



Immanuel Lutheran Church
Evangelical Lutheran Church in America
God's work. Our hands.

Bylaws

Draft



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* Required provision

Chapter 1 – NAME AND INCORPORATION

<There are no bylaws or resolutions under this section at this time.>

Chapter 2 – CONFESSION OF FAITH

<There are no bylaws or resolutions under this section at this time.>

Chapter 3 – NATURE OF THE CHURCH

<There are no bylaws or resolutions under this section at this time.>

Chapter 4 – STATEMENT OF PURPOSE

<There are no bylaws or resolutions under this section at this time.>

Chapter 5 – POWERS OF THE CONGREGATION

- *C5.03. Only such authority as is delegated to the Congregation Council or other organizational units in this congregation's governing documents is recognized. All remaining authority is retained by 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. call or terminate the call of associates in ministry, deaconesses, and diaconal ministers in conformity with the applicable policy of the Evangelical Lutheran Church in America;
 - d. adopt amendments to the constitution, as provided in Chapter 17, amendments to the bylaws, as specified in Chapter 16, and continuing resolutions, as provided in Chapter 18.
 - e. approve the annual budget;
 - f. acquire real and personal property by gift, devise, purchase, or other lawful means;
 - g. hold title to and use its property for any and all activities consistent with its purpose;
 - h. sell, mortgage, lease, transfer, or otherwise dispose of its property by any lawful means;
 - i. elect its Congregation Council, and require the members of the council to carry out their duties in accordance with the constitution, bylaws, and continuing resolutions; and
 - j. terminate its relationship with the Evangelical Lutheran Church in America as provided in Chapter 6.

* Required provision

C5.03.01 Real property shall not be purchased, disposed of, or encumbered in any manner except by resolution adopted by not less than a two-thirds (2/3) majority vote of the members present and voting at a legally called meeting of the congregation.

Chapter 6 – CHURCH AFFILIATION

<There are no bylaws or resolutions under this section at this time.>

Chapter 7 – PROPERTY OWNERSHIP

<There are no bylaws or resolutions under this section at this time.>

Chapter 8 – MEMBERSHIP

***C8.02.** Members shall be classified as follows:

- a. **Baptized** members are those persons who have been received by the Sacrament of Holy Baptism in this congregation, or, having been previously baptized in the name of the Triune God, have been received by certificate of transfer from other Lutheran congregations or by affirmation of faith.

C8.02.01 We submit our children to Holy Baptism with the expectation that they will be brought up as Christians, reflecting the image of their Savior in their lives. Therefore, sponsors who share the Christian faith should be asked to be participants at the time of baptism.

- 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.

C8.02.02 Baptized adults, not previously members of the congregation, who have received instruction and have given evidence of having adequate understanding and acceptance of the teaching of the Word of God as confessed by the Lutheran Church shall be admitted to confirmed membership.

- c. **Voting** members are confirmed members. Such confirmed members, during the current or preceding calendar year, shall have communed in this congregation and shall have made a contribution of record to this congregation. Members of this congregation who have satisfied these basic standards shall have the privilege of voice and vote at every regular and special meeting of 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, or persons who wish to retain a relationship with this congregation while being members of other congregations. They have all the privileges and duties of membership except voting rights and eligibility for elected offices or membership on the Congregation Council of this congregation.

***C8.03.** All applications for confirmed membership shall be submitted to and shall require the approval of the Congregation Council.

* Required provision

- *C8.04.** It shall be the privilege and duty of members of this congregation to:
- a. make regular use of the means of grace, both Word and sacraments;
 - b. live a Christian life in accordance with the Word of God and the teachings of the Lutheran church; and
 - c. support the work of this congregation, the synod, and the churchwide organization of the Evangelical Lutheran Church in America through contributions of their time, abilities, and financial support as biblical stewards.

C8.04.01 Participation in the Sacrament of Holy Communion shall be available to those who believe in Jesus Christ and His forgiveness for their lives and have been communing in their own congregations. A child that is a baptized member of this congregation may begin communing provided that member has received pastoral instruction with his/her guardian in the Sacrament of Holy Communion.

C8.04.02 Record of participation in the Sacrament of Holy Communion shall be entered into parochial records of the congregation. If a member of another congregation communes, notice shall be sent to his/her pastor upon their request.

- *C8.05.** Membership in this congregation shall be terminated by any of the following:
- a. death;
 - b. resignation;
 - c. transfer or release;
 - d. disciplinary action by the Congregation 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

<There are no bylaws or resolutions under this section at this time.>

Chapter 10 – CONGREGATION MEETING

C10.01. The annual and quarterly meetings of this congregation shall be held at a time specified in the bylaws.

C10.01.01 The annual and quarterly meetings will typically fall on the third Sunday of the first month of each fiscal quarter, but the meeting dates are subject to change by the Congregation Council due to conflicts (e.g., Easter). The Congregation Council will confirm the date and time of the annual and quarterly meetings following the process prescribed in the Constitution (see C10.03).

* Required provision

C10.03. Notice of all meetings of this congregation shall be given at the services of worship on the preceding two consecutive Sundays and by mail to all members at least 10 days in advance of the date of the meeting.

C10.06. 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 state law.

C10.06.01 Voting shall be by written ballot in the following cases:

- a. To elect the president, vice president, secretary, treasurer, financial secretary, Board of Deacons, Board of Church Trustees, and Board of Education Trustees.
- b. To elect one voting member for the Congregation Council from each of the Board of Deacons, the Board of Church Trustees and the Board of Education Trustees.
- c. To adopt or amend the articles of incorporation, constitution, or bylaws of the congregation.
- d. To call a pastor or to request his/her resignation.
- e. To excommunicate a member from the congregation or to remove a member from office in the congregation.
- e. To sever membership in the Evangelical Lutheran Church in America.
- f. To dispose of, encumber, or purchase real property.
- g. When requested by ten or more voting members present.

C10.07. *Robert's Rules of Order*, latest edition, shall govern parliamentary procedure of all meetings of this congregation.

C10.07.01 The order of business at the annual and quarterly meeting shall be:

- a. Opening devotion
- b. Approval of the minutes of the previous meeting
- c. Election, when applicable
- d. Reports of pastor, Congregation Council, Boards, treasurer, committees and others
- e. Approval of budget, when applicable
- f. Unfinished business
- g. New business
- h. Closing prayer

Chapter 11 – OFFICERS

C11.01. The officers of this congregation shall be a president, vice president, secretary, and treasurer.

* Required provision

- a. Duties of the officers shall be specified in the bylaws.
- b. The officers shall be voting members of the congregation.
- c. Officers of this congregation shall serve similar offices of the Congregation Council and shall be voting members of the Congregation Council.
- d. If the Congregation Council elects its officers, the president, vice president, and secretary shall be selected from the elected membership of the Congregation Council. If the treasurer is not selected from the elected membership of the Congregation Council, the treasurer shall have voice but not vote at the meetings of the Congregation Council.

C11.01.01 The president of the congregation shall preside as chairman over meetings of the Congregation Council and congregation unless the members of the meeting decide otherwise. He/she shall endeavor to bring to completion all resolutions of the congregation and shall work with the pastor in the spreading of God's kingdom in the community.

C11.01.02 The vice president shall preside in the absence of the president unless the members of the meeting decide otherwise and serve as chairman of the Outreach Committee.

C11.01.03 The secretary shall keep and preserve the minutes of the Congregation Council and of the congregation including its archives and shall perform the duties prescribed by the constitution (see C6.05 b and f, C19.04, C16.04, and C17.03). The secretary shall also present, upon receipt, the minutes from other congregational meetings.

C11.01.04 The treasurer shall be custodian of all funds of the congregation in accordance with the provisions of the constitution (see C12.05 d, e, and f) and serve as co-chairman of the Stewardship Committee.

C11.02. The congregation shall elect its officers and they shall be the officers of the congregation. The officers shall be elected by written ballot and shall serve for two years or until their successors are elected. Their terms shall begin at the close of the annual meeting at which they are elected.

C11.03. No officer shall hold more than one office at a time. No elected officer shall be eligible to serve more than two consecutive terms in the same office.

Chapter 12 – CONGREGATION COUNCIL

C12.01. The voting membership of the Congregation Council shall consist of the pastor(s), the officers of the congregation, and four (4) members of 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 Congregation 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 Congregation Council without cause. Consistent with the laws of the state in

* Required provision

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

- C12.01.01** The four (4) members of the Congregation Council shall consist of one (1) financial secretary, one (1) deacon from the Board of Deacons, one (1) church trustee from the Board of Church Trustees, and one (1) trustee from the Board of Education Trustees.
- C12.01.02** The non-voting membership of the Congregation Council shall consist of the other members of the Board of Deacons, Board of Church Trustees, Board of Education Trustees, and the Board of Cemetery Trustees.
- C12.01.03** The financial secretary shall keep an accurate record of all receipts and individual contributions and serve as co-chairman of the Stewardship Committee.
- C12.01.04** The Board of Deacons shall consist of four (4) members of the congregation.
- C12.01.05** The Board of Church Trustees shall consist of four (4) members of the congregation.
- C12.01.06** The Board of Education Trustees shall consist of two (2) members of the congregation.
- C12.01.07** The Board of Cemetery Trustees shall consist of three (3) members of the congregation.
- C12.02.** The members of the Congregation Council except the pastor(s) shall be elected by written ballot to serve for two years or until their successors are elected. Such members shall be eligible to serve no more than two full terms consecutively. Their terms shall begin at the close of the annual meeting at which they are elected.
- C12.02.01** The office election years for the president, secretary, two (2) of the deacons, two (2) of the church trustees, and one (1) of the education trustees will be held on odd years only (e.g., 2011, 2013, 2015, etc.) and the elections for vice president, treasurer, financial secretary, the other two (2) deacons, the other two (2) church trustees, and the other education trustee will be held on even years (e.g., 2012, 2014, 2016, etc.) at the annual meeting.
- C12.02.02** The cemetery trustees are excluded from C12.02 as prescribed in the *Constitution of Immanuel Evangelical Lutheran Church Cemetery*. The cemetery trustees serve until they resign, cease to be a member of Immanuel Evangelical Lutheran Congregation of Yorkville, or until such time as they are removed from office by the congregation.
- C12.03.** Should a member's place on the Congregation Council be declared vacant, the Congregation Council shall elect, by majority vote, a successor until the next annual meeting.
- C12.03.01** Should an election for a successor occur outside the office's election year (see C12.02.01), then the first term is limited to one year.

* Required provision

Chapter 13 – CONGREGATION COMMITTEES

C13.01. The officers of this congregation and the pastor shall constitute the *Executive Committee*.

C13.07.01 The Executive Committee shall also include the financial secretary.

C13.02. A *Nominating Committee* of six voting members of this congregation, two of whom, if possible, shall be outgoing members of the Congregation Council, shall be elected at the annual meeting for a term of one year. Members of the Nominating Committee are not eligible for consecutive reelection.

C13.07.02 The Nominating Committee shall include, if possible, two outgoing members of the Congregation Council.

C13.03. An *Audit Committee* of three voting members shall be elected by the Congregation Council. Audit Committee members shall not be members of the Congregation Council. Term of office shall be three years, with one member elected each year. Members shall be eligible for reelection.

C13.04. A *Mutual Ministry Committee* (in the absence of a mutual ministry committee, the duties shall be fulfilled by the executive committee) shall be appointed jointly by the president and the pastor. Term of office shall be two years, with three members to be appointed each successive year.

C13.05. When a pastoral vacancy occurs, a *Call Committee* of six voting members shall be elected by the Congregation Council. Term of office will terminate upon installation of the newly called pastor.

C13.06. Other committees of this congregation may be formed, as the need arises, by decision of the Congregation Council.

C13.06.01 An Outreach Committee shall consist of at least six (6) volunteer members of the congregation chaired by the vice president.

C13.06.02 A Stewardship Committee shall consist of at least six (6) volunteer members of the congregation co-chaired by the treasurer and the financial secretary.

C13.06.03 An Education Committee shall consist of all Sunday school teachers, the two education trustees, and a Sunday school superintendent. The Sunday school superintendent shall be appointed by the Congregation Council and the position of Sunday school superintendent shall be reviewed by the Congregation Council and the Education Committee every two (2) years at the Congregation Council Meeting in February of every odd year at a minimum. The education trustees will serve as co-chairs and the Sunday school superintendent will serve as lead chair.

C13.07. Duties of committees of this congregation shall be specified in the bylaws and continuing resolutions.

C13.07.01 All committees should meet at least twice a year in order to set goals and work at helping enhance the life of this congregation.

* Required provision

C13.07.02 All committees shall take minutes during their meetings and provide their meeting minutes to the secretary of Congregation Council within 30 days after their meetings.

C13.08. The senior pastor of this congregation shall be *ex officio* a member of all committees and boards of the congregation. The president of this congregation shall be *ex officio* a member of all committees and boards of the congregation, except the Nominating Committee.

C13.08.01 All committee meetings, except the Nominating Committee, shall invite both the pastor and president to be present at committee meetings with at least a 10 day notice.

Chapter 14 – ORGANIZATIONS WITHIN THE CONGREGATION

<There are no bylaws or resolutions under this section at this time.>

Chapter 15 – DISCIPLINE OF MEMBERS AND ADJUDICATION

<There are no bylaws or resolutions under this section at this time.>

Chapter 16 – BYLAWS

<There are no bylaws or resolutions under this section at this time.>

***C16.01.** This congregation may adopt bylaws. No bylaw may conflict with this constitution.

***C16.02.** 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.

***C16.03.** Changes to the bylaws may be proposed by any voting member provided that such additions or amendments be submitted in writing to the Congregation Council at least 60 days before a regular or special Congregation Meeting called for that purpose. The Congregation Council shall notify the congregation’s members by mail of the proposal with the council’s recommendations at least 30 days in advance of the Congregation Meeting.

***C16.04.** Approved changes to the bylaws shall be sent by the secretary of this congregation to the synod.

Chapter 17 – AMENDMENTS

<There are no bylaws or resolutions under this section at this time.>

* Required provision

Chapter 18 – CONTINUING RESOLUTIONS

- *C18.01.** The congregation in a legally called meeting or the Congregation Council may enact continuing resolutions. Such continuing resolutions may not conflict with the constitution or bylaws of this congregation.
- *C18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.
- C18.01.A12** The Board of Deacons shall consider matters relating to the worship life of the congregation and make recommendations at congregation meetings. The Deacons shall be provided training by the pastor and have responsibilities that are spelled out in the Constitution relating to the Congregation Council (see C12.04 g and j).
- C18.01.B12** The Board of Church Trustees that shall observe the following rules regarding the use of church property, in conjunction with the performance of their duties as prescribed in the Constitution (see C12.05 a).
- a. The property of the congregation shall be for the use of the congregation in its normal function as a Lutheran Church and shall not be used in any way not in harmony with the purpose of the congregation.
 - b. Buildings which are the property of the congregation shall not be lent or rented to any group or individual not affiliated with the congregation or with the Evangelical Lutheran Church in America unless application for such use has been approved by the Congregation Council by a two-thirds (2/3) majority in the case of a request for occasional use, or by a two-thirds (2/3) vote of the congregation in the case of a request for regular use.
- C18.01.C12** The Nominating Committee shall present a list of nominees to the members of the congregation at least two Sundays preceding the annual meeting at which elections are to be held.
- C18.01.D12** The Audit Committee shall audit and verify the receipts and expenditures of congregational funds and each organization within the church between the closing of the fiscal year and the printing of the annual report in preparation for the annual meeting.
- C18.01.E12** The Mutual Ministry Committee shall include, but not be limited to:
- a. Meet with the pastor(s) and other staff people as a liaison between pastor(s) and congregation.
 - b. Make suggestions to the pastor(s) to improve ministry and relations, including participation by the pastor(s) in continuing education.
 - c. Assist with evaluation of the pastoral ministry.
 - d. Assist with evaluations of the congregational program.

* Required provision

- C18.01.F12** The Call Committee shall seek the advice and help of the bishop of the synod and follow the guidelines for the calling of a pastor. Regular reports shall be made to the Congregation Council and the congregation as to the status of the call process.
- C18.01.G12** The Outreach Committee shall have special responsibilities under supervision of the pastor for the development of a sound program of evangelism which will:
- Apply the gospel to the lives of people.
 - Reach those who are not part of the Christian community.
 - Enable those who are members.
 - Encourage members to share their faith with others.
 - Organize and sponsor a marketing team or, when marketing team is absent, facilitate the marketing needs of the congregation.
- C18.01.H12** The Stewardship Committee shall have special responsibility under the supervision of the Congregation Council for the congregation's development in accordance with scriptural principles of stewardship and for the raising of funds and shall make recommendations to the Congregation Council.
- C18.01.J12** The Education Committee shall have special responsibility under the supervision of the pastor(s) to operate the Sunday school and other schools (such as vacation bible school) of the congregation, to promote adult education, and help develop the youth program in the congregation, and shall make recommendations to the Congregation Council.
- C18.01.K12** The Board of Deacons shall work with the pastor(s) and organist in seeing that worship is held regularly on Sundays and other important times such as festival seasons. Some of the committee's duties shall be to:
- Assist in selection of hymns
 - Provide worship assistants such as readers, ushers and greeters
 - Assist the pastor(s) during communion and
 - In the absence of a pastor, this committee shall help in securing people to lead in worship.
- C18.01.L12** The Board of Church Trustees shall have special responsibility for upkeep of the property and shall work with the custodians in seeing that facilities are clean for worship and other church use.
- C18.01.M12** The fiscal year begins January 1 and ends December 31.
- C18.02.** Continuing resolutions shall be enacted or amended by a majority vote of a meeting of the congregation or a two-thirds vote of all voting members of the Congregation Council.

Chapter 19 – INDEMNIFICATION

<There are no bylaws or resolutions under this section at this time.>

* Required provision

About the Bylaws

These are bylaws for Immanuel Evangelical Lutheran Church of Yorkville as prescribed in the Constitution (see C4.04 and C16). For reader ease, the relevant Constitution sections are repeated herein which can be identified as with a gray box. Any conflicts between the bylaws and the constitution, the constitution will prevail.

Review by Synod

In keeping with provisions that apply to all congregations of this ELCA, each congregation is to provide a copy of its governing documents to their synod. As specified by ELCA bylaw 9.53.03. (numbering as listed in the 1991 and subsequent editions):

All proposed changes in the constitution or incorporation documents of a congregation shall be referred to the synod with which the congregation is affiliated. The synod shall approve or disapprove the proposed changes within 120 days of receipt thereof, and shall notify the congregation of its decision; in the absence of a decision, the changes shall go into effect.

<< TBD >>

These bylaws were approved by the Northern Illinois Synod on <dd mmm yyyy>

Codification Explanation

A numerical codification indicates (a) general subject, (b) constitutional provisions, (c) bylaws, and (d) continuing resolutions.

- a. Major sectors are designated as chapters. The chapter designation becomes the first number in the codification sequence and is followed by a period. Thus, provisions in "Chapter 8. Membership" are preceded by "8."
- b. Constitutional provisions are codified with two sets of numbers: the chapter number and a two-digit number preceding the second period in the codification. Thus, one constitutional provision related to "Membership" is codified *C8.02.
- c. Bylaw provisions are codified with three sets of numbers: the chapter number, the related constitutional provision number, and a two-digit number. Thus, one bylaw provision related to "Membership" would be codified C8.02.01.
- d. The congregation and Congregation Council may adopt "continuing resolutions," which may provide descriptions of operational patterns or of the ongoing responsibilities of committees or other units within the organizational structure of the congregation. Within the governing documents of a congregation, continuing resolutions are the provisions most easily amended. Unlike constitutional provisions and bylaws, continuing resolutions may be updated regularly by the Congregation Council without the necessity of calling a regular or special Congregation Meeting. Continuing resolutions also are codified with three sets of numbers except that the third set is preceded by a capital letter. Thus, a continuing resolution might be numbered C13. to designate the chapter; C13.07. to designate the subject matter within the chapter; and the third set might be numbered A07. in the codification C13.07.A07. to indicate by the "A" that it is the first continuing resolution regarding that subject and to indicate by the "07" that it was adopted in 2007.

* Required provision