

Amended and Restated Constitution
Mount Calvary Evangelical Lutheran Congregation¹
Fort Wayne, Indiana 46819
May 31, 2009²

Preamble

It is the will of our Lord, Jesus Christ, that His disciples should preach the Gospel to the whole world (Matthew 28:18-20, Mark 16:16, Acts 1:8). That Christ's mission for His church might be carried out according to His will, He has commanded that Christians unite in worship (Hebrews 10:24-25), practice fellowship with one another (Acts 1:8, Matthew 18:18-20), and serve the needs of all people in Christian love (Ephesians 4:7-16, Mark 10:42-44, John 13:35, Galatians 6:10). Since, Christians also are to administer the Office of the Keys as His church (John 20:21-23, Matthew 18:15-20), and to maintain decency and order (1Corinthians 14:40) in the church, therefore, this congregation accepts and subscribes to the following Amended and Restated Constitution and Bylaws³ with which all spiritual and material affairs of this congregation will be governed.

¹ This is the official name of the church as per the "Articles of Incorporation" dated and filed in the State of Indiana on October 13, 1928. The name was corrected/amended throughout the Constitution and Bylaws via the Voters' Congregation meeting held July 23, 2013. For descriptive purposes, the Congregation will be known as Mount Calvary Lutheran Church Ministries of Fort Wayne, Indiana.

² The Constitution and Bylaws were amended July 23, 2013 via a Voters' Congregational meeting to comply with the Indiana LCMS Review Committee's recommendations. Such Amendments are footnoted and dated "July 23, 2013".

³ The word "by-laws" was amended/changed to the spelling of "bylaws" via the July 23, 2013 Voter's Congregation meeting as recommended by the Indiana LCMS Review Committee. This spelling is reflected throughout the Constitution and Bylaws.

ARTICLE I—Name

The name of this congregation shall be “Mount Calvary Evangelical Lutheran Congregation” located in Fort Wayne, Indiana 46819, and it shall be a member of the Lutheran Church—Missouri Synod and of the Indiana District.

ARTICLE II—Purpose

The purpose of this congregation is to preach the Word of God, rightly to administer the Sacraments, and to proclaim Christian teaching in the congregation, the schools, and in the homes of members of the congregation and students enrolled in the school.

ARTICLE III—Synodical Affiliation

This congregation shall be affiliated with the Lutheran Church—Missouri Synod as long as the confessions of said Synod are in accord with the confession and constitution of this congregation as laid down in Article IV. This congregation shall, to the best of its ability, collaborate with said Synod and assist in its effecting all sound measures intended for the building up of the Kingdom of Christ.

ARTICLE IV—Doctrine

This congregation believes and confesses the Holy Bible (i.e. the 66 Canonically Accepted Books) to be the Word of God and accepts the Confessional Books of the Evangelical Lutheran Church approved in A.D. 1580 (namely, the three Ecumenically accepted Creeds, the Apostolic, the Nicene, and the Athanasian, The Unaltered Augsburg Confession, The Apology of the Augsburg Confession⁴, The Smalcald Articles, Luther’s

⁴ The word “Confession” was capitalized/corrected/amended at the Voters’ Congregational meeting July 23, 2013 via the recommendation of the Indiana LCMS Review Committee.

Large Catechism, Luther's Small Catechism, and The Formula of Concord) as the correct exposition of the Word of God. This congregation, therefore, bases its teachings upon the Holy Bible in its entirety and upon the Confessional Writings of the Evangelical Lutheran Church.

ARTICLE V—Membership

- A. Baptized Membership in this congregation is held by all those who are baptized in the Name of the Triune God with water and are under the pastoral care of this congregation.
- B. Communicant Membership in this congregation may be held only by those who:
 - 1. Are baptized in the Name of the Triune God.
 - 2. Have declared their acceptance of the confessions of this congregation as contained in Article IV of this constitution.
 - 3. Have been accepted into communicant membership in accordance with the Bylaws of this congregation and shall remain faithful to the responsibilities of membership as contained in these Bylaws.
 - 4. Do not live in manifest works of the flesh (Galatians 5:19-21), but lead a Christian life.
 - 5. Are not members of a secret society or of any other organization conflicting with the Word of God and the conduct of a Christian (2 Corinthians 6:14-18).
- C. The membership and membership privileges of each communicant member shall remain in force so long as each member shall maintain one's eligibility according to the five points in section B of this Article and shall meet the requirements stated

or implied in the disciplinary, or other provisions of the Bylaws. A member who voluntarily severs his or her connection with this congregation, or who has been released or transferred, or who has been excommunicated or excluded himself or herself according to the provisions of the Bylaws, shall be deemed to have terminated his membership in this congregation along with all rights and privileges of such membership.

ARTICLE VI—Pastors, and other Professional Church Workers

It shall be provided that Pastors are ordained ministers who are members of the Lutheran Church Missouri Synod and that called or commissioned church workers be members of the Synod.⁵ Only such candidates shall be called and elected to serve as Pastors or other Professional Church Workers who profess acceptance of, and pledge faithful adherence to the confessions of this congregation as set forth in Article IV of this Constitution. In the absence of adequate cause for dismissal, as defined in the Bylaws of this congregation, the term of office of a tenured, called, or elected Pastor or other Professional Church Workers shall be indeterminate or until the Lord calls him or her into another service. In the absence of adequate cause for dismissal, the term of office of non-tenured Christian Day School Teachers shall be for the duration of their contract or call.

⁵ This sentence was added/amended via the July 23, 2013 Voters' Congregation meeting as recommended by the Indiana LCMS Review Committee.

ARTICLE VII—Board of Trustees

1. The management of the business of this congregation shall be vested in a Board of Trustees. The number, qualifications, term of office, method of election, powers, authorities, and duties of the Trustees, and other such provisions with respect to them as are not inconsistent with the express provisions of this Constitution shall be as specified in the Bylaws of this congregation.
2. Any action required or permitted to be taken at a meeting of the Board of Trustees may be taken without a meeting if authorized by a writing or writings signed by all the Trustees. Any action may be also taken by written action signed by the number of Trustees that would be required to take the same action at a meeting of the Board of Trustees at which all Trustees were present; provided that when action is permitted to be taken by less than all Trustees, all Trustees must be notified immediately of its text and effective date; and provided further that the written action shall be effective when signed by the required number of the Trustees, unless a different effective time is provided in the written action.

ARTICLE VIII—Property Rights

If, at any time, a separation should take place within this congregation, the advice of the officers of the District and Synod shall be sought. If, despite all efforts to compose differences in peace and love, a division into factions of the congregation shall occur, the property of the congregation and all benefits therewith connected shall remain with those members who continue to adhere in confession and practice to Articles II, III, IV, and VI of this Constitution.

ARTILCE IX—Amendments

Articles II, III, IV, V, VI, and VIII remain unchangeable. Other Articles may be amended in the manner allowed by law, and the Bylaws of this congregation may be amended as set forth in the Bylaws in effect for this congregation from time to time.

ARTICLE X—No Personal Liability; Indemnification; Insurance

The Board of Trustees and officers of this congregation shall not be personally liable for the acts, debts, liabilities, or obligations of this congregation to any extent whatsoever; nor shall any of the property of the officers or Trustees of this congregation be subject to the payment of any debts or obligations of this congregation. This congregation shall indemnify persons to the extent required by the laws of the State of Indiana, and shall have the power otherwise to indemnify persons for such expenses and liabilities, and to purchase and maintain such insurance or bonds for funding such expenses and liabilities, in such manner, under such circumstances, and to such extent as permitted by applicable law.

Amended and Restated Bylaws
Mount Calvary Evangelical Lutheran Congregation
Fort Wayne, Indiana 46819
February 16, 2022

These Amended and Restated Bylaws replace and supersede all previous Bylaws of this congregation and are effective upon approval by the Voters' Assembly of Mount Calvary Evangelical Lutheran Congregation.

BYLAW I—Membership

A. Baptized Members

A baptized member is one who has been received into the Body of Christ by the Sacrament of Holy Baptism administered in this or another Christian congregation from which the member has been received into this congregation's care.

B. Communing Members

Communing members shall be all members who meet the requirements of Article V of the constitution of this congregation.

C. Responsibilities of Members

The members of Mount Calvary Evangelical Lutheran Congregation will be disciples who have well-integrated, Christ-centered values which are lived out consistently and enthusiastically. They will, in accordance with God's Word:

1. Pray daily;
2. Worship weekly, receiving God's gifts of Word and Sacrament;

3. Study the Bible individually and with others;
4. Serve and care for others;
5. Give generously of time, talent, and treasure; and
6. Be in relationships so they can share their faith openly.

D. Membership Receptions

Baptized and communing members are received through the Sacrament of Holy Baptism, through the consent of one or both parents in the case of children who have been baptized in another Christian congregation, through transfer from another sister congregation, through profession of faith or through reaffirmation of faith.

E. Termination of Membership

1. Membership shall be terminated by transfer to a sister congregation, by death, by joining a congregation outside the fellowship of this congregation, by excommunication, or by self-exclusion.
2. Communicant members who conduct themselves in an un-Christian manner shall be admonished according to Matthew 18:15-20. If members, having been so admonished, fail to modify their conduct as appropriate, the case shall be submitted to the Voters' Assembly for consideration of their termination. Each case shall be presented individually to the Voters' Assembly for a decision.⁶ If such members deliberately absent themselves from the meeting(s) at which their case is

⁶ The sentence, "*Each case shall be presented individually to the Voters' Assembly for a decision.*" was modified to this sentence as recommended by the Indiana LCMS Review Committee and was amended via the Voters' Congregation meeting of July 23, 2013.

discussed, they shall be regarded as having excluded themselves from the membership of the congregation.

BYLAW II—Voting Privileges of Membership

A. Powers of the Congregation

The congregation as a body, through its Voters' Assembly, shall have final authority to govern and direct all of its external and internal affairs and its activities in pursuit of the congregation's mission given by God. To pursue that mission as responsibly, effectively, and efficiently as possible, the congregation shall establish a Board of Trustees. Neither the congregation nor the Board of Trustees shall be empowered to decide anything contrary to the Word of God and the Confessional Books of the Evangelical Lutheran Church. Any such decisions shall be null and void.

B. Voting Members

Every Communing Member of Mount Calvary Evangelical Lutheran Congregation of Fort Wayne, Indiana, who is eighteen (18) years of age or older shall have the right to vote as a Voting Member.

C. Voting Privileges

Every Voting Member shall have the right to vote on the following matters:

1. The official call or removal of Pastors and other Professional Church Workers;

2. The adoption of the annual congregational fiscal plan/budget;
3. The election of the Board of Trustees;
4. The acquisition or disposal of congregational property (i.e. land, fixed improvements and construction of fixed properties), except undesignated bequests and estates;
5. The amending of the Constitution and Bylaws of the congregation;
6. The merger or dissolution of the congregation;
7. The authorization of borrowings and other undertakings of the congregation except as otherwise authorized in the Constitution or these Bylaws;
8. Other matters determined by the Board of Trustees.

D. Voting Duties

It shall be the duties of all Voting Members to:

1. Exercise the right to vote in all matters placed before them conscientiously and prayerfully;
2. Encourage others to be active in accepting the responsibilities and privileges of voting membership;
3. Serve willingly in an office or capacity for which their spiritual gifts equip them.

E. Voting Procedures and Member Meetings

1. The Board of Trustees shall determine the forum or procedures for voting.

This may include written ballot voting at worship services, through the mail, at a ballot box at the congregation, at a Voters' Assembly Meeting, or another manner as designated by the Board of Trustees. A Voters' Assembly Meeting may also be held upon petition of 50 (fifty) Voting Members or ten percent (10%) of the Voting Members of the congregation, whichever is less. A quorum necessary to conduct a meeting or to decide any item submitted to the Voters' Assembly for a vote without a meeting, shall be fifty (50) Voting Members. It is the intent of this congregation that no annual meeting of the Voters' Assembly shall be required unless the Board of Trustees or the Voting Members (upon the petition of the minimum number of such members set forth above in this paragraph) shall otherwise decide.

2. Notice of any Voters' Assembly Meeting shall be made by announcement, and no item will be submitted to the Voting Members for vote unless the item has been announced in writing at worship services at least two consecutive weeks prior to the vote or by mail at least five days prior to the vote or the meeting. Informational meetings are encouraged as a means to discuss items with the Voting Members before they are voted upon.

3. Items may be brought before the Voting Members by the Board of Trustees or by petition of fifty (50) Voting Members or ten percent (10%) of the Voting Members of the congregation, whichever is less.
4. Decisions shall be determined by simple majority vote of the Voting Members voting, unless otherwise stipulated by the Board of Trustees, the Constitution, the Bylaws, or by applicable law. The following decisions shall require two-thirds majority vote of the Voting Members voting: amending the Constitution or Bylaws, the call or the removal of Pastors or other Professional Church Workers, excommunication of a member, and the merger or dissolution of the congregation.

BYLAW III—Board of Trustees

A. Responsibilities

The Board of Trustees:

1. Will represent the members of the congregation in all spiritual and temporal congregational affairs.
2. Will ensure that the mission and vision of Mount Calvary Evangelical Lutheran Congregation is the focus of all activities and related ministries.
3. Will monitor the desired outcomes of the congregation and ensure that the proper structure and policies are in place to achieve those outcomes.

4. Will proactively seek the views and ideals of the members of the congregation to ensure that the congregation is properly represented in Board actions.
5. Will present the annual report for the preceding calendar year and a proposed annual fiscal plan/budget for the coming calendar year to the Voting Members for approval by July 31, of each year.
6. Will approve policies to govern its activities. Approved policies will be maintained in a Policy Manual available to all members of the congregation.
7. Will ensure that the policy and financial decisions of the Board of Trustees and the congregation are executed in accordance with the Constitution, Bylaws, and approved policies.
8. Has authority to remove elected or appointed officials by majority vote in accordance with the Constitution and Bylaws.
9. Shall not have the right to purchase, encumber, sell or give property of the congregation or make commitments binding the congregation unless the Voting Members have authorized them to do so in an official two-thirds majority vote; provided, however, that the approval of the Voting Members shall not be required to expend congregational funds, or borrow funds (on an unsecured basis) for terms not exceeding one (1) year, in either case in an amount not exceeding five percent (5%) of the then current annual fiscal spending plan/budget.
10. Shall present, for the Voting Member's approval in July, two items: the names of the persons to serve for one year as a Nominating Committee to prepare a slate of

candidates for election of Board of Trustees' members and the name of the recommended financial reviewer(s) to complete that financial review by December 31, for the previous year.

B. Procedures

- a. The Board of Trustees of the congregation shall consist of seven (7) Voting Members who shall be seven (7) at-large members. The Senior Pastor of the congregation shall serve as an ex-officio member of the Board without a vote.
- b. The Nominating Committee will publish the names of the nominees for Board of Trustees in the worship folder for at least two consecutive Sundays prior to elections. All members of the Board of Trustees shall be elected by the Voting Members in January, with the term of office to begin on February 1, after the election.
- c. Members of the Board of Trustees shall be elected for a three (3) year term and shall not serve more than two (2) consecutive terms in office.
- d. Two (2) or three (3) of the seven (7) Trustees on the Board of Trustees shall be elected each year.
- e. In 2009, seven (7) Trustees will be elected by the Voting Members. Three (3) will serve a one year term; two (2) will serve a two year term; and two (2) will serve a three year term.

- f. The Board of Trustees will appoint members to complete the term of any Trustee who resigns or is removed from office.

- g. The Board of Trustees shall elect a Chair, a Vice Chair, and a Secretary/Treasurer from the elected members of the Board of Trustees. These three people will be the Trustees of the congregation and are the official and legal representatives of the congregation in all secular matters including all business, property, civil and legal matters of the congregation. The Chair will preside over any Voters' Assembly Meetings.

BYLAW IV—The Pastor and Staff

A. Requirements

The pastoral office of this congregation shall be conferred only on such a pastor or candidate who professes and adheres to the confessional standard set forth in Article IV of the Constitution, who fulfills the requirements of Article VI of the Constitution, who is qualified for his work and who has been certified by the Synod.

B. Calls

1. The Voting Members shall authorize the issuance of any calls for called positions. The Board of Trustees shall assure the carrying out of the call procedures for all called positions.
2. The calling of a Pastor or of other Professional Church Workers shall be issued provided the candidate has received a two-thirds majority ballot by Voting Members, and all other previously stated conditions are met.
Advisement of district officials will be sought prior to issuing a call.

C. Senior Pastor

When more than one pastor is called by the congregation, the Voting Members shall designate one such pastor to be the Senior Pastor. In the performance of his duties, the Senior Pastor shall be accountable to the Board of Trustees and ultimately to the Voting Members. The Senior Pastor shall have full responsibility for the performance of all pastoral duties and obligations and all other staff of the congregation shall be accountable to him.

D. Rights

All Pastor(s) and other Professional Church Workers who are Voting Members shall have the right to speak and vote in the official forums of the congregation.

E. Responsibilities

The pastor(s) of this congregation shall comfort, teach, chastise, admonish, and warn publicly or privately as the Word of God instructs “anyone who sets his heart on being an overseer” in 1 Timothy 3.

F. Removal of Pastors and other Professional Church Workers

1. Any Pastor or other Professional Church Workers may be removed from office by the Voting Members by a two-thirds majority ballot vote, in Christian and lawful order, for one of the following reasons: persistent adherence to false doctrine, scandalous life, willful neglect, or inability to perform the duties of the office.
2. The congregation may request the resignation of any Pastor or other Professional Church Workers in the case of prolonged incapacity or general incompetence.

G. Change in Senior Pastor

Whenever a change in the Senior Pastor is to occur, there shall be on both sides a minimum of three months’ notice prior to release, unless another arrangement is made by mutual consent.

BYLAW V—General

A. Lutheran Church—Missouri Synod

This congregation is a member of the Lutheran Church—Missouri Synod and desires to adhere to its rules and decisions and support its activities.

B. Dissolution

If this congregation, for any reason, is dissolved and ceased to exist, the property of the congregation shall be disposed of according to the laws of the State of Indiana.

C. Amendments to Bylaws

These Bylaws may be amended or additions made thereto by a two-thirds majority of the Voting Members at any official voting forum.