

Luther Memorial Constitution



134 21st Street

Fond du Lac, Wisconsin

Revised 2/19/2012

LM Constitution - Table of Contents

PREAMBLE	3
ARTICLE I - NAME.....	3
ARTICLE II - ARTICLES OF FAITH	3
ARTICLE III - MEMBERSHIP	3
ARTICLE IV - CHRISTIAN EDUCATION.....	4
ARTICLE V - SUFFRAGE.....	4
ARTICLE VI - EXCOMMUNICATION, RELEASE, TERMINATION, AND TRANSFER OF MEMBERSHIP.....	4
ARTICLE VII - SEPARATION.....	5
ARTICLE VIII - CALLING A PASTOR, TEACHER, OR OTHER OFFICERS.....	5
ARTICLE IX - REMOVAL FROM OFFICE	5
ARTICLE X - BOOKS AND FORMS	6
ARTICLE XI - OFFICERS AND CHURCH COUNCIL.....	6
ARTICLE XII - DUTIES OF ANNUAL OFFICERS.....	7
ARTICLE XIII - BOARDS AND COMMITTEES	8
ARTICLE XIV - THE SCHOOL COMMITTEE.....	8
ARTICLE XV - ELECTION OF OFFICERS	8
ARTICLE XVI - STATED MEETINGS OF THE CONGREGATION.....	9
ARTICLE XVII - INSTALLATION OF OFFICERS AND MEMBERS OF THE CHURCH COUNCIL	9
ARTICLE XVIII - ORGANIZATIONS	10
ARTICLE XIX- DISSOLUTION REQUIREMENTS	10
ARTICLE XX - REPEALS AND ALTERATIONS	10
ARTICLE XXI THE BOARD OF ELDERS.....	11
LUTHER MEMORIAL CHURCH - BYLAWS	11
SECTION 1- RECEPTION OF MEMBERS	11
SECTION 2 - THE CHURCH COUNCIL	11
SECTION 3 - MISSION COMMITTEE	11
SECTION 4 - THE SCHOOL COMMITTEE	12
SECTION6 - BUILDING AND GROUNDS COMMITTEE.....	12
SECTION 7 - THE INSURANCE COMMITTEE	12
SECTION 8 - THE ORDER OF BUSINESS	12
SECTION 9- THE BOARD OF ELDERS.....	12

PREAMBLE

Whereas the Apostle Paul sets forth in *I Corinthians 14:40* that all things in the Church should be done “decently and in order;” therefore, be it resolved, that we, a congregation of confessing Christians of the Evangelical Lutheran faith, of the city of Fond du Lac, Wisconsin, do herewith in the name of the Triune God, Father, Son, and Holy Spirit, and by subscribing our names thereto, adopt the following constitution.

ARTICLE I - NAME

The name of this congregation shall be “**LUTHER MEMORIAL CHURCH**”.

ARTICLE II - ARTICLES OF FAITH

The congregation accepts and confesses all the canonical books of the Old and New Testament as the inspired Word Of God, and all the symbolical books of the Evangelical Lutheran Church, contained in the Book of Concord of 1580, as the correct presentation and true exposition of Christian doctrine, drawn from, and in full agreement with the Holy Scriptures; hence, no doctrine shall be taught or tolerated in this congregation which is in any degree at variance with the following symbols of the Evangelical Lutheran Church, viz.:

1. The Three Ecumenical Creeds - - - the Apostolic, the Nicene, and the Athanasian;
2. The Unaltered Augsburg Confession;
3. The Apology of the Augsburg Confession;
4. The Smalcald Articles;
5. Luther’s Catechisms, the Large and the Small;
6. The Formula of Concord;

And we set forth that according to this norm of doctrine; all controversies which may arise in this congregation shall be decided and adjusted.

ARTICLE III - MEMBERSHIP

Only such may be and remain members, hold office, or enjoy the rights and privileges of membership in this congregation, as

1. Are baptized;
2. Declare their adherence to all the canonical books of the Old and New Testaments, without qualification, as the only rule and norm of faith and life;
3. Have been confirmed, or have made their confession of the Lutheran Faith in this or some other Lutheran church of sound doctrine and renew their confession in applying for membership;
4. Do not live in the manifest works of the flesh (*Galatians 5:19 -21*), but lead Christian lives;
5. Together with the congregation partake of the Lord’s Supper frequently;
6. Permit themselves to be fraternally admonished and corrected when they have erred;

7. Hold no membership in secret orders or ungodly and unchristian organizations, such as lodges, secret societies, Scouts, etc., which conflict with the word of God. *Compare Ephesians 5:11-12; II Corinthians 6:14 -18; St. Matthew 5:34 -37; and Romans 16:17-18.*
8. Are willing to assume their fair share of the financial obligations, to which the congregation is subject, as the Lord has prospered them. (*Deuteronomy 16:17; I Corinthians 16:2; II Corinthians 9:6-7.*) Any member, communicant or voting, who is unable to do this in whole or in part, may bring his cause before the Church Council for consideration.

ARTICLE IV - CHRISTIAN EDUCATION

It shall be the duty of all members to bring up their children in the nurture and admonition of the Lord (*Ephesians 6:4*) and, to this end, besides teaching them the Christian faith at home, provide within the congregation the best possible opportunities for Christian training and instruction in such a school as the congregation is able to maintain. Parents shall be urged in an evangelical manner to send their children to the Day School so that they may be properly instructed in the truths of God's Word and prepared for confirmation and membership in the church.

ARTICLE V - SUFFRAGE

Only male members of the congregation who have completed their eighteenth year and have signed this constitution shall have the right to vote upon being accepted by the congregation at a properly called meeting. In keeping with God's Word, women shall never be given the right of suffrage, (*I Corinthians 14:35-35* "Let your women keep silence in the churches; for it is not permitted unto them to speak; but they are commanded to be under obedience, as also saith the law. And if they will learn anything, let them ask their husbands at home; for it is a shame for women to speak in the church;" and *I Timothy 2:11-12* "Let the women learn in silence with all subjection. But I suffer not a woman to teach, nor to usurp authority over the man, but to be in silence.")

ARTICLE VI - EXCOMMUNICATION, RELEASE, TERMINATION, AND TRANSFER OF MEMBERSHIP

1. A member who is guilty of living in open sin shall become the deep concern of the congregation. He shall be offered patient, loving admonition according to *Matthew 18:15-18*. Should such a person remain manifestly impenitent in spite of these efforts, the congregation shall excommunicate him with the earnest prayer that he may be brought to repentance. He gives up all rights in the congregation and its property until he repents and is again accepted into membership of the congregation. (*Matthew 18:15-20; I Corinthians 5:4-5, & 13*)

2. The congregation shall terminate the membership of a person who causes divisions and offenses contrary to the doctrine which we have learned or who severs his association with the congregation. (*Romans 16:17-18*)
3. The congregation shall release from membership those who no longer wish to be members. The Church Council may act in behalf of the congregation if the congregation does not meet for some time. The action of the Church Council shall be brought to the congregation for approval.
4. The congregation shall grant a transfer of membership to a sister congregation when a transfer is requested for valid reasons. The Church Council may act in behalf of the congregation if the congregation does not meet for some time. The action of the Church Council shall be brought to the congregation for approval.
5. Members excommunicated according to *Matthew 18:15-20*, such as by adherence to false doctrine or by removal, sever their connection with the congregation, and give up their rights in the congregation and its property.

ARTICLE VII - SEPARATION

If at any time a separation shall occur in this congregation on account of doctrine or for any other cause (which God may graciously prevent), the property of this congregation and all its benefits shall remain with those members who adhere to this constitution.

ARTICLE VIII - CALLING A PASTOR, TEACHER, OR OTHER OFFICERS

The congregation as a whole has the exclusive right to call and elect pastors, teachers, and other officers. The Pastorate of this congregation shall be conferred only upon such ministers or ministerial candidates as unqualifiedly and publicly profess their acceptance of and adherence to Article II of this constitution; and such acceptance and adherence shall be required of them in the call of vocation extended by the congregation.

Note: For sake of mutual encouragement and richer blessings, the pastors and teachers of this congregation, as well as the congregation itself, shall seek association with any group or synod with which they are already perfectly joined together in the same mind and judgment (*I Corinthians 1:10*) and which is in true accord with the doctrinal position embodied in this constitution.

ARTICLE IX - REMOVAL FROM OFFICE

Any officer of the congregation can, according to Christian form and order, be removed from office. Sufficient and urgent causes for removing a pastor, pastor's assistant, teacher, or any other officer are persistent adherence to false doctrine, scandalous life, willful neglect of duty, or established inability to perform the duties of their office.

(*I Timothy 3:1-13; Titus 1:6-9*)

ARTICLE X - BOOKS AND FORMS

All hymnals, textbooks, forms, agendas, etc., used in this church must conform to Article II of this constitution.

ARTICLE XI - OFFICERS AND CHURCH COUNCIL

In accordance with the law of the State of Wisconsin, the congregation shall elect by ballot at its annual meeting on the third Sunday after New Year's Day or a date determined by the Church Council. The Church Council shall consist of eight members, three of which are to be especially designated as trustees. The whole Church Council shall control the corporate property according to the directions given by the congregation and shall in turn direct the three trustees to do such buying, selling, and borrowing of monies as the congregation has ordered. The terms of one-half of the members shall expire at the organizational meeting each year, and the vacancy must be refilled by election. The term of one of the trustees shall expire each year. The members of this board shall be wise, devout, and faithful men. This board together with the Pastor and the Day School Principal, in an advisory position, shall constitute the Church Council.

As soon as possible after the annual congregational meeting the newly elected members of the Church Council, together with the hold-over members, shall meet to elect from the membership of the Church Council the following offices: President, Vice President, Recording Secretary, Treasurer, Financial Secretary, Mission Chairman, School Committee Chairman, Board of Elders Committee Chairman, and the Buildings and Grounds Chairman. At this meeting the Church Council also shall elect one of the newly elected members to act as trustee for the ensuing two years. Election shall be by ballot. The Church Council shall also elect its own chairman. If a member other than the Pastor is elected to serve as chairman of the Church Council, it shall be deemed proper for the chairman to consult with the Pastor or Pastors in advance of the council meetings regarding new matters that are to be presented.

The duties of the members of the Church Council are the following:

1. They shall adorn their high office with Christian conduct and be good examples to the congregation.
2. They shall aid the Pastor in the spiritual affairs of the church.
3. They shall see to good order in all services of the Church.
4. They shall particularly care in love for the poor, the needy, the sick and the widows and orphans.
5. They shall administer the temporal affairs of the congregation and adequately provide for the needs of the servants of the Word and for all other expenses. (*I Corinthians 9:6-14; I Timothy 5:17-18*)

ARTICLE XII - DUTIES OF ANNUAL OFFICERS

1. The **President** shall preside at all meetings of the congregation and see to it that all its decisions are carried out.
2. The **Vice President** shall act as chairman of the congregation in the absence of the President. He shall also hold another elective office on the Church Council.
3. The **Recording Secretary** shall keep record of the proceedings of the congregational meetings and also of the council meetings, and shall prepare minutes, which in each case are to be submitted for adoption at the meeting next following.
4. The **Financial Secretary** shall receive all collections and contributions, including congregational offerings undertaken by any organization for special purposes; he shall keep an accurate weekly record of them and shall deliver them to the treasurer, and others as required. He shall have a concern for the preservation of sound Christian stewardship principles and policies and for the orderly implementation of offerings and fund gatherings for the financial well being of the congregation. He shall be responsible for monthly reports to the Church Council. He shall make quarterly reports which are to be submitted to the quarterly meetings and also an annual report for the annual meeting. He shall assist the Pastor in the general planning and work that may be undertaken in the interest of the faithful fulfillment of the congregation's stewardship responsibility, including the ordering of and distribution of offering envelopes. He is to submit his books and records to an audit at least once a year or at any other time that the congregation so desires.
5. The **Treasurer** shall, according to instructions received from the Secretary, as decided in the meetings of the congregation or of the Church Council, disburse all monies received and keep an accurate account of all. He shall submit monthly and quarterly as well as annual reports. He shall submit his books and records at least annually to the congregation for auditing and at any other time the congregation desires.
6. The **Mission Committee Chairman** shall receive and carefully record all contributions designated for mission purposes and shall allocate the monies as directed by the congregation or intended by the donors.
7. The **School Committee Chairman** shall be responsible for conducting all school committee meetings and to see that all decisions of the committee are carried out. He shall report all actions of the School Committee to the regular meetings of the Church Council and to the quarterly Voters' meetings.
8. The **Chairman of the Buildings and Grounds Committee** shall have the duty to see that the property of the congregation is kept in good condition, to call to the attention of the Church Council and the congregation any repairs that may be necessary, and to see to it that the necessary repairs are made. He shall supervise all projects and work activities relating to the property of the congregation, including both buildings and grounds. The Planning Committee shall assist the Building and Grounds Chairman.
9. The **Chairman of the Board Of Elders**

At the January organizational meeting of the Church Council the Chairman of the Board of Elders will be elected from the members of the Church Council. The Church Council will

then appoint up to seven men to serve with the chairman. Their purpose is to work closely with the Pastor for the spiritual welfare of this congregation as well as the membership responsibilities of this congregation as pertaining to Article 3 of this constitution.

ARTICLE XIII - BOARDS AND COMMITTEES

The congregation shall elect or appoint whatever boards and committees it finds necessary to carry out its work in an orderly and efficient manner. The duties and terms of these boards and committees shall be defined by the congregation in the By-Laws. The Pastor is an advisory member of all boards and committees.

ARTICLE XIV - THE SCHOOL COMMITTEE

Annually the Church Council shall elect from its midst the Chairman of the School Committee to serve a term of one year. The Chairman plus four other voting members of the congregation shall make up the School Committee. The Church Council shall elect at its organizational meeting two men to serve on the School Committee for a term of two years. The term of two of the four members shall expire each year.

The Duties of the School Committee are as follows:

1. They shall adorn their high office with a Christian conduct and be good examples to the congregation.
2. There shall be regular meetings as often as necessary, at which the needs of the parish school are discussed with a view toward acquainting the congregation as a whole with school conditions.
3. There shall be regular meetings with the teaching staff of the school.
4. There shall be regular reports to the members of the Church Council and to the congregation on the condition of the school.
5. The School Committee shall elect from its own midst a secretary and a treasurer.

ARTICLE XV - ELECTION OF OFFICERS

1. Mode of Making Nominations: The Church Council shall have the duty to prepare a slate of qualified candidates in nomination to be presented to the congregation at its annual meeting, from which the men are to be elected to serve on the Church Council for up to three terms of two years each consecutively. Provision shall be made to enable the voters present to augment the list by additional nominations from the floor.

The number of nominees placed on the slate by the Church Council shall not exceed eight or be less than four.

2. The Church Council Terms: Those elected to the Church Council shall serve no more than three consecutive terms of two years, and shall be ineligible for reelection until two full years have expired following their service on the Church Council. When any person is elected to fill an unexpired term, such a term constitutes a full term.

- 3. Mode of Elections:** Ballots containing the names of candidates for office shall be presented to the eligible voters at the annual meeting. A majority of the votes cast shall be necessary for election. Balloting shall continue until three candidates have received a majority of the votes cast. If the first ballot does not result in the election of a candidate, the three names receiving the lowest number of votes shall be removed; if there is a tie for last place on the ballot, those having an equal number of votes shall be retained on the list. Names receiving no votes are to be removed. If the second ballot does not result in an election, three names shall again be removed. Further reduction of names on the ballot shall not be made, except that for every candidate elected, the names with the lowest number of votes on the ballot shall be removed before the next is ordered so that the candidates remaining will offer the voters a choice of not more than three for each place to be filled, except that ties for last place shall all be listed. Since the balloting is done with prepared ballots, the order of business shall be followed after the first ballot until the tellers appointed by the chairman are ready to report, in which case the business shall be interrupted while the balloting proceeds.
- 4. Mode for Filling of a Vacancy:** Should a vacancy occur on the Church Council through the death, resignation, or removal of an incumbent, a successor to fill the unexpired term of office shall be elected from a list of three candidates proposed by the Church Council.

ARTICLE XVI - STATED MEETINGS OF THE CONGREGATION

- 1. Regular Meetings,** of the congregation shall be held quarterly in April, July, and October, at a time the Church Council shall determine.
- 2. The Annual Meeting,** of the congregation shall be held on the third Sunday after New Year's Day or as the Church Council may determine.
- 3. A Quorum:** The members present at any meeting properly announced constitutes a quorum in all matters not decided by the Word of God. The majority rules.
- 4. The Bringing of a Complaint:** No one shall bring a complaint against any member, nor against the pastor(s), teachers, or other officers, unless he has previously admonished such in a brotherly manner according to *Matthew 18:15-20*.
- 5. The Announcing of Congregational Meetings:** All regular meetings of the congregation shall be announced in the two preceding services. Special meetings may be called if necessary upon the request of the Church Council or the Pastor. Announcement of such special meetings need be made only once at a regular church service; however, the purpose of such meetings must be stated in the announcement. The congregation shall never convene to transact business without the Pastor's knowledge.

ARTICLE XVII - INSTALLATION OF OFFICERS AND MEMBERS OF THE CHURCH COUNCIL

- 1. The Members** of the Church Council, incoming and outgoing, shall present themselves at the installation service on the first Sunday after the annual meeting.

2. **The Church Council** shall meet before the regular congregational meetings in order to prepare and expedite matters by making recommendations after thorough discussion.
3. **Special Meetings** of the Church Council shall be called whenever necessary in the opinion of the Pastor or the Council. Such meetings shall be called by the Pastor.
4. **The Church Council** shall never convene to transact business without the Pastor's knowledge.

ARTICLE XVIII - ORGANIZATIONS

1. If groups of church members unite for the purpose of serving the spiritual and common welfare of the congregation, such organizations shall always be brought about with the approval of the congregation and shall remain under the supervision of the Pastor and the Church Council. All authority is vested in the local congregation. (*I Corinthians 1:10 -11 and I Corinthians 12:35*)
2. **Gifts or Additions** affecting the property of the congregation or individual shall be approved by the congregation or the Church Council.

ARTICLE XIX- DISSOLUTION REQUIREMENTS

It is the intent and prayer of this congregation that it will continue and prosper with the Lord's guidance and leadership. However in the event of dissolution of Luther Memorial Congregation, of Fond du Lac, Wisconsin, the assets shall be distributed to The Church Of The Lutheran Confession for one or more exempt purposes within the meaning of section 501 (c) (3) of the Internal Revenue Code, or a corresponding section of any future Federal tax code. Such assets shall include, but not be limited to, all property and interests, including any device or bequeath, gift, or grant contained in any will or instrument in trust or otherwise made before such dissolution.

ARTICLE XX - REPEALS AND ALTERATIONS

Article II of this Constitution shall be and shall remain unalterable and unrepealable. Proposals to alter or repeal any other article of this Constitution must be offered in writing and shall be announced in full by the Secretary to the congregation in the public service immediately preceding the next regular congregational meeting. In this meeting the proposal may be considered, but no vote taken thereon. It may not come up for final action until the next Quarterly Congregational meeting. Two-thirds majority of all members present shall be necessary to pass the alteration or repeal. By-Laws not in conflict with the letter or spirit of this constitution may be adopted by a majority vote at any properly constituted meeting of the congregation. Such By-Laws may be amended or repealed by the same procedure.

ARTICLE XXI THE BOARD OF ELDERS

The Board of Elders Chairman will be an elected member of the Church Council. The Board of Elders shall consist of up to seven men of the congregation with the chairman, whose purpose it is to work closely with the Pastor for the spiritual welfare of the congregation. They shall assist the Pastor in the general planning and work that may be undertaken in the interest of the faithful fulfillment of the congregation's membership responsibility, as pertaining to Article 3 in this constitution. Those (appointed - elected) as Elders will be voting members in good standing, and recognized for their faith. (*1 Timothy 3:8-12*) The duties of the Elders shall include setting the proper example, motivating others, solving problems, restoring peace, helping others to greater faith and diligence and, in general, promoting faith, righteousness and harmony in this Christian congregation. The board will elect its own chairman and secretary and meet as necessary. The Board of Elders will provide reports to the congregational quarterly meetings and the Church council meetings.

LUTHER MEMORIAL CHURCH - BYLAWS

SECTION 1- RECEPTION OF MEMBERS

Persons presenting a letter of transfer from a sister congregation shall be received at the next meeting of the congregation. Persons not previously confirmed shall be received upon completion of a course of instruction through confirmation. Others shall give evidence of their qualifications for membership to the Church Council through the Pastor, who shall announce their candidacy on two Sundays before the meeting of the congregation so that any protest on the part of the members may be properly made and lodged with the Pastor or one of the members of the Church Council. If there is no protest, the applications shall be received at the next meeting of the congregation.

SECTION 2 - THE CHURCH COUNCIL

The monthly meetings of the Church Council shall be held on the second Tuesday of each month or as determined ahead of time by the Council and announced to the congregation on the Sunday before the regularly scheduled meeting date.

SECTION 3 - MISSION COMMITTEE

The Mission Committee shall assist the Pastor in searching out the unchurched in the area, those who have no church affiliation, and watching for newcomers. The Mission Committee shall, as the need may suggest or require, assist the Pastor in other general planning and work that may be undertaken in the interest of the faithful fulfillment of the congregation's missionary responsibility and the promotion of the Savior's Kingdom at home and abroad. The Mission Committee shall consist of the Chairman and three other members appointed by the Church Council for a term of three years. One new member shall be appointed each

year in the January organizational meeting of the Council. Regular meetings of the Mission Committee shall be held quarterly, on the second Monday of the month, or as needed.

SECTION 4 - THE SCHOOL COMMITTEE

The School Committee shall meet with the teaching staff on the last Tuesday of the month.

The Church council shall seek to appoint men who have children of school age, whenever possible, to the four positions on the School Committee.

SECTION 6 - BUILDING AND GROUNDS COMMITTEE

The Buildings and Grounds Chairman shall appoint members of the congregation to assist him in carrying out his responsibilities.

SECTION 7 - THE INSURANCE COMMITTEE

The Council shall appoint yearly an Insurance Committee Chairman and two members.

Reports shall be made to the congregation at the annual meeting.

SECTION 8 - THE ORDER OF BUSINESS

All meetings of the congregation shall be conducted according to parliamentary procedure in so far as it is in harmony with Christian love and serves the purpose of the voter assembly.

The order of business shall be the following:

1. Opening devotion or prayer
2. Reading and approval of the minutes from the previous meeting
3. Roll call
4. Report of the Pastor
5. Report of the Financial Secretary
6. Report of the Treasurer
7. Report from committees and boards
 - A. Mission Committee Chairman
 - B. School Committee Chairman
 - C. Board of Elders Chairman
 - D. Building and Grounds Chairman
 - E. Other Committees and Standing Committees
8. Unfinished Business
9. New Business
10. Adjournment with Prayer

SECTION 9- THE BOARD OF ELDERS

The Board of Elders will be appointed at the January organizational meeting of the Church Council. The Board of Elders shall consist of up to seven men of this congregation plus the chairman, whose purpose it is to work closely with the Pastor for the spiritual welfare of this congregation. They shall assist the Pastor in the general planning and work that may be undertaken in the interest of the faithful fulfillment of the congregation's membership responsibility, as pertaining to Article 3 in this constitution. The Board of Elders will provide reports to the congregational quarterly meetings and the Church council as needed.