeting at which they are elected. All elected members of the Church Council shall be installed at worship as soon after election as convenient.
- 12.03.** A nominating ballot shall be cast on a date determined by the Church Council and the results shall be announced in the bulletin in a timely manner. Each voting member votes for one person for each position to be filled. If on the nominating ballot no one received a majority of votes, then voting shall be confined to the eight (8) highest. And thence voting shall be confined to twice the number of existing vacancies.
- 12.04.** No two family members of the same household shall serve as voting members of the Church Council at the same time.
- 12.05.** No non-ordained employee of St. Peter's Lutheran Church shall be a member of the Church Council, the Stewardship/Finance Committee, or the Staff Support Committee, nor shall any employee's immediate family member be a member of the Church Council, Stewardship/Finance Committee, or the Staff Support Committee. Immediate family is understood to include spouses, parents, children, siblings, step-parents, step-children, and step-siblings.  
*(Amendment ratified November 8, 2015.)*
- 12.06.** Should a member's place on the Church Council be declared vacant, the Church Council shall elect, by majority vote, a successor until the next annual meeting. Individuals who have served less than one-half of a regular term shall be eligible for nomination and possible election to a full term.
- 12.07.** The Church 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, the Lutheran Confessions and the faith and practice of the NALC. The duties of the Church Council shall include the following:
- a. To lead this congregation in stating its mission, to do long-range planning, to set goals and priorities, and to evaluate its activities in light of its mission and goals.
  - b. To seek to involve all members of this congregation in worship, learning, witness, service, and support.

- c. To oversee and provide for the administration of this congregation to enable it to fulfill its functions and perform its mission.
  - d. To maintain supportive relationships with the pastor(s) and staff and help them annually to evaluate the fulfillment of their calling or employment.
  - e. To be examples individually and corporately of the style of life and ministry expected of all baptized persons.
  - f. To promote a congregational climate of peace and goodwill, and, as differences and conflicts arise, to foster resolution of such conflicts according to Biblical principles.
  - g. To arrange for pastoral service during the sickness or absence of the pastor.
  - h. To emphasize partnership with the NALC as well as cooperation with other Christian congregations, both Lutheran and non-Lutheran.
  - i. To seek out and encourage qualified persons to prepare for the ministry of the Gospel.
- 12.08.** The Church Council shall be responsible for the financial and property matters of this congregation.
- a. The Church Council shall be the trustees of this congregation, and as such shall be responsible for maintaining and protecting its property and the management of its business and fiscal affairs. It shall have the powers and be subject to the obligations that pertain to such boards under the laws of the State of South Carolina except as otherwise provided herein.
  - b. The Church Council shall not have the authority to buy, sell, or encumber real property unless specifically authorized to do so by a meeting of the congregation.
  - c. The Church Council may enter into contracts of up to five percent of the amount budgeted for the current year for items not included in the budget.
  - d. The Church Council shall prepare an annual budget for adoption by this congregation, shall supervise the expenditure of funds in accordance therewith following its adoption, and may incur obligations of no more than \$5,000.00 in excess of the anticipated receipts. The budget shall include this congregation's full indicated share in support of the wider ministry being carried on in partnership with Carolinas Mission District and the North American Lutheran Church.
  - e. The Church Council shall ascertain that the financial affairs of this congregation are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the designated recipients of these funds.
  - f. The Church Council shall be responsible for this congregation's investments and its total insurance program.
- 12.09.** The Church Council shall see that the provisions of this constitution, its bylaws and the continuing resolutions are carried out.
- 12.10.** The Church Council shall provide for an annual review of the membership roster.
- 12.11.** The Church Council shall be responsible for the employment and supervision of the salaried lay workers of this congregation.
- 12.12.** The Church Council shall submit a comprehensive report to this congregation at the annual meeting.
- 12.13.** The Church Council shall normally meet once a month. Special meetings may be called by the president (Pastor ex-officio) or the Vice 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.

- 12.14.** A quorum for the transaction of business shall consist of a majority of the members of the Church Council. In addition, the pastor or interim pastor must be present, except when the pastor or interim pastor requests or consents to be absent and has given prior approval to the agenda for a particular regular or special meeting, or with the consent of the Bishop or Dean. In such a circumstance, the Church Council may not conduct any business beyond that which was included on the agenda as approved by the pastor, interim pastor, Bishop or Dean, as applicable. Chronic or repeated absence of the pastor or interim pastor who has refused approval of the agenda of a subsequent regular or special meeting shall not preclude action by the Church Council.

### **Chapter 13. CONGREGATION COMMITTEES**

- 13.01.** The officers of this congregation and the pastor shall constitute the *Executive Committee*.
- 13.02.** When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by the Church Council. Term of office will terminate upon installation of the newly called pastor.
- 13.03.** Other committees of this congregation may be formed, as the need arises, by decision of the Church Council.
- 13.04.** Duties of committees of this congregation shall be specified in the bylaws.
- 13.05.** The senior pastor of this congregation shall be ex officio a member of all committees and boards of the congregation.

### **Chapter 14. ORGANIZATIONS WITHIN THE CONGREGATION**

- 14.01.** 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 oversight and direction by the Church Council.
- 14.02.** Special interest groups, other than those of the official organizations of the North American Lutheran Church, may be organized only after authorization has been given by the Church Council.

### **Chapter 15. DISCIPLINE OF MEMBERS AND ADJUDICATION**

- 15.01.** Denial of the Christian faith as described in this constitution, conduct grossly unbecoming a member of the Church of Christ, or persistent troublemaking in this congregation are sufficient cause for discipline of a member. Prior to disciplinary action, reconciliation will be attempted following Matthew 18:15-17, proceeding through these successive steps: a) private admonition by the pastor, b) admonition by the pastor in the presence of two or three witnesses, and c) citation to appear before the 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.
- 15.02.** If discipline against a member proceeds beyond counseling and admonition by the pastor, charges against the accused member(s) that are specific and in writing shall be prepared by member(s) of the congregation who shall sign the charges as the accuser(s). The written charges shall be filed with the pastor, who shall

advise the Church Council of the need to issue a written citation to the accused and the accusers that specifies the time and place of the hearing before the Church Council. The written charges shall accompany the written citation to the accused. The written citation that specifies the time and place of the hearing before the Church Council and requests the presence of a member charged with an offense shall be sent at least ten days prior to the meeting. If the member charged with the offense fails to appear at the scheduled hearing, the Church Council may proceed with the hearing and may pass judgment in the member's absence.

- 15.03.** 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 Church Council who are not disqualified but who are present and voting, and renewed admonition prove ineffectual, the council shall impose one of the following disciplinary actions:
- a. censure before the council or congregation.
  - b. suspension from membership for a definite period of time; or
  - c. exclusion from membership in this congregation.
- Disciplinary actions b. and c. shall be delivered to the member in writing.*
- 15.04.** 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.

## **Chapter 16. BYLAWS**

- 16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.
- 16.02.** Bylaws may be adopted or amended at any legally called meeting of this congregation with a quorum present by a majority vote of those voting members present and voting.
- 16.03.** Changes to the bylaws may be proposed by any voting member provided, however, that such additions or amendments be submitted in writing to the Church Council at least 60 days before a regular or special Congregational Meeting called for that purpose and that the Church Council notify the congregation's members by mail or email of the proposal with the council's recommendations at least 30 days in advance of the Congregational Meeting.

## **Chapter 17. AMENDMENTS**

- 17.01.** Amendments may be proposed by at least ten percent of the voting members or by the Church Council. Proposals must be filed in writing with the Church Council 60 days before a regular or special Congregational Meeting called for that purpose. The Church Council shall notify the members by mail or email of the proposal with the council's recommendations regarding disposition of the proposal at least 30 days in advance of the congregational meeting.
- 17.02.** An amendment to this constitution, shall:
- a. be approved at a legally called Congregational Meeting according to this constitution by a simple majority vote of those present and voting;
  - b. be ratified without change at the next annual Congregational Meeting by a two-thirds majority vote of those present and voting; and
  - c. have the effective date included in the resolution and noted in the constitution.

## **Chapter 18. CONTINUING RESOLUTIONS**

- 18.01.** This congregation in a legally called Congregational Meeting or the Church Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- 18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a Congregational Meeting or a two-thirds vote of all voting members of the Church Council.

## **Chapter 19. INDEMNIFICATION**

- 19.01.** Consistent with the provisions of the laws under which this congregation is incorporated, this congregation may adopt provisions providing indemnification for each person who, by reason of the fact that such person is or was a Church 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.

## **BYLAWS**

### **Section 1. MEMBERSHIP**

**Item 1.** Each applicant for adult membership shall have been properly instructed in the Word of God and the faith of the Lutheran Church prior to his or her reception. All applications for such membership shall be submitted to and shall require approval of the Church Council.

**Item 2.** Confirmed members who have not communed and have not made a contribution of record during the current or preceding year may be removed from the roll of members. Such a member of concern shall be restored by the Church Council to the roll when he/she again communes and makes a contribution of record to the congregation.

### **Section 2. THE PASTOR**

**Item 1.** As soon as practical after entering upon his/her duties, a pastor of this congregation shall be duly installed by the designated representative of the North American Lutheran Church.

**Item 2.** In order that a pastor of this congregation may devote himself/herself fully to the duties of his/her office, he/she shall receive an adequate salary, paid in semi-monthly or monthly installments. His/her expenses incident to attendance at convocations of the Mission District and North American Lutheran Church shall be defrayed by the congregation.

### **Section 3. CONGREGATIONAL MEETINGS**

**Item 1.** The annual congregational meeting shall be held on a date to be fixed by the Church Council.

**Item 2.** At congregational meetings called for the purpose of selling, purchasing, or encumbering real property, only confirmed members age 18 or older on the church roll shall be permitted to vote. On all matters other than the foregoing, all active confirmed members on the church roll shall be permitted to vote.

#### **Section 4. OFFICERS**

**Item 1.** Annually, after the election of new members to the Church Council, the Church Council shall elect a vice-president, a secretary, a treasurer and, if desired, a financial secretary.

**Item 2.** If any officer ceases to be on the roll of confirmed members of the congregation, his/her office shall at once be declared vacant by the Church Council, at which time the Church Council will fill the vacancy for the unexpired term.

**Item 3.** The vice-president shall serve as president of the congregation and the Church Council during a pastoral vacancy or when the pastor is unable to serve in that capacity.

**Item 4.** The secretary shall keep accurate minutes of all meetings of the congregation and of the council in a volume provided by the congregation, which shall be preserved permanently in its archives.

**Item 5.** The bookkeeper shall receive, and keep record of all income from contributing members and other sources.

**Item 6.** The treasurer shall keep the books of account of the congregation. He/She shall disburse all funds on proper orders, making regular remittance of benevolence monies.

**Item 7.** The treasurer shall make written reports of all his/her transactions to the Church Council monthly. All financial officers shall give corporate surety, in amounts determined by the Church Council, for which the premiums shall be paid by the congregation.

#### **Section 5. CHURCH COUNCIL**

**Item 1.** The following shall constitute the order of business at regular meetings of the Church Council:

- a) Devotions
- b) Roll call and action on excuses for absence
- c) A period for the study of the life and work of the church
- d) Reading of Minutes
- e) Report of the Pastor and other ministry staff
- f) Report of the Treasurer
- g) Reports of Standing Committees
- h) Reports of special committees
- i) Other reports
- j) Reception of petitions and communications
- k) Unfinished business
- l) New business
- m) Adjournment

**Item 2.** The Church Council shall elect persons on the roll of voting members in the congregation who are age 18 or older as voting members in the permitted numbers to the convocations of the Mission District to which this congregation belongs and to the convocation of the North American Lutheran Church. The expenses incurred by such voting members in connection with their attendance shall be paid by the congregation.

**Item 3.** At Church Council meetings dealing with legal matters and personnel matters, only confirmed members age 18 or older shall be permitted to vote.

#### **Section 6. CONGREGATIONAL COMMITTEES**

**Item 1.** By its first meeting in each congregation year, the Church Council shall appoint as many congregational committees as the local and wider concerns of the congregation shall require. Each such committee shall be composed of at least one member of the Church Council and, in addition, other persons on the active roll of confirmed members of the congregation. Although appointed by and responsible to the Church Council, these committees shall be recognized as representatives of the interests of, and performing essential services for, the congregation as a whole.

**Item 2.** Except as stipulated in the following paragraphs, the duties of all committees shall be assigned by the Church Council, along with such instructions as in its judgment are in the best interest of the congregation. All actions of committees shall be subject to review by the Church Council.

**Item 3.** There shall be an **Educational Ministry Committee**. This committee, in association with the pastor, shall oversee the conduct and promotion of the schools and the activities of all organizations within the congregation. It shall encourage the use of teaching and worship materials published or approved by the North American Lutheran Church and seek to introduce the church's periodicals and books of family devotion into the homes of the congregation. One of the primary aims of the Educational Ministry Committee shall be to bring the call to the ministry of the Gospel and to other fulltime church vocations to the attention of qualified youth of the congregation.

**Item 4.** There shall be a **Property and Grounds Committee**. This committee shall see to the proper maintenance and protection of all property of the congregation and shall take care that the same is kept in good repair. In addition, this committee shall be responsible for the proper upkeep and improvement of the grounds of the church and shall take steps to ensure a neat and orderly appearance.

**Item 5.** There shall be an **Evangelism Committee**. This committee shall stimulate and lead all members of the congregation in continuous and, from time to time, concerted endeavors to reawaken the spiritually indifferent and to reach others, who are as yet un-won, with the Gospel and attract them to Christ's Church. To this end, the committee shall devote itself to deepening spiritual life and shall periodically study the congregation in the context of its surrounding community.

**Item 6.** There shall be a **Stewardship/Finance Committee**, of which the treasurer shall be a member ex officio. It shall be the function of this committee to evoke and promote the expression of Christian faith in daily living; to the Christian use of money; to diffuse knowledge of the congregation's local, national and world-wide ministries; and to lead all its members to higher levels of proportionate giving for the Lord's work. This committee shall also be responsible for congregational efforts which lead to informed and grateful giving. This committee shall also prepare a draft budget for the succeeding year, including this congregation's full indicated share in support of the wider ministry being carried on in partnership with the North American Lutheran Church and shall submit such draft budget to the Church Council for its action and later presentation to a congregational meeting. The committee shall exercise oversight of all the financial affairs of the congregation to make sure that they are being conducted efficiently, giving particular attention to the prompt payment of all obligations and to the regular forwarding of benevolence monies to the designated recipients of these monies. It shall, subject to the approval of the Church Council, be responsible for the congregation's investments and its total insurance program. It shall also provide for a certified written report of all financial accounts and records of the Church, including the St. Peter's Endowment Fund and the St. Peter's Cemetery Endowment Fund, from an Independent Certified Public Accountant not less than every three years.

This report would be in the form of either a CPA Audited Financial Statement or CPA Reviewed Financial Statement in accordance with Generally Accepted Accounting Principles (GAAP). In addition, a CPA Audited Financial Statement or CPA Reviewed Financial Statement shall be completed each time a new Treasurer takes office. The Stewardship/Finance Committee would recommend to Church Council which type of financial report should be undertaken.

**Item 7.** There shall be a **Service Committee**. The purpose of this committee shall be to extend Christian compassion and helpfulness to the ill, the aged, the orphaned, the underprivileged, the imprisoned and, in general, to persons of all ages needing aid in body or soul. It shall strive to enlist in these efforts as many as possible of the individual members and organizations of the congregation. This committee shall further have the duty to study social conditions, primarily in the local community, in order to bring the cleansing and healing light of Christian truth to bear upon critical problems through thoughtful Christian discussion of facts and issues. The chairpersons for any social ministry programs shall be members of the Service Committee.

**Item 8.** There shall be a **Worship and Music Committee**. It shall assist the Church Council in seeing that the services of God's house are conducted regularly and in accordance with the liturgy of the North American Lutheran Church, that competent ushers are recruited and trained, and that hymnals and other devotional material are provided and properly cared for. This committee shall supervise and strive to advance the welfare and effective service of the choirs of the congregation. It shall arrange for the care of paraments, vestments, and musical instruments and, in consultation with the pastor, the organist and the choir director, it shall furnish music supplies appropriate for use in the worship of a congregation of the North American Lutheran Church.

**Item 9.** There shall be a **Church Cemetery Committee** whose responsibility is the administration and upkeep of the cemetery according to the rules of the cemetery as stated in the by-laws of this constitution. This committee shall have the right to solicit free-will contributions from the congregation, upon approval by the Church Council, to defer costs of upkeep as deemed necessary.

**Item 10.** There shall be a **Staff Support Committee**. The pastor and the vice-president will always be ex officio members of the committee. Other members serve a term of three years, with two rotating off each year to provide continuity. Members who rotate off the committee are eligible for reappointment after three years. The Church Council shall appoint this committee.

The purpose of the committee is as follows:

a) **To support and encourage staff**—Staff members will be assigned a committee member as a contact person to whom they may address comments, questions, and concerns. However, all employees may contact any committee member.

b) **Evaluate the pastor(s) on performance**—Review the performance of the pastor(s) based on performance expectations. The Senior Pastor shall evaluate the performance of the church staff (Choir Directors, Organist, Youth Director, Administrative Coordinator, Bookkeeper, Treasurer, etc.) using a standardized evaluation document adopted by the Staff Support Committee.

c) **Make performance recommendations to the Stewardship/Finance Committee and Church Council**—This will be done annually in conjunction with the performance evaluation.



d) **Interpret the guidelines of the St. Peter's Employee Handbook** and provide guidance to the congregation's employees in carrying out these guidelines.

**Item 11.** There shall be a **Youth Ministry Committee** whose responsibility is to assist the Youth and Young Adult Director in planning and implementing programming for Club 345 (3<sup>rd</sup>-5<sup>th</sup> grades), Junior Youth (grades 6<sup>th</sup>-8<sup>th</sup>), Senior Youth (grades 9<sup>th</sup>-12<sup>th</sup>) & Young Adults. Youth and young adult activities may include, but not limited to, Youth Missions, Youth Week, seasonal retreats, adopt a college student, and young adult small group activities.

### **Section 7. CHURCH SCHOOLS**

**Item 1.** General officers of all church schools shall be approved by Church Council after receiving recommendations from the Educational Ministry Committee.

**Item 2.** The general officers of the Sunday Church School shall be the superintendent and/or co-superintendents and a financial secretary.

**Item 3.** The general officers of the schools in consultation with the pastor and the Educational Ministry Committee shall appoint teachers and helpers and be responsible for the planning and operation of the Sunday Church School and the Vacation Bible School.

**Item 4.** All officers, teachers, and helpers shall be installed at a regular worship service as close to the time when they assume their duties as possible.

### **Section 8. RULES FOR ST. PETER'S LUTHERAN CHURCH CEMETERY**

**Item 1.** St. Peter's Lutheran Church shall maintain its own cemetery named St. Peter's Lutheran Church Cemetery.

**Item 2.** Plot assignment is the responsibility of the Cemetery Committee.

**Item 3.** No cemetery plots or columbarium niches shall be sold.

**Item 4.** No cemetery plots or columbarium niches shall be given non-members except in the case of a previous member who was an active confirmed member of the congregation for at least five years.

**Item 5.** Holders of plots or columbarium niches forfeit their rights to the plots or columbarium niches upon termination of membership except in the case of a holder who has been an active confirmed member of the congregation for at least five years or in the case of a holder who has some member of his family buried in the plot or columbarium niche.

**Item 6.** Immediate family members who are non-members may be buried in a member's plot or columbarium niche by special permission of the Church Council.

**Item 7.** Holders of plots may erect permanent identifying corner markers (6" x 6") initialed and flush with the ground at their own expense.

**Item 8.** No cemetery plots shall be assigned until the assignee signs an agreement with the church. Such agreement shall read:

I hereby accept cemetery Block # \_\_\_\_\_ Lot # \_\_\_\_\_ Plot # \_\_\_\_\_  
and understand that it is my responsibility to abide by the By-laws  
of St. Peter's Constitution, Section 8, Rules for St. Peter's Lutheran  
Church Cemetery and to assist with the upkeep through my  
donations to the Fund. I further understand that I may not transfer  
the plot to anyone.

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Printed Name	Signature	Date
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**Item 9.** No columbarium niches shall be assigned until the assignee signs an agreement with the church. Such agreement shall read:

Saint Peter's Lutheran Church Cemetery  
Columbarium Niche Application

Name:

First	Middle	Last	Date of Birth	Date of Membership
1.	_____			
2.	_____			

I hereby accept the assigned cemetery niche and understand that it is my responsibility to abide by the By-laws of St. Peter's Constitution, Section 8, Rules for St. Peter's Lutheran Church Cemetery and to assist with the upkeep through my donations to the cemetery fund. I further understand that I may not transfer the niche to anyone.

**Item 10.** The use of copings around squares is discouraged. Copings installed after the publication of this rule shall be installed flush with the ground so that mowers may go over them.

**Item 11.** A designated member of the committee shall always be consulted before any grave is dug or coping or headstone (marker) is installed. All headstone (marker) or monuments or other permanent structure must have the approval of the Cemetery Committee before installation.

**Item 12.** Foot stones placed on graves after the publication of this rule shall be installed flush with the ground. Where feasible and where no strong objections are expressed by plot holders, the cemetery committee may lower existing foot stones to flush with ground level as needed.

**Item 13.** The cemetery committee reserves the right to remove from graves any flowers or materials which have become unsightly. Live plants, flowers, shrubs, and trees are prohibited from being planted within the boundary of the cemetery.

**Item 14.** Official cemetery survey markers shall not be disturbed by the digging of graves or the placement of monuments.

**Item 15.** Headstones, footstones, and monuments must remain within the boundary of the plot.

**Item 16.** The Cemetery Committee may reclaim individual or family plots with approval of the family. Unneeded plots should be released back to the cemetery committee for reassignment.

**Item 17.** If the original assignee does not use their assigned plot, the plot will be automatically returned to the cemetery committee for reassignment.

## **Section 9. ST. PETER'S ENDOWMENT FUND**

**Item 1.** The name of the endowment fund shall be The St. Peter's Evangelical Lutheran Church Endowment Fund.

**Item 2.** This Fund is organized exclusively to further the mission and ministry of St. Peter's Evangelical Lutheran Church.

**Item 3.** The Fund is to act as an endowment for the collection and receipt of contributions, donations, and bequests and to invest and re-invest these monies. Distribution shall be made by the Fund in such amounts and at such times as the Board, as limited below, may deem proper.

### **BOARD MEMBERSHIP AND RESPONSIBILITIES**

**Item 1.** The Board shall consist of five (5) members, all of whom shall be voting members of St. Peter's Evangelical Lutheran Church. Except as herein limited, the term of each member shall be five (5) years. At each annual meeting, the congregation shall elect the necessary number for a term of five (5) years. No member shall serve more than two (2) consecutive five (5) year terms. After a lapse of one (1) year, former Board members may be re-elected. The senior pastor and the vice president of the Church Council shall be advisory members of the Board. The Stewardship and Finance Committee shall nominate two (2) persons for each seat expiring and the Church Council will approve each candidate to be elected at the annual congregational meeting.

**Item 2.** Any Board member may resign his or her position at any time. A Board member's place on the Board shall be declared vacant if the member (a) ceases to be a voting member of this congregation or (b) is absent from three (3) successive regular meetings of the Board without cause. In the event of a vacancy on the Board, the Church Council shall appoint a member to fill the vacancy until the next annual meeting of the congregation, at which time the congregation shall elect a member to fulfill the term of the vacancy.

**Item 3.** The Board should meet at least quarterly, or more frequently as deemed by it in the best interest of the Fund.

**Item 4.** A quorum shall consist of three (3) members. When only three (3) members are present a unanimous vote shall be required to carry any motion or resolution.

**Item 5.** The Board shall elect from its membership a chairperson, a secretary, and a treasurer. The chairperson, or member designated by the chairperson, shall preside at all Board meetings.

**Item 6.** The secretary of the Board shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the Board. Each member shall keep a complete copy of minutes to be delivered to his or her successor. The secretary shall also supply a copy of the minutes to the Church Council.

**Item 7.** The treasurer of the Board shall work with the congregation's treasurer in maintaining and coordinating complete and accurate accounts for the Fund and shall sign checks and all other necessary documents on behalf of the congregation in furtherance of the purposes of the Fund.

**Item 8.** The Board shall report on a quarterly basis to the Church Council and, at each annual or duly called special meeting of the congregation, shall render a full and complete ~~audited~~ account of the administration of the Fund during the preceding year.

**Item 9.** The Board may request other members of the congregation to serve as advisory members and, at the expense of Fund income, may provide for such professional counseling on investments or legal matters as it deems to be in the best interest of the Fund.

**Item 10.** Members of the Board shall not be liable for any losses which may be incurred upon the investments of the assets of the Fund except to the extent such losses shall have been caused by bad faith or gross negligence. No member shall be personally liable as long as he/she acts in good faith and with ordinary prudence. Each member shall be liable only for his/her own willful misconduct or omissions and shall not be liable for the acts of omissions of any other member. No member shall engage in any self dealing or transactions with the Fund in which the member has direct or indirect financial interest and shall at all times refrain from any conduct in which his/her personal interests would conflict with the interest of the Fund.

**Item 11.** All assets are to be held in the name of The St. Peter's Evangelical Lutheran Church Endowment Fund.

**Item 12.** Recommendations to hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects manage and control the assets of the investment portion of the Fund, including stocks, bonds, debentures, mortgages, notes, or other securities, as in their judgement and discretion they deem wise and prudent, are to be made by an approved Portfolio Manager/Investment Advisor, or the Endowment Board (during any interim period between chosen managers) according to the Endowment Fund's Investment Policy Statement. The Investment Policy Statement (IPS) is to be drafted by the Endowment Board and further approved by the Church Council. An Investment Policy Statement is a set of instructions provided by St Peter's Lutheran Church Endowment Board that is to be given to the Portfolio Manager which outlines the general rules that the Portfolio Manager is required to adhere to. This statement provides the general investment goals and objectives of the Endowment Fund and describes the strategies that the manager should employ to meet these objectives. Any decisions related to Cash, CD's, Savings Accounts, or other monies that are not to be invested in marketable securities are to be recommended by the Board and submitted to the Church Council for approval.

## **DISTRIBUTION OF INCOME**

**Item 1.** The Board shall determine what is principal and income according to accepted accounting procedures.

**Item 2.** Income from the Fund shall be distributed annually and at such other times as deemed necessary and/or feasible to accomplish the following purposes:

a) Minimum of 20% for outreach into the community and mission district, including, but not limited to, grants to North American Lutheran Church seminaries or House of Studies within the Mission District, Lutheran colleges, or students attending such schools, social service agencies, institutions and agencies to which this congregation relates, and to special programs designed for those persons in our parish area who are in spiritual and/or economic need.

b) Minimum of 20% for missions of the North American Lutheran Church on this continent and worldwide, including, but not limited to, grants to the North American Lutheran Church for new congregational development in North America, professional leadership, educational ministries, global mission, ecumenism, evangelism, social ministries, and capital financing.

c) Minimum of 20% for capital improvements, debt reduction, or a building program of St. Peter's Evangelical Lutheran Church.

d) Up to an additional 40% for any one or all of the above designated areas in any proportion as determined by the Board, or for causes and programs, which at the

discretion of the Board are consistent with the fund purpose of enhancing the mission outreach of St. Peter's Evangelical Lutheran Church.

**Item 3.** Programs for support shall be recommended by the Board and approved by the Church Council for funding according to the guidelines established by the congregation.

**Item 4.** Disbursement of income from the Fund need not occur annually in the event causes and programs have not been approved by the Board sufficient to utilize total income available, or if in the judgment of the Board total annual disbursement of income is not recommended.

### **DISTRIBUTION OF PRINCIPAL**

**Item 1.** When, in the opinion of the Board circumstances are so dire and of such an emergency nature that the future of the congregation is at stake, and that the only recourse seems to be the use of the Fund principal, the Board may, upon a two-thirds majority vote, recommend such authorizing action to the congregation.

### **AMENDING THE RESOLUTION**

**Item 1.** Any amendment to this resolution, which will change, alter or amend the purpose for which Fund is established shall be adopted by a two-thirds vote of the members present at an annual meeting of the congregation or at a special meeting called specifically for the purpose of amending this resolution.

### **DISPOSITION OR TRANSFER OF FUND**

**Item 1.** In the event St. Peter's Evangelical Lutheran Church ceases to exist either through merger or dissolution, disposition or transfer of the Fund shall be at the discretion of the Church Council in conformity with the approved congregational constitution.

### **Section 10. ST. PETER'S CEMETERY ENDOWMENT FUND**

The Cemetery Endowment Fund of St. Peter's Evangelical Lutheran Church is an extension of the congregation of St. Peter's Evangelical Lutheran Church and shall operate pursuant to the constitution and bylaws of St. Peter's Evangelical Lutheran Church.

#### **NAME**

**Item 1.** The name of the endowment fund shall be the St. Peter's Cemetery Endowment Fund of St. Peter's Evangelical Lutheran Church.

#### **PURPOSE AND POWERS**

**Item 1.** This FUND is organized exclusively to further the mission of St. Peter's Evangelical Lutheran Church Cemetery.

**Item 2.** This FUND is to act as an endowment for the collection and receipt of contributions, donations and bequests and to invest and re-invest these monies. Distribution shall be made by the FUND in such amounts and at such times as the Cemetery Endowment Board, as limited below, may deem proper.

#### **CEMETERY ENDOWMENT BOARD MEMBERSHIP AND RESPONSIBILITIES**

**Item 1.** The Cemetery Endowment Board shall consist of seven (7) members, all of whom shall be voting members of St. Peter's Evangelical Lutheran Church. Except as herein limited, the term of each member shall be five (5) years. Upon adoption of this resolution by the congregation, Church Council will appoint seven (7) members to the Cemetery Endowment Board, from a list provided by the cemetery committee: one (1) for a term of

five (5) years; one (1) for a term of four (4) years; one (1) for a term of three (3) years; one (1) for a term of two (2) years; one (1) for a term of one (1) year; and two standing members. Thereafter, each year the cemetery committee shall nominate, and the Church Council will approve (not appoint) each candidate to be elected at the Annual Congregational Meeting to serve a term of five (5) years. The senior pastor and the vice president of the Church Council shall be advisory members of the Cemetery Endowment Board.

**Item 2.** Any Cemetery Endowment Board member may resign his or her position at any time. A Cemetery Endowment Board member's place on the Cemetery Endowment Board shall be declared vacant if the member (a) ceases to be a voting member of this congregation or (b) is absent from three (3) successive regular meetings of the Cemetery Endowment Board without cause. In the event of a vacancy on the Cemetery Endowment Board, the Church Council shall appoint a member to fill the vacancy until the next Annual Meeting of the Congregation, at which time the Congregation shall elect a member to fulfill the term of the vacancy.

**Item 3.** The Cemetery Endowment Board shall meet at least quarterly, or more frequently as deemed by it in the best interest of the Fund.

**Item 4.** A quorum shall consist of four (4) members. When only four (4) members are present, a unanimous vote shall be required to carry a motion or resolution.

**Item 5.** The Cemetery Endowment Board shall elect from its membership a chairperson a secretary and a treasurer. The chairperson, or member designated by the chairperson, shall preside at all Cemetery Endowment Board meetings.

**Item 6.** The secretary of the Cemetery Endowment Board shall maintain complete and accurate minutes of all meetings and supply a copy thereof to each member of the Cemetery Endowment Board. Each member shall keep a complete copy of the minutes to be delivered to his or her successor. The secretary shall also supply a copy of the minutes to the Church Council. Statements provided by the Financial Institution shall be shared on a quarterly basis with the Church Council.

**Item 7.** The treasurer of the Cemetery Endowment Board shall work with the congregation's treasurer maintaining and coordinating complete and accurate accounts for the Fund and shall sign checks and all other necessary documents on behalf of the congregation in furtherance of the purposes of the Fund.

**Item 8.** The Cemetery Endowment Board shall report on an annual basis to the Church Council and, at each annual or duly called special meeting of the congregation, shall render a full and complete ~~audited~~ account of the administration of the Fund during the preceding year.

**Item 9.** The Cemetery Endowment Board may request other members of the congregation to serve as advisory members and, at the expense of the Fund income, may provide for such professional counseling on investments or legal matters as it deems to be in the best interest of the Fund.

**Item 10.** Members of the Cemetery Endowment Board shall not be liable for any losses which may be incurred upon the investments of the assets of the Fund except to the extent such losses shall have been caused by bad faith or gross negligence. No member shall be personally liable if he/she acts in good faith and with ordinary prudence. Each member shall be liable only for his/her own willful misconduct or omissions and shall not be liable for the acts of omissions of any other member. No member shall engage in any self-dealing or transactions with the Fund in which the member has direct or indirect financial interest

and shall always refrain from any conduct in which his/her personal interests would conflict with the interest of the Fund.

**Item 11.** All assets are to be held in the name of St. Peter's Cemetery Endowment Fund.

**Item 12.** Recommendations to hold, sell, exchange, rent, lease, transfer, convert, invest, reinvest, and in all other respects manage and control the assets of the investment portion of the Fund, including stocks, bonds, debentures, mortgages, notes, or other securities, as in their judgement and discretion they deem wise and prudent, are to be made by an approved Portfolio Manager/Investment Advisor, or the Cemetery Endowment Board (during any interim period between chosen managers) according to the Cemetery Endowment Fund's Investment Policy Statement (IPS). The Investment Policy Statement is to be drafted by the Cemetery Endowment Board and further approved by the Church Council. An Investment Policy Statement is a set of instructions provided by St Peter's Cemetery Endowment Board that is to be given to the Portfolio Manager which outlines the general rules that the Portfolio Manager is required to adhere to. This statement provides the general investment goals and objectives of the Cemetery Endowment Fund and describes the strategies that the manager should employ to meet these objectives. Any decisions related to Cash, CD's, Savings Accounts, or other monies that are not to be invested in marketable securities are to be recommended by the Cemetery Endowment Board and submitted for approval by the Church Council.

### **DISTRIBUTION OF INCOME**

**Item 1.** The Cemetery Endowment Board shall determine what is the principle and income according to accepted accounting procedures.

**Item 2.** Distribution from the Fund will be limited to a maximum of 4% of the previous year end (Dec 31<sup>st</sup>) account balance or 80% of previous year revenue whichever is greater. Distribution may be withdrawn annually (subject to Item 4) and at such other times as deemed necessary and/or feasible to accomplish the following purposes:

- a) Maintenance of St. Peter's Lutheran Church Cemetery grounds and surrounding area including such items as landscape maintenance, mowing, weed control, fire ant control and including structures and infrastructure within the cemetery and maintenance of monuments.
- b) Additions to St. Peter's Lutheran Church Cemetery grounds including, but not limited to, columbarium, driveway installation and driveway maintenance and repair.
- c) Professional expenses related to maintenance and surveying of St. Peter's Lutheran Church Cemetery grounds.

**Item 3.** Projects for support shall be recommended by the Cemetery committee and approved by the Cemetery Endowment Board and Church Council.

**Item 4.** Disbursement of income from the Fund need not occur annually in the event causes and programs have not been approved by the Cemetery Endowment Board enough to utilize the total income available, or if in the judgment of the Cemetery Endowment Board total annual disbursement of income is not recommended.

### **DISTRIBUTION OF PRINCIPAL**

**Item 1.** When, in the opinion of the Cemetery Endowment Board, circumstances are so dire and of such an emergency nature that the future of the cemetery is at stake, and that the only recourse seems to the use of the Fund principal, the Cemetery Endowment Board may,

upon two-thirds majority vote of all Cemetery Endowment Board members, recommend such authorizing action to the Church Council.

### **AMENDING THE RESOLUTION**

**Item 1.** Any amendment to this resolution, which will change, alter, or amend the purpose for which the Fund is established shall be adopted by a two-thirds vote of the members present at annual meeting of the congregation or at a special meeting called specifically for amending the resolution.

### **DISPOSITION OR TRANSFER OF FUND**

**Item 1.** In the event St. Peter's Evangelical Lutheran Church ceases to exist either through merger or dissolution, the Cemetery Endowment Board shall register with the Secretary of State of the state of South Carolina to establish an independent Cemetery Endowment Board.

## **THE COMMON CONFESSION (2005)**

### **1. The Lord Jesus Christ**

We are people who believe and confess our faith in the Triune God—Father, Son, and Holy Spirit. We trust and believe in Jesus Christ as our Savior and Lord.

### **2. The Gospel of Salvation**

We believe and confess that all human beings are sinners, and that sinners are redeemed by the death and resurrection of Jesus Christ. God alone justifies human beings by faith in Christ—a faith that God creates through the message of the Gospel. As ambassadors for Christ, God uses us to speak His Word and build His kingdom.

### **3. The Authority of Scripture**

We believe and confess that the Bible is God's revealed Word to us, spoken in Law and Gospel. The Bible is the final authority for us in all matters of our faith and life.

### **4. A Common Confession of Faith**

We accept and uphold that the Lutheran Confessions reliably guide us as faithful interpretations of Scripture, and that we share a unity and fellowship in faith with others among whom the Gospel of Jesus Christ is preached and the Sacraments are administered in accordance with the Gospel.

### **5. The Priesthood of All Believers**

We believe and confess that the Holy Spirit makes all who believe in Jesus Christ to be priests for service to others in Jesus' name, and that God desires to make use of the spiritual gifts he has given through the priesthood of all believers.

### **6. Marriage and Family**

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



## **7. The Mission and Ministry of the Congregation**

We believe and confess that the Church is the assembly of believers called and gathered by God around Word and Sacrament, and that the mission and ministry of the Church is carried out within the context of individual congregations, which are able to work together locally and globally.