

THE CONSTITUTION OF EMMANUEL LUTHERAN CHURCH OF MOOSE JAW

THE PREAMBLE:

The Word of God requires that a Christian congregation shall adhere to this Divine Word in doctrine and practice (Ps. 119:105; Matt. 28:18-20; Gal. 1:6-8; II Tim. 4:1-5) and that all things be done decently and in order (1 Cor. 14:40). Therefore we, the members of Emmanuel Lutheran Church, accept and subscribe to the following Constitution and By-laws, in accordance with which all spiritual and material affairs of our congregation shall be governed.

ARTICLE I: NAME

The name of this congregation shall be Emmanuel Lutheran Church of Moose Jaw.

ARTICLE II: PURPOSE

The purpose of this congregation shall be to spread the kingdom of God and to serve its members by the preaching of the Word of God, by the administration of the Sacraments, and by the religious instruction of youth and adults, to foster Christian fellowship and charity.

ARTICLE III: CONFESSIONS

This congregation acknowledges and accepts all the canonical books of the Old and New Testaments as the revealed Word of God, verbally inspired, and acknowledges and accepts all the Confessional Writings of the Evangelical Lutheran Church, contained in the Book of Concord of the year 1580, to be the true and genuine exposition of the doctrines of the Bible. These Confessional Writings are the three Ecumenical Creeds (Apostles', Nicene, and Athanasian), the Unaltered Augsburg Confession, the Apology of the Augsburg Confession, the Smalcald Articles, Luther's Large and Small Catechisms, and the Formula of Concord.

ARTICLE IV: MEMBERSHIP

A. Baptized Membership:

Baptized membership includes all communicant members and their children who have been baptized.

B. Communicant Membership:

Communicant members are those:

1. Who are baptized in the Christian faith.
2. Who accept the Bible as the written Word of God.
3. Who accept Martin Luther's Small Catechism as a faithful summary of the main teachings of the Bible.
4. Who attend the Divine Service to help grow in Christian living.
5. Who support the mission of the congregation as God has blessed them.
6. Who allow the Pastor to guide them in their spiritual life.

C. Voting Membership:

This congregation shall be represented by, and administer all its affairs through, its Voting Membership. Only communicant members, who have qualified according to the membership provisions of the By-laws, shall be received as Voting Members of this Congregation.

ARTICLE V: THE OFFICES OF PASTOR AND TEACHER

This congregation shall establish the pastoral office, which shall be conferred only on such a pastor or candidate who professes and adheres to the confessional standard set forth in Section 3 of this constitution, who is qualified for his work, who has been endorsed by the Synod, and who is a member of the Synod. (The same shall apply to called teachers in the parochial school.) Any pastor, called teacher, or officer may be removed from office by the voters assembly by a two-thirds majority ballot vote, in Christian and lawful order, for one of the following reasons: persistent adherence to false doctrine (Titus 1:9), scandalous life (I Tim. 3:1-7), willful neglect, or inability to perform the duties of the office (II Tim. 2:2, I Cor. 4:12). The congregation may request the resignation of any pastor, called teacher, or officer from his position in the congregation in the case of prolonged incapacity or general incompetence. Prior to requesting the resignation or removing from office of the pastor, the congregation shall consult with Lutheran Church Canada.

ARTICLE VI: POWERS OF THE CONGREGATION

A. General

The Congregation as a body, through the voting members, shall have supreme power to manage all its external and internal affairs. The establishment and conduct of all institutions and societies within the congregation, such as the parochial school, Sunday School, youth societies, ladies organizations, choir, etc., shall at all times be subject to the approval and supervision of the congregation. An annual report, summarizing the year's work of the group, together with a financial statement, may be presented to the Annual Meeting of the Voters' Assembly. The congregation, however, shall not be empowered to decide anything contrary to the Word of God and the Confessions of the Lutheran Church (Article III), and any such decision shall be null and void.

B. Property Rights

This organized body may receive, acquire, hold title to, and manage such real estate and other property as it may need to accomplish said purpose and may sell or dispose of such real estate and property or any part thereof; and this organized body shall have all the rights and powers that are granted by the Laws of the Province of Saskatchewan to all such religious organizations.

C. Right of Calling

The right of calling pastors or teachers be vested in the congregation and shall never be delegated to a smaller body or to an individual.

D. Decisions

Matters of doctrines and conscience shall be decided by the Word of God; other matters shall be decided by the Voters' Assembly by a majority vote unless otherwise specified by the Constitution or By-Laws.

E. Directors

The voting members shall give authority to transact all the work necessary to carry out the mission of the congregation to the Board of Directors. The Board of Directors shall receive direction from the congregation and shall always be responsible to the congregation for its actions. The Board of Directors shall establish and continually review a Governance Manual to provide more specific directives to accomplish the work of the congregation.

ARTICLE VII: OFFICERS

The officers of this congregation shall be such officers, boards, or committees as the By-laws of this constitution may prescribe.

ARTICLE VIII: PROPERTY RIGHTS IN SEPARATION

A. If at any time a division should take place on account of doctrine, the property of the congregation and all benefits connected therewith shall remain with those communicant members who continue to adhere in confession and practice to Article III of this constitution, as determined by the adjudication procedures of the Synod.

B. If division takes place for any other reason, the property shall remain with the majority of the communicant members who continue to adhere in confession and practice to Article III of this constitution, as determined by the adjudication procedures of the Synod.

C. In the event the congregation should dissolve, the property and all rights connected therewith shall be transferred to Lutheran Church Canada.

ARTICLE IX: DOCTRINAL LITERATURE

Only such hymns, prayers, and liturgies shall be used in the public services of the Congregation and in all ministerial acts as conform to the confessional standard of Article III. Likewise, in all classes for instruction in Christian doctrine only such books shall be used as conform to this standard.

ARTICLE X: SYNODICAL MEMBERSHIP

A. This congregation shall hold membership in the Lutheran Church - Canada. It shall send its pastor and a lay delegate to the Convention of the Synod.

B. It shall be the duty of the congregation and its individual members to support the work of Synod, since they thereby support their own Christ-appointed work.

ARTICLE XI: BY-LAWS

This congregation may adopt such By-laws as may be required for the accomplishment of its purpose.

ARTICLE XII: CHANGING THE CONSTITUTION

A: Unalterable Articles:

The following articles of this Constitution or sections thereof shall be unalterable and irrevocable: III, V, and IX.

B: Amendments:

Amendments to this Constitution and the By-laws may be adopted at a regular Voters' Assembly, provided:

1. That they do not conflict with the provisions laid down in Article III or with any Section of any other article that pertains to Scriptural doctrine and practice; and
2. That the proposed amendment has been submitted in writing at a previous Voters' Assembly; and
3. The amendment conforms to the laws of the Province of Saskatchewan.

The affirmative vote of a two-thirds majority of the voting membership present at the Voters' Assembly shall be required for the adoption of an amendment.

BY-LAWS OF EMMANUEL LUTHERAN CHURCH

ARTICLE I: MEMBERSHIP

A. ADMISSION INTO MEMBERSHIP

1. Communicant Membership by Confirmation: Confirmation itself being a reception into church membership, all who are thus received by this sacred act become communicant members.
2. Communicant Membership by Transfer: Persons coming with a communicant letter of transfer from a congregation in church fellowship, provided they conform in all respects to the requirements of membership of this congregation, shall be received by the Pastor and Elders into communicant membership.
3. Communicant Membership by Profession of Faith: Persons who desire to regularly receive the Sacrament in the congregation shall be approved as communicant members by the Pastor and Elders after giving satisfactory evidence of agreement with the definition of a communicant member in the constitution.

B. VOTING MEMBERSHIP

1. Eligibility: All communicant members, who have reached their 18th year, shall be eligible for voting membership. Prior to a regular voters meeting of the congregation the applicant shall have read the constitution and signed the official list of voting members indicating acceptance of the constitution and bylaws of the congregation and their intention to fulfill such duties as required of a voting member to the best of his/her ability. They shall be accepted as a voting member by motion at a regular voters meeting and then eligible to vote at that meeting.
2. Duties: It shall be the duty of every voting member to attend the Voters' Assembly. By failing to attend such a meeting, a member waives the right to cast his vote during that meeting. He shall accept nomination for office, committee appointments, etc., if possible, and generally participate in the business activities of the Voters' Assembly.

C. TERMINATION OF MEMBERSHIP

1. Communicant membership shall be ended by transfer to a sister congregation, by death, by joining a congregation outside the fellowship of this congregation, by excommunication, or by self-exclusion, upon decision by the Pastor and Elders.
2. Communicant members who conduct themselves in an unchristian manner shall be admonished according to Matthew 18:15-20; if they remain impenitent after proper admonition, they shall be excommunicated. Each case shall be presented individually to the Voters' Assembly for a decision. If such members deliberately absent themselves from the meeting(s) at which their case is to be discussed, they shall be regarded as having excluded themselves from the membership of the congregation.
3. Voting membership shall be terminated by death automatically. All other terminations shall be voted upon by the Voters' Assembly.

D. STATUS

A person whose communicant membership has been terminated has forfeited all rights of a member of this congregation and all claims upon the property of the congregation as such, or upon any part thereof, so long as he is not reinstated into membership.

E. REINSTATEMENT

1. After sincere repentance, however, (the real purpose of excommunication), such an excommunicated person shall again be eligible for membership.
2. The same shall hold good with reference to such members, who by their own free will may sever their connection with the congregation by removal to another place, or who through negligence of participation in worship and reception of the Sacrament of Holy Communion have been removed from the membership rolls by resolution of the Voters' Assembly.

ARTICLE II: MEETINGS

- A. The Voters' Assembly shall meet at least twice each year. The Annual Meeting shall take place within the first 8 weeks of the calendar year. Elections and approving the budget will take place in November.
- B. Special meetings of the Voters' Assembly may be called by the president or vice-president if the pastor or six voters approach either of them with a specific problem or need.
- C. Every Voters' meeting shall be announced (by word or in the bulletin) at a Sunday service prior to it. Whenever a meeting has been thus announced, and at least six of the voting members of the congregation, or a quorum, are in attendance, it shall be considered a properly convened and legal meeting capable of transacting business. At any specially called Voters' meeting for which there has been no time for previous announcement, but all possible voters have been notified it shall be considered a properly convened and legal meeting capable of transacting business, when one-fourth of the voting membership is in attendance. Also, for the erection of buildings, the purchase or sale of property, or the removal of a pastor or teacher or some other member from office, a quorum of one-fourth of the voting members is necessary, and a two-thirds majority shall be required for adoption of a resolution, unless otherwise provided by provincial law.
- D. Roberts' Rules of Order Revised shall prevail in so far as they do not conflict with the constitution or By-laws of this congregation.

ARTICLE III: CALLING OF PASTORS

- A. When a pastor is to be called, the Elders and President, together with the vacancy pastor in charge, shall constitute the Call Committee. The Call Committee shall seek the advice of Lutheran Church Canada for proper procedures and information.
- B. The Call Committee shall solicit names for a new pastor from the congregational members. Names will be forwarded to Lutheran Church Canada.
- C. The Call Committee shall review the call list and information received from LCC to make a short list of 3 pastors for the congregational vote.
- D. The Call Committee shall select a date for the call meeting and any communicant member of the congregation shall be eligible to vote.
- E. Voting shall be by ballot.
- F. One of the three candidates receiving an absolute majority shall be declared elected.
- G. In the event no candidate received an absolute majority on the first ballot, the name of the one receiving the least number of votes shall be dropped, and there will be a vote on the two remaining candidates.
- H. The assembly shall have a motion to declare the unanimously elected pastor called into the pastoral office of the congregation.

ARTICLE IV: OFFICERS AND OTHER CHURCH LEADERS

- A. *Elected Officers* of the congregation shall be: a President; a Vice-President; a Secretary; and a Trustee.
- B. *Appointed Officers* of the congregation shall be: a Treasurer.
- C. The Voters shall elect a President, Vice President, Secretary, Trustee, minimum of two Directors at large, and a Board of Elders.
- D. The Board of Directors shall appoint a Treasurer and a Financial Secretary.
- E. The Board of Directors shall from time to time appoint committees, and encourage the establishment of ministry groups and fellowship teams to help the work of the congregation. The Governance Manual will provide specific directives for all appointments.
- F. Women shall be ineligible to hold the offices of Pastor, President, Vice President, or Elder.

ARTICLE V: ELECTIONS AND APPOINTMENTS

- A. A nominating committee appointed by the Board of Directors shall present a slate of candidates to the Voters' Assembly.
- B. Additional nominations may be made from the floor.
- C. The annual election shall be by ballot. Those elected shall assume their respective duties on December 1st. In event of a vacancy in any office the Board of Directors shall appoint a successor to serve until the next annual election.
- D. Officers shall be elected for the terms specified in these Bylaws and shall hold office until their successors have been elected and qualified.
- E. No member shall hold more than one elective office at one time.
- F. The appointed Treasurer and Financial Secretary shall assume their respective duties on January 1st.

ARTICLE VI: BOARD OF DIRECTORS

The Board of Directors shall consist of the President, the Vice-President, the Secretary, and a minimum of two Directors at large. The Pastor shall be an advisory member. It shall be the duty of the Board of Directors to meet at least quarterly to direct and control the work of the congregation through the process of governance. The Board will normally make decision through consensus agreement, otherwise a majority of voting Board members will be needed to pass any decisions.

ARTICLE VII: DUTIES OF THE PASTOR

The pastor shall be obligated to teach and preach the Word of God in its truth and purity and administer the sacraments of Holy Baptism and the Lord's Supper according to Biblical and congregational prescription. He shall visit the sick, the aged, and the infirm. (It is required of the members of the congregation to inform him promptly of all cases of illness.)

The pastor is to admonish indifferent and erring members; to faithfully guard the spiritual welfare of the younger members of the congregation; to instruct the catechumens in the Word of God; and in general to serve the congregation as an example by his Christian conduct and by the grace of God to do all that it is possible for him to do, for the building of the congregation and the for the general advancement of the Kingdom of Christ.

It shall be the pastor's duty to keep careful record of Baptisms, Confirmations, Communion, Marriages and Deaths as they occur and shall publish this record annually. Such records shall be and remain the permanent property of the congregation. On assuming office the pastor shall become familiar with the Constitution and By-laws of the congregation and thereby obligate himself to observe these rules and regulations. The pastor shall serve in an advisory capacity on all boards and committees, and attend all such meetings as advisable and possible. He shall serve as Chairman for the Board of Elders meetings.

ARTICLE VIII: TERMS AND DUTIES OF OFFICERS & BOARD MEMBERS

A. President

The term of the office of President shall be three years. He shall preside at all meetings of the Voters' Assembly and the Board of Directors. The President will also be responsible for ensuring that all newly elected Board members are introduced to the Governance Manual and Roberts' Rules of Order Revised.

B. Vice-President

In the absence of the President, the Vice-President shall perform the duties of the President. In the event of a vacancy of the office of the President, the Vice-President shall succeed to the office of the President for the remainder of the term. The term of office for the Vice-President shall be three years and then succeed the presidency.

C. Secretary

The term of office for the secretary shall be three years. The secretary shall keep accurate minutes of the meetings of the Voters' Assembly and of the Board of Directors for the permanent records of the congregation and shall perform the other duties in keeping with his/her office. He/she shall be primarily responsible for giving to new communicants eighteen and over a copy of this Constitution and By-laws. The secretary can serve for no more than two consecutive terms of office.

D. Directors at Large

The term for a Director at Large shall be three years. He/she may serve for no more than two consecutive terms. Directors will familiarize themselves with the Governance Manual to facilitate their work on the board.

E. Treasurer

The term of office for the Treasurer shall be three years. He/she shall pay all bills authorized by the congregation. He/she shall keep accurate records of the receipts and disbursements of the congregation which shall be and remain the property of the congregation. In a timely manner, he/she will submit a monthly financial report to the President and a report to the Board for approval at its quarterly meetings. In addition, all records shall be submitted for an audit or a review engagement by an outside agency and a report shall be submitted to the congregation.

F. Financial Secretary

The term of office of the Financial Secretary shall be three years. It shall be his/her duty to receive and record donations, and deposit in the congregation's designated depository all congregational monies, including offerings, contributions, special collections, loans, subsidies, bequests, etc. A report of all receipts shall be submitted monthly to the Treasurer. His/her records shall be open to the pastor.

G. Board of Elders

The Board of Elders should consist of a minimum of four members elected by the congregation. Their term of office shall be two years. Two elders should be elected each year. An elder can serve up to three consecutive terms. The pastor shall serve as their chairman.

They shall:

1. Assist the pastor in all matters pertaining to the spiritual welfare of the congregation.
2. Consider complaints and grievances of the congregation if Matt. 18:15,16 has been fully observed, and they shall report to the congregation those which cannot be adjusted, in accordance with Matt. 18:17, 18.
3. Make every effort to induce members who have been negligent in their attendance of services, in the use of the Sacraments, and the financial support of the Church, to mend their sinful ways and fully enjoy the rights and privileges of their membership.
4. See to it that all services are conducted in such a way as to avoid needless disturbances and to foster an attitude conducive to worship among those in attendance.
5. Assist the pastor in arranging pulpit assistance, special services and guest speakers.
6. Together with the vacancy pastor, serve as the call committee when the congregation is to call a pastor.
7. Be an example of Christian conduct and conversation.
8. Sign all diplomas of vocation (calls) in the name of the congregation.

H. The Trustee

The Trustee shall be elected to a three year term. The church Board of Directors will appoint a Board of Property Management to work with the Trustee. It shall be the duty of the Trustee to administer all property belonging to the congregation; and to make all contracts; accept and receive grants and bequests; sign documents; appear in court; in short, to transact all the business of the congregation assigned to him/her by the Voters' Assembly. The Board of Property Management shall periodically inspect the grounds, and church edifice and bring recommendations concerning improvements and repairs to the Board of Directors. They shall supervise and itemize the work of the caretaker and janitor and attend to all the work of maintenance, repair, and improvement of all properties of the congregation. The Trustee shall report his/her and the Property Management activities to the President. The trustee shall not be held personally responsible when acting on the express resolutions of the congregation.