

The Constitution

and
By-Laws

"...Therefore we, the members of St. Paul's Lutheran Church, located at Niles, Michigan, 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."

Preamble



St.

NILES, MI

PAUL'S

LUTHERAN

GUIDELINES FOR CONSTITUTIONS AND BYLAWS OF LUTHERAN CONGREGATIONS

- A. Because member congregations share in the mission of the Synod articulated in its mission statement, *"In grateful response to God's grace and empowered by the Holy Spirit through Word and Sacraments, the mission of The Lutheran Church—Missouri Synod is vigorously to make known the love of Christ by word and deed within our churches, communities, and world,"* it is beneficial that congregations organize themselves and their ministries in an effective manner as provided in their constitutions and bylaws.
- B. Among the responsibilities of membership, the Constitution (VI 5) and Bylaws of the Synod require member congregations to submit their constitutions and bylaws for review by their district's constitution committee when applying for membership in the Synod (Bylaw 2.2.1). Congregations which revise their constitutions and bylaws must also submit these proposed changes for review by their district's constitution committee (Bylaw 2.4.1). Upon favorable action by the district board of directors, the congregation shall be notified that the changes are acceptable to the Synod, and the congregation may proceed with formal adoption of the revised constitution and/or bylaws, *and remain a member in good standing of the Synod.*
- C. While the requirements for membership in the Synod are established by the Synod for all congregations, differences exist between the congregations of the Synod in size, opportunity, location, and other factors that any attempt to formulate a single example of a constitution and bylaws to suit the needs of every congregation would be ill-advised. As long as the constitution and bylaws of a congregation do not contradict the Constitution, Bylaws, and Resolutions of the Synod, the congregation is free to organize as it wishes. Therefore, in general the organization of a congregation is a matter of self-determination, so long as its constitution and bylaws are in harmony with Holy Scripture, the Confessions, and the teachings and practices of the Synod and are not in violation of governmental laws for not-for-profit charitable organizations.
- D. When examining constitutions and bylaws, district constitution committees will ascertain whether the documents honor those basic principles for constitutions and bylaws that are enumerated in these guidelines. When appropriate, the wording of the Constitution and Bylaws of the Synod should be advocated for the sake of promoting unity and harmony in the Synod. Congregations may note that under Bylaw 2.3.1 (a), constitutions of member congregations are not to deny membership or other congregational privileges to any Christian because of race or ethnic origin. It may also be wise to include a statement prohibiting sexual harassment.
- E. While these guidelines intend to foster unity in the Synod, it is understood that such unity is grounded primarily in the common confession and mission of the Synod (Constitution Art. II; Bylaw 1.1.1) and in the mutually agreed-upon conditions of membership and objectives of the Synod (Constitution, Art. VI; Bylaw 1.3.4).



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The Constitution and Bylaws

of St. Paul's Lutheran Church
Niles, Michigan

In the Name of the Father, and of the Son, and of the Holy Ghost. Amen.

PREAMBLE

God requires that a Christian congregation shall conform to His divine Word in doctrine and practice (*Psalm 119, 105; Matthew 28, 18-20; Galatians 1, 6-8; 2 Timothy 4, 1-5*) and that all things be done decently and in order (*1 Corinthians 14, 40*). **Therefore we, the members of St. Paul's Lutheran Church, located at Niles, Michigan, 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 **St. Paul's Lutheran Church of Niles.**

PRINCIPAL OFFICE AND RESIDENT AGENT

The resident agent shall be the elected secretary of the corporation. The post office address of the principal office of the corporation is 1340 Sycamore, Niles, Michigan 49120.

ARTICLE II

PURPOSE

The purpose of this congregation shall be to seek the honor and glory of God, to carry out His will, to manifest the unity of our faith in Jesus Christ as God and Savior, to spread the kingdom of God and to foster Christian fellowship and love, by the preaching of the Word of God, by the administration of the Sacraments, and by the religious instruction of all its members, according to the confessional standard of the Evangelical Lutheran Church (Article III).

ARTICLE III

DOCTRINAL STANDARD

- A. This congregation acknowledges and accepts all the canonical books of the Old Testament and the New Testament as the revealed and inerrant Word of God, verbally inspired, and submits to them as the only infallible authority in all matters of faith and life.

- B. This congregation acknowledges and accepts all the confessional writings of the Evangelical Lutheran Church, contained in the ***Book of Concord*** of the year 1580, as true and genuine expositions 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

The membership of this congregation includes the following:

A. BAPTIZED MEMBERSHIP

- 1. ***Definition*** Baptized members are all members who have been baptized in the name of the Triune God and who are under the spiritual care of the pastor of this congregation, including the children who have not yet confirmed their baptismal vow.

- 2. ***Reception*** Baptized members are received through the Sacrament of Holy Baptism, through the transfer, or with the consent of one or both parents or guardians in the case of children who have been baptized in another Christian congregation.

- 3. ***Duties*** Baptized members shall conform their lives to their baptismal vow.

- 4. ***Termination*** Baptized members who have not been received as communicant members shall have their membership for the same reasons that communicant membership is terminated insofar as these reasons are applicable.

B. COMMUNICANT MEMBERSHIP

1. *Definition* Communicant members are those baptized members who have been confirmed in the Lutheran faith, and/or accept the doctrinal standards of Article III of this constitution, are familiar at least with the contents of Luther's Small Catechism, and who are not members of organizations whose principles and conduct conflict with the word of God.
2. *Reception* Communicant members are received through the rite of confirmation, by transfer from a sister congregation, upon profession of faith, or by reaffirmation of faith, provided they conform to the requirements for membership in this congregation. Their reception shall be approved by the Church Council and the Voters' Assembly.
3. *Duties* Communicant members shall conform their entire lives to the rule of God's Word and to that end make diligent use of the means of grace, exercise faithful stewardship of God's gifts, and impart and accept fraternal admonition as the need for such admonition becomes apparent.
4. *Termination*
 - a. Communicant members in good standing may be **transferred** by the pastor to a sister congregation immediately upon their request. Such transfer shall be reported to the Voter's Assembly for approval at its next meeting. Members who move out of the community and thereby become inactive shall be encouraged to transfer their membership to the sister congregation nearest to them.
 - b. Communicant members who **join congregations outside of our fellowship** thereby terminate their membership. Their names shall be removed from the membership list by resolution of the Voters' Assembly.
 - c. Communicant members whose **whereabouts are unknown** and whose addresses cannot be established shall have their names removed by resolution of the Voters' Assembly.
 - d. 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 action. A unanimous vote by the voters present shall be required for excommunication.

If such member deliberately absents himself from the meetings at which his case is to be discussed, or in some other manner makes it impossible to deal with him, he thereby excommunicates himself.

C. VOTING MEMBERSHIP

1. *Definition* [AMMENDED] Voting members are male communicants who have reached the age of 21 years and who have been received by the Voters' Assembly.

AMENDMENT
Article IV. C.1.

VOTING MEMBERSHIP, *Definition*

Voting members are communicants who have reached the age 18 years and who have been received by the Voters' Assembly.

Approved by the Voters on February 11, 2007.

2. *Reception* [AMMENDED] Applicants for voting membership shall be received as voting members by resolution of the Voters' Assembly, provided they meet the requirements for such membership in this congregation.

AMENDMENT
Article IV.C.2.

VOTING MEMBERSHIP, *Reception*

Absentee voting on major issues as determined and controlled by the Church Council is allowed.

Approved by the Voters on February 11, 2007

3. *Duties* Voting members shall attend the meetings of the Voters' Assembly regularly, participate in the work of the congregation, and willingly accept responsibility per ability. *Members absent from a meeting waive the right to vote.*
4. *Termination* A voting member who is absent from meetings of the Voters' Assembly for two full years without a valid excuse shall have his name removed from the roster of voting members; however, he may be reinstated by re-applying for voting membership.

ARTICLE V

THE OFFICES OF PASTOR AND TEACHER

The pastoral office of this congregation, as well as the office of a called teacher in the parochial school, shall be conferred only on such ministers, teachers, and candidates who profess and adhere to the confessional standard set forth in Article III of this Constitution and who are qualified for their work. Pastors and teachers shall be pledged to this confessional standard.

*Pastoral and/or teacher duties are outlined in the call documents issued by this congregation
For removal or dismissal from office, see Article VI-D.*

ARTICLE VI

AUTHORITY OF THE CONGREGATION

- A. *General* The Voter's Assembly shall be the governing body of this congregation and shall be empowered to administer and manage all its affairs. The establishment and conduct of all organizations and societies within the congregation shall be subject to the approval and supervision of the Voters' Assembly.
- B. *Right of Calling* The right of calling pastors or teachers shall be vested in the Voters' Assembly and shall never be delegated to a smaller group or to an individual.
- C. *Decisions* All matters of doctrine and conscience shall be decided only by the Word of God. All other matters shall be decided by a majority vote of the Voters' Assembly unless otherwise specified by this Constitution or By-laws.
- D. *Removal From Office*
 - 1. Any pastor, 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, scandalous life, or willful neglect of duties.
 - 2. The congregation may request the resignation of any pastor, teacher, or officer from his position in the congregation in the case of a prolonged incapacity or general incompetence.

- E. *Removal From Membership* The Voters' Assembly shall have authority to exclude any communicant member per *Matthew 18: 15-18*. The person so excluded (excommunicated) shall forfeit all rights of a member (see *Article IV-B-4d*)

ARTICLE VII

OFFICERS

- A. The officers of this congregation shall be such officers, boards, or committees as the By-laws of this Constitution may prescribe.
- B. Congregational officers or committees, whether elected or appointed, shall have no authority beyond that which has been conferred upon them, and whatever authority may have been delegated to them may at any time be altered or revoked.

ARTICLE VIII

DIVISION

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. If division takes place for any other reason, the property shall remain with the majority of the communicant members. In the event the congregation shall totally disband, the property and all rights connected therewith shall be transferred to that District of The Lutheran Church – Missouri Synod (LCMS) of which the congregation has been a member at the time of disbanding.

ARTICLE IX

DOCTRINAL CONFORMITY

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.

ARTICLE X

SYNODICAL MEMBERSHIP

This congregation shall hold membership in The Lutheran Church – Missouri Synod (LCMS) as long as this Synod remains true to the Word of God and the Lutheran Confessions. It shall send its pastor(s), called teacher(s), and a lay delegate to the District conventions of the Synod.

ARTICLE XI

BY-LAWS

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

ARTICLE XI

CHANGING THE CONSTITUTION

A. **UNALTERABLE ARTICLES** Articles **II, III, V, and IX** of this Constitution SHALL NOT BE SUBJECT TO CHANGE OR REPEAL.

B. *Amendments* Amendments to this Constitution shall be adopted at a Voters' Assembly, provided

1. That they do no conflict with the provisions laid down in Article III, or with any other article that pertains to a Scriptural doctrine and practice; and
2. That the proposed amendment has been submitted in writing at a previous meeting of the Voters' Assembly and published prior to the meeting at which the proposed amendment will be acted upon.
3. That an affirmative vote of **two-thirds majority** of the voters present is secured.

BY-LAWS

ARTICLE I

VOTERS ASSEMBLY

1. Meetings

- A. [AMMENDED] **REGULAR** meetings of the Voters' Assembly shall be held on the first Monday of January, March, May, July, September, November, and December.

AMENDMENT

Article I.1.A

VOTERS ASSEMBLY, Meetings

Regular meetings of the Voters' Assembly shall be held in February, May, September, and December, on the date and time established by the Church Council.

Approved by the Voters on May 19, 2013

Article I.1.B

VOTERS ASSEMBLY, Meetings

Regular meetings of the Voter' Assembly shall be held twice a year, once in spring and once in December on the date and time established by the Church Council.

Approved by the Voters on May 22, 2016

- B. **SPECIAL** meetings of the Voters' Assembly may be called by the pastor, the president of the congregation, or the Church Council. The date and place of special meetings shall be announced in the most expeditious manner. The congregation shall have the right to take up any items of business which are presented at these special meetings.
2. **Quorum** Ordinarily the voters present at a properly called meeting shall constitute a quorum to do business. However, for amending the Constitution, for the purchase of property, for the erection of buildings, or for the removal from office of a called pastor or teacher, a majority of all voting members shall be required for a quorum. In the absence of a majority, those present may fix the date for an adjourned meeting for which at least five days written notice shall be given. The members who are present at such adjourned meeting shall constitute a quorum.

3. **Order of Business** The meetings of the Voters' Assembly shall be conducted in accordance with the Constitution and By-laws and shall include an opening devotion, approval of the minutes of the previous meeting, roll call or registration, reception of new members, reports of officers and standing committees and action thereon, unfinished business, recommendations of the Church Council, other business, and adjournment with devotional close.

In questions of parliamentary procedure not covered by this Constitution and By-laws, the generally accepted rules of order shall prevail.

ARTICLE II

PROCEDURE IN THE CALLING OF PASTORS AND TEACHERS

Nominations & Elections

1. [AMMENDED] At any properly called meeting of the Voters' Assembly, eligible and qualified candidates for the office of pastor or called teacher shall be submitted by the nominating committee. The Board of Elders shall serve as the nominating committee for the office of pastor. The Board of Education shall serve as the nominating committee for the office of called teacher. Any voter is entitled to make additional nominations from the floor. All candidates must be approved by the District President.

AMENDMENT

Article II.1

PROCEDURES IN THE CALLING OF PASTORS AND TEACHERS, *Nominations and Elections*

The Board of Elders shall recommend the selection of a Nominating Committee for the Office of Pastor to the Church Council.

Approved by the Voters on May 19, 2013.

2. The list of candidate shall be publicly announced to the congregation on two successive Sundays or by mail at least one week before the meeting at which the call is to be extended. Barring any sustained protest, the candidates shall become eligible for calling at any subsequent properly called meeting of the Voters' Assembly. The election shall proceed by ballot. A **three-fifths majority** of all ballots cast shall be required to elect. The election shall, if possible, be made unanimous by a rising vote.

3. Teachers on the faculty of the Christian day school, other than called teachers, shall be engaged by the Church Council on recommendation of the Board of Education. Their term of office may be terminated by majority vote at a meeting of the Voters' Assembly.

ARTICLE III

OFFICERS

The officers of the congregation shall consist of a president, a vice-president, a secretary, a treasurer, assistant treasurer, a financial secretary, a Board of Elders, a Board of Trustees, and such other officers, boards or committees as may be deemed necessary. Only voting members who have been communicants of the congregation for a minimum of one year shall be eligible to hold office. In the event that sufficient voting members who have been communicants for one year are not available, any voting member shall be eligible to hold office.

ARTICLE IV

THE CHURCH COUNCIL

1. *Membership* The church council shall consist of the president, the vice-president, the secretary, the treasurer, assistant treasurer, and the financial secretary of the congregation, the Board of Elders, the Board of Trustees, and other duly elected officers, Boards or committees. The pastor(s), shall be ex officio members of the Church Council with full rights and privileges to vote.
2. *Meetings* [AMMENDED] The Church Council shall meet in regular session on the first Monday of each month. Joint voter-council meetings shall be held in those months when voters' meetings are scheduled. The pastor or any three members of the Church Council may call special meetings.

AMENDMENT
Article IV.2

THE CHURCH COUNCIL, *Meetings*

The Church Council shall meet each month on the date and time established by the President. Special meetings may be held as required.

Approved by the Voters on May 19, 2013.

3. *Duties* It shall be the duty of the Church Council to consider and discuss all matters pertaining to the general welfare of the congregation, to review all reports, and to present recommendations to the congregation. The Church Council shall act in matters committed to it by the Voters' Assembly. The council members present at a properly called meeting shall constitute a quorum.

ARTICLE V

NOMINATION AND ELECTION OF OFFICERS

1. *Procedure In Nomination and Election of Officers* A nominating committee, appointed by the president of the congregation, shall present a slate of candidates at the November meeting of the Voters' Assembly. The slate proposed by the nominating committee shall normally consist of two names for each office. Additional nominations may be made from the floor. No person shall be nominated without his consent.
 - a. The election shall be held in the December meeting. All officers shall be elected by a majority ballot vote. The officers-elect shall assume their respective duties on January 1st. They shall be inducted into office in a public service of the congregation.
 - b. In case of a vacancy in an elective office the Voters' Assembly shall elect a successor to fill the unexpired term at the next regular meeting, and the officer elected shall assume office immediately.
2. *Term of Office* The president, the vice-president, the secretary, the treasurer, and the financial secretary of the congregation are elected for a term off one year. The members of the Board of Elders and the Board of Trustees are elected for a term of three years. The terms of the members of the official boards shall be so arranged that an equal number of each is elected every year. All officers not specified above shall be elected for a term of one year.
 - a. An officer of the congregation, or a member of that Church Council, who has served two shall not succeed himself in the same office. In the event that no successor has been elected or has qualified when the respective term expires, such officer shall continue until a successor is elected and qualified.

ARTICLE VI

DUTIES OF OFFICERS

1. *President* The duties of the president shall include presiding at all meeting of the Voters' Assembly, appointing committees per the instructions of the By-laws or the resolutions of the Voters' Assembly, and responsibility for seeing that the resolution of the Voters' Assembly are carried out. He shall serve as the chairman of the Church Council.
2. *Vice-President* The Vice-President shall perform the duties of the president in his absence, his disability, or at his request. He shall serve as chairman of missions and be responsible for the public relations committee, youth council, and audit committee.
3. *Secretary* The Secretary shall record the proceedings of the Voters' Assembly, register all members attending the meeting, and submit his minutes for adoption at the following regular meeting. He shall be the custodian of all church records pertaining to his office and at the expiration of his term of office shall deliver them to his successor. He shall perform such other duties as may be delegated to him.
4. *Treasurer* The treasurer shall pay all bills authorized by the congregation. He shall keep accurate records of the receipts and disbursements of the congregation in books which shall be and remain the property of the congregation. These books shall be audited annually, and a report of such audit shall be submitted to the Voters' Assembly. He shall submit a report at each Council and Voter's Assembly meeting with said report showing current balances of all accounts. An Assistant Treasurer shall assist in the duties of the Treasurer.
5. *Financial Secretary* The Financial Secretary shall receive, record, and deposit in the congregation's designated depository, all congregational monies, including offerings, contributions, special collections, loans, subsidies, bequests, etc. A report such receipts shall be made to the Treasurer at regular intervals. The congregation may elect as many assistants to the Financial Secretary as necessary to properly receive and record the collections of the congregation. The Financial Secretary and his assistants shall constitute the Finance Board. All offerings shall be counted in the presence of at least two members of the Finance Board.

6. *Board of Elders* The Board of Elders, as assistants to the pastor, shall concern itself with the spiritual life of the congregation and, under his direction, shall be charged with the supervision of public worship, church discipline, church publications, and promote and supervise educational agencies with the parish until a Board of Education is created. To that end it shall:
 - (1) Admonish members who are neglecting the means of grace and who fail to share in the support of congregational endeavors
 - (2) Direct and supervise the visitation of newly received members, and make every effort to bring them into the life and work of the congregation;
 - (3) Supervise the music for all services and cooperate with the organist, the choir director, and choir members in maintaining high standards for all services;
 - (4) Supervise the work of the ushers' society and cooperate with the members of this group in maintaining proper church decorum at all services;
 - (5) Supervise the Altar Guild and encourage the members to achieve the objectives of their organization;
 - (6) Supervise the publications of the congregation and encourage the dissemination of Christian literature.

7. *Board of Trustees* The Board of Trustees shall be charged with the supervision of church property and financial affairs, and to that end it shall
 - (1) Have the custody and control of the corporate property and make such rules and regulations as it may deem expedient for the maintenance and improvement of the church property. Upon proper authorization by the congregation the Board of Trustees may sell, mortgage, lease, or otherwise convey and dispose of the property of the corporation.
 - (2) Sign legal documents, make contracts, and represent the congregation in court when necessary;
 - (3) Supervise and direct the work of the sexton and the office secretary, and authorize the purchase of all equipment and supplies necessary for the efficient operation of the church office.

8. *Board of Education* (when applicable) The Board of Education shall be charged with the supervision of the educational agencies.
9. *Board of Missions and Evangelism* (when applicable) The Board of Missions and Evangelism shall consist of no less than three members, with the chairman to be the Vice-President of the Voters' Assembly. They shall divide their responsibility so that one member is in charge of evangelism; the second, of social welfare; and the third, or public relations.

The Board shall be charged with the supervision of all missionary education and endeavor within the congregation and to that end it shall

- (1) Supervise the organization and activity of the mission society;
- (2) Sponsor periodic canvasses of the community of the congregation and see that an up-to-date list of prospects is maintained in the church office;
- (3) Provide for a systematic and continuous program of lay visitation of prospects to win them for Christ and for active membership in the congregation;
- (4) Sponsor and maintain and a systematic program of evangelism designed to win the unchurched of the area for Christ;
- (5) Discover the needs of individuals in the congregation, of the aged, of the sick, and of the poor it shall bring these needs to the attention of the Voters' Assembly with the suggestions for action by the congregation;
- (6) Call to the attention of the congregation welfare agencies being conducted by the church solicit support for them;
- (7) Report on the social needs of the community and solicit the congregation's cooperation with other agencies in the community endeavoring to meet those needs;
- (8) Supervise the work of public relations of the congregation.

ARTICLE VII

COMMITTEES

The committees of the congregation shall include:

- (1) **AN AUDITING COMMITTEE**, consisting of three members (none of whom shall be a trustee), appointed by the President. The auditing committee shall make an audit of the books and records of the Treasurer, and of such other financial records the audit of which the congregation may assign to it. It shall make its report to the Voters' Assembly at the earliest possible date after the close of the fiscal year;
- (2) **A NOMINATING COMMITTEE**, consisting of five members, appointed by the President of the congregation. The pastor shall be an ex officio member of the nominating committee;
- (3) **A STEWARDSHIP COMMITTEE**, consisting of three members appointed by the President. It shall
 - a. Keep itself well informed about the financial condition of the congregation;
 - b. Endeavor to enlist the financial support of all communicant members and encourage regular and proportionate giving;
 - c. Together with the President, Treasurer and his assistants, Chairman of the Trustees, and Chairman of the Elders, prepare the annual budget for presentation to the Voters' Assembly;
 - d. Supervise and direct the annual solicitation of financial pledges including distribution of contribution envelopes.
- (4) **SUCH OTHER COMMITTEES** as may be authorized or created by the congregation, the members of which shall be appointed by the President, unless a different method of selection is authorized by the voting members.

ALL COMMITTEE APPOINTMENTS SHALL BE FOR A TERM OF ONE YEAR.

ARTICLE VIII

AMENDMENTS

These By-laws may be amended in a properly convened meeting of the Voters' Assembly by a majority of all voting members present, provided the proposed change has been announced at least one week prior to the meeting in which the amendment is voted upon.

APPROVED

at

the Michigan District Convention
August 21, 1966.

Effective **January 1, 1967.**

ST. PAUL'S LUTHERAN CHURCH

1340 Sycamore Street

Niles, MI 49120

stpaulsniles.org

2017